

**UNIVERSAL PERIODIC REVIEW – HUMAN RIGHTS COUNCIL
UNICEF INPUTS – THE GAMBIA**

A - COUNTRY SITUATION IN RELATION TO THE MILLENNIUM GOALS AND COMMITMENTS¹

1. The Gambia has a total land area of 10,689 square kilometers, a population growth rate of 2.8 per cent per annum, an estimated population of 1.4 million and one of the highest population densities, 128 persons per square kilometer, in mainland Africa (2003 Census). Nearly half of the population is under 18 years of age, with about 45 per cent of the population under 15, and 15 per cent under-five. Because of the high rural-urban migration, over 50 per cent of the population lives in the western part of the country; this constitutes the urban sprawl including Banjul, Kanifing municipality and Brikama town. According to available data from the 1998 National Household Poverty Survey, about 55 per cent of households and 69 per cent of the population fall below the poverty line. The agricultural sector, based mainly on groundnut farming, is the only source of livelihood for the overwhelming majority of the rural based population. Other foreign exchange earners include the re-exportation of manufactured goods to neighbouring countries and tourism. Overall, per capita income is approximately \$320 per year. The Gambia is one of the poorest countries in the world, and indications that it is getting poorer are provided in its human development index ranking of the UNDP Human Development Report (HDR). The country slipped from 151 out of 177 countries in 2003, to 155 out of 177 countries, in 2004, 2005, 2006² and 2007/2008³ (HDR, 2003, 2004 and 2005 cited in CCA, 2005). The proportion of the poor rose from 59 per cent in 1998 to 74 per cent in 2003 (PRSP Annual Progress Report, 2005).

A.1 - TRENDS IN ECONOMIC DEVELOPMENT:

2. According to the 2006 national budget speech, the country is unlikely to significantly reduce poverty and to reach the MDG poverty reduction target. The national debt increased from \$666.06 million in 2003 to \$764 million in 2004. Although the national debt figures were not mentioned, it is indicated that debt service charges is accounting for D1,532.6 million (about US\$55.1 million) of the recurrent expenditure representing 38.6 per cent of the total budget (Budget Speech, 2006).

3. Since 2005, the country has been negotiating a new programme with the IMF under the Poverty Reduction and Growth Facility (PRGF). Following the IMF's successful reviews of the PRGF programme in August and November 2007 respectively, The Gambia has reached the completion point under the enhanced HIPC Initiative. According to the IMF Press Release (No. 07/302, dated December 20, 2007), debt relief to The Gambia amounts to US\$66.6 million. Under the Multilateral Debt Relief Initiative (MDRI), The Gambia also becomes eligible for further debt relief from the IMF, IDA and the African Development Fund (AfDF). It is estimated that total debt service savings under the MDRI will amount to approximately US\$373.5 million in nominal terms over the next 43 years.

4. A new poverty reduction strategy, PRSP II (2007-2011), which is consistent with the UNDAF programme cycle was approved by the Government and implementation started in 2007. However, the new strategy has a large financing gap of US\$441 (Department of State for Finance and Economic Affairs, 2006). The government is hopeful that this gap could be reduced now that HIPC completion point has been reached.

5. For several consecutive years, The Gambia has witnessed a recurrent budget deficit of about \$23.8

¹ UNICEF The Gambia Annual Reports 2005, 2006, 2007, 2008 ; UNICEF The Gambia Country Programme Document (CPD) 2007 – 2011.

² Cited in UN Human Development Report, 2006

³ Cited in UN Human Development Report, 2007/2008

million, representing 4.5 per cent of the GDP. For the first time in the fiscal history of the country, the 2007 Budget has moved from a deficit to a surplus of D416 million representing 2.6 per cent of GDP. The surplus in the budget is attributable to improved revenue collection and public finance management coupled with the introduction of an Integrated Financial Management Information System (IFMIS) resulting in improved fiscal discipline. It is hoped that the social sectors of health and education will benefit more from the economic windfalls.

6. As highlighted in the 2007 Budget Speech, the government is optimistic about the country's economic prospects. The Gambia witnessed a stable macroeconomic performance, as the economy grew by 6.3 percent (PRSP Annual progress report, 2007). Several sectors of the economy such as construction, telecommunications and tourism contributed to such growth. However, the burden of debt service obligations prevented the Government from achieving the PRSP's target of spending a quarter of its own generated resources (GLF) on poverty alleviation activities. According to the PRSP 2007 annual progress report, the Government missed this target, and has allocated only 20.8 percent of its resources toward the efforts of alleviating poverty.

7. The national currency (dalasi) appreciated significantly against the US dollar and other foreign currencies in 2007. This is attributed to significant increase in the supply of foreign exchange mainly from travel income, remittances and foreign direct investments. However, it is paradoxical that the cost of living particularly of food items increases on a daily basis and is beyond the reach of most households.

8. According to the IMF Press Release No. 08/279, which stated: "The adverse impacts from recessions in Europe and the USA are likely to slow down real GDP growth from about 6 percent in 2008 to less than 5 percent in 2009", The Gambia is not immune to the effects of the global economic crisis. The 2009 budget speech pointed to some negative impact caused by the global fuel, food, and financial crises on the people and economy of The Gambia, but stopped short on specifics. However, tourism, which is the main foreign exchange earner and employer, has seen a decline by 30 percent, as tourists from European countries have stayed at home due to the pressing credit crunch, and other financial uncertainties. The Dalasi, which fared strongly against the basket of currencies during 2007 and 2008, slipped six points against the dollar in November 2008, and has remained in that position since.

9. The Gambia's vulnerability to imported foodstuff makes it the 30th most exposed nation globally, in relation to the food crises. Based on survey findings reported in the WFP brief on the food crisis impact in November 2008, in normal times, The Gambia imports half of its food to meet 60 percent of its food needs. According to the WAHO and CILLS regional consultation meeting on food and nutritional situation in the Sahel held in March 2008, the most recent studies show that out of the 15 countries listed, 3 countries – Niger, northern Nigeria, and The Gambia – were most vulnerable to rising food prices and shocks. Children are more vulnerable in situations like this and The Gambia has a prevalence rate of underweight children under five at 20.3 percent (MICS III, 2005-06).

A.2 - PROGRESS TOWARD THE MDGs:

10. Despite the positive economic growth rates registered over the past five years, the country is unlikely to reach the MDG poverty reduction target. Lack of access to basic social services, including safe drinking water, education and health care, exacerbate poverty. Declining government expenditure on education and health has had an adverse effect on the quality of basic social services, especially for the poor. Budget allocation to the Health sector slipped from 15 per cent in 2004 to 5 percent in 2009, while the Education sector's share of the national budget fluctuated downwards from 17 percent to 14 percent over the same period.

11. The Gambia is slowly moving toward the MDG targets of reducing by two-third and by three quarters the under-five and the maternal mortality rates. MICS III results show that under-five mortality declined slightly from 141 per 1000 live births to 131 per 1,000 live births between 2000 and 2005. According to joint estimates in 2005 developed by WHO, UNICEF, UNFPA and the World Bank, The Gambia's adjusted maternal mortality rate was 690 per 100,000 live births. This is one of the highest in the sub-region. Malaria is endemic and is the major killer of children under-five. Iron deficiency anaemia is a major health hazard in The Gambia with estimated prevalence rates among under-five children and women aged 15-49 years of 75 and 53 per cent respectively and an overall goiter rate of 20 per cent (Vitamin and Mineral Deficiency, pp 4-5, UNICEF, WHO, NEPAD and DBSA, 2004).

12. The 2001-2002 Net Enrollment Rate (NER) in The Gambia was 60 percent. On current trends, the NER will be 80 percent by 2015 and the country will fail to reach the MDG of universal primary enrolment. Gender parity in primary education has been attained, and school enrolment is increasing, but retention, completion and the performance of girls remain challenges. At secondary level, the gender gap is 14 percentage points. Only 19 percent of children aged 36-59 months attend organized early childhood programmes (MICS III / 2005 – 2006). Only one quarter of women over 14 years are literate, compared to 48 percent of men.

13. The prospects of achieving the MDG target of halting and reversing the incidence of HIV/AIDS in The Gambia are uncertain. HIV/AIDS is on the increase as the proportion of adults (15-49 years) living with HIV/AIDS in The Gambia was estimated at 1.2, 2.4 and 0.9 in 2003, 2005 and 2007 respectively (SOWCR 2006, 2007, 2009). HIV-1 prevalence from sentinel surveillance sites nearly doubled, from 1.2 percent in 2000/2001 to 2.1 percent in 2004 nationwide, but dipped to 1.1 in 2005, with significant regional disparities.

B - PROMOTING HUMAN RIGHTS IN THE FRAMEWORK OF UNICEF COUNTRY PROGRAMME

B.1 - ASSESSING THE IMPLEMENTATION STATUS OF THE CRC, CEDAW, WFFC:

14. The Gambia ratified the **CRC** in August 1990 and submitted its initial report in 1999. Some progress has been registered against recommendations from the Committee on the Rights of the Child. Notably the enactment of the 2005 Children's Act, a comprehensive law regrouping and superseding all legislation relating to the rights and welfare of children, which addresses the administration of justice, including stiff fines and imprisonment terms for offenses related to abuse or exploitation of children, harmonizes domestic laws with the CRC. The Act was officially launched in December 2006. However, other recommendations such as establishing a comprehensive mechanism to collect data on children and measures to eradicate FGM/C have yet to be implemented. The Gambia has also signed and ratified (2008) the two Optional Protocols to the CRC. In early 2009, The Gambia submitted its first periodic report to the CRC, due at the end of 2007.

15. Lack of administrative structures, such as regional children's courts and rehabilitation facilities for juvenile offenders, hamper the enforcement of the Children's Act of 2005, which is now a law. Social and cultural norms also hinder the execution of the law, as harmful practices such as corporal punishment, female genital mutilation/cutting, early or forced marriage, domestic violence, and gender biased inheritance rights are still widely practiced and deeply rooted in the traditional and cultural norms.

16. Sexual abuse and exploitation of children continues to occur in the school, home and community. A 2003 Study on the Sexual Abuse and Exploitation of Children revealed that children are being exploited sexually by tourists and by adult Gambian men in exchange for money and gifts. Factors contributing to

the vulnerability of children to sexual abuse and exploitation are poverty, inadequate and non-implementation of laws, lack of life skills and livelihood skills of young people and a culture of silence.

17. Teenage pregnancy and baby abandonment occur increasingly, but are under-reported (Baby Abandonment Report, 2004). In 2003, there were a total of 26 reported cases of baby abandonment, a four-fold increase over a period of four years. Few of these cases ever make it to court as action is only taken if the abandonment results in death.

18. The trafficking of children is an emerging issue in the West Africa sub-region, as evidenced by the case of 12 Ghanaian children trafficked to The Gambia and the rapid assessment on child trafficking conducted in 2004. With UNICEF assistance, Ghana and The Gambia have prepared a bilateral agreement in 2005 to combat the trafficking of children. But this agreement is still to be signed. In mid 2007 about 14 children from The Gambia were found in Cape Verde. Investigations revealed that the children were being smuggled to Europe, but instead landed in Cape Verde. UNICEF Banjul CO in consultation with the Department of Social Welfare, Government Cape Verde and the UN Joint Office in Cape Verde worked together to repatriate the children back to The Gambia and reintegrate them with their families. The Department of Social Welfare did the follow-up home visit to ensure that the children are fully reintegrated with their families.

19. The Child Trafficking Law was passed in October 2007. It is an Act to prevent, suppress and punish those engaged in the trafficking in persons including child trafficking, and to rehabilitate and reintegrate victims of trafficking and for other matters connected herewith. However, according to the 2008 Trafficking in Persons Report issued by the Government of the United States, 'The Gambia made minimal efforts to raise awareness about trafficking'. The Government is yet to adopt the 2004 draft national action plan to combat trafficking and hence the report urged the Government of The Gambia to take steps to fully enforce this law and to minimize such acts, especially among the most vulnerable groups (i.e. Children and women).

20. According to the 2004 Orphans and Vulnerable Children (OVC) Study, nationally, 9.1 per cent of children were orphans. The estimated number of AIDS orphans in The Gambia was 7,000-10,000. The study concluded that becoming an orphan has serious consequences for a child and may lead to reduced opportunities.

21. Female genital mutilation/cutting (FGM/C) is widely practiced. Results from MICS III (2005-2006) give a national prevalence of 78 per cent among women aged 15-49 years. Marked regional variations exist in the prevalence of FGM/C, with Banjul at 45 per cent and Basse in the Upper River Region (URR) at 99 per cent. Nationally, 71 per cent of women aged 15-49 years approve of FGM/C while 73 per cent would still like their daughter to undergo FGM/C (MICS III, 2005/6). The Children's Act of 2005 prohibits all forms of harmful traditional practices including FGM/C, but the specific legislation is not in place and enforcement has yet to follow.

22. With the integration of birth registration into the Reproductive and Child Health Services, which reach 90 per cent of children nationwide, birth registration rates for children under-five have significantly increased nationally from 32 per cent in 2000 to 55 per cent in 2005 (MICS II, 2000 and MICS III, 2005-2006).

23. The Gambia ratified the **CEDAW** in 1992 and in 2003 a combined initial, second and third report was submitted. The 4th CEDAW Report, which was due for submission in 2006, is still to be validated and submitted. A Women's Bill has been finalized and validated in 2007, but it is yet to be approved by Cabinet. A national policy on women's empowerment was adopted in 1999, but the country still has a long way to go in achieving MDG 3 of promoting gender equality and women's empowerment. This

requires, among other measures, the amendment of the 1997 Constitution, as recommended by the CEDAW Committee, to address the issue of discrimination on grounds of gender in areas governing personal status, adoption, marriage, divorce and devolution of property on death. Some recommendations from the CEDAW Committee such as promoting women's and girls' rights to education, sensitization on CEDAW and the empowerment of women are being addressed, but gender inequality continues.

24. The **WFFC** national action plan emanating from the 2005 UNGASS on Children is seeing limited implementation, in the absence of a national coordination mechanism. Although the WFFC Plus 5 National Review Report was prepared and submitted in January 2007, in general, much more remains to be done for the full realization of children's and women's rights.

25. In 2006, UNICEF supported the preparation of a Special Session + 5 Assessment to determine how far The Gambia has gone in realizing the commitments made for children, which are contained in the WFFC document. This review examines the major activities, successes and challenges and future initiatives in the implementation of child-centred development related to the WFFC's four main components – Promoting Healthy Lives; Providing Quality Education; Protecting against Abuse, Exploitation and Violence; and Combating HIV/AIDS.

26. The review revealed that there are some major challenges related to implementing the Poverty Reduction and Growth Facility (PRGF) and the national Plan of Action for the World Fit For children (NPA) which impact on the success of the WFFC and MDG targets. The national budget expenditure requires refocusing to reflect the Government's political commitment to improving the country's socio-economic environment. Overall, more active participation of children in development programmes needs to be encouraged and the retention of gains made up to the mid decade review. The coordination of multi-sectoral efforts is essential in order to overcome the weaknesses in institutional capacities.

27. While the National Plan of Action for A World Fit For Children has not necessarily been implemented as a stand-alone document, it has been extensively used as a reference document in developing sectoral policies and programmes. As such, many sectoral policies and programmes have themes which reflect the WFFC targets.

28. Other initiatives to be addressed for the future success of the WFFC and MDG goals include: more resource mobilization in all sectors especially for funding and human resources to support the poverty reduction strategies and child focused initiatives. Greater awareness of child protection issues as reflected in the Children's Act 2005 which covers child abuse, exploitation and violence, should also lead to attitudinal change towards children within the general population. The role of the private sector in The Gambia's social development needs to be more clearly defined to support these initiatives.

29. The assessment concluded that while some progress has been registered, there still remain challenges in achieving the WFFC targets by 2011. These challenges include the need to go beyond tokenism and mainstream children's participation at all levels including the family and community levels, how to ensure that laws are implemented and how to make Poverty Reduction Strategies work for children.

B.2 - CREATING AN ENABLING ENVIRONMENT FOR CHILDREN AND WOMEN'S RIGHTS:

30. Since 2006 the UNICEF – Government of the Gambia Country Programme is maintaining the emphasis on creating an enabling legal and institutional environment for the promotion of children's and women's rights, thus strengthening its use of the Human Rights-Based Approach. The conduct of MICS III has made available disaggregated data facilitating the evidence-based analysis of disparities in the fulfilment of children's and women's rights to services. The customization of DevInfo into a national

database / GamInfo, provides the tool to track progress towards the achievement of the MDGs and the implementation of PRSP II.

31. The preparation of the CEDAW Fourth Report has highlighted the level of implementation of the recommendations from the UN special commission on the CEDAW, and the finalization of the National Women's Bill is furthering the domestication of the CEDAW by the national legislation. This intervention, at policy level, was also sustained by the development of a communication and advocacy strategy for gender mainstreaming in the national development framework.

32. With the official launching of the Children's Act by the Secretary of State for Justice, and the wide dissemination of the Act among lawyers, judges, magistrates, police stations throughout the country, public libraries and professionals working with children, public awareness is being raised on the existence of the Act and its content. The integration of Rights and Civic Education into the teachers' training programmes at Gambia College School of Education, using the syllabus and manual developed in 2005, is contributing to create an enabling institutional environment for the promotion of children's and women's rights.

33. To enhance resource allocation for children and women at national level, high level evidence based advocacy, targeting the legislature, was conducted on the findings of a report on the government's allocation to the MDGs. The entire National Assembly Membership, which is the law making and budget scrutiny body of the state, was engaged in this process. This increased their understanding of social budgeting and enabled them to identify key areas in the national budget that are critical for the survival, development and protection of children.

34. To monitor and promote the Government's commitment to children and women's rights to health services, the National Assembly members as duty-bearers, through the Sub-Committee for Health, were engaged to review the entirety of the 2008 Health Budget. The aim of this exercise was to compare the 15 percent Abuja target policy statements with the actual allocation from the Gambia Local Funds (GLF). Revelations in terms of gaps resulted in a 10-point recommendation by the NAM sub-committee to rectify the anomaly. At the same time, capacity building for CSOs, as right-holders, is being conducted on national expenditures tracking, as a way of building capacities to monitor and present claims to state actors on resources allocation for the fulfillment of children and women's rights.

35. At micro level, the Tostan Programme has been introduced in The Gambia since 2006, as a community-based human rights initiative. The implementation of the TOSTAN – UNICEF – GoTG project continues to empower community members as right-holders, to claim their economic, social, civil and cultural rights, in a pledge to transform social norms as related to harmful traditional practices, and to improve living conditions through greater access to basic social services. By the end of 2008, 20 out of the 80 villages engaged in the project committed to abandon FGM/C and early marriage.

36. At sub-national level, capacities of duty-bearers to respond to social demands were strengthened through a micro-planning exercise conducted during 2007 - 2008. This led to the design of a regional development plan for the Upper River Region (URR), which may be used as a resources' leveraging tool by local authorities to access the financial means necessary to fulfill their mandate as services providers. The micro planning exercise was also an opportunity to promote more meaningful citizens' participation in development planning.

C - THE CHALLENGE OF GOVERNANCE AND DEVELOPMENT⁴

37. Two of the main challenges to poverty reduction (and rights promotion) in The Gambia are in the areas of economic and political governance. The challenges faced by the government to provide essential economic and social infrastructure, hire and maintain a competent and motivated civil service and effectively implement poverty reduction programmes can be linked to the paucity of government revenue. A recent report by the Millennium Challenge Corporation indicated that the country fell short in a number of governance indicators such as management of state assets, government effectiveness, and accountability⁵. In addition, the National Assembly is not effectively performing its oversight roles and responsibilities, particularly in the national budget formulation process and public expenditure controls. In order to strengthen government's capacity to effectively manage the economy, assistance is being provided by UNDP and a variety of development partners (DfID, ADB, World Bank, etc.). However for economic governance programmes to be successful in the long term, there is a pressing need for improved political governance as well.

38. The government has recognized the importance of economic and political governance to poverty reduction and sustainable development in The Gambia. These issues are addressed in the first (Improving the enabling policy environment to promote growth and poverty reduction) and fourth (Building capacity for local, people-centred development through decentralisation) pillars of the current PRSP. In addition, governance is included as a cross-cutting issue in the fifth pillar of the PRSP.

39. Although the government has recognized that improved political governance is essential for poverty reduction, actions in this area have been mixed. A national governance policy was adopted in 1999, and further developments include the promulgation of the Local Government Act of 2002 (which was amended in 2003) and the Local Government Finance and Audit Act of 2004, which provide a legal basis for political and fiscal decentralisation in The Gambia. However advances on the legislative front have been offset by a number of violations in the areas of human rights, most notably those concerning freedom of the press.

40. The governance issues faced by The Gambia must be seen in the context of a variety of capacity and resource constraints.

⁴ The Gambia Common Country Assessment (CCA) - 2005.

⁵ Millennium Challenge Corporation. "FY05 Country Indicator Rankings-Gambia FY05". <http://www.mca.gov/countries/rankings/FY05/index.shtml>. Accessed October 03, 2005.