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for Security Sector  
Governance  
OPERATIONS



# **GENDER AND THE SECURITY SECTOR: A SURVEY OF THE SECURITY SERVICES OF THE GAMBIA**

2020

## Author

Lorraine Serrano was until 2020 Programme Manager for the Gender and Security Division at DCAF, providing training, policy advice and technical assistance on gender and security to a range of security sector institutions in Africa; in this role, she co-edited a gender survey on the security sector in Mali in 2015. Prior to joining DCAF, Lorraine worked at the Pearson Peacekeeping Centre in Canada supporting African police organizations in their deployments of police to United Nations peacekeeping operations. She also worked for the International Bureau for Children's Rights in Montreal and was a peer-support worker and collective member of the Sexual Assault Support Centre of Ottawa. Lorraine holds a combined-honours BA in international development and French studies from the University of Western Ontario and a post-graduate certificate with honours in international project management from the Humber Business School in Canada.

**Edited by** Solène Brabant

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DCAF Geneva  
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Gambian UNPOL contingent serving in UNMISS receiving their UN medals, UNMISS, 2019.

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# ACRONYMS

ACO	alleged child offender
AIG	assistant inspector general of police
ASP	assistant superintendent of police
CDS	chief of defence staff
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CP	commissioner of police
CSO	civil society organization
DCAF	Geneva Centre for Security Sector Governance
DG	director general
DLEAG	Drug Law Enforcement Agency, The Gambia
DSP	deputy superintendent of police
FSO	Force Standing Orders
GAF	Gambia Armed Forces
GBV	gender-based violence
GFRS	Gambia Fire and Rescue Service
GNA	Gambia National Army
GPF	Gambia Police Force
GPS	Gambia Prison Service
HQ	headquarters
IPO	individual police officer
NAP	National Action Plan
NSP	National Security Policy
NWC	National Women's Council
PDSC	Professional Standard and Disciplinary Committee
PIU	Police Intervention Unit
SCR	UN Security Council Resolution
SOPs	Standing Operating Procedures
SSR	security sector reform
TACOS	Terms and Conditions of Service
UN	United Nations
UNAMID	African Union-UN Hybrid Operation in Darfur
UNDP	UN Development Programme
UNICEF	UN Children's Fund
VAW	violence against women

# 1 | INTRODUCTION

## Overview

Gambia's National Security Policy (NSP) identifies *gender mainstreaming within the security sector* as an important element of national security. However, until now there has been no comprehensive documentation available to the government or security institutions that provides an overview of the extent of gender mainstreaming within the security sector. This survey aims to fill this gap. It focuses upon two important dimensions of gender mainstreaming: whether *women have equal opportunities* to serve in security sector institutions, and how well the security sector is *responding to the different security needs* of women, men, boys and girls, in particular regarding violence against women (VAW). By doing so, the survey can facilitate the identification of relevant policy interventions and ensure that reliable indicators are available to monitor progress and achievements.

The United Nations (UN) committee that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) has observed that women in the Gambian security forces face various forms of discrimination and disadvantage. Firstly, women are generally less able than men to gain employment within the security sector because they are less likely to be sufficiently educated.<sup>1</sup> Secondly, women who do enter the police, prison service and armed forces face discrimination, in particular unmarried pregnant women.<sup>2</sup> The Gambia also recognizes that although VAW is illegal under the Women's Act, women and girls remain subject to violence - this includes sexual harassment, rape, forced prostitution, trafficking, sexual exploitation and domestic violence.<sup>3</sup> The CEDAW Committee has urged The Gambia to improve reporting procedures, legal aid, justice processes, protection and compensation for victims of VAW.<sup>4</sup>

This survey aims to enable a deeper understanding of these challenges and how to address them. DCAF (Geneva Centre for Security Sector Governance) coordinated and drafted this survey as part of its broader support to security sector reform (SSR) in The Gambia, understanding gender equality as an essential aspect of good security sector governance.<sup>5</sup> Due to time and budgetary constraints, the survey could not focus on every security institution or agency in The Gambia,

hence DCAF sought permission and gained approval for the following six institutions to participate:

- Gambia Armed Forces (GAF)
- Gambia Police Force (GPF)
- Drug Law Enforcement Agency Gambia (DLEAG)
- Gambia Fire and Rescue Service (GFRS)
- Gambia Prison Service (GPS).

The survey research was conducted during 2019 - the process is outlined in more detail below.

## Context: Security sector reform in The Gambia

Striving for a future of peace, stability and the rule of law, The Gambia's government is pursuing democratic reform, focusing on national reconciliation, human rights, transitional justice and security. It is recognized that many people in The Gambia lack confidence in security actors, including the armed forces and police, and that security sector reform (SSR) is needed in defence, police, justice, corrections, the judiciary, border management and customs.<sup>6</sup>

The objectives of SSR in The Gambia largely focus on improving service delivery, enhancing local ownership and ensuring the accountability of security sector institutions. For the first time The Gambia has developed and adopted an NSP, identifying strategic decisions for the next five years. The Office of National Security, led by the national security adviser, is currently developing strategies for SSR and national security - two documents that will inform the development of the various security institutions' own strategies. The government has created the Gambian Truth, Reconciliation and Reparations Commission (TRRC),<sup>7</sup> established the National Human Rights Commission and declared its intention to amend the Constitution to guarantee judicial and media independence and civilian oversight.

## Gender equality as a priority in The Gambia's SSR process

The government is committed to pursuing the equality and empowerment of women, including through SSR and in the security and justice sector. As a first step, a Gender Focal Point Network has been formed to build

capacity for the integration of gender within the security sector. As noted above, the NSP identifies gender mainstreaming within the security sector as an important element in national security.

The Gambia's 2012 National Action Plan (NAP) to implement the UN Security Council resolutions on Women, Peace and Security aims to increase the participation of women in government and security sector activities. Strategies cover protecting the rights of women and girls, including female refugees and internally displaced persons; assisting women's initiatives and organizations and established coordination mechanisms for gender actors; and delivering training and measures to ensure female representation in the security sector.<sup>8</sup> The Gambia has emphasized its commitment to other mechanisms that increase peace and security while protecting and advancing the rights of women. Particularly important is CEDAW, codified in national law by the Women's Act 2010. Under this act, the government is obliged to "promote women's rights and to take positive measures to eliminate all forms of discrimination against women".<sup>9</sup> To meet these commitments, the powers and responsibilities of the National Women's Council (NWC) have been increased, along with those of the associated Women and Gender Bureau (also known simply as the Gender Bureau).<sup>10</sup> The NWC "sets indicators and a framework to assist sectoral departments, partners, and other stakeholders to mainstream gender from a rights-based approach in their planning and programming and implementation processes", while the bureau "serves as the support base to the NWC and Gender Focal Points and is mandated to gather and disseminate information, and ensure that gender is mainstreamed and institutionalized at all levels by way of training, sensitization and advocacy".<sup>11</sup>

When looking at the gender inclusiveness of the security sector, The Gambia's socio-economic, cultural and political context must be considered. Although the Constitution criminalizes gender-based discrimination, the integration of Sharia and customary law into The Gambia's legal codes mean that women face discrimination in practice.<sup>12</sup> Significantly, only 16.9 per cent of Gambian women have some secondary education, compared to 31.4 per cent of men. Women have lower workforce participation than men (see Box 1 for key demographic data illustrating gender gaps in Gambian society.) The gender gap in education is one of the factors contributing to the disproportionately low number of women holding political office. In 2015 only 9.4 per cent of members in The Gambia's parliament, the National Assembly, were female, although women

have held mayoral roles.<sup>13</sup> Women's representation in the civil service is higher, although still far from equal at 21 per cent, and women are mostly employed in support rather than leadership roles.<sup>14</sup> Women's political participation at the local level, in village and ward development committees, is low.<sup>15</sup> Experience from around the world shows that without the political representation of women, the likelihood that the legislation needed to achieve gender equality will be passed is diminished. Ultimately, Gambian women's participation in national authorities and government plans for development in the newly found peace following the 2017 transition to democracy after 23 years of dictatorship under Yahya Jammeh is vital, especially in the area of SSR.<sup>16</sup>

### Box 1: The Gambia - Key demographic data

2018	
Fertility rate: Number of children per women	5.3 (2017)
Women's representation in parliament	10.3% (2018)
Maternal mortality per 100,000 live births	520 (2017)
Birth rate among adolescents per 1,000 adolescents <sup>17</sup>	78.2 (2017)
Level of participation in labour market: Men (aged 15-64)	68.9% (2019)
Level of participation in labour market: Women (aged 15-64)	53.1% (2019)

Sources: World Development Indicators (2019) "The Gambia", available at [databank.worldbank.org/source/world-development-indicators](http://databank.worldbank.org/source/world-development-indicators) (accessed 12 February 2020).

Human Development Report (2019) "Latest Human Development Index (HDI) ranking", available at [hdr.undp.org/en/2018-update](http://hdr.undp.org/en/2018-update) (accessed 18 October 2019).

## The survey's methodology, indicators and limitations

This survey was conducted with the approval and involvement of the institutions it concerns. Chapter 2 on national governance was reviewed with the support of the Ministry of Women's Affairs, Children and Social Welfare; and DCAF sought permission from the Ministry of Justice to include the justice sector. The Constitutional Review Committee recently released a draft of the new Constitution and sought feedback and comments from the public. DCAF's submission of comments contained a review of the draft from a gender perspective, which is included in this document.

In 2011 DCAF published *The Security Sector and Gender in West Africa: A Survey of Police, Defence, Justice and*



Penal Services in ECOWAS States. This survey included a comprehensive list of indicators for each security institution. That same year DCAF also published the Gender Self-Assessment Guide for the Police, Armed Forces and Justice Sector, which presented new indicators related to gender in the security sector. In 2015 DCAF combined and adapted the indicators from these two earlier publications in *The Security Sector and Gender: A Survey of the National Police, Civil Protection, the Armed and Security Forces, the Justice System and Penal Services of Mali*.

Based on lessons learned from those experiences and its programmatic work supporting security institutions in advancing gender equality, DCAF adapted these indicators to conduct this gender survey. The indicators are categorized under five thematic areas:

- ▶ institutional structure
- ▶ institutional policies and procedures (including institutional culture)
- ▶ personnel
- ▶ institutional capacity
- ▶ accountability.

To collect data against the indicators, the author interviewed members of security institutions, surveyed civil society organizations (CSOs) and conducted desk research relating to relevant national and institutional policies and procedures. In August 2019 DCAF organized a Gender Forum where preliminary findings and recommendations of the survey were presented to various stakeholders. In December 2019 key findings and commonalities were presented at a launch event for three DCAF research projects concerning the security sector in The Gambia conducted in support of the SSR process. In late December 2019 and early 2020 the validation of each chapter was conducted privately with each security institution prior to publication.

The depth of research into each institution was affected by time, staffing and budgetary constraints. In an ideal situation more qualitative data would have been collected through surveys, focus group discussions and interviews. A larger sample of respondents could have included individuals in not only Banjul but all the regions, and would have allowed analysis disaggregated by sex, region and other factors.

Despite these limitations, this survey provides a picture of each institution and the extent to which it is gender-responsive at this particular time within The Gambia's SSR process. The data presented can serve as a baseline against which each security institution – or the security sector of the Gambia as a whole – can measure its progress.

## Endnotes

- 1 Committee on the Elimination of Discrimination against Women (2014) "List of issues and questions in relation to the combined fourth and fifth periodic reports of the Gambia", 17 November, available at [www.refworld.org/country,,CEDAW,,GMB,,559e50c54,0.html](http://www.refworld.org/country,,CEDAW,,GMB,,559e50c54,0.html) (accessed 13 February 2020).
- 2 The Association of Non-Governmental Organizations (TANGO), Women's Rights Organizations and Civil Society Organizations (2015) "The Gambia NGO shadow report on the Convention on the Elimination of All Forms of Discrimination against Women. List of issues and questions in relation to the combined fourth and fifth periodic reports of The Gambia", p. 8, available at [tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GMB/INT\\_CEDAW\\_NGO\\_GMB\\_20893\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GMB/INT_CEDAW_NGO_GMB_20893_E.pdf) (accessed 13 February 2020).
- 3 Committee on the Elimination of Discrimination against Women (2015) "Statement delivered by Isatou Alwar Graham, Acting Deputy Solicitor General and Curator of Intestate Estates, at the 61st Session of the Committee on the Elimination of Discrimination against Women", 6 July, p. 2, available at [tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GMB/INT\\_CEDAW\\_STA\\_GMB\\_21060\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GMB/INT_CEDAW_STA_GMB_21060_E.pdf) (accessed 13 February 2020).
- 4 Committee on the Elimination of Discrimination against Women (2015) "Concluding observations on the combined fourth and fifth periodic reports of the Gambia", available at [docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPPrICAqhKb7yhslDcR0IUTvLRFD-jh6%2FxpWA9%2BBHzoY1P%2FmZvDKahMirPP12p8EA7QazpynzyP-sQgQ3WbQse4zYt6FKygbD7DuyOF2UtUic4Z%2FIWw5yIvP5IJCrdGly-1DiVgMREW03ew6dog%3D%3D](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPPrICAqhKb7yhslDcR0IUTvLRFD-jh6%2FxpWA9%2BBHzoY1P%2FmZvDKahMirPP12p8EA7QazpynzyP-sQgQ3WbQse4zYt6FKygbD7DuyOF2UtUic4Z%2FIWw5yIvP5IJCrdGly-1DiVgMREW03ew6dog%3D%3D) (accessed 13 February 2020).
- 5 See DCAF, OSCE/ODIHR, UN Women (2019) "Security Sector Governance, Security Sector Reform and Gender", in *Gender and Security Toolkit*, Geneva: DCAF, OSCE/ODIHR, UN Women
- 6 UN Office for West Africa and the Sahel (2017) "The SSR, a Pillar for Peace and Stability in West Africa and the Sahel", 7 August, available at [unowas.unmissions.org/ssr-pillar-peace-and-stability-west-africa-and-sahel](http://unowas.unmissions.org/ssr-pillar-peace-and-stability-west-africa-and-sahel) (accessed 13 February 2020).
- 7 After gathering information nationwide, the TRRC held public hearings on the circumstances surrounding the 1994 coup d'état. Five of the 11 TRRC members were women, but there were only eight women among the 57 witnesses who testified. UN Security Council (2019) "Activities of the UN Office for West Africa and the Sahel. Report of the Secretary-General", UN Doc. S/2019/549, 13 July, pp. 2, 7, available at [reliefweb.int/report/nigeria/activities-united-nations-office-west-africa-and-sahel-report-secretary-general](http://reliefweb.int/report/nigeria/activities-united-nations-office-west-africa-and-sahel-report-secretary-general) (accessed 13 February 2020); UNOWAS (2018) "Report of the Secretary-General on the activities of the UN Office for West Africa and the Sahel", UN Doc. S/2018/649, June, p. 7, available at [unowas.unmissions.org/report-secretary-general-activities-unowas-s2018649-june-2018](http://unowas.unmissions.org/report-secretary-general-activities-unowas-s2018649-june-2018) (accessed 13 February 2020).
- 8 Republic of The Gambia (2012) "The Gambia National Action Plan on UN Security Resolution 1325", pp. 6-7, available at [www.lse.ac.uk/women-peace-security/assets/documents/2019/NAP/Gambia-NAP-2012.pdf](http://www.lse.ac.uk/women-peace-security/assets/documents/2019/NAP/Gambia-NAP-2012.pdf) (accessed 13 February 2020).
- 9 Committee on the Elimination of Discrimination against Women, note 3 above, p. 3.
- 10 Committee on the Elimination of Discrimination against Women, note 1 above.
- 11 Republic of The Gambia (undated) "Gender and Women Empowerment Policy 2010-2020", p. 3, available at [www.peacewomen.org/sites/default/files/Attachment%208%20Women%20and%20Gender%20Policy.pdf](http://www.peacewomen.org/sites/default/files/Attachment%208%20Women%20and%20Gender%20Policy.pdf) (accessed 13 February 2020).
- 12 PeaceWomen (2019) "Country profile: Gambia", available at [www.peacewomen.org/countries\\_and\\_regions/484](http://www.peacewomen.org/countries_and_regions/484) (accessed 30 October 2019).
- 13 UNDP (2014) "Closing the gender gap: The realities in The Gambia", policy brief, September, p. 5, available at [www.undp.org/content/dam/gambia/docs/GMB\\_UNDP\\_Closing\\_The\\_Gender\\_Gap.pdf](http://www.undp.org/content/dam/gambia/docs/GMB_UNDP_Closing_The_Gender_Gap.pdf) (accessed 13 February 2020); UNOWAS, note 6 above, p. 7.
- 14 Republic of The Gambia, note 11 above, p. 9.
- 15 Committee on the Elimination of Discrimination against Women, note 1 above.
- 16 UN Security Council (2017) "Report of the Secretary-General on the activities of the UN Office for West Africa and the Sahel", UN Doc. S/2017/563, 30 June, p. 14, available at [data2.unhcr.org/en/documents/details/58468](http://data2.unhcr.org/en/documents/details/58468) (accessed 13 February 2020).
- 17 Adolescents are women comprised between the age of 15 and 19 years old.

## 2 | LEGAL AND POLICY FRAMEWORK ON GENDER AND SECURITY

### National, regional and international laws, policies and standards

1 | International, regional and subregional norms regarding the security and justice sectors and gender equality

#### UN SCR 2337

On 19 January 2017 the UN Security Council adopted Resolution 2337, reaffirming its commitment to the sovereignty and independence of the Islamic Republic of The Gambia and noting the official results of the elections of 1 December 2016 issued by the Gambian Independent Electoral Commission that proclaimed Adama Barrow

as president.<sup>1</sup> The UN Security Council expressed grave concern at the risk of deterioration of the situation in The Gambia, recalled that the Gambian government bears primary responsibility for defending human rights and protecting the civilian population in The Gambia, and demanded that all stakeholders and parties refrain from violence and remain calm.<sup>2</sup> It further requested that the Gambian defence and security forces demonstrate maximum restraint to maintain an atmosphere of calm in the country, and stressed their duty and obligation to place themselves at the disposal of the democratically elected authorities.<sup>3</sup>

Table 1: Ratification status of The Gambia to UN treaties



Treaty name	Short form	Signature date	Ratification, accession (a) or succession (d) date
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	CAT	23 Oct 1985	28 Sep 2018
Optional Protocol to Convention against Torture	CAT-OP		
International Covenant on Civil and Political Rights	CCPR		22 Mar 1979 (a)
Second Optional Protocol to International Covenant on Civil and Political Rights aiming at abolition of the death penalty	CCPR-OP2-DP	20 Sep 2017	28 Sep 2018
Convention for the Protection of All Persons from Enforced Disappearance	CED		28 Sep 2018
Convention on the Elimination of All Forms of Discrimination against Women	CEDAW	29 Jul 1980	16 Apr 1993
International Convention on the Elimination of All Forms of Racial Discrimination	CERD		29 Dec 1978 (a)
International Covenant on Economic, Social and Cultural Rights	CESCR		29 Dec 1978 (a)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	CMW	20 Sep 2017	28 Sep 2018
Convention on the Rights of the Child	CRC	5 Feb 1990	8 Aug 1990
Optional Protocol to Convention on the Rights of the Child on the involvement of children in armed conflict	CRC-OP-AC	21 Dec 2000	27 Sep 2019
Optional Protocol to Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	CRC-OP-SC	21 Dec 2000	8 Apr 2010
Convention on the Rights of Persons with Disabilities	CRPD		6 Jul 2015 (a)

Source: UN OHCHR, "Ratification status for Gambia", available at [tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN) (accessed 15 February 2020).

**Table 2: Acceptance of individual complaints procedures by The Gambia**

Treaty name	Short form	Acceptance of individual complaints procedures	Date of acceptance/non-acceptance
Individual complaints procedure under Convention against Torture	CAT, Art. 22	-	
Optional Protocol to International Covenant on Civil and Political Rights	CCPR-OP1	Yes	9 Jun 1988
Individual complaints procedure under International Convention for the Protection of All Persons from Enforced Disappearance	CED, Art. 31	-	
Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women	CEDAW-OP	No	
Individual complaints procedure under International Convention on the Elimination of All Forms of Racial Discrimination	CERD, Art. 14	N/A	
Optional Protocol to International Covenant on Economic, Social and Cultural Rights	CESCR-OP	No	
Individual complaints procedure under International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	CMW, Art. 77	-	
Optional Protocol to Convention on the Rights of the Child	CRC-OP-IC	No	
Optional Protocol to Convention on the Rights of Persons with Disabilities	CRPD-OP	Yes	7 Jun 2015

Source: UN OHCHR, "Ratification status for Gambia", available at [tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN) (accessed 15 February 2020).

**Table 3: Acceptance of inquiry procedures by The Gambia**

Inquiry procedure	Short form	Acceptance of inquiry procedure	Date of acceptance/non-acceptance
Inquiry procedure under Convention against Torture	CAT, Art. 20	-	
Inquiry procedure under International Convention for the Protection of All Persons from Enforced Disappearance	CED, Art. 33	-	
Inquiry procedure under Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	CEDAW-OP, Art. 8-9	-	
Inquiry procedure under Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	CESCR-OP, Art. 11	-	
Inquiry procedure under Optional Protocol to the Convention on the Rights of the Child	CRC-OP-IC, Art. 13	-	
Inquiry procedure under Convention on the Rights of Persons with Disabilities	CRPD-OP, Art. 6-7	Yes	7 Jun 2015

Source: UN OHCHR, "Ratification status for Gambia", available at [tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=64&Lang=EN) (accessed 15 February 2020).

Table 4: African Union treaties and declarations

Selected treaties and declarations	Date of signature	Date of ratification or accession	Date deposited
OAU Convention Governing Specific Aspects of Refugee Problems in Africa <sup>4</sup>	10 Sep 1969	12 Nov 1980	16 Mar 1981
African Charter on Human and Peoples' Rights <sup>5</sup>	11 Feb 1983	8 Jun 1983	13 Jun 1983
African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) <sup>6</sup>	11 Apr 1996	3 Sep 1996	16 Oct 1996
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights <sup>7</sup>	9 Jun 1998	30 Jun 1999	15 Oct 1999
OAU Convention on the Prevention and Combating of Terrorism <sup>8</sup>	14 Jul 1999	30 Apr 2009	9 Jul 2009
Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa <sup>9</sup>	2000		
Protocol Relating to the Establishment of the Peace and Security Council of the African Union <sup>10</sup>	9 Jul 2002	19 Nov 2003	29 Nov 2003
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa <sup>11</sup> (Maputo Protocol)	11 Sep 2003	25 May 2005	6 Sep 2005
Convention for the Elimination of Mercenarism in Africa <sup>12</sup>	24 Dec 2003	30 Apr 2009	9 Jul 2009
Protocol of the Court of Justice of the African Union <sup>13</sup>	24 Dec 2003	30 Apr 2009	9 Jul 2009
Solemn Declaration on a Common African Defence and Security Policy <sup>14</sup>	2004		
Solemn Declaration on Gender Equality in Africa <sup>15</sup>	2004		
Protocol to OAU Convention on the Prevention and Combating of Terrorism <sup>16</sup>	4 Jul 2005	-	-
African Union Non-Aggression and Common Defence Pact <sup>17</sup>	4 Jul 2005	30 Apr 2009	9 Jul 2009
African Charter on Democracy, Elections and Governance <sup>18</sup>	29 Jan 2008	11 Jun 2018	4 Feb 2019
Protocol on Statute of the African Court of Justice and Human Rights <sup>19</sup>	2 Feb 2009	11 Jul 2018	4 Feb 2019
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) <sup>20</sup>	23 Oct 2009	27 Apr 2011	17 Aug 2011
African Charter on the Rights and Welfare of the Child <sup>21</sup>	-	14 Dec 2000	30 Mar 2001
Protocol to Constitutive Act of the African Union Relating to the Pan-African Parliament <sup>22</sup>	-	27 Jun 2016	18 Aug 2016
African Charter on Maritime Security and Safety and Development in Africa <sup>23</sup> (Lomé Charter)	-	-	-
Statute of African Union Mechanism for Police Cooperation (AFRIPOL) <sup>24</sup>	-	-	-
Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights <sup>25</sup>	-	-	-
Protocol to African Charter on Human and Peoples' Rights on the Rights of Older Persons <sup>26</sup>	-	-	-



Table 5: ECOWAS legal and policy framework on gender and security

Selected protocols, policies and declarations	Year
Protocol on Non-Aggression <sup>27</sup>	1978
Protocol A/SP.3/5/81 Relating to Mutual Assistance on Defence <sup>28</sup>	1981
Protocol A/P.1/7/91 on the Community Court of Justice <sup>29</sup>	1991
ECOWAS Revised Treaty <sup>30</sup>	1993
Protocol A/P.1/12/99 Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security <sup>31</sup>	1999
Protocol A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security <sup>32</sup>	2001
Rules of the Court of Justice of the Economic Community of West Africa States <sup>33</sup>	2002
ECOWAS Initial Plan of Action against Trafficking in Persons <sup>34</sup>	2002-2003
ECOWAS Conflict Prevention Framework (Regulation MSC/REG.1/01/08) <sup>35</sup>	2008
Constitution of the West Africa Police Chiefs Committee (WAPCCO) <sup>36</sup>	2008
Dakar Declaration and ECOWAS Plan of Action for the Implementation of UN Security Council Resolutions 1325 and 1820 in West Africa <sup>37</sup>	2010
Instructions to the Chief Registrar and Practice Directions <sup>38</sup>	2012
ECOWAS Political Declaration and Common Position against Terrorism <sup>39</sup>	2013
ECOWAS Counter-Terrorism Strategy Implementation Plan <sup>40</sup>	2013
Supplementary Act A/SA.6/07/14 Adopting the Policy Framework on the Establishment of Early Warning and Rapid Response Mechanisms in ECOWAS Member States <sup>41</sup>	2014
ECOWAS Policy Framework for Security Sector Reform and Governance <sup>42</sup>	2016
ECOWAS Gender and Election: Strategic Framework <sup>43</sup>	2017
ECOWAS Mediation Guidelines <sup>44</sup>	2018

## 2 | National security laws, national action plans, national strategies and national policies

### National Action Plan on the implementation of UN Security Council Resolution 1325 (2012)

The NAP to implement UN Security Council Resolution (SCR) 1325 is articulated around three pillars: prevention, protection and participation.

#### Prevention (budget US\$212,000)

- Develop national programmes that promote peace and women's rights.
- Promote and support research on gender, peace and security.
- Provide technical and financial support to national women's initiatives.
- Strengthen women's organizations and CSOs through capacity building on gender, peace and security issues.
- Adopt affirmative measures to ensure women's participation in peace initiatives and indigenous conflict resolution processes.
- Develop measures that ensure collaboration between all actors working on peace initiatives.
- Train more women as educators for peace.
- Promote the development of a preventive culture for peace.
- Develop early-warning mechanisms for conflict prevention.
- Ratify, disseminate and implement fully all regional and international humanitarian and human rights instruments on women, peace and security.

### Protection (budget US\$307,000)

- Enhance the implementation of laws and policies that guarantee the rights of women.
- Respond to all types of violence against women and girls, including sexual and gender-based violence (GBV).
- Protect the rights of women refugees.

### Participation (budget US\$42,000)

- Adopt affirmative measures that will ensure equitable representation and participation of women at decision-making levels.
- Promote women's participation in mediation and other conflict resolution processes.
- Adopt measures aimed at strengthening women's full participation in electoral processes.
- Incorporate a gender perspective in all peacemaking and peace-building efforts, particularly in peacekeeping operations.
- Implement measures that would increase the number of women in the security sector.
- Popularize UN SCR 1325.

### Gender equality/gender equity

Article 17 of the Gambian Constitution states: "Every person in the Gambia, whatever his or her race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status, shall be entitled to the fundamental human rights and freedoms of the individual."

Article 28 of the Constitution states: "Women shall have the right to equal treatment with men, including equal opportunities in political, economic and social activities."

Article 33 of the Constitution clearly prohibits all forms of discrimination based on sex. However, this provision (subsection 4) is subject to another in subsection 5, which excludes protection from discrimination that emanates from laws on adoption, marriage or divorce.

The executive summary of the National Security Policy (2019) specifically mentions gender, among other issues, that will be addressed by the NSP to mitigate emerging security challenges.<sup>45</sup> One of the key objectives of the policy is to "Ensure empowerment and equal participation of women in the decision-making processes, including at the strategic level."<sup>46</sup>

Although the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa have not yet been incorporated in Gambian law as a whole, various parts of the Charter and Protocol have been enacted in statutory law to give effect to many of their provisions.<sup>47</sup> Table 6 gives details of the relevant laws.

Table 6:  
Gambian laws relating to gender equality

Name of law	Year
Ombudsman Act	1997
Elections Act	2001
Children's Act	2005
Alternative Dispute Resolution Secretariat Act	2005
Trafficking in Persons Act	2007
Labour Act	2007
Refugees Act	2008
Tourism Offences Act	2008
National Agency for Legal Aid Act	2008
Information and Communications Act	2009
Women's Act	2010
Sexual Offences Act	2013
Domestic Violence Act	2013
National Human Rights Commission Act	2017
Truth Reconciliation and Reparation Commission Act	2017
Constitutional Review Commission Act	2017

Source: Attorney General's Chambers and Ministry of Justice (2018) "Combined report on the African Charter on Human and Peoples' Rights for the period 1994 and 2018 and initial report under the Protocol to the African Charter on the Rights of Women in Africa", p. 21, available at [www.lawhubgambia.com/state-reporting-au](http://www.lawhubgambia.com/state-reporting-au).

### Gender mainstreaming

The NSP identifies comprehensive training modules for security personnel as being vital in changing attitudes towards human rights, including gender mainstreaming and training on international conventions on human and people's rights.<sup>48</sup>

One of the guiding principles of the NSP is "Respect for Human Rights and mainstreaming gender issues in all aspects of governance including the recruitment, retention, full participation in decision-making and training curriculum of all security institutions."<sup>49</sup> The NSP recalls the Constitution's requirement for gender mainstreaming in politics, including increasing women's active participation in the National Assembly and the civil service in general, and specifically in the security sector.<sup>50</sup>

The final clause of the NSP section on gender discrimination states:

The notion that women's rights are human rights must filter up to the service brass, who in turn, must insist upon it in their specific institutions. Women in the security services must also be availed the space to express, without fear of retribution, their thoughts and concerns on a range of issues that include, but not limited to: pay, promotion, respect, and institutionalized bias (sexism). All security institutions must re-examine "old-boy" networks, reassess women's "gendered roles" within their institutions, and train personnel accordingly to shed entrenched attitudes and practices.<sup>51</sup>

The NSP identifies a national aspiration to have a professional security system that promotes respect for diversity and equal opportunities irrespective of gender, age, ability, ethnicity and religion in the interest of socio-economic development and prosperity.<sup>52</sup> The NSP directs, as a security sector response, the goal to "encourage the promotion of gender equity", among other priorities, and to enhance professional competence, effectiveness and collaboration of security institutions.<sup>53</sup>

### **Gender-based violence**

Article 21 of the Constitution states: "No person shall be subject to torture or inhuman degrading punishment or other treatment."

Article 28 of the Constitution states: "Women shall be accorded full and equal dignity of the person with men."

The NSP (2019) highlights findings by the UN Development Programme (UNDP) the high levels of unemployment have contributed to increased incidence of GBV and gender inequality.<sup>54</sup> The NSP identifies sexual violence as one of several security challenges that occur when threats like unemployment and limited access to justice are not mitigated.<sup>55</sup> Eliminating GBV is at the very centre of the second pillar of Gambia's NAP to implement UN SCR 1325, and to this end a national plan of action on GBV was adopted for the period 2013–2017. Its overall objective was to reduce the number of women who are victims of GBV from 75.5 per cent to 30 per cent.

In support of government efforts, the CSO Network against GBV embarked on a campaign to raise awareness of GBV and established the One Stop Centre for GBV victims at the Edward Francis Small Teaching Hospital. There is also a shelter in Bakoteh where victims of GBV are provided with psychotherapy and counselling.

Domestic violence is criminalized in The Gambia through the Domestic Violence Act 2013, and the country created a Domestic Violence Fund to support victims. The purpose of this fund is to ensure the provision of basic

material support to victims of domestic violence, provide training to victims and families, and build shelters in all regions of the country.

The Sexual Offences Act 2013 amended the law and procedure relating to the prosecution of rape and other sexual offences.

The Trafficking in Persons Act 2007 created the National Agency against Trafficking in Persons, which started its operations in 2011.

### **Women's participation in security and oversight mechanisms of the security sector**

Participation of women is the third pillar of Gambia's NAP for the implementation of SCR 1325.

The NSP (2019) acknowledges that few Gambian women hold strategic positions in private and public sectors – in particular in the security sector.<sup>56</sup> It stresses the importance of recruiting women and marginalized men into the security services, as well as introducing training modules that focus on different conceptualizations of security informed by women's perspectives.<sup>57</sup>

### **Specific security needs of men, women, boys and girls**

The NSP (2019) highlights UNDP findings suggesting that disparities between men and women occur because of unequal access to resources, such as land for agriculture and construction.<sup>58</sup>

Section 23 of the NSP is specifically dedicated to "gender discrimination and violence". It recognizes that Gambia, like many countries, was historically "male-dominated", which has inhibited the development of women and girls.<sup>59</sup>

Homosexuality is considered a crime. The Criminal Code (Amendment) Act 2014 introduced a crime of "aggravated homosexuality" for "serial offenders" and gay or lesbian people who live with HIV – which comes with the punishment of life in prison.

The Children's Act 2005 provides for the protection of the rights and freedoms of children without any distinction based on gender.

The Drug Control Act 2003 stipulates that it is an offence to supply or distribute controlled drugs to a person under the age of 13 years; a mentally handicapped person; a person who is undergoing treatment for detoxification; or in a school, penal institution, educational institution or social service institution or in the immediate vicinity of a school or in any other place to which children and students resort for educational, sports and other recreational activities.<sup>60</sup>



### 3 | National gender laws and policies applicable to the security sector

#### Women's Act (2010)

**Article 6** states: "(1) Every woman shall be protected against any form of physical, sexual, psychological or economic harm, suffering, or violence whether occurring in public or private life. (2) Any form of violence against women is hereby prohibited."<sup>61</sup>

**Article 7** states: "Every woman is entitled to equality and justice before the law and to equal protection of the law."<sup>62</sup>

**Article 7.4** states: "The Government shall (a) provide legal aid support to ensure equal protection and promotion for women; (b) ensure that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights; (c) ensure that women are equitably represented in the Judiciary and law enforcement organs of the State; and (d) take adequate steps to reform existing discriminatory laws and practices in order to promote and protect the rights of women."<sup>63</sup>

**Article 9** states: "(1) A woman shall not be made to suffer any discrimination by reason only that she is a woman ... (3) Nothing in this section prevents the making of laws in pursuance of promoting equality for women in the society and removing all forms of discrimination against women in law and in practice."<sup>64</sup>

**Article 10** states: "A person, public institution or private enterprise shall not, through words spoken, acts, inactions, omissions, laws, regulations, or administrative procedures, discriminate against women."<sup>65</sup>

**Article 14** emphasizes the government's obligation to eliminate all forms of discrimination - in particular to "put institutions and policies in place to address violence against women and eliminate gender discrimination through (i) periodic training of all its personnel on gender and rights arising therefrom, (ii) taking practical steps towards modification of social patterns through information and education, and (iii) taking practical steps to redress discrimination and violence against women".<sup>66</sup>

Article 14.3(d) states that every ministry, government department, agency and organ of government must take all appropriate measures in its field or area of competence to "mainstream [a] gender perspective in planning and programming of all activities and initiatives".<sup>67</sup>

**Article 15** states: "Every organ, body, public institution, authority or private enterprise shall adopt temporary special measures as set out in this Act aimed at accelerating de facto equality between men and women. The special measures to be adopted under subsection 1 shall ... be discontinued when the objectives of equality of opportunity and treatment have been achieved."<sup>68</sup>

**Article 15.3** states: "Every organ, body, public institution, authority or private enterprise shall take appropriate measures to protect the maternity status and reproductive health of women, including allocation of special facilities, time and resources, aimed at protecting maternity."<sup>69</sup>

**Article 16** states: "Every woman has the right to work on the basis of same employment opportunities, including the application of the same criteria for selection in matters of employment."<sup>70</sup>

**Article 17** on free choice of employment and profession states: "Every woman has the right to (a) free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service, and (b) receive vocational training and retraining, including apprenticeships, advance vocational training and recurrent training."<sup>71</sup>

**Article 18** states: "Every woman has the right to - (a) equal remuneration, including benefits; (b) equal treatment in respect of work of equal value; and (c) equality of treatment in the evaluation of the quality of work"<sup>72</sup>

**Article 19** states: "Every woman has the right to any available social security benefits, particularly in cases of retirement, unemployment, sickness, invalidity, and old age and other incapacity to work, as well as the right to paid leave."<sup>73</sup>

**Article 20(1)** states: "Every woman is entitled to a period of six months maternity leave with pay or with comparable social benefit without loss of employment, seniority or similar benefits."<sup>74</sup>

**Article 20(2)** states: "In order to reinforce the common responsibility of men and women in the upbringing and development of their children, every father is entitled to a reasonable period of time not exceeding ten working days as paternity leave with pay, for every child delivered for him."<sup>75</sup>

**Article 22** states: “(1) Every form of discrimination against women on the grounds of maternity is hereby prohibited. (2) A woman shall not be dismissed from her employment on the grounds of maternity leave, or on the basis of her marital status. (3) An employer who contravenes the provisions of this section commits an offence and is liable on conviction to a fine of fifty thousand dalasi or imprisonment for a term of one year, or to both the fine and imprisonment.”<sup>76</sup>

**Article 23** on support services states: “Every employer shall endeavor to provide, within the limits of his or her resources, the necessary supporting social services to enable women to combine family obligations with work responsibilities and participation in public life.”<sup>77</sup>

**Article 24** on protection during pregnancy states: “Every employer shall provide special protection to women during pregnancy in types of work proved to be harmful to them.”<sup>78</sup>

**Article 26(1)** states: “Every woman has the right to basic education and training for self-development.”<sup>79</sup>

**Article 33** on the rights of women in rural communities states: “Every Government agency, organ, body, authority, public institution or private enterprise, individual or community shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality between men and women, that they participate in and benefit from rural development projects ...”<sup>80</sup>

**Article 46** states: “A woman has the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.”<sup>81</sup>

**Article 46(2)** states: “The Government shall take all appropriate and practical measures to ensure the increased participation of women... (b) in the structures and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels; ... (e) in all aspects of planning, formulation and implementation of post-conflict reconstruction and rehabilitation.”<sup>82</sup>

**Article 47(3)** on protection of women in armed conflicts states: “The Government shall protect asylum seeking women, refugees, returnees and internally displaced women, against all forms of violence, rape and other forms of sexual exploitation against women, and ensure that such acts are considered war crimes, genocide or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.”<sup>83</sup>

**Article 49.1** states: “Every woman has the right to equal access to housing and acceptable living conditions in a healthy environment.”<sup>84</sup>

**Article 52.2(a)** states: “The government shall take all appropriate measures to introduce the gender perspective in the national development planning procedures.”<sup>85</sup>

**Article 53.1(b)** on special protection for elderly women states: “The Government shall take appropriate measures to ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.”<sup>86</sup>

**Article 54** on special protection for women with disabilities states: “The Government shall take appropriate measures to ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.”<sup>87</sup>

**Article 66** on the functions of the NWC states: “The functions of the Council are to (a) develop methods for the integration and implementation of gender and women’s rights initiatives in all areas of Government activities, (b) review proposals from Ministries and other organs of the public sector regarding legislation and written communications to ensure that gender perspective have been considered to achieve equal representation of men and women in all programmes and initiatives of Government, Local Government Authorities and all public institutions.”<sup>88</sup>

The Women’s Act Amendment (2015), Article 32, criminalized female genital mutilation and prohibited the practice in all its forms; any person found guilty is liable to a term of three years’ imprisonment.

### **National Gender and Women Empowerment Policy (2010-2020)**

The Gambia National Gender and Women Empowerment Policy 2010-2020, also referred to as the Gender Policy, aims at mainstreaming gender in development policy. Three of the eight thematic areas are particularly relevant for security sector institutions: capacity building for gender mainstreaming, gender and human rights, and gender and governance.

Section 5.5 of the Gender and Women Empowerment Policy states that the alternative dispute resolution system has been institutionalized to facilitate women’s access to the justice system.

## 4 | National Policies Applicable to the Security Sector

### General Orders for the Public Service of The Gambia<sup>89</sup>

**General Orders (formally titled Revised General Orders Code of Conduct and Public Service Rules and Regulations), Article 2 (Preface)** states: “General Orders apply to all public officers and together with the Public Service Act and Regulations, they constitute the system under which Public Officers are engaged and employed. In any case where the provisions of General Orders and the Public Service Act and Regulations conflict, the Act or Regulations will apply.”<sup>90</sup>

**General Orders, Article 01102** states: “While all officers are subject to General Orders, some officers, for example members of the Police Force, are also subject to statutory control. In such cases, the provisions of the statute take precedence over General Orders.”<sup>91</sup>

**General Orders, Article 02105** states: “Candidates for appointment are required to submit to the appointing authority: (i) an application on the prescribed form; (ii) Satisfactory evidence that they fulfil the minimum requirements for appointment to the post for which they are applying; (iii) a birth certificate or affidavit sworn before a Notary Public certifying date and place of birth. Such certificate or affidavit will not be subsequently altered or amended; (iv) one or more testimonials.”<sup>92</sup>

**General Orders, Article 02403** states: “Every Officer in a permanent and pensionable post is required to retire statutorily on reaching the age of 60. An Officer who has reached the age of 45 may apply to retire voluntarily by giving six months’ notice in writing or the payment of six months’ salary in lieu of notice of his/her intention to do so. A female Officer may retire on marriage grounds if one month’s notice is served.”<sup>93</sup>

**General Orders, Article 04112** states: “Any confirmed female employee of the Civil Service who is pregnant shall consult a Medical Officer for a report on her expected date of confinement and on production of a satisfactory medical certificate, shall be entitled to a maternity leave with full salary for a period of six months which will commence one month before the expected date of confinement shown on the medical certificate.”<sup>94</sup>

**General Orders, Article 04114** states: “Any male employee whose spouse has delivered shall be entitled to a paternity leave with full salary for a period of ten working days and such leave shall not count against an employee’s annual leave entitlement.”<sup>95</sup>

## 5 | National structure on gender and coordination mechanisms with the security sector

The gender machinery in the Gambia includes the following structures:

- Ministry of Women, Children and Social Welfare (until 2019 titled Ministry of Women’s Affairs and Gender)
- National Women’s Council (NWC)
- Women and Gender Bureau.

These institutions are mandated to spearhead the formulation, implementation, coordination, monitoring and evaluation of the Gender Policy; but individual stakeholders are responsible for implementation of the Gender Policy component(s) relevant to their institutional mandate.

Each stakeholder shall be responsible for the identification of gender focal points and establish gender units in its organization.

The Gender and Women Empowerment Policy 2010–2020 notes additional structures completing the gender machinery that are not mentioned in the Women’s Act:

- Cabinet Gender Subcommittee
- National Assembly Select Committee on Women and Children.

The Gender Focal Points Network is responsible for advising sectoral ministries and institutions on gender and providing feedback for effective monitoring and evaluation. The network will also identify priority gender issues, plan for relevant interventions, and assess and review progress in implementation of the policy. (Gender Policy 2010–2020, Article 2.1.)

In addition to the gender machinery, the Gender and Women Empowerment Policy mentions the Women’s Federation, a separate autonomous association of Gambian women’s groups. The federation brings its members together to network, create synergy and collaborate to mitigate issues confronted by women, especially in the areas of economic empowerment and agricultural production and productivity.

The Gender and Women Empowerment Policy sets out the roles and responsibilities of the structures in the gender machinery, as shown in Table 7.



Table 7: Roles and responsibilities of national gender structures

#### Ministry of Women, Children and Social Welfare

- Responsible for overall coordination and harmonization of efforts by all stakeholders
- Establish appropriate mechanism for coordinating gender mainstreaming at all levels
- Lobby, advocate and mobilize resources for implementation of Gender Policy
- Provide support to gender units and focal points

#### Women and Gender Bureau

- Provide technical support on gender mainstreaming to ministries, institutions, local government bodies, CSOs and private sector
- Coordinate, monitor and evaluate implementation of Gender Policy
- Provide backstop support in critical areas
- Lobby, advocate and coordinate the sensitization process on gender for all stakeholders
- Act as secretariat for National Council for Gender and Women's Empowerment
- Set standards, develop and disseminate guidelines and monitor their operation

#### NWC

- Advise government on gender issues
- Oversee implementation of Gender Policy at decentralized level
- Lobby and advocate for policy reviews and enactment of laws
- Sensitize and advocate on gender issues at grassroots level

#### Government ministries and parastatals

- Translate Gender Policy into specific institutional policies, strategies and programmes
- Assess needs of their respective ministries in areas of gender-responsive planning, programming, implementation, monitoring and evaluation, and make appropriate recommendations for capacity building
- Support gender units and focal points by building their capacity in gender analysis and planning, and provide budget lines for their operations
- Monitor, evaluate and provide disaggregated data on sector programmes and their impact on gender equity
- Institute and implement affirmative actions on a short-term basis to bridge existing gender gaps
- Partner with MWAG and Gender Bureau on matters of gender mainstreaming
- Mobilize, allocate and release resources for gender mainstreaming
- Ensure institutional policies and programmes are gender sensitive and benefit women and men

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The Gender and Women Empowerment Policy also details the roles and responsibilities of partners in support of gender mainstreaming, as shown in Table 8.

**Table 8: Roles and responsibilities of partners in gender mainstreaming**

#### **Development partners**

- Recognize and use The Gambia Gender Policy in development cooperation partnerships
- Collaborate with MWAG, Gender Bureau, NWC and Gender Focal Point Network on matters of gender mainstreaming
- Establish mechanisms for ensuring gender responsiveness of development cooperation
- Provide financial and technical support towards the attainment of gender equality and women's empowerment in terms of development cooperation
- Develop/set up capacity-building incentives for promoting gender equity and women's empowerment in development cooperation

#### **The Gambia Women's Federation**

- Mobilize women and men to advocate for and promote gender equality and women's empowerment
- Serve as a platform for networking and sharing information among women and female youth
- Advocate for the effective implementation of adequate women empowerment projects/programmes for the advancement of women and girls
- Implement key economic empowerment project and support capacity enhancement of women organizations, groups and associations (particularly in training, provision of credit and financing, appropriate technology for labour saving, value adding, storage and preservation, market opportunities and infrastructure housing, land and property, water facilities)
- Support women in decision-making
- Lobbying and advocating for the ratification, domestication and implementation of international instruments related to gender equality, women and children's rights
- Sensitizing, educating and training civil society on human and legal rights, particularly women's rights, in order to address and change gender stereotypes

#### **CSOs**

- Translate Gender and Women Empowerment Policy into specific institutional policies, strategies and programmes
- Develop and implement programmes addressing key Gender and Women Empowerment Policy intervention areas
- Participate in implementation of Gender and Women Empowerment Policy
- Share information on institutional programmes with MWAG through the Gender Focal Point Network

#### **Gender Policy Implementation Committee/ Gender Focal Point Network**

- Identify priority gender issues
- Plan for relevant sector interventions
- Review progress in implementing Gender and Women Empowerment Policy
- Advise national machineries on key issues and strategies to attain policy objectives
- Support monitoring implementation of Gender and Women Empowerment Policy

In 2019 the Ministry of Women, Children and Social Welfare was allocated 58.3 million Gambian dalasi (US\$1 = D51.34), which represents approximately 0.3 per cent of the approved state budget excluding loans and grants.<sup>96</sup>

In addition to the roles and responsibilities listed in Table 7, Article 66 of the Women's Act identifies the functions of the NWC to include the following.

- Develop methods for the integration and implementation of gender and women's rights in all areas of government activities.
- Review proposals from ministries and other organs of the public sector to ensure gender perspectives have been considered.
- Initiate education for all public officers and authorities regarding equality between women and men.
- Ensure the budget of the government, local government authorities and other public bodies and institutions complies with the Gender Policy.
- Cooperate with CSOs towards the achievement of gender equality.
- Provide funds for development work and projects within this field.
- Provide information regarding government policy and work for gender equality on a bi-annual basis.
- Advise the government on women's rights issues, education of women and mobilizing women in the economic, social and cultural development of The Gambia.
- Monitor compliance with the Women's Act through annual reports from all government bodies and public institutions.
- Advise the government on areas where the participation of women should be encouraged and strengthened.

## 6 | Monitoring mechanisms of the security sector related to gender and security

The NSP (2019) contains a specific section on an oversight and review mechanism, which includes an oversight architecture. The architecture is intended to ensure that the security sector is responsive to the security needs of the people, subordinate to civilian authority by adhering to the principles of human rights (which includes gender equality) and committed to the rule of law.<sup>97</sup>

The oversight architecture includes the following:<sup>98</sup>

- the legislature
- the judiciary
- the executive
- independent civil bodies, specifically the Office of the Ombudsman.

The NSP (2019) should be examined and reviewed every five years by a committee of major national stakeholders to align the policy with prevailing political, economic and social realities of the country.<sup>99</sup>

**Article 14** of the Women’s Act states: “Every ministry, government department, agency or organ of government shall take all appropriate measures, in its field or area of competence to undertake a gender audit of all laws and policies to further reinforce the principle of equality between men and women.”

**Article 56** of the Women’s Act states: “All Government department and public institutions shall provide budgetary resources to implement and monitor the Women’s Act.”

**Article 73** of the Women’s Act states: “The Minister for Women’s Affairs shall, in consultation with the National Women’s Council, carry out a periodic review of the government policy on women with a view to bringing it in line with international best practices relating to the protection and enhancement of the rights to women.”

## RECOMMENDATIONS

The following recommendations are intended for the government of the Republic of The Gambia.

- 1** Develop a new NAP on the implementation of UN SCR 1325, based on a review of the existing NAP of 2012.
- 2** Develop a renewed Gender Policy for 2020, based on a review of the existing policy (2010–2020), which is in line with the Women’s Act and has an explicit section dedicated to security and/or the SSR process, and is aligned with the objectives of the NSP (2019).
- 3** Ensure that the Ministry of Women’s Affairs, Children and Social Welfare has sufficient resources (financial, human and material) to participate actively in the SSR process.
- 4** Ensure that gender is mainstreamed in the National Security Strategy and the Security Sector Reform Strategy, to ensure they are in line with the policy objectives of the NSP (2019) as well as with the national legal and policy framework on gender and security.
- 5** Ensure that the Ministry of Women’s Affairs, Children and Social Welfare and the Ministry of Finance are included, and can participate actively, in the SSR process.
- 6** Ensure that all security-related statistical data are disaggregated by, at minimum, sex, age, geographic region and any other relevant identity marker.
- 7** Ensure that security institutions align their policies and practices with the national legal and policy framework on gender, in particular the Women’s Act.
- 8** Ensure that security institutions develop institutional relationships with the Office of the Ombudsperson and the National Commission for Human Rights.



## Endnotes

- 1 UN Security Council (2017) "Resolution 2337 (2017)", adopted by the Security Council at its 7866th meeting on 19 January 2019, UN Doc. S/RES/2337, p. 1.
- 2 Ibid., p. 2.
- 3 Ibid., p. 3.
- 4 African Union (2017) OAU Convention Governing the Specific Aspects of Refugee Problems in Africa: Status List.
- 5 African Union (2017) African Charter on Human and Peoples' Rights: Status List.
- 6 African Union (2017) African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba): Status List.
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### 3 | GAMBIA ARMED FORCES

The 2019 NSP includes sections of the 1997 Constitution that identify the composition of the Gambia Armed Forces (GAF) and its principal functions.<sup>1</sup> In November 2019 the Constitutional Review Commission released the 2019 draft constitution for public scrutiny. In this draft the article on the composition of the GAF remains the same, but the functions were removed. In their place, the following articles were added:<sup>2</sup>

**284(1)** There is established the Armed Forces of The Gambia which shall be under the authority and direction of the President.

**284(3)** Subject to subsection (1), the Chief of Defence Staff shall be responsible for the operational control and administration of the Armed Forces.

**284(4)** No person or authority shall raise an armed force except by or under the authority of an Act of the National Assembly.

**284(5)** The President shall not deploy any troops outside The Gambia without the approval of the National Assembly.

**284(6)** The Armed Forces shall be equipped and maintained to perform their role of defence of The Gambia as well as such other functions for the development of The Gambia as provided in this Constitution or any other law.

**284(7)** An Act of the National Assembly shall make provision -

- a. for the functions and duties of the Armed Forces;
- b. outlining the internal structures and commands of the Armed Forces;
- c. for the establishment of an Armed Forces Council, including its composition, functions and all other related matters;
- d. subject to section 285, for the appointment, discipline and removal of members of the Armed Forces; and
- e. for such other matters as may be considered necessary to maintain an efficient, effective and discipline Armed Forces.

There is also a new section that identifies the specific appointments that are made for the GAF.<sup>3</sup>

### Institutional structure

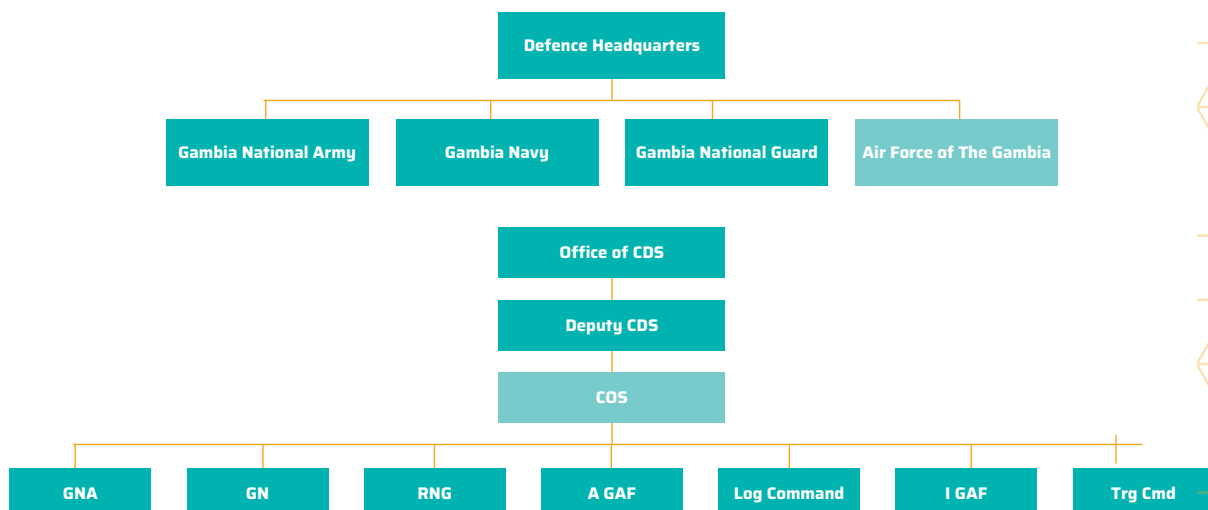
The chief of defence staff (CDS) appointed in February 2017 has a clear vision for the GAF in the future:

A highly transformed, motivated, apolitical and non-tribally inclined Armed Forces that is fully equipped and prepared to execute its Constitutional roles, contributing meaningfully to national development

and playing key roles in the maintenance of regional and global peace and stability and at the same time subjected to democratic civilian control and accountability.<sup>4</sup>

Figure 1 illustrates the organizational structure of all the armed forces.

Figure 1: Organizational structure of the GAF



## 1 | Organizational structure

<b>CDS</b>	Chief of Defence Staff
<b>COS</b>	Chief of Staff
<b>GNA</b>	Gambia National Army
<b>RNG</b>	Brigadier General
<b>A GAF</b>	Administration Gambia Armed Forces
<b>Log Comd</b>	Logistics Command
<b>I GAF</b>	Inspectorate Gambia Armed Forces
<b>Trg Cmd</b>	Training Command

## 2 | Ranks and positions

The Gambia National Army (GNA), the major component of the GAF, is organized into officer and soldier ranks as shown in Table 1.

**Table 1: Ranks in the GNA**

Officers		Soldiers	
Lieutenant General	Lt Gen	Warrant Officer I	WOI
Major General	Maj Gen	Warrant Officer II	WOII
Brigadier General	Brig Gen	Officer Cadet	OCdt
Colonel	Col	Sergeant	Sgt
Lieutenant Colonel	Lt Col	Corporal	Cpl
Major	Maj	Lieutenant Corporal	LCpl
Captain	Capt	Private	Pte
Lieutenant	Lt		
Second Lieutenant	2Lt		

## 3 | Internal gender structures

The GAF created a Gender Unit in 2013. It has six members of staff, who are all Gender Focal Point officers working in these positions for 100 per cent of the time. Structurally, the Gender Unit reports to the Adjutant General.<sup>5</sup> The Gender Unit does not have its own budget, and nor does it have any institutional documents that formally describe its mandate, structure, etc.<sup>6</sup>

The office of the Gender Unit was supposed to be located at headquarters, but due to a lack of space at headquarters it was relocated to Yundum Barracks. The office has no computers and no Wi-Fi connection.<sup>7</sup>

In addition to the staff at the Gender Unit in Yundum there is a network of Gender Focal Points in all the barracks around the country, but these officers do not work 100 per cent of the time in this role. They meet with the Gender Unit staff from time to time, but not in a consistent or institutionalized way (due to a lack of resources).<sup>8</sup>

The Gender Unit staff do their best to visit all the camps regularly to sensitize personnel on gender. However, a lack of resources means they are not always able to get to the different barracks as often as they deem necessary. They also receive invitations from the GAF Training School to sensitize personnel attending courses.<sup>9</sup>

Aside from sensitizations, the Gender Unit is not included in institutional discussions related to human resource policies or in operational planning.<sup>10</sup>

When sensitizing personnel, the Gender Unit's biggest challenge is convincing people that gender does not only concern women and is not only about empowering women. Some male staff believe that gender is unfair to them.<sup>11</sup>

The Gender Unit seeks to strengthen its technical capacity in gender and security, as well as access training materials and practitioner tools to help support its staff in their role.<sup>12</sup>

In the Revised Battalion Standing Operational Procedures (SOPs) there is a mention of the Battalion Gender Focal Point in the orders for the duty provost: as part of their daily routine, the duty provosts should liaise with the Battalion Gender Focal Point officer to ensure that no female soldier bleaches her skin, paints or fixes any long nails, or has a pedicure or manicure.<sup>13</sup>

Some GAF institutional documents address women specifically. For example, the SOPs include a specific section titled "Orders for the Female Officers and Soldiers", containing a set of orders directed to women regarding skin bleaching, nails, make-up, hair styles and wigs, as well as appropriate dress on sports days. There are also orders related to appropriate behaviour and respecting authority. Women are ordered to use toilets designated for women only, and to report any form of harassment, bullying or intimidation immediately to the competent authorities. Finally, the orders state that the Battalion Gender Focal Point officer is to ensure a thorough understanding of and strict compliance with the stated orders.<sup>14</sup>

In terms of training of the Gender Unit, the Network against Gender-Based Violence conducted a two-day training session on GBV for the Gender Focal Point officers in 2016.<sup>15</sup>

The current chief of defence staff (CDS) is more supportive towards the Gender Unit than the previous regime.<sup>16</sup>

## 4 | Coordination mechanisms

There do not seem to be any formal coordination mechanisms between the Gender Unit and the other offices and units within the GAF. There are some informal

mechanisms for coordination, such as the sessions with the GAF Training School to sensitize cadets and cadet officers.

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## Institutional policies and procedures

### 5 | Institutional gender policy

No gender policy exists.

### 6 | Code of conduct

In the Terms and Conditions of Service (TACOS) for officers and soldiers there is a section titled “Code of Conduct” that states: “An officer shall uphold the highest standards of discipline, integrity, loyalty and conduct and shall refrain from acts capable of discrediting the Armed Forces of The Gambia. He shall place loyalty to The Gambia above all other interests.”<sup>17</sup> This section also makes reference to obedience to orders, engaging in private business, engaging as members of associations, engaging as members of secret cults and societies, and obtaining gratuities.<sup>18</sup>

### 7 | Human resource policies

Since the passing of the Women’s Act in 2010, the GAF follows the provisions of the Act.<sup>19</sup>

#### **Marriage**

According to the TACOS, to be selected for training as an officer cadet a person must be unmarried and must not marry throughout the training period. It is an offence to conceal a marriage for the purpose of selection.<sup>20</sup>

After serving a minimum of two years, provided that the officer has attained the rank of lieutenant, the officer may apply to the commanding officer for permission to marry. A second lieutenant is not eligible to marry.<sup>21</sup>

Personnel intending to marry must fill out a request form that is submitted to the Adjutant General for a decision. The application is also forwarded to the Military Police for investigation before a decision is made.<sup>22</sup>

The TACOS state that marriage between officers and soldiers is strictly prohibited: “Where an officer marries a soldier, the officer may resign his commission, or the soldier shall be discharged.”<sup>23</sup> It is an offence for an officer to conceal a marriage to a soldier for the purpose of preventing the discharge of the soldier.<sup>24</sup>

Based on these provisions in the TACOS, personnel can marry within the same rank and category. This differs from the previous regime, when GAF personnel could not marry other GAF personnel at all. Now, non-commissioned officers can marry within their category and officers can marry within their category. Between categories, irrespective of gender, marriage is prohibited.<sup>25</sup>

#### **Pregnancy, maternity leave, paternity leave and breastfeeding**

According to the TACOS: “A female [soldier or officer] may be granted maternity leave in line with existing Public Service Regulations.”<sup>26</sup> Furthermore, “No single, divorced or widowed female [soldier or officer] shall be pregnant while in service, and may be retired if found pregnant.”<sup>27</sup>

The Gender Unit has never heard of any complaints about personnel not accessing the benefits of maternity leave, as eligibility is supported by confirmation of pregnancy by a medical doctor.<sup>28</sup>

There is no mention of paternity leave in the TACOS, and no mention of breastfeeding.

#### **Healthcare**

Medical treatment is provided to all soldiers and officers and their families.<sup>29</sup>

#### **Working hours**

Working hours for personnel will depend on specific duties and are stated in the respective SOPs for each post, irrespective of gender.

However, there is a general exception to enable women to work shorter hours during Ramadan and during pregnancy, prior to maternity leave. There are no general exceptions allowing men to work shorter hours.



## Retirement

A soldier is entitled to a pension after completing ten years of service.<sup>30</sup>

According to the TACOS, there is no difference in the age limits for retirement between men and women. Certain age limits enforcing retirement apply by rank if an officer has reached that age limit and is not promotable, and on recommendation of a Career Review Board:

- Captain: 35 years
- Major: 40 years
- Lieutenant colonel: 45 years
- Colonel and above: 55 years.<sup>31</sup>

## Family benefits in case of injury or death

One of the deductions made from soldiers' and officers' monthly salary is for the Widows and Orphans Scheme.<sup>32</sup>

## Psychosocial support

There is no mention in the TACOS of psychosocial support provided to soldiers or officers if needed.

## 8 | Policy on sexual harassment

No policy exists.

As noted under Indicator 3 above, the Revised Battalion SOPs include a specific section on "Orders for the Female Officers and Soldiers" containing a set of orders directed at women, ordering them to report any form of harassment, bullying or intimidation immediately to the competent authorities. The Battalion Gender Focal Point officer is to ensure a thorough understanding of and strict compliance with the stated orders.<sup>33</sup>

These procedures do not include orders for reporting by male victims of harassment, bullying or intimidation.

Personnel may go to the Military Police in the case of criminal infractions.

## 9 | Policy on protection from sexual exploitation and abuse

No policy exists, but personnel and the public may go to the Military Police.

## 10 | Policy on gender mainstreaming

No policy exists.

## 11 | Procedures for responding to GBV perpetrated by GAF personnel against the public

No specific procedures for GBV cases exist.

## 12 | Procedures for responding to gender-based discrimination (and other forms of discrimination)

No policy exists.

## 13 | Procedures for responding to cases of sexual harassment

No specific procedures for sexual harassment exist. In cases that constitute criminal infractions, personnel may go to the Military Police.<sup>34</sup>

As mentioned for Indicator 3 above, the Revised Battalion SOPs include a specific section on "Orders for the Female Officers and Soldiers", which orders women to report any form of harassment, bullying or intimidation with immediate effect to the competent authorities. The Battalion Gender Focal Point officer is to ensure a thorough understanding of and strict compliance with the stated orders.<sup>35</sup>

These SOPs do not include orders for reporting harassment, bullying or intimidation in the case of male victims.

## 14 | Strategies to implement policies and procedures related to gender

No strategy exists.

## Institutional culture

### 15 | Information provided at recruitment about the institution's commitment to gender equality and human rights

No information is provided. Some, but not all, of the GAF's more recent internal documents, such as some of the SOPs, use both pronouns (he/she) when referring to personnel.<sup>36</sup>

### 16 | Personnel's perception on gender and women's advancement

Unknown.

### 17 | Senior personnel's commitment to and leadership on gender

It is reported that the GNA has demonstrated gender sensitivity in the senior command echelons.<sup>37</sup>

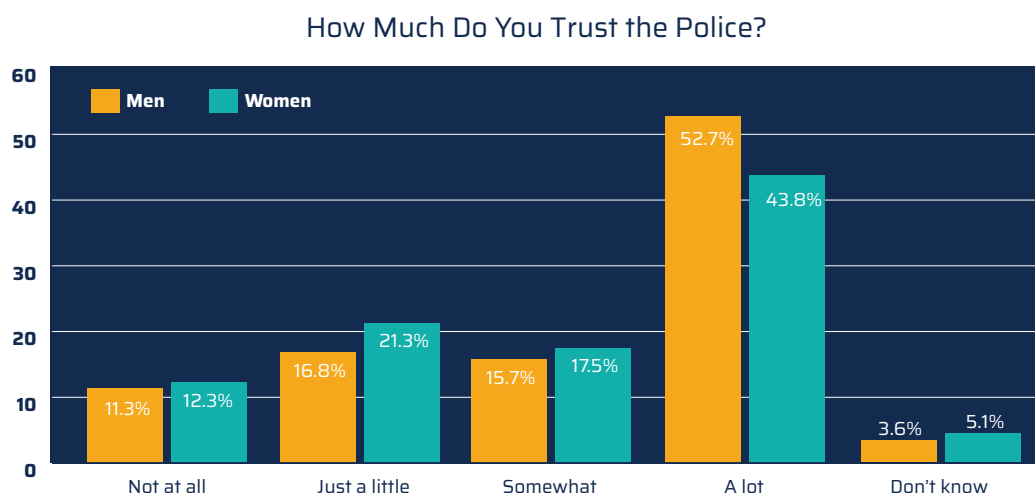
## Relations with the community

Article 187 of the 1997 Constitution states that it shall be the aim of the government and the GAF to maintain harmony and foster understanding between the GAF and the civilian population.<sup>38</sup>

### 18 | Community perceptions of the GAF

The 2018 Afrobarometer found that 48.2 per cent of Gambians surveyed trust the GAF a lot, but 11.7 per cent reported not trusting the GAF at all (Figure 2).

Figure 2: Trust in the GAF



Source: Afrobarometer (R7, 2018).

An unpublished DCAF study of perceptions of security by the Gambian population in 2019 found that:

- 49.00 per cent of men and 57.69 per cent of women said they felt “safe” when asked if they felt safe when meeting military personnel
- among the same group of respondents, 39.10 per cent of men and 28.88 per cent of women felt “very safe”.

During a workshop in Bakau in July 2019 attended by representatives of various CSOs, 18 participants completed a survey about their perceptions of the GAF.<sup>39</sup>

- Nine participants considered that the GAF does not have a good relationship with communities.
- Four participants considered that the GAF does have a good relationship with communities.
- Two participants had no view.

- Eight participants confirmed that they know where they can make a complaint about GAF if needed. Five participants identified the Military Police as the function that receives complaints. One participant identified the Public Relations Office.
- Seven participants did not know where to make a complaint.
- One participant had no view.
- Ten participants did not know if the complaints received by the GAF from the public are treated seriously.
- Four participants believed complaints are taken seriously.
- One participant did not believe complaints were taken seriously.
- Fourteen participants did not personally know anyone who was a victim of a crime committed by GAF personnel.
- Two participants did know someone who was a victim of a crime committed by GAF personnel.

Below is a selection of responses received when participants were asked what the GAF can do to improve its relationship with communities.<sup>40</sup>

*“This could be done through social interactions with the communities. They should see themselves as people from families.”*

Male CSO representative from Lower River Region

*“They need to collaborate with the communities to tell them their mandate as security.”*

Male CSO representative from Lower River Region

*“To sensitize them at the time of training on what their roles are in the communities, e.g. to mingle with the civilians at all levels of development.”*

Male CSO representative from Western Region

*“They should have an open-door policy, e.g. the barracks of Bakau, where they invite the people of Bakau to tell them how they want the GAF to help them. The community are not trained in arms but they will help the community have good relations that will help GAF in working with them. E.g. GAF should have periodic meetings with the communities especially where their barracks are located, so that they know the impact of their staff in those communities.”*

Female CSO representative from Central River Region

## 19 | Personnel’s perception of the GAF’s relationship with communities

Unknown.

## Personnel

### 20 | Total strength

Table 2 shows the total strength of the GNA. The abbreviations in Tables 2–5 stand for the following units.

**DHQ** | Defence Headquarters, located in Banjul

**HQ GNA** | Headquarters Gambia National Army, located in Banjul

**GN** | Gambia Navy, with headquarters located in Banjul

**1 BN** | First Infantry Battalion, located in Yundum Barracks

**2 BN** | Second Infantry Battalion, located in Farafenni Barracks

**3 BN** | Third Infantry Battalion, located in Kanilai Barracks

**HQ RNG** | Headquarters of the Republican National Guard, located in Banjul

**GDS BN** | Guards Battalion

**SG BN** | State Guard

**GN** | Gambia Navy, located in Banjul

**GAF TS** | Gambia Armed Forces Training School, located in Fajara Barracks

Table 2: Total strength of the GAF, by unit

Total strength disaggregated by sex (percentage)		
	Male (%)	Female (%)
DHQ Camp	89	11
HQ GNA	67	33
1 BN	85	15
2 BN	87	13
3 BN	99	1
4 BN	96	4
HQ RNG	93	7
GDS BN	88	12
SG BN	91	9
GN	86	14
GAF TS	96	4
<b>Total</b>	<b>89</b>	<b>11</b>

Source: Adapted from GAF (2019) “GAF, male/female personnel in each unit as at 23 August 2019”, internal document.

## 21 | Ranks of personnel

Tables 3-4 show the ranks of personnel disaggregated by sex and category (officers and soldiers) in percentages.

Table 3: Ranks of officers disaggregated by sex (percentages)

	Lt Gen		Maj Gen		Brig Gen		Col		Lt Col		Maj		Capt		Lt		2Lt		Total Officers	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
DHQ Camp	0.05		0.09		0.05	0.05	0.56		0.93	0.23	1.11	0.28	2.97	0.37	1.44	0.05	0.05	0.09	7.24	1.07
HQ GNA					3.70		3.70		3.70			7.41							11.11	7.41
1 BN									0.11		1.23	0.22	0.78	0.22	0.67		0.11		2.91	0.45
2 BN									0.13		0.39		0.13	0.13	0.66	0.26			1.31	0.39
3 BN									0.25		0.50		1.25		1.75				3.76	0.00
4 BN									0.30		0.30			2.07	1.78				2.37	2.07
HQ RNG							7.14		7.14										14.29	
GDS BN											1.14		1.00	0.43	0.14	0.14			2.28	0.57
SG BN							0.58		0.29		0.29		0.86		0.58				2.59	
GN					0.18		0.18	0.18	0.18	0.18	1.25		1.08	0.36	1.08	0.18			3.94	0.90
GAF TS									0.69		2.76	1.38	0.69		6.21				10.34	1.38
TOTAL	0.02		0.03		0.05	0.02	0.27	0.02	0.46	0.09	0.96	0.19	1.48	0.36	1.15	0.08	0.03	0.03	4.45	0.79
	100	0	100	0	75	25	94	6	83	17	84	16	80	20	94	6	50	50	85	15

Source: Adapted from GAF (2019) "GAF, male/female personnel in each unit as at 23 August 2019", internal document.

Table 4: Ranks of soldiers disaggregated by sex (percentages)

	Wol		Woll		SSgt		Ocdt		Sgt		Cpl		LCpl		Pte		Total Soldiers	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
DHQ Camp	2.23		4.22	0.09	7.52	0.23	0.60		9.10	0.93	13.60	1.48	22.92	5.01	21.39	2.37	81.58	10.12
HQ GNA	3.70		3.70		7.41				11.11	3.70	18.52		11.11	18.52		3.70	55.56	25.93
1 BN	1.46		3.14		4.37	0.11			5.38	0.22	10.54	1.35	27.24	3.81	30.38	8.63	82.51	14.13
2 BN	1.97		1.83		3.01				4.19	0.13	12.06	0.52	29.10	2.23	33.42	9.83	85.58	12.71
3 BN	0.50		1.75		2.76				3.26		11.28		22.56	0.25	53.38	0.50	95.49	0.75
4 BN	1.48		1.78	0.30	6.21				6.80	0.59	10.36	0.30	41.12	1.18	23.67	1.78	91.42	4.14
HQ RNG	7.14		7.14		7.14				7.14	7.14	7.14		28.57		14.29		78.57	7.14
GDS BN	1.00		3.42		4.27	0.43			4.84	0.14	9.97	1.99	30.63	4.70	32.05	3.70	86.18	10.97
SG BN	2.59		4.03		5.48	0.29			6.92		11.24	0.58	15.85	1.44	42.36	6.63	88.47	8.93
GN	0.72		2.51		3.41	0.36			8.42	0.90	13.44	1.08	31.36	4.12	22.58	6.27	82.44	12.72
GAF TS	4.83		4.14		4.83	0.69	0.69		13.10		9.66	0.69	27.59	0.69	20.69	0.69	85.52	2.76
Total	1.77		3.25	0.05	5.27	0.21	0.22		6.94	0.52	12.03	1.14	26.50	3.64	28.55	4.68	84.53	10.24
	100	0	99	1	96	4	100	0	93	7	91	9	88	12	86	14	89	11

Source: Adapted from GAF (2019) "GAF, male/female personnel in each unit as at 23 August 2019", internal document.



## 22 | Distribution of staff across the country

Table 5 shows the different GAF units, disaggregated by sex. The locations of units are detailed in Indicator 20 above.

Table 5: Locations of officers and soldiers disaggregated by sex (percentages)

	Officers		Soldiers		Total (M/F)	
	M	F	M	F	M	F
DHQ Camp	7.24	1.07	81.58	10.12	88.82	11.18
HQ GNA	11.11	7.41	55.56	25.93	66.67	33.33
1 BN	2.91	0.45	82.51	14.13	85.43	14.57
2 BN	1.31	0.39	85.58	12.71	86.89	13.11
3 BN	3.76	0.00	95.49	0.75	99.25	0.75
4 BN	2.37	2.07	91.42	4.14	93.79	6.21
HQ RNG	14.29		78.57	7.14	92.86	7.14
GDS BN	2.28	0.57	86.18	10.97	88.46	11.54
SG BN	2.59		88.47	8.93	91.07	8.93
GN	3.94	0.90	82.44	12.72	86.38	13.62
GAF TS	10.34	1.38	85.52	2.76	95.86	4.14
Total	4.45	0.79	84.53	10.24	88.97	11.03
	85	15	89	11	89	11

Source: Adapted from GAF (2019) "GAF, male/female personnel in each unit as at 23 August 2019", internal document.

## Recruitment and selection

### 23 | Eligibility requirements for recruitment

To be eligible for enlisting in the GAF, an individual must fulfil the following conditions.

- ▶ The person must be a Gambian.
- ▶ The person must be between the ages of 18 and 25.
- ▶ The person must be medically fit in accordance with the GAF medical standards.
- ▶ The person must attend and pass an Armed Forces Selection Board before the commencement of training.
- ▶ The person must possess a minimum educational qualification of First School Leaving Certificate or its equivalent.
- ▶ The person must be recommended by the governor/mayor of the region in which the person resides (if unemployed) or by the person's employer (if employed).<sup>41</sup>

To be eligible for selection for officer cadet training, an individual must fulfil the following conditions.

- ▶ The person must be a Gambian.
- ▶ The person must be between the ages of 18 and 25 at the commencement of officer cadet training.

- ▶ The person must be medically fit in accordance with the GAF medical standards.
- ▶ The person must attend and pass an Armed Forces Selection Board before the commencement of officer cadet training.
- ▶ The person must possess any of the following minimum educational qualifications:
  - High School Certificate or its equivalent
  - General Certificate of Education (Advanced Level) or its equivalent.
- ▶ The person must be recommended:
  - in the case of a serving soldier, by the commanding officer
  - in the case of a civilian who is employed, by the employer
  - in the case of an unemployed person, by the governor or mayor of the region in which the person resides.<sup>42</sup>

A medical test is required for recruitment that will confirm the applicant's physical ability to undergo the physical test required. During the physical test personnel will be required to run a certain distance (for example, 100 km), and women will be given more time to complete the run than men.<sup>43</sup>

Basic training usually takes four or five months. If a woman becomes pregnant during basic training, she will be unable to complete the training and will have to reapply. In general, if a woman reapplies the GAF will admit her, since she had already been recruited. However, many women do not reapply to the GAF once they start having children.<sup>44</sup>

#### 24 | Recruitment targets and quotas

There are no known targets or quotas for women.

#### 25 | Specific measures for recruitment

There are no specific measures for the recruitment of women.

#### 26 | Vetting procedures for GBV and other human rights violations

None exist.

#### 27 | Positions/units in which women or men cannot serve

There are no rules that prohibit women (or men) from serving in specific roles or units within the GAF. However, there are few women appointed to senior roles, such as director.<sup>45</sup>

### Retention

#### 28 | Rate of attrition

Unknown.

In general, GAF staff sign contracts for six or 12 years. It is not clear to the Gender Unit why personnel, in particular women, resign from the GAF.<sup>46</sup>

#### 29 | Specific measures for retention

No specific measures exist.

#### 30 | Informal restrictions affecting retention

No specific informal restrictions affecting retention exist. Restrictions relating to the issues of marriage and pregnancy are formalized in the TACOS.

#### 31 | Staff associations

No women's staff association exists.<sup>47</sup>

### Promotions and remuneration

In general, the promotion of soldiers and officers is based on satisfactory performance in the following areas, irrespective of gender/sex:

- length of service
- establishment
- performance evaluation reports
- course reports
- promotion examinations (only in the case of officers)
- any other conditions as shall from time to time be decided by the Armed Forces Council.<sup>48</sup>

In addition, no officer shall be promoted unless he/she has been recommended for promotion by a promotion board.<sup>49</sup>

#### 32 | Data on promotions

The statistics for the latest promotions disaggregated by sex and rank are unknown.

During the regime under Yahya Jammeh the promotions process was not clear to many members of GAF personnel. Promotions and information related to promotions are now clearer, due to the policy of the new CDS.<sup>50</sup>

#### 33 | Specific measures for the advancement of women

No specific measure exists.

#### 34 | Equal pay for the same rank/position

There is equal pay between men and women, based on rank.

### Special assignments, secondments and deployments

#### 35 | Personnel on special assignments, secondments or deployments

According to a report by the UN Department of Peace Operations addressing the gender imbalance in peace-keeping missions, The Gambia is characterized as "exceeding its contribution target" for troop contributions. A target of 16 per cent was set for the proportion of women among military observers and staff officers (combined), and a target of 5.25 per cent for the proportion of women among troops deployed.<sup>51</sup>

As of 30 September 2019, The Gambia deployed the personnel shown in Table 6.<sup>52</sup>

**Table 6: GAF personnel deployed on UN peacekeeping missions, disaggregated by sex**

	Total Deployed	Men	Women	% Women
<b>Military observers</b>	8	3	5	62.5
<b>Staff officers</b>	7	6	1	14.3
<b>Military observers and staff officers</b>	15	9	6	40.0

Source: UN Department of Peace Operations (2019) "Operational effect and women peacekeepers: Addressing the gender imbalance", September 2019 data, available at [peacekeeping.un.org/sites/default/files/september\\_special\\_gender\\_dpo\\_and\\_dppa\\_30\\_september\\_2019.pdf](https://peacekeeping.un.org/sites/default/files/september_special_gender_dpo_and_dppa_30_september_2019.pdf) (accessed 14 February 2020).

For observers and staff officers, The Gambia deployed 10 per cent more women in September 2019 compared to July 2019, when 30 per cent of personnel deployed as military observers or staff officers were women.<sup>53</sup>

In terms of troops, as of 30 September 2019 The Gambia deployed 132 personnel (118 men and 14 women), so women constituted 10.6 per cent of troops. This was the same percentage as that deployed in July 2019.

In 2018 the biggest commitment of troops to peace support operations was in Darfur (African Union-United Nations Hybrid Operation in Darfur - UNAMID), where 208 personnel are deployed.<sup>54</sup>

### 36 | Eligibility requirements and selection process

When there is a request from the UN to deploy a specific number of personnel to peacekeeping operations, headquarters (HQ) sends the request to all barracks with instructions on the number of personnel to be provided by each barracks. Based on the total number, the commander of each barracks then selects personnel to fill the quota. Sometimes HQ provides specific instructions on the ratio of men and women to select.<sup>55</sup>

## Institutional capacity

### Training

There is a strong recognition that the GAF requires more training and education in its reform, to improve all personnel's "knowledge, skills, proficiency and competence in line with their areas of specializations in the military in particular and generally to enable them to reintegrate into the wider society after military service and contribute meaningfully to national development".<sup>55</sup>

In total, the GAF has deployed 20 women to date. According to the Gender Unit, there is a strong interest among female personnel in deploying to peacekeeping missions.<sup>56</sup>

The first contingent of women was deployed to Darfur in December 2004.<sup>57</sup>

The GAF conducts its own pre-deployment training for peacekeeping missions at the GAF Training School.<sup>58</sup>

## Infrastructure and equipment

### 37 | Adapted infrastructure

Not all the GAF barracks have toilets for women. For example, the Gender Unit is situated in Yundum Barracks, where men and women use the same toilets.<sup>59</sup>

### 38 | Housing for families

In general, accommodation is provided for all soldiers and officers and their families. There are "married quarters" and "single quarters".<sup>60</sup>

However, due to a lack of resources the GAF does not have enough housing for its personnel. It is common for personnel who were previously unmarried and living in "single quarters" to remain in the same quarters after they get married.<sup>61</sup>

### 39 | Adapted equipment

There are uniforms for women, but most women do not have them because the materials for these uniforms are not available. Instead, they use men's uniforms.<sup>62</sup>

There is no ceremonial dress for women.<sup>63</sup>

No adapted uniforms exist for pregnant women. In a case of pregnancy, women are permitted to wear civilian dress.<sup>64</sup>

While there is no gender training at the GAF Training School or a requirement to mainstream gender, the school has appointed a Gender Focal Point officer, who is linked to the Gender Unit in Yundum.<sup>66</sup>

During the 2019/2020 training cycle, one of the objectives for training and education set by the CDS is "Understanding Military Leadership, Ethics, and Regimentation".<sup>67</sup>

Among the development partners assisting the GAF is Turkey. Between February 1991 and April 2019 around 7,500 soldiers were trained by the Turkish military in The Gambia and Turkey. Some have received specialized training at the Turkish military schools, Gendarmerie and Coastguard Academy, Gendarmerie Commando School, Police Academy and other institutions in Turkey. In 2018 Turkey provided US\$1.4 million of logistic aid.<sup>68</sup>

#### 40 | Gender training

No gender training is conducted at the GAF Training School.<sup>69</sup>

#### 41 | GBV training

No GBV training is conducted by the GAF.

The CSO Safe Hands for Girls provided GBV training for two or three batches of GAF personnel who were deploying to Darfur.<sup>70</sup>

#### 42 | Requirement to mainstream gender in training

No requirement exists.

#### 43 | Physical requirements in training

As mentioned under Indicator 23 above, women are usually allowed more time to complete physical tests like running.

#### 44 | Training on safety and healthcare

No training is provided.

#### 45 | Trainers

In total there are six women posted at the GAF Training School out of a total of 145 personnel (4.14 per cent). Two of these women are officers.<sup>71</sup>

It is unknown how many of the women are trainers, nor whether any of the trainers specializes in gender.

At the Training School the GAF conducts its own pre-deployment training for peacekeeping missions.<sup>72</sup>

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## Accountability

Article 187 of the Constitution states that it shall be the duty of the members of the GAF to respect the fundamental rights and freedoms of other persons.<sup>73</sup>

#### 46 | Internal oversight mechanisms/bodies

The Military Police, the Inspector General's Office and the Adjutant General provide internal oversight of the GAF.

#### 47 | External oversight mechanisms/bodies

The Office of the Ombudsman provides external oversight of the GAF, as it has jurisdiction over all public offices.<sup>74</sup>

Its 2014 report notes nine cases of complaints registered against the GAF.<sup>75</sup>

#### 48 | Formal and informal mechanisms for CSOs and other external oversight actors

None exists.

## Data on discrimination, sexual harassment and GBV

#### 49 | Compilation, publication and analysis of cases of discrimination, sexual harassment and GBV perpetrated by GAF personnel

None exists.



# RECOMMENDATIONS

This section makes recommendations for the GAF to consider in the current process of SSR in The Gambia. It is understood that many of these recommendations may require additional financial resources that are beyond the immediate control of the GAF. However, several recommendations are not dependent on financial resources.

Gender equality is integral to SSR, thus it is important

that gender mainstreaming is addressed at strategic-level discussions of the GAF's institutional-level reforms.

Please note that any reference to targets for women should not affect the required skill or competency levels for the positions in question. Consider developing innovative ways for men and women to prepare better to attain such qualifications.

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## INSTITUTIONAL STRUCTURE

1. Formalize the mandate and functions of the Gender Unit, and its operational relationship with other GAF directorates and units, including the Child Welfare Unit. Ensure that the mandate and functions are well communicated throughout the different branches of the GAF and all its camps.
  - ▶ The principal function of the Gender Unit may be to provide support to the GAF in mainstreaming gender throughout the institution. This could have a double-hatted element without replacing existing structures within the GAF. The Gender Unit could focus on two areas: internal issues of the GAF, and its operations. Internally, the Gender Unit could support the GAF's capacity to address the different needs of women and men employed in the GAF; operationally, the Gender Unit could support the GAF's capacity to address the different security needs of women, men, girls, boys and other marginalized groups in its activities.
  - ▶ When the functions of the Gender Unit are formalized, develop the technical, advisory and training capacity of the staff of the Gender Unit and the Gender Focal Point officers to enable the unit to fulfil its mandate.
  - ▶ Provide the Gender Unit with a regular budget, necessary personnel and material resources to enable it to fulfil its mandate.
  - ▶ Relating to the policies referenced below, the Gender Unit's mandate to mainstream gender could include ensuring that the GAF's policy framework mainstreams gender throughout. The Gender Unit can play a key role in leading a participatory and inclusive process to review and/or develop policies related to gender.

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## INSTITUTIONAL POLICIES AND PROCEDURES

1. Develop an institution-wide gender policy that requires gender mainstreaming in all aspects of the GAF, and which is in line with The Gambia's national policies related to gender.
  - ▶ Consider reviewing all SOPs that include specific sections directed only to women officers and soldiers and requiring Gender Focal Point officers to ensure compliance with such orders. Consider integrating specific details for women and/or men when necessary throughout the SOPs, in their relevant sections.
2. Consider reformulating the provisions in the TACOS related to the prohibition of marriage at certain points in the career of GAF personnel, as it is in conflict with the Women's Act (2010). Consider clearly identifying the operational requirements and restrictions associated with specific ranks or positions, rather than linking them to marriage.
3. Consider removing the provision in the TACOS that retires unmarried women if they are found to be pregnant while in service, as it is in conflict with the Women's Act (2010).
4. Develop a code of conduct that is gender-responsive and effectively disseminated to all branches and barracks of the GAF.
  - ▶ Include elements in the code of conduct that address the conduct of men and women towards their colleagues, as well as their conduct towards the Gambian population.
5. Develop an anti-sexual harassment policy for the workplace that is in line with the Gambia's national policies related to gender.
  - ▶ Develop specific administrative procedures to accompany the policy to enable men and women victims to report cases of sexual harassment.
6. Develop a policy on protection from sexual exploitation and abuse, in particular for troops that are deployed to peace support operations.

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## INSTITUTIONAL CULTURE

1. Develop ways to communicate that gender equality is integral to the institutional culture of the GAF, in particular in messages from senior levels of the GAF.
2. Provide training and mentoring support to all commanding officers on effectively commanding men and women, in particular subordinates of the opposite sex.
3. Encourage staff, particularly women, to develop informal networks and/or associations to support each other's career development.

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## RELATIONS WITH THE COMMUNITY

1. Develop initiatives at all camps to integrate better with their surrounding communities, such as "open house" days where community members can visit the camp.
2. Mainstream gender in operational planning to ensure that the communities living in the mission area are better protected because the specific needs of the different parts of the communities are taken into account.

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## PERSONNEL

1. Encourage the recruitment of more women, and develop innovative ways to promote women's presence within the GAF during recruitment campaigns.
  - ▶ Create recruitment targets and specific measures that will assist women in succeeding in basic training.
2. Consider including vetting procedures for men and women enlisting in the GAF to ensure new recruits have no record of committing crimes, including GBV and other human rights violations.
3. Make efforts to ensure that all selection boards related to enlistment, officer cadet training, promotions, etc. do not consist solely of men. Make efforts to ensure these panels and boards are mixed, to reflect the personnel population of the GAF.
4. Consider developing selection targets for women to deploy to peace support operations.

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## INSTITUTIONAL CAPACITY

1. Develop gender training at the GAF Training School that is compulsory for all personnel.
  - ▶ Gender training, whether it is a course or several modules, could include the following topics: gender and security, gender mainstreaming, sexual harassment in the workplace, GBV, conflict-related sexual violence and sexual exploitation and abuse.
    - Mainstream gender in all training courses, including pre-deployment training for peace support operations.
2. Consider developing a target for ensuring there is a good ratio of male and female full-time trainers at the GAF Training School.
3. Adapt all the GAF's infrastructure to accommodate the needs of men and women, such as building women's toilets at all GAF camps.
4. Adapt all GAF uniforms for different types of bodies, including women and pregnant women.

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## ACCOUNTABILITY

1. Develop the specialized skills of the Military Police, the Inspector General's Office and the Adjutant General's Office relating to gender and gender mainstreaming.
2. Develop formal and informal relationships with external actors of the GAF, such as CSOs, to play a role in external oversight of the institution.
3. Continue disaggregating all GAF statistics by sex, category (officer or soldier), rank and any other relevant markers.
4. Collect statistics within the GAF for cases on gender or sex-based discrimination, sexual harassment and GBV. Disaggregate these statistics by category of case, sex of the complainant and accused, and the result of each case.

## Endnotes

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- 15 Mai Touray, note 5 above.
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- 17 Gambia Armed Forces (2017) Terms and Conditions of Service – Gambia Armed Forces (Officers) – Revised Regulations, Art. 17, p. 15; Gambia Armed Forces (2017), Terms and Conditions of Service – Gambia Armed Forces (Soldiers) – Revised Regulations, Art. 14, p. 14.
- 18 Gambia Armed Forces (Officers), *ibid.*, Arts 18–23, pp. 16–17; Gambia Armed Forces (Soldiers), *ibid.*, Arts 15–20, pp. 14–15.
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- 21 Ibid., Art. 62, p. 36.
- 22 Mai Touray, note 5 above.
- 23 Gambia Armed Forces (Officers), note 18 above, Art. 65(1), p. 36.
- 24 Ibid., Art. 65(2), p. 37.
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- 33 Gambia Armed Forces, note 13 above, Art. 21, p. 23.
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- 39 Lorraine Serrano (2019) "Results of survey for members of civil society organizations", conducted at DCAF workshop for CSOs, 16–17 July, National Nutrition Agency, Bakau.
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- 43 Mai Touray, note 5 above.
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- 45 Ibid.
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- 49 Gambia Armed Forces (Officers), note 18 above, Art. 24(2), p. 17.
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- 62 Ibid.
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## 4 | GAMBIA POLICE FORCE

Section 178 of the 1997 Constitution establishes the powers of the Gambia Police Force (GPF), which are further defined in the 2019 NSP as follows:<sup>1</sup>

- The preservation of law and order.
- Protection of life and property.
- The prevention and detection of crime.
- The apprehension of offenders.
- The due enforcement of all laws and regulations with which they are charged.
- Overseeing the implementation of the Private Security Guard Company Act 2011, supervision of all private security companies and training personnel of private security companies.

In November 2019 the Constitutional Review Commission released a proposed draft Constitution for public scrutiny. The objects and functions of the GPF in the

proposed draft are as follows:<sup>2</sup>

- strive for the highest standards of professionalism and discipline among its members
- prevent corruption, and promote and practise discipline, transparency and accountability
- have utmost respect for the rule of law, which shall at all times guide the execution of its duties and responsibilities
- comply with standards of human rights and fundamental freedoms and respect for human dignity
- train staff to the highest possible standards of competence and integrity
- foster and promote harmonious relationships with the broader Gambian society.

### Institutional structure

#### 1 | Organizational structure

##### Organigram of the GPF

- Inspector General of Police/Deputy Inspector General
  - Police Intervention Unit (PIU) on Special Operations
  - Complaints and Human Rights Unit
  - Procurement Unit
- Assistant Inspector General of Police (AIG) Administration
  - Finance
    - Budgeting Unit
  - Logistics
    - Police Garage
    - Police Estate
    - Engineering Unit
    - Tailoring Unit
    - Stores
  - Police Band
  - Police Medic
  - Public Relations Office
  - Sports
  - Human Resources
  - Registry

- Welfare Unit
- Peacekeeping Support Office
- Communication, Information and Technology System
- Licensing
- Support staff
- AIG Operations
  - Commissioner of Police (CP) Operations
    - CP Banjul
    - CP Kanifing Municipal Council
    - CP West Coast Region
    - CP North Bank Region
    - CP Lower River Region
    - CP Central River Region
    - CP Upper River Region
    - CP PIU
    - CP Mobile Traffic
  - Crime Management Coordinator
    - Criminal Investigation Department
    - Criminal Intelligence and Interpol Bureau
    - Child Welfare
  - CP Prosecution and Legal Affairs

- AIG Policy, Planning and Training Coordination
  - Planning Unit
  - Community Policing Unit
  - Training Coordinator
  - Internal Audit
  - International Relations and Protocol
  - Inspectorate Unit
  - Police Training School
  - Interior Academy

## 2 | Ranks and positions

In 2015 the GPF introduced three new ranks, which are mixed with the old ones: assistant inspector general of police, assistant commissioner of police and deputy superintendent of police.<sup>3</sup> The following ranks are currently in use:

- Inspector General of Police
- Deputy Inspector of Police
- Assistant Inspector General of Police (AIG)
- Commissioner of Police
- Deputy Commissioner of Police
- Assistant Commissioner of Police (ACP)
- Chief Superintendent of Police
- Superintendent of Police
- Deputy Superintendent of Police (DSP)
- Assistant Superintendent of Police (ASP)
- Cadet Assistant Superintendent of Police (CDT/ASP)
- Chief Inspector of Police
- Inspector of Police
- Cadet Inspector of Police (CDT Insp)
- Sub-Inspector of Police
- Sergeant Major
- Sergeant
- Corporal
- Constable First Class
- Police Constable (PC).

There are also civilian support staff of the GPF, including office cleaners, caretakers and gardeners.

## 3 | Internal gender structures

There is a Gender and Child Welfare Unit, based at Police Headquarters in Banjul. Gender and Child Welfare officers are trained to provide support to stations and are posted to almost all police stations.<sup>4</sup>

## 4 | Coordination mechanisms

The Gender and Child Welfare Unit consults regularly with the GPF Human Rights Unit and Public Complaints and Professional Standards Unit to review cases.

The GPF collaborates with the National Agency against Trafficking in Persons, in particular the agency's investigators and prosecutors, to stop human traffickers.<sup>5</sup>

The GPF and The Gambia Tourism Board work in collaboration to sensitize and raise the awareness of the public on child sex tourism and other forms of sexual exploitation.<sup>6</sup>

The GPF also coordinates with the Female Lawyers Association of the Gambia, The Gambia Press Union, the Women and Gender Bureau and UN specialized agencies on issues of gender equality and people living in vulnerable situations.

## 5 | Custody facilities

Custody infrastructure includes separate cells for men and women detainees. Female detainees are strictly attended to by female police officers.

## 6 | Data on GBV cases reported to the police

In the crime statistics reports for 2018, aside from rape, the statistics do not disaggregate data to identify other forms of GBV.<sup>7</sup>



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## Institutional policies and procedures

### 7 | Institutional gender policy

An institutional gender policy has recently been drafted and is now awaiting validation.

### 8 | Code of conduct

The conduct of GPF officers is regulated by the Force Standing Orders (FSO) booklet. As the content of the booklet is partly obsolete, the GPF is currently drafting a new institutional policy book with support from UNDP. The new policy book includes among other things a code of conduct and a sexual harassment policy.

### 9 | Human resource policies

Human resource policies are included in the FSO booklet. As noted under Indicator 8, the GPF is currently drafting a new institutional policy book, which will include a code of conduct and a sexual harassment policy.<sup>8</sup>

On human resource issues affecting women that are not explicitly mentioned in the FSO booklet, the GPF follows the provisions of the Women's Act.

### 10 | Policy on sexual harassment

In line with ongoing SSR institutional policy development processes, the GPF has recently drafted a sexual harassment policy as part of the new Institutional Policy Book that is now awaiting approval. The policy addresses sexual harassment and sexual abuse in the GPF.

### 11 | Policy on protection from sexual exploitation and abuse

The GPF has recently drafted a policy on protection from sexual exploitation and abuse that is now awaiting approval.

### 12 | Policy on gender mainstreaming

None exists.

### 13 | Procedures for responding to GBV perpetrated by GPF personnel against the public

The public may file a complaint of GBV against a member of GPF personnel at any police station, and particularly to the Gender and Child Welfare Unit.

### 14 | Procedures for responding to gender-based discrimination (and other forms of discrimination)

Unknown.

### 15 | Procedures for responding to cases of sexual harassment

Unknown.

### 16 | Strategies to implement policies and procedures related to gender

Unknown.

## Institutional culture

### 17 | Information provided at recruitment about the institution's commitment to gender equality and human rights

Unknown.

### 18 | Personnel's perception on gender and women's advancement

Unknown.

### 19 | Senior personnel's commitment to and leadership on gender

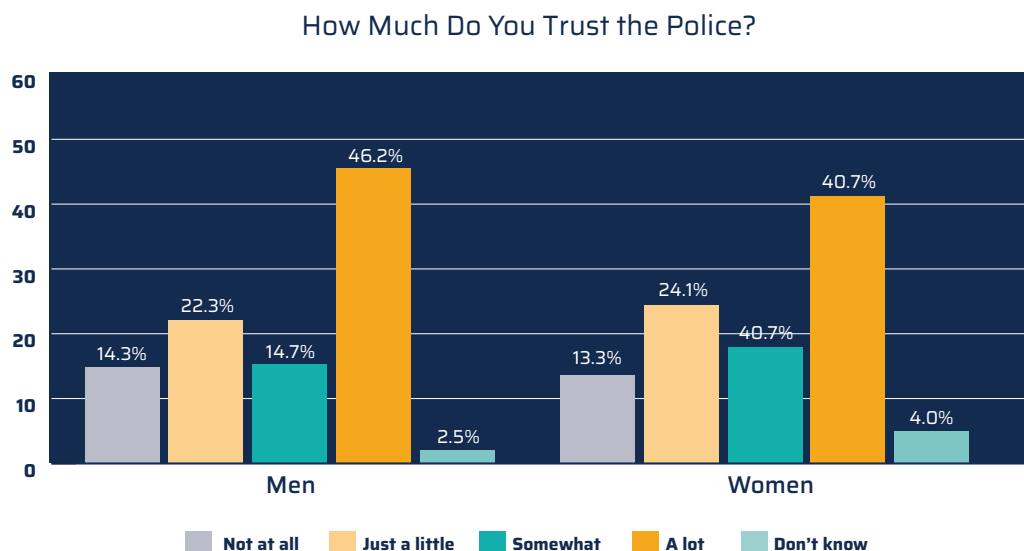
Unknown.

## Relations with the community

### 20 | Community perceptions of the GPF

The Afrobarometer survey for 2018 found that 40.7 per cent of women and 46.2 per cent of men trust the police “a lot”, while 13.3 per cent of women and 14.3 per cent of men do not trust the police “at all”.

Figure 1: Trust in the GPF



Source: Afrobarometer, 2018.

An unpublished DCAF study of perceptions of security by the Gambian population in 2019 found that:

- ▶ 52.05 per cent of men and 56.91 per cent of women said they felt “safe” when asked if they felt safe when meeting police personnel.
- ▶ among the same respondents, 37.15 per cent of men and 30.37 per cent of women felt “very safe”.

During a workshop in Bakau in July 2019, attended by representatives of various CSOs, 18 participants completed a survey about their perceptions of the GPF.<sup>9</sup>

- ▶ Twelve participants felt that the GPF has a good relationship with communities.
- ▶ Five participants did not feel that the GPF has a good relationship with communities.
- ▶ Twelve participants claimed to know where to make

a complaint about the GPF, if needed. One participant said the Public Relations Office. Four participants said the Police Discipline and Complaints Unit, but one of them said this unit is only located at headquarters, not in any of the regions. One said the Ombudsman. Two participants said to any police station.

- ▶ Four participants did not know where to go.
- ▶ Five participants felt that complaints made by the public are taken seriously by the GPF.
- ▶ Five participants felt that the GPF does not take complaints seriously.
- ▶ Seven participants did not know how the GPF views complaints.
- ▶ None of the participants knew anyone who had been a victim of a crime committed by the GPF.

When asked about their **general opinion of the GPF**, their responses included the following.

*“Their conditions need to be improved in order to reduce corruption among them. There is huge corruption among the GPF because of the low salaries.”*

Male CSO representative from Lower River Region

*“Police are working tirelessly. They protect people’s property even though they have shortcomings.”*

Male CSO representative

*“GPF is doing well in the area of investigation of criminal cases and child protection incidents.”*

Female CSO representative from Western Region

*“Very corrupt. They always compromise gender-based violence abuse cases.”*

Male CSO representative from Upper River Region

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When asked **what the GPF does well**, some of the responses were as follows.

*“The night patrol being introduced in LRR [Lower River Region] and the introduction of community policing by them.”*

Male CSO representative and focal person from North Bank Region

*“Protection of citizens and their properties. The recent handling of the former junta member Yankuba shows a lot of professionalism.”*

Male CSO representative from Western Region

*“The anti-crime unit is doing well in preventing crimes and tracing perpetrators.”*

Male CSO representative from Western Region

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When asked **what the GPF does not do well**, the responses included the following.

*“Collecting bribes and unnecessarily stopping vehicles on the highway.”*

Male CSO representative from North Bank Region

*“Human relations are not good. They are always shouting at suspects which is not professional.”*

Female CSO representative from Western Region

*“Unnecessary arrest and detention without trials.”*

Male CSO representative from Upper River Region

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When asked **what the GPF can do to improve its relationship with communities**, the responses included the following.

*“Continue to improve on their community policing activities with Gambian communities especially in the urban areas.”*

Male CSO representative from Western Region

*“To maintain the good relationships with the communities. Respond immediately and constructively.”*

Female CSO representative from Western Region

*“Police should strengthen their relationship by doing more sensitization and also participate in community gatherings.”*

Male CSO representative

## 21 | Personnel’s perception of the GPF’s relationship with communities

Unknown.

# Personnel

## 22 | Total strength

Table 1 shows the numbers of GPF personnel at the various locations. Disaggregation by sex was unavailable.

Table 1: GFP personnel disaggregated by location and rank

	AIG	DSP	ACP	ASP	DSP/ASP	CDT ASP	D/Comm	Comm	C/Supt	D/Supt	Supt	CIP	CDT Insp	Insp	Sub Insp	S/Mjr	Sgt	Cpl	1st CC	PC	Sfn Driver	Sfn Scribe	Total	Traffic	Grand total	
Banjul City Council	1				1							1			5		2	6	8	4	1	1	1	29		
	2			1										2	1			6	9	1		1	1	21		
	3			1										1	2			3	4	5	5		1	22		
	4			1								3		4	5			5	14	9		1	1	42		193
	5			1											2			2	11	7		1	1	24		
	6			1									1		2			4	6				1	15		
	7			2									1		5	3		5	14	9	1			40		
North Bank Region	1			1								4		4	2		10	19	11		1	1	1	53	4	
	2				1							2		2	4		4	6	12			3	1	35		
	3			1											1		2	3	2	3	2	2		14		
	4																	1	4					5		
	5													1	1		1	2	3					8		
	6														1			1	4	3			1	10		
	7				1													2	2	2			1	6		243
	8				2					1			6	1	11		10	14	14			2	1	62		
	9													1	1			2	3	2	2		1	10		
	10				1													2	1	4	1			9		
	11													1	1				1	4	1			8		
	12				1								1		1			1	3	8	1		1	17		
	13																		3	3				6		

		AIG	DSP	ACP	ASP	DSP/ASP	CDT ASP	D/Comm	Comm	C/Supt	D/Supt	Supt	CIP	CDT Insp	Insp	Sub Insp	S/Mjr	Sgt	Cpl	1st CC	PC	S/m Driver	S/m Scribe	Total	Traffic	Grand total	
	1	Janjangbureh Police Station			1						1		1		1	1			5	4	4	7	1		22		
	2	Bansang Police Station	1		1								2			5			3	11	11	2	1	1	38	3	
	3	Brikama-Ba Police Station			1								1		1	4			2	7	6	2	1	1	25		
	4	Fulabantang Police Post													1				5	1	1	1	1		9		
	5	Jareng Police Station				1							1			1			2	6	4	4	1	1	20		
Central River Region	6	Kaur Police Station			1								2			3			3	5	7	1	1	1	23		192
	7	Njau Police Station			1										1	2				4	3			1	12		
	8	Kuntaur Police Station			1								1		3	1				6	9	1	1	1	23		
	9	Fredaws Police Station											1		1				1	1	2	1	2	1	10		
	10	Karantaba Police Post													1	1			2		2				6		
	11	Dankunku Police Post														1				3					4		
	1	Basse Police Station			1								2		3	4			6	17	23	3	3	1	63	13	
	2	Bakadagi Police Station			1										1	2			1	6	4	3	1	1	19		
Upper River Region	3	Sare Ngai Police Station													1	1			3	4	4	3	1	1	18		128
	4	Diabugu Police Station											1			1				2	3	2		1	10		
	5	Fatoto Police Station			1										1	3			1	3	3	3	2	1	18		
	1	Mansakonko Police Station				2							2		5	4			7	18	11	1	3	1	54	11	
	2	Soma Police Station			1										1	1			4	12	7	2		1	29		
	3	Jappineh Police Post			1											1				1	5	3	1	1	12		
	4	Bureng Police Station			1								1		1	1			4	3	5	1	1	1	19		
Lower River Region	5	Kolior Police Post													1	1			1	3	3	1	1	1	11		171
	6	Kwinella Police Station			1										1	1			3	4	3	1	1	1	15		
	7	Keneba Police Station			1											1				2	5			1	10		
	8	Pakaliba Police Post			1										1	1			1	3	4	2	1	1	14		
	9	Kaif Police Post														1				2	2	2			7		



	AIG	DSP	ACP	ASP	DSP/ASP	CDT ASP	D/Comm	Comm	C/Supt	D/Supt	Supt	CIP	CDT Insp	Insp	Sub Insp	S/Mjr	Sgt	Cpl	1st CC	PC	S/m Driver	S/m Scribe	Total	Traffic	Grand total	
1	Brikama Police Station				5							6		10	16			10	45	34		4		130	31	
2	Brikama Nyambai Post			1								1			2		1	7	9			1		22		
3	Brikama Suba Ward Police Post			1								1		1			2	5	8			1		19		
4	Madina Police Station			1								1		2	3		3	8	9			1		28		
5	Kabafira Police Post			1								1		1			2	11	9	1		1		27		
6	Brikama Gidda Police Post				1								1					5	11	1		1		20		
7	Mandinaba Police Station			1								1		3	5		4	16	14	3	1	1		49		
8	Giboro Police Post			1								2		1	2		6	4	12	1	1	1		31		
9	Siffoe Police			1								2			1		2	6	5	1		1		19		
10	Gunjur Police Station			1								1		4	6		2	9	12	1	2	1		39		
11	Sanyang Police Station			1								3			3		4	12	8	1	2	1		35		
12	Tujereng Police Station			1										2	3		3	15	7	2	2			35		
13	Farato Police Post			1								1		2	1		3	6	9	1		1		25		
14	Old Yunhum Station				2							2		3	15		6	21	27	2		1		79	11	
15	Kunkujang Police Post			1								1		2	1		2	11	9	2		1		30		
16	Lairya Police Post			1										1				5	5	1		1		14		
17	Wellingara Police Station	1		1								4		4	9		9	12	18	2	1	1		62		
18	Sukuta Police Post	1										1		2	5		4	11	9	3		1		37		
19	Brusubi Police Station				5							5		4	11		12	16	37	2	3	1		96	15	
20	Airport Police Station			4			1					3		6	5		6	7	12	9	2	1		56		
21	Mandinary Police Post			1								1			3		3	6	5			1		20		
22	Yundum Police Station	1		1								4		6	7		17	24	25	1	2	1		89		
23	Sibanor Police Station			1						1		2		1	5		3	9	10			1		33		
24	Somita Police Post			1								1		1	2		1	5	6			1		18		
25	Kalagaj Police Post			1								1		2	1		3	8	7		1	1		25		
26	Bwiam Police Post			1										2	5			4	5	1	2	1		21		

West Coast  
Region

1,059

	AIG	DSP	ACP	ASP	DSP/ASP	CDT ASP	D/Comm	Comm	C/Supt	D/Supt	Supt	CIP	CDT Insp	Insp	Sub Insp	S/Mjr	Sgt	Cpl	1st CC	PC	Sfm Driver	Sfm Scribe	Total Traffic	Grand total
1		1		1								1		6	5		9	18	11	1			1	54
2												1			1		3	1	6	1			1	14
3		1										1		1	4		5	9	13	2	2		1	39
4				1										1	1			4	3	2			1	13
5		1		1								2		6	4		8	9	15	2			1	49
6				1										1	4		1	7	6	2			1	23
7		1		3								6		7	8		13	17	14	3	1		1	74
8				1								1		2	2		8	8	6				1	29
9														2	2		3	1	4	2			1	15
10				1								2		1			3	3	5	1			1	17
11				1										1	1			5	8	1			1	18
12				1								1			1			5	9	2			1	20
13				1								1			2		1	3	6				1	15
14				2								3		5			4	5	7	2			1	29
15				1										3	1		3	10	4	4			1	27
16				1								1		3	1		6	8	6	1			1	28
17						3					1	3		2	4		2	9	13	2	1		1	41
18				1													2	5	8				1	17
19				1											2		1	4	7				1	16
20				1								1		1	3		1	8	7				1	23
21				1								1		1	2		2	8	3				1	19
22						3						1		7	5		9	18	26	1	2			72
23				1										1	2		1	5	5	1			1	17
24				1								1		1			1	3	11	2			1	21
25				1								2		1			4	6	5				1	20
26				1										1			2	5	4	2			1	16
27				1								1		2	4		2	8	9	3			1	31
28			1	1					1	1		4		12	10		17	58	15	3			1	124
29			1									2		5	12		15	28	10	2			1	76
30				4							1	2		1	2									10



		AIG	DSP	ACP	ASP	DSP/ASP	CDT ASP	D/Comm	Comm	C/Supt	D/Supt	Supt	CIP	CDT Insp	Insp	Sub Insp	S/Mjr	Sgt	Cpl	1st CC	PC	Stm Driver	Stm Scribe	Total	Traffic	Grand total	
	1														4	1			2	6	4				17		
	2							1				1	1		1	1				4		1			10		
	3												2							2	1				5		
	4											1	4		4	3			1	13		1			27		
	5															3			5	8	2	3			21		
Technical units	6				1							2	6		7	7			14	34	8	14			93		547
	7		1		1								2		1	2			11	42	63	1			124		
	8		2		3					1		1	9		2	15			9	15	27	5			90		
	9		1	1	5				1			3	2		2	5			10	5	4				39		
	10			1	2								11		15	23			16	37	11	5			121		
Total		2	17	8	129	24	2	4	5	13	4	41	177	4	277	474	1	650	1,581	1,506	362	51	87	5,420	88	5,420	

Source: Adapted from GPF (undated) "GPF estimated strength", internal document.

## 23 | Ranks of personnel

The numbers of personnel in each rank in the GPF are shown in Table 1. Disaggregation by sex was unavailable.

Several women in the GPF are at, or above, the rank of superintendent.<sup>10</sup>

## 24 | Distribution of staff across the country

The numbers of GPF personnel at each location are shown in Table 1. Disaggregation by sex was unavailable.

## Recruitment and selection

### 25 | Eligibility requirements for recruitment

The GPF recruitment policy makes a commitment to "equal opportunity for all", in line with employment laws and anti-discrimination legislation of The Gambia. It also mentions its commitment to UN standards of gender mainstreaming and equal opportunities in employment.<sup>11</sup>

In general the eligibility requirements are the same for men and women, except for the criterion on height:

- men must be at least 1.65 metres tall
- women must be at least 1.60 metres tall for all categories of vacancies.

### 26 | Recruitment targets and quotas

At the interview panel phase of the recruitment process, the panel should consist of seven members, of whom one must be a senior female police officer with a minimum rank of ASP.<sup>12</sup>

### 27 | Specific measures for the recruitment of women

None exist.

### 28 | Vetting procedures for GBV and other human rights violations

In the recruitment process there is a vetting procedure that conducts a criminal records check, with the support of the Criminal Record Office and the Criminal Intelligence Unit.<sup>13</sup>

### 29 | Positions/units in which women or men cannot serve

Women and men can serve in all positions.

## Retention

### 30 | Rate of attrition

Unknown.

### 31 | Specific measures for retention

None exist.

### 32 | Informal restrictions affecting retention

Unknown.

### 33 | Staff associations

The Women Police Network Association was recently established. Membership is voluntary, and to date all women in the police have joined the association. Its main objective is to advance the agenda of female police officers, especially regarding their career aspirations, professional development and economic sufficiency. Membership of the Women Police Network Association is not limited to female police officers – male police officers are encouraged to join the association.

## Promotions and remuneration

### 34 | Data on promotions

Unknown.

### 35 | Specific measures for the advancement of women

When establishing a regional appraisal/promotion board, the GPF's guidelines require that one of the six designated members must be the most senior female police officer in the region.<sup>14</sup> At the superior police officer level, the Police Promotions Board also includes the most senior female police officer.<sup>15</sup>

The GPF Guidelines for Promotions state that a promotion will be withheld from any candidate who has a personal record revealing a pending disciplinary process for gross misconduct, such as a human rights violation, torture, extrajudicial execution, rape, etc. If the candidate is cleared of any disciplinary charge, he/she may be considered for a promotion at par with other colleagues of the same seniority.<sup>16</sup>

### 36 | Equal pay for the same rank/position

Unknown.

## Special assignments, secondments and deployments

### 37 | Personnel on special assignments, secondments or deployments

The GPF started deploying personnel to UN peacekeeping operations in 1998, and it also deploys personnel to African Union peace support operations.<sup>17</sup>

In 2018 the GPF deployed 124 personnel, of whom 94 were men and 30 were women, so women represented 24 per cent of the police deployments for that year. It is thus likely that the GPF will exceed the target of 15–35 per cent for 2025 set by the UN Secretary-General's Uniformed Gender Parity Strategy for peacekeeping personnel, including police contingents.<sup>18</sup>

As of 30 September 2019, The Gambia had deployed 63 individual police officers (IPOs) to UN peacekeeping operations, all drawn from the GPF: seven IPOs to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (all men), 36 IPOs to UNAMID (32 men and four women) and 20 IPOs to the UN Mission in South Sudan (15 women and five men).<sup>19</sup>

The GPF conducts its own pre-deployment training at its Peace Support Office and Peacekeeping Training Centre.<sup>20</sup>

### 38 | Eligibility requirements and selection process

Unknown.

## Infrastructure and equipment

### 39 | Adapted infrastructure

Unknown.

### 40 | Housing for families

Unknown.

### 41 | Adapted equipment

Unknown.



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## Institutional capacity

### Training

#### 42 | Gender training

Unknown.

The GPF conducts its own pre-deployment training at its Peace Support Office and Peacekeeping Training Centre in line with the UN core pre-deployment training material and standardized training materials.<sup>21</sup> These include modules on gender.

The GPF has developed, in collaboration with the Institute for Human Rights and Development in Africa, a human rights training manual.<sup>22</sup>

#### 43 | GBV training

Unknown.

The Women and Gender Bureau has developed a training manual on prevention of GBV for the GPF.<sup>23</sup>

In 2012 the Department of Social Welfare and the UN Children's Fund (UNICEF) developed a child protection training manual for the GPF that was mainstreamed into

the training curriculum of the Gambia Police Training Academy.<sup>24</sup>

The Ministry of Justice, in collaboration with UNICEF, conducted a series of nationwide training sessions for the GPF on the handling of female victims of violence under the Domestic Violence Act 2013 and the Sexual Offences Act 2013.<sup>25</sup>

#### 44 | Requirement to mainstream gender in training

None exists.

#### 45 | Physical requirements in training

Unknown.

#### 46 | Training on safety and healthcare

Unknown.

#### 47 | Trainers

Unknown.

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## Accountability

#### 48 | Internal oversight mechanisms/bodies

Within the GPF there is a Human Rights and Complaints Unit that receives complaints about human rights abuses by its personnel. The unit currently receives an average of four complaints per day.<sup>26</sup> There is a police complaints system.<sup>27</sup>

#### 49 | External oversight mechanisms/bodies

The Office of the Ombudsman provides external oversight of the GPF, as it has jurisdiction over all public offices.<sup>28</sup>

In its 2014 report four cases of complaints were registered against the GPF.<sup>29</sup>

There is a multi-sectoral Prison's Committee mandated to monitor the affairs of prisoners and to promote and protect their rights and interests.<sup>30</sup>

#### 50 | Formal and informal mechanisms for CSOs and other external oversight actors

There is a partnership with the Institute for Human Rights and Development in Africa and the Association of Non-Governmental Organizations in The Gambia (TANGO), as well as with other security institutions, to train officials and senior management on human rights best practices.<sup>31</sup>

The GPF collaborates with The Gambia Family Planning Association in assisting teenage girls in cases of abuse.<sup>32</sup>

### Data on discrimination, sexual harassment and GBV

#### 51 | Compilation, publication and analysis of cases of discrimination, sexual harassment and GBV perpetrated by GPF personnel

Data do not exist.

## RECOMMENDATIONS

These are suggested recommendations for the GPF to consider in the current process of SSR in The Gambia. It is understood that many of these recommendations require additional financial resources that may be beyond the immediate control of the GPF. However, several recommendations are not dependent on financial resources.

Gender equality is integral to SSR, thus it is important

that gender mainstreaming is addressed in strategic-level discussions of the GPF's institutional-level reforms.

Please note that any reference to targets for women should not affect the required skill or competency levels for the positions in question. Consider developing innovative ways for men and women to prepare better to attain such qualifications.

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### INSTITUTIONAL STRUCTURE

1. Disaggregate crime statistics by forms of GBV, including domestic violence. Also include in crime statistics the sex and ages of victims, in particular for cases of GBV.

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### INSTITUTIONAL POLICIES AND PROCEDURES

1. Develop an institution-wide gender policy that requires gender mainstreaming in all aspects of the GPF, and which is in line with The Gambia's national policies related to gender.
2. Validate the draft anti-sexual harassment policy for the workplace and ensure it is in line with The Gambia's national policies related to gender.
  - Develop specific administrative procedures to accompany the policy for men and women victims to report cases of sexual harassment.
3. Validate the draft policy on the protection of sexual exploitation and abuse, in particular for police that are deployed to peace support operations.
  - Develop specific administrative procedures to accompany the policy for men and women of all ranks to report cases of sexual exploitation and abuse, as well as for the public to report cases.

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### INSTITUTIONAL CULTURE

1. Develop ways to communicate that gender equality is integral to the institutional culture of the GPF, especially at its senior levels.
2. Provide training and mentoring support to all commanding officers on effectively commanding men and women, especially subordinates of the opposite sex.
3. Encourage staff, especially women, to develop informal networks and/or associations to support each other's career development.

---

### RELATIONS WITH THE COMMUNITY

1. Develop initiatives at all camps to integrate them better with their surrounding communities, such as "open house" days where community members can visit police stations.
2. Continue improving community policing activities, including making police stations more welcoming to communities.
3. Mainstream gender in operational planning to ensure that the communities living in the mission area are better protected because the specific needs of the different parts of the communities are considered in planning.

---

## PERSONNEL

1. Disaggregate all personnel statistics by sex, rank and geographic region.
2. Ensure that the commitments made in the recruitment policy are fully implemented.
3. Encourage the recruitment of more women, and develop innovative ways to promote women's presence within the GPF during recruitment campaigns.
  - Create recruitment targets and specific measures that will assist women in succeeding in basic training.
4. Consider developing selection targets for women to deploy to peace support operations.
5. Encourage women and men to create networks and/or associations to support each other in career development.

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## INSTITUTIONAL CAPACITY

1. Develop gender training for the GPF Training Academy that is compulsory for all personnel.
  - Gender training, whether it is a course or several modules, could include the topics of gender and security, gender mainstreaming, sexual harassment in the workplace, GBV, conflict-related sexual violence and sexual exploitation and abuse.
  - Mainstream gender in all training courses.
2. Develop specialized gender modules for personnel in Human Resources and the Training Academy's trainers.
3. Consider developing a target for ensuring there is a good ratio of male and female full-time trainers at the GPF Training Academy.
4. Develop training modules specifically to ensure that all personnel fully understand the Domestic Violence Act 2013 and the Sexual Offences Act 2013, as well as their implications for investigations and prosecutions. This includes ensuring personnel understand the specific measures required to interview victims of sexual offences and other forms of sexual violence and GBV effectively, as well as ensuring all personnel are knowledgeable about referral services for victims

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## ACCOUNTABILITY

1. Develop the specialized skills of the Human Rights and Complaints Unit on gender and gender mainstreaming, as well as on workplace sexual harassment.
2. Develop formal and informal relationships with external actors of the GPF, such as CSOs, to play a role in external oversight of the institution.
3. Collect statistics within the GPF for cases on gender or sex-based discrimination, sexual harassment and GBV. Disaggregate these statistics by category of case, sex of the complainant and sex of the accused, as well as the result of each case.

## Endnotes

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- 20 Gambia Police Force, note 17 above.
- 21 Ibid.
- 22 Attorney General’s Chambers and Ministry of Justice, note 4 above, p. 32.
- 23 Ibid.
- 24 Ibid., p. 93.
- 25 Ibid., p. 141.
- 26 Ibid., p. 32.
- 27 Ibid., p. 35.
- 28 Office of the Ombudsman (undated) “Power and jurisdiction”, available at [ombudsman.gm/?page\\_id=50](http://ombudsman.gm/?page_id=50) (accessed 14 February 2020).
- 29 Office of the Ombudsman (2014) “Ombudsman report 2014”, 30 December, p. 77, available at [ombudsman.gm/wp-content/uploads/2019/07/OMBUDSMAN-REPORT-2014.pdf](http://ombudsman.gm/wp-content/uploads/2019/07/OMBUDSMAN-REPORT-2014.pdf) (accessed 24 November 2019).
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# 5 | DRUG LAW ENFORCEMENT AGENCY, THE GAMBIA

The 2019 NSP states that the Drug Law Enforcement Agency, The Gambia (DLEAG) is the lead agency mandated to regulate and control drug abuse, illegal drug trafficking and related activities by enforcing the Drug Control Act 2003 and all international protocols and conventions relative to drugs signed and ratified by The Gambia.<sup>1</sup> The policy states the functions of the agency are to:

- enforce all laws, rules, regulations and policies regulating or controlling the abuse and trafficking of illicit drugs
- advise government through the ministry on drug-related matters

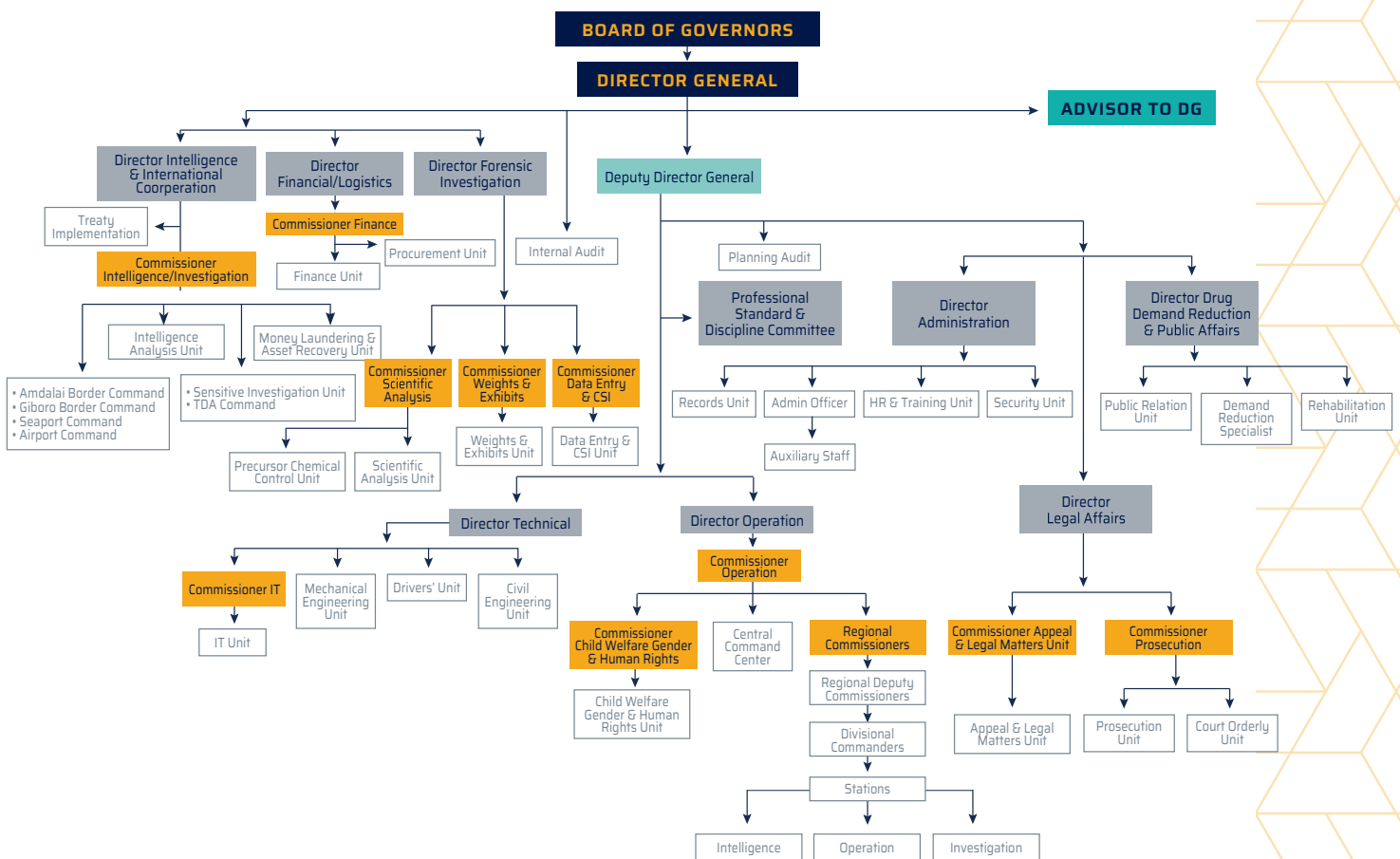
- control the abuse and misuse of controlled drugs
- sensitize the general public, particularly the youth, on the dangers of drug abuse.<sup>2</sup>

There is no mention of the DLEAG in the 1997 Constitution, as the agency was only created in its current form in 2005.<sup>3</sup> However, in the proposed draft Constitution released for public scrutiny by the Constitutional Review Commission in November 2019, the DLEAG is identified as part of the security services of The Gambia and of the National Security Council.<sup>4</sup>

## Institutional structure

### 1 | Organizational structure

Figure 1: Organizational structure of the DLEAG





## 2 | Ranks and positions

**Table 1: Structure of ranks in the DLEAG**

DLEAG rank structure			
	Director		
	Narcotic Control Commissioner	NCC	Commissioner
	Narcotic Control Deputy Commissioner	NCDC	Commissioner
	Narcotic Control Assistant Commissioner	NCAC	Commissioner
	Narcotic Control Chief Superintendent	NCCS	Chief Superintendent
	Narcotic Control Superintendent	NCS	Superintendent
	Narcotic Control Deputy Superintendent	NCDS	Deputy Superintendent
	Narcotic Control Assistant Superintendent	NCAS	Assistant Superintendent
	Narcotic Control Officer III	NCO III	Chief Inspector
	Narcotic Control Officer II	NCO II	Inspector
	Narcotic Control Officer I	NCO I	Sub-Inspector
	Narcotic Control Agent III	NCA III	Sergeant
	Narcotic Control Agent II	NCA II	Corporal
	Narcotic Control Agent I	NCA I	First Class

Sources: DLEAG (2016 Staff Code of Conduct: Revised edition January 2016, Appendix A, p. 15; DLEAG (2016 Staff Service Rules: January 2016, p. 5.

**Table 2: DLEAG classification of employees**

DLEAG classification of employees		
Category I	Special Grade	Director General and Deputy Director General
Category II	Fixed	NCC - Director
Category III	11-12	NCCS - NCDC
Category IV	9-10	NCAS - NCS
Category V	6-8	NCO I - NCO III
Category VI	3-5	NCA I - NCA III
Category VII	1-2	Cleaners and auxiliary staff

Source: DLEAG (2016 Staff Service Rules: January 2016, p. 6.

## 3 | Internal gender structures

### Child Welfare, Gender and Human Rights Unit

In 2015 the DLEAG created the Child Welfare Unit, adding gender and human rights to its functions in 2016. It was the last of the security services to have a Child Welfare, Gender and Human Rights Unit.<sup>5</sup>

The Child Welfare, Gender and Human Rights Unit is a decentralized body with headquarters located in Banjul. At headquarters there are eight members of staff (four women and four men), headed by a female commissioner. In addition to the headquarters, the unit has personnel posted at all stations, making a total of 18 staff.<sup>6</sup>

Any case involving women or children is referred to this unit or its personnel in the various stations. If a child or woman in Banjul needs to be detained, he/she is transported to the unit's headquarters.<sup>7</sup>

Currently there is no policy document or terms of reference establishing the roles and responsibilities of the Child Welfare, Gender and Human Rights Unit, but there are plans to develop this.<sup>8</sup> But regardless of the current lack of formal documentation, the activities of the unit are guided by the Children's Act 2005 and the Child Offences Act 2005.<sup>9</sup>

The unit does not have an annual budget. One of its challenges financially is having enough resources to feed alleged child offenders (ACOs) when they are detained. It has one two-door vehicle that is used to pick up women and children from other stations.<sup>10</sup>

The majority of the cases the unit sees concern ACOs. From the moment an ACO is apprehended, the unit is called and is responsible for taking the child into custody and questioning it. The unit is then responsible for providing food for the ACO, and for contacting the parents.<sup>11</sup>

Due to the societal taboo around narcotics, the unit spends a lot of time interacting with the ACOs' families. Social workers from the Department of Social Welfare help to support the unit, ACOs and their families. They also go to compounds where ACOs live to see what they are doing.<sup>12</sup>

In the unit's work regarding children, there are discrepancies between the Drug Control Act and the Children's Act. The unit does everything it can to ensure that an ACO is released.<sup>13</sup>

In the past, personnel outside the unit used to think that it was deliberately "throwing out" cases, but staff from the unit have been informally and successfully sensitizing their colleagues on the need for differentiated treatment for ACOs whenever cases were brought

to them. Moreover, most standing orders concerning suspects/offenders relate to adults, and do not take children into account.<sup>14</sup>

Cases are computerized, but there is only one functional computer at the unit's headquarters. The commissioner's computer acts as the central computer, but the unit always has written records ready as well in case it gets questions that cannot be answered by the computerized data.<sup>15</sup>

The DLEAG is the principal partner of the UN Office on Drugs and Crime in The Gambia, and has benefited from strengthening its capacities in gender.<sup>16</sup> But there is recognition at senior levels that more must be done to build the capacity of the unit.<sup>17</sup>

The staff of the unit are called upon to deliver human rights and gender sessions in basic training. They are also trying to organize training specifically for women in four categories on child protection issues. Some members of the unit took part in UNDP training on gender and SSR. They felt that the training was good, and it confirmed a lot of what they already knew. The unit is, however, looking for more professional, specialized training on gender that it can apply to its everyday work.<sup>18</sup>

Another function of the unit is to handle couples, who often go to the agency for support when they get into disputes or fights.<sup>19</sup>

In general, the unit would like all the DLEAG staff to pay more attention to the Children's Act.<sup>20</sup>

#### 4 | Coordination mechanisms

The Child Welfare, Gender and Human Rights Unit works with the Network for Gender-Based Violence on issues related to GBV and also liaises with other Gambian CSOs like the Child Protection Alliance. It works with the Women and Gender Bureau on gender.<sup>21</sup>

In its 2018 annual report the DLEAG disaggregated all data by sex for the first time, in addition to region, numbers convicted and category of drugs.<sup>22</sup>

When the Gambia Police Force (GPF) has to deal with drugs, it coordinates with the DLEAG.

Other DLEAG coordination mechanisms were not found.

#### 5 | Custody facilities

The headquarters of the Child Welfare, Gender and Human Rights Unit has a small detention center that can accommodate two or three youths.<sup>23</sup>

Other DLEAG custody facilities are not covered here.

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## Institutional policies and procedures

### 6 | Institutional gender policy

None exists. However, there are plans to draft a policy for the agency.<sup>24</sup>

### 7 | Code of conduct

The DLEAG has a Staff Code of Conduct that was revised in January 2016.

Complaints arising from a breach of the code are heard by the Professional Standard and Disciplinary Committee (PSDC), whose members are determined by the director general (DG) and can come from within or outside the DLEAG. The committee's recommendations for disciplinary measures on hearing or investigating complaints are forwarded to management.<sup>25</sup>

The code provides guidance on conduct that will result in disciplinary action, divided into three categories.

- i. **Discreditable conduct.** This includes an indecent act, skin bleaching, breach of confidence/trust, corrupt practice, falsehood or prevarication and drunkenness. Punishments include demotion with confinement to barracks for two weeks, termination or dismissal.<sup>26</sup>

Acts considered to be discreditable conduct include using one's authority to solicit or lure another member of staff into any form of sexual act while on duty; using a premises, office or vehicle of the DLEAG to carry out immoral acts; cajoling another member of staff into dating, romantic or sex-related acts; and using one's authority to date or sexually harass another staff member.<sup>27</sup>

- ii. **Gross misconduct.** This includes damage to property belonging to the DLEAG, disobedience to lawful order, insubordinate or oppressive conduct, neglect of duty and absence without leave/unproductivity. Punishments include extra duty for one week, confinement to barracks for one week, demotion and termination from the DLEAG.<sup>28</sup>

iii. **Misconduct.** This includes malingering, improper behaviour, unlawful or unnecessary exercise of authority and inappropriate comments/compliments. Punishments include a fine of 500 dalasi (1.0 dalasi equals 0.02 US dollars), confinement to barracks for two weeks and extra duty for seven days.<sup>29</sup>

Unlawfully touching another member of staff within an office or other premises of the DLEAG and assault of or verbally abusing another staff member or member of the general public are considered acts of misconduct.<sup>30</sup>

Complaints made under the code are categorized as follows.<sup>31</sup>

- i. **Inter-staff complaints.** Complaints against a staff member by another staff member are lodged through the complainant's supervisor, who will refer the matter to the PSDC. This category can include complaints by a staff member who is dissatisfied with the redress of a previous complaint - in this case, the complainant must submit a formal complaint in writing to management.
- ii. **Regimental complaints.** These are complaints made against junior officers by their immediate superiors or other officers above their rank, usually for defiance or general acts of insubordination.
- iii. **Civil complaints.** These are complaints made by the members of the general public against the staff of the DLEAG. Complainants must address the complaint in writing to the DG. The rate of complaints is very low; according to the records, only two civil complaints have been registered up to the present date. In these two cases an independent investigation was carried out and the punishment was demotion and confinement to barracks. However, most people are reluctant to file formal complaints, but many verbal complaints are expressed, especially on radio programmes.<sup>32</sup>

## 8 | Human resource policies

The DLEAG Staff Service Rules state that it derives its authority from, among other pieces of legislation, the Women's Act 2010.<sup>33</sup> On human resource issues affecting women that are not explicitly mentioned in the Staff Service Rules or the Staff Code of Conduct, the DLEAG makes reference to the Women's Act 2010.<sup>34</sup>

The final article of the Staff Service Rules is an equal opportunities statement, which states that DLEAG supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair

discrimination on grounds of gender, colour, race, nationality, ethnic origin, sex, religion, marital status, disability or HIV/AIDS status. It also states that every possible step shall be taken to ensure that individuals are treated equally and fairly and decisions on recruitment, selection, training, promotion, career management and development are based solely on objective and job-related criteria.<sup>35</sup>

### Marriage

A staff member who marries another staff member shall not work in the same region or unit of the agency.<sup>36</sup> If two staff members working in the same region or unit marry, the choice of which person has to move is determined by who was first posted in the unit. However, all cases of intermarriage in the agency have until now involved people who were not posted in the same unit.<sup>37</sup>

### Pregnancy, maternity leave and paternity leave

On **pregnancy**, any woman who becomes pregnant within the first two years after her confirmation in a post with the DLEAG will have her service terminated.<sup>38</sup> Women are expected to practise birth spacing for an interval period of not less than three years. Any woman who defaults will have her service terminated.<sup>39</sup>

On **maternity leave**, women are entitled to maternity leave with full salary for six months upon submission of a medical certificate.<sup>40</sup>

On **paternity leave**, any man whose spouse has delivered a baby is entitled to paternity leave with full salary for a period of ten working days.<sup>41</sup>

### Healthcare

All employees are entitled to medical and dental treatment from the DLEAG's retained doctors or government or private hospitals. The DLEAG may bear the cost of medical treatment and medication for all employees in The Gambia, subject to availability of funds.<sup>42</sup>

When a medical treatment recommended by the Medical Board is not available in The Gambia, the DLEAG may bear the expenses of treatment outside The Gambia after approval by the DG, subject to availability of funds.<sup>43</sup>

### Working hours

Official working hours are from 8 am to 6 pm, Monday to Thursday, except for those on shift duty.<sup>44</sup>

## Retirement

All staff (except staff on contract) are eligible for membership of the Social Security and Housing Corporation pension scheme to provide for retirement.<sup>45</sup>

All employees may retire from the DLEAG on reaching the age of 60; voluntarily retire upon attaining the age of 45; and retire by reason of marriage or physical or mental incapacity.<sup>46</sup>

## Family benefits in case of injury or death

After the death of an employee, his or her benefits shall be paid to the Curator of Intestate Estates or any other appointed administrator of the estate of the employee.<sup>47</sup>

## Psychosocial support

None exists.

## 9 | Policy on sexual harassment

Sexual harassment is not covered as a separate policy within the DLEAG.<sup>48</sup> Although the Staff Code of Conduct does not include the term “sexual harassment” explicitly, acts that would be considered sexual harassment are referred to as “indecent acts” and categorized as “discreditable conduct”, which will result in disciplinary action.<sup>49</sup> More specifically, an indecent act is committed by any staff member who:

- ▶ by virtue of his or her authority, solicits or lures another member of staff into any form of sexual act while on duty
- ▶ uses any premises, office or vehicle of the agency to carry out an immoral act
- ▶ persistently cajoles another member of staff into dating, romantic or sex-related acts
- ▶ uses his or her authority to date or sexually harass another staff member.

Use of obscene, abusive or insulting language to another member of staff regardless of his or her position or rank is considered oppressive and gross misconduct. It is grounds for general punishment.<sup>50</sup>

Unlawfully touching another member of staff within the offices or other premises of the agency is considered improper behaviour and grounds for punishment for misconduct.<sup>51</sup>

## 10 | Policy on protection from sexual exploitation and abuse

None found.

## 11 | Policy on gender mainstreaming

None found.

## 12 | Procedures for responding to GBV perpetrated by DLEAG personnel against the public

Disciplinary hearing procedures and a disciplinary policy are laid down in the Staff Code of Conduct in cases of misconduct, gross misconduct or discreditable conduct.<sup>52</sup>

## 13 | Procedures for responding to gender-based discrimination (and other forms of discrimination)

The final article of the DLEAG Staff Service Rules is an equal opportunities statement, which states that DLEAG supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on grounds of gender, colour, race, nationality, ethnic origin, sex, religion, marital status, disability or HIV/AIDS status. It also states that every possible step shall be taken to ensure that individuals are treated equally and fairly and decisions on recruitment, selection, training, promotion, career management and development are based solely on objective and job-related criteria.<sup>53</sup>

In the Staff Service Rules there is a grievance procedure for employees to follow in the event of a complaint against the DLEAG. The employee must submit a first report within two months of the date of the event to the DG, through his or her head of department. If the employee considers the decision of the DG unsatisfactory, he or she may petition the DLEAG Board; the decision of the board is final.<sup>54</sup>

## 14 | Procedures for responding to cases of sexual harassment

Disciplinary hearing procedures and a disciplinary policy are laid down in the Staff Code of Conduct in cases of misconduct, gross misconduct or discreditable conduct.<sup>55</sup>

## 15 | Strategies to implement policies and procedures related to gender

None found.

## Institutional culture

**16 |** Information provided at recruitment about the institution's commitment to gender equality and human rights

The final article of the Staff Service Rules is an equal opportunities statement, which states that the DLEAG supports the principle of equal opportunities in employment and opposes all forms of unlawful or unfair discrimination on grounds of gender, colour, race, nationality, ethnic origin, sex, religion, marital status, disability or HIV/AIDS status. It also states that every possible step shall be taken to ensure that individuals are treated equally and fairly and decisions on recruitment, selection, training, promotion, career management and development are based solely on objective and job-related criteria.<sup>56</sup>

**17 |** Personnel's perception on gender and women's advancement

Not collected.

**18 |** Senior personnel's commitment to and leadership on gender

The DG is fully supportive of initiatives by female officers to organize themselves into a group, and wants to encourage them to make progress in this effort.<sup>57</sup>

The views of other senior personnel were not collected.

## Relations with the community

**19 |** Community perceptions of the DLEAG

During a workshop in Bakau in July 2019 attended by representatives of various CSOs, 15 participants completed a survey about their perceptions of the DLEAG.<sup>58</sup>

- ▶ Ten participants did not feel that the DLEAG has a good relationship with communities.
- ▶ Two participants felt that the DLEAG has a good relationship with communities.
- ▶ Three participants had no view on the situation.
- ▶ Twelve participants did not know where to make a complaint about the DLEAG, if needed. One participant said the Office of Public Relations.
- ▶ One participant did know where to go to make a complaint.

- ▶ Two participants felt that complaints made by the public are not taken seriously by the DLEAG.
- ▶ One participant felt that the DLEAG does take complaints seriously.
- ▶ Ten participants had no view.
- ▶ Thirteen participants said they did not know anyone who had been victim of a crime by the DLEAG.
- ▶ One participant said that they did know someone who had been a victim.

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When asked about their **general opinion of the DLEAG**, the responses included the following.

*"They reduce the rate of drug abuse in the region. They follow youth at drug abuse centres."*

Male CSO representative from Lower River Region

*"Much is left to be desired. It's very enclosed, they should open up to CSOs in their work to ensure transparency and accountability."*

Male CSO representative

*"The DLEAG are doing a fantastic work in the fight against the use and abuse of drugs in the country. Raiding of drug users and peddlers."*

Male CSO representative from Western Region

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When asked **what the DLEAG does well**, the responses included the following.

*"Searching travellers' bags on public transportation. At times prosecuting offenders. At times informing the public through mass media about DLEAG functions."*

Male CSO representative from Upper River Region

*"Seizure of drugs from potential sellers or dealers."*

Male CSO representative from Lower River Region

*"By tracking the perpetrators of drug trafficking and abuse."*

Male CSO representative from Banjul

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When asked what the DLEAG does not do well, the responses included the following.

*“By engaging in drug trafficking.”*

Male CSO representative from Banjul

*“They sometimes discontinue cases by accepting bribes.”*

Male CSO representative from Lower River Region

*“Violent arrest of offenders and poor investigation of cases resulting in trumped-up charges.”*

Male CSO representative from Upper River Region

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When asked **what the DLEAG can do to improve its relationship with communities**, the responses included the following.

*“Do community outreach programmes about harmful effects of drugs to the lives of youth.”*

Male CSO representative from Lower River Region

*“The recruitment criteria should be reviewed to employ good workers. Conduct their service with professionalism, free from violence, harassment and intimidation.”*

Male CSO representative from Upper River Region

*“Continuous engagement with the community youth groups and parents of the dangers of drugs.”*

Male CSO focal person from North Bank Region

## 20 | Personnel’s perception of DLEAG’s relationship with communities

The Child Welfare, Gender and Human Rights Unit feels that communities are aware of the unit. Some parents think the unit helps their children, while others think it victimizes them. In general, the unit feels that parents do not like it because they think the unit imprisons their children without just cause. At the same time, the unit feels that many parents do not know what their children are doing behind their backs.<sup>59</sup>

Other DLEAG personnel’s perceptions were not collected.

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## Personnel

### 21 | Total strength

As of December 2018, the DLEAG’s total strength was 563 staff (109 women, 454 men).<sup>60</sup>

### 22 | Ranks of personnel

Ranks of personnel disaggregated by sex are unavailable.

### 23 | Distribution of staff across the country

In general, DLEAG personnel are deployed all over the country. However, there are currently **no women posted in the provincial areas**: Lower River, Central River and Upper River Regions.<sup>61</sup>

## Recruitment and selection

The DLEAG Board decides when there is general recruitment for the DLEAG, depending on the operational need for human resources at that time.<sup>62</sup>

During the 2017 recruitment a total of 79 personnel were recruited (13 women, 66 men); the majority of the recruits were aged between 18 and 35 years.<sup>63</sup>

A recruitment issue felt among senior officers is that women are unable to meet the same criteria, in terms of capacities and education, as their male colleagues. One officer said it was common to see female junior officers having to help more senior women make decisions.<sup>64</sup>

### 24 | Eligibility requirements for recruitment

All recruits must meet the following requirements.<sup>65</sup>

- i. Undergo a medical test to determine their drug use status. Any person testing positive for using any kind of prohibited controlled drugs will not be employed.
- ii. Be subjected to a screening process. Conducted by the DLEAG, which may contact the National Intelligence Agency and/or the GPF for verification.
- iii. Meet with an interview panel. Composed of members of the DLEAG Board who will make recommendations to the DG.
- iv. Submit a certificate of medical fitness. Issued and signed by a government medical officer.
- v. Submit a certificate of character from the GPF. To confirm they have no criminal record.



Vacancies within the DLEAG can only be filled through external recruitment if there is no qualified person within the DLEAG who can fill the position.<sup>66</sup>

The final article of the DLEAG Staff Service Rules is an equal opportunities statement, which states that the DLEAG will take every possible step to ensure that individuals are treated equally and fairly and decisions on recruitment, selection, training, promotion, career management and development are based solely on objective and job-related criteria.<sup>67</sup>

## 25 | Recruitment targets and quotas

Any targets or quotas with regard to recruitment are not established at the level of the DLEAG.<sup>68</sup> Recruitment is determined by staffing requirements.

## 26 | Specific measures for recruitment

Applicants who present a diploma in any field of study from a recognized institution in The Gambia or abroad may be appointed by the DG directly to the rank of Narcotic Control Officer I (NCO I), with a probationary period in that rank for two years before they can be promoted.<sup>69</sup> As of now, ten men and one woman have been employed following this measure.<sup>70</sup>

Applicants who present a bachelor degree in any field of study from a recognized institution in The Gambia or abroad can be appointed by the DG directly to the rank of Narcotic Control Officer III, with a probationary period of two years in that rank before they can be promoted.<sup>71</sup> One man and one woman have been employed following this measure in 2017.<sup>72</sup>

Any specific measures taken for the recruitment of women are not made at the level of the DLEAG. As of today, no special measures for the recruitment of women have ever been put in place.<sup>73</sup>

The final article of the DLEAG Staff Service Rules is an equal opportunities statement, which states that the DLEAG will take every possible step to ensure that individuals are treated equally and fairly and decisions on recruitment, selection, training, promotion, career management and development are based solely on objective and job-related criteria.<sup>74</sup>

## 27 | Vetting procedures for GBV and other human rights violations

During the recruitment process recruits undergo a screening process conducted by the DLEAG, which may contact the National Intelligence Agency and/or the GPF for verification. Recruits must also submit a certificate of character from the GPF to confirm they have no criminal record.<sup>75</sup> These steps within the recruitment process may alert the DLEAG to GBV or other human rights violations; however, the Staff Service Rules are not explicit that these specific crimes are a particular focus.

## 28 | Positions/units in which women or men cannot serve

All positions and opportunities are based on merit, and there is no policy document within the DLEAG that prohibits either women or men from serving in specific positions or units.<sup>76</sup>

## Retention

### 29 | Rate of attrition

None found.

### 30 | Specific measures for retention

As a retention strategy for all staff, the DLEAG has established a revolving loan scheme that consists of “personal” and “housing” loans. To access a loan, the salary of the employee is used as general collateral and the employee must fulfil the specific requirements for a personal or housing loan described in the DLEAG Staff Service Rules.<sup>77</sup>

### 31 | Informal restrictions affecting retention

A staff member who marries another staff member may not work in the same region or unit of the agency.<sup>78</sup>

Any female employee who becomes pregnant within the first two years after her confirmation in a post with the DLEAG will have her service terminated.<sup>79</sup>

Women are expected to practise birth spacing for an interval period of not less than three years. Any woman who defaults will have her service terminated.<sup>80</sup> So far, women have complied with this rule and there has not been any case of dismissal.

### 32 | Staff associations

Female officers have organized themselves in a group on their own initiative.<sup>81</sup>

DLEAG has a staff development fund for servicing the Staff Loan Scheme. Staff contribute to the fund from their monthly salary from the date of commencement of employment. If an employee, up to the time of his or her resignation, termination, dismissal or death, has not benefited from any of the DLEAG loan schemes, he or she will be entitled to 75 per cent of his or her total contribution to the fund. When an employee has benefited from any of the schemes, he or she is entitled to 50 per cent of his or her total contribution to the fund.<sup>82</sup>

## Promotions and remuneration

The final article of the DLEAG Staff Service Rules is an equal opportunities statement, which states that the DLEAG will take every possible step to ensure that individuals are treated equally and fairly and decisions on recruitment, selection, training, promotion, career management and development are based solely on objective and job-related criteria.<sup>83</sup>

### 33 | Data on promotions

In May 2016 a mass promotions campaign was conducted across the DLEAG, following staff evaluations. This affected all units and ranks within the DLEAG.<sup>84</sup>

### 34 | Specific measures for the advancement of women

None found.

### 35 | Equal pay for the same rank/position

All women and men at the DLEAG are paid equally for the same rank and position.

## Special assignments, secondments and deployments

### 36 | Personnel on special assignments, secondments or deployments

None found.

### 37 | Eligibility requirements and selection process

All staff must fulfil the listed requirements for secondments.<sup>85</sup>

- ▶ S/he is confirmed in post.
- ▶ S/he is in Grade 6 or above and has served for a minimum period of two years after confirmation in post.
- ▶ S/he makes a written request to the DLEAG or there is a written request from the organization to which s/he wishes to be seconded.
- ▶ S/he will return to the DLEAG in the same grade s/he was in prior to the secondment.
- ▶ The secondment does not exceed a total of six years during the employee's career at the DLEAG.
- ▶ Three months before the end of the secondment, the organization informs the DLEAG whether or not it intends to seek an extension of the secondment.
- ▶ During the period of the secondment, the employee is responsible for his/her own social security contributions.

## Infrastructure and equipment

### 38 | Adapted infrastructure

No information was collected.

### 39 | Housing for families

Not applicable.

### 40 | Adapted equipment

Not collected.

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## Institutional capacity

### Training

The final article of the DLEAG Staff Service Rules is an equal opportunities statement, which states that the DLEAG will take every possible step to ensure that individuals are treated equally and fairly and decisions on recruitment, selection, training, promotion, career management and development are based solely on objective and job-related criteria.<sup>86</sup>

#### 41 | Gender training

Induction training introduces new employees to regional cultures, practices, standards and procedures.<sup>87</sup>

In 2019 selected DLEAG staff, including members of the Child Welfare, Gender and Human Rights Unit, received gender training (at intermediate and advanced levels) organized by the Office of National Security at State House in Banjul. Based on this course, internal refresher training sessions were organized within the DLEAG.<sup>88</sup>

#### 42 | GBV training

None found, except for the training provided to the Child Welfare, Gender and Human Rights Unit.

#### 43 | Requirement to mainstream gender in training

No requirement exists.

#### 44 | Physical requirements in training

No specific requirements exist that are different for men or for women.

#### 45 | Trainers

The team of trainers is composed only of men.

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## Accountability

#### 46 | Internal oversight mechanisms/bodies

The PSDC, established by order by the DG, is responsible for investigating and hearing matters arising from a breach of the Staff Code of Conduct. The DG determines the number of members of the committee, who are persons of high integrity and good character, and come from within or outside the DLEAG. The DG will also appoint a chairperson and a secretary. Complaints arising from a breach of the Code of Conduct are referred to the PSDC for hearing or investigation. The PSDC applies the Code of Conduct in taking decisions, and recommends appropriate measures to management. No statistics are available, but the PSDC deals with complaints when they arise.<sup>89</sup>

The PSDC can also hear and investigate complaints made by the public. The Staff Code of Conduct categorizes these as civil complaints: a member of the general public can submit a complaint in writing, addressed to the DG, for breaches of the Code of Conduct by DLEAG personnel.<sup>90</sup>

#### 47 | External oversight mechanisms/bodies

None found.

#### 48 | Formal and informal mechanisms for CSOs and other external oversight actors

None found.

### Data on discrimination, sexual harassment and GBV

#### 49 | Compilation, publication and analysis of cases of discrimination, sexual harassment or GBV perpetrated by DLEAG personnel

None found.

# RECOMMENDATIONS

This section makes recommendations for the DLEAG to consider in the current process of SSR in The Gambia. It is understood that many of these recommendations may require additional financial resources that are beyond the immediate control of the DLEAG. However, several recommendations are not dependent on financial resources.

Gender equality is integral to SSR, thus it is important

that gender mainstreaming is addressed at strategic-level discussions of the DLEAG's institutional-level reforms.

Please note that any reference to targets for women should not affect the required skill or competency levels for the positions in question. Consider developing innovative ways for men and women to prepare better for such qualifications.

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## INSTITUTIONAL STRUCTURE

1. Develop the policy framework to formalize the operationalization of the Child Welfare, Gender and Human Rights Unit, including its mandate, its relationship to other units and the allocation of the financial, human, and material resources needed to fulfil its mandate effectively.
  - In formalizing its mandate, decide on whether this unit will be responsible for mainstreaming gender in the internal affairs of the DLEAG.
- If the DLEAG's decision is that this unit should not have mainstreaming gender in the internal affairs of the DLEAG in its mandate, formalize this responsibility in all internal/corporate units of the DLEAG.
2. Formalize within the mandate of all DLEAG operational units the requirement to mainstream gender in operations.

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## INSTITUTIONAL POLICIES AND PROCEDURES

1. Develop an institution-wide gender policy requiring gender mainstreaming that is applicable to the internal affairs of the DLEAG, such as the Staff Service Rules, as well as all DLEAG operations (not only the Child Welfare, Gender and Human Rights Unit), which is in line with The Gambia's national policies related to gender.
  - Develop an action plan or strategy to ensure effective implementation of the policy.
2. Review the elements within the Staff Service Rules pertaining to pregnancy, including birth spacing, that contravene the Women's Act 2010 - in particular, the termination of women's employment due to pregnancy within two years after confirmation in post or for failure to practise birth spacing for an internal period of not less than three years.
3. Incorporate within the Staff Service Rules and/or the Code of Conduct the distinction between:
  - sexual harassment (or workplace sexual harassment of women and men perpetrated by another member(s) of personnel) and
  - forms of GBV, especially sexual exploitation and abuse, perpetrated by DLEAG personnel against members of the public.

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## INSTITUTIONAL CULTURE

1. Develop ways to communicate that gender equality is integral to the institutional culture of the DLEAG, especially from the senior levels.
2. Provide training and mentoring support to all commanding officers on effectively commanding men and women, especially subordinates of the opposite sex.
3. Encourage staff, especially women, to develop informal networks and/or associations to support each other's career development and enable mentorship from senior staff to junior staff.

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## RELATIONS WITH THE COMMUNITY

1. Develop initiatives at all stations to integrate better with their surrounding communities, such as “open house” days where community members can visit stations.
2. Mainstream gender in operational planning to ensure that communities have a better understanding of these operations.

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## PERSONNEL

1. At human resources level, identify and develop ways to prepare women better for postings in operations units.
2. Investigate more closely the reasons why women are less likely to apply for employment in the DLEAG and why they are not succeeding in being recruited in higher numbers.
3. Continue to disaggregate all statistics by sex, rank and geographic region (and other relevant markers).
4. Encourage the recruitment of more women, and develop innovative ways to promote women’s presence within the DLEAG during recruitment campaigns.
  - Create recruitment targets and specific measures that will assist women in succeeding in basic training.

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## INSTITUTIONAL CAPACITY

1. Develop gender training that is compulsory for all personnel.
  - Gender training, whether one course or several modules, could include the topics of gender and security, gender mainstreaming, sexual harassment in the workplace, GBV, conflict-related sexual violence and sexual exploitation and abuse.
  - Mainstream gender in all training courses.
  - Develop specialized gender modules for personnel in Human Resources and for the Training Academy’s trainers.
2. Specialized training related to gender, gender mainstreaming and GBV should be provided on a regular basis to the Child Welfare, Gender and Human Rights Unit, to all DLEAG trainers and to the Human Resources department.

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## ACCOUNTABILITY

1. Develop the specialized skills of the Child Welfare, Gender and Human Rights Unit on gender and gender mainstreaming, as well as on workplace sexual harassment.
2. Develop formal and informal relationships with external actors of the DLEAG, such as CSOs and the Office of the Ombudsman, to play a role in external oversight of the institution.
3. Develop a mechanism within the Human Resources and Training Unit to collect statistics within the DLEAG for cases on gender or sex-based discrimination, sexual harassment and GBV. Disaggregate these statistics by category of case, sex of the complainant and the accused, and the result of each case.

## Endnotes

- 1 Republic of The Gambia (2019) National Security Policy, Art. 33.5.1, p. 32.
- 2 Ibid., Art. 33.5.1.1-33.5.1.4, p. 32.
- 3 Drug Law Enforcement Agency, The Gambia (undated) "About us", available at [www.dleag-gambia.org/en/about-us](http://www.dleag-gambia.org/en/about-us) (accessed 14 February 2020).
- 4 Constitutional Review Commission (2019) Proposed Draft Constitution of the Republic of The Gambia, Arts 282-283, pp. 146-147.
- 5 Meeting with Child Welfare, Gender and Human Rights Unit, May 2019.
- 6 Ibid.
- 7 Ibid.
- 8 Ibid.
- 9 Dembo Kuyateh, Human Resource and Policy Planning Unit, focal point for the gender survey, April-September 2019.
- 10 Child Welfare, Gender and Human Rights Unit, note 5 above.
- 11 Ibid.
- 12 Ibid.
- 13 Ibid.
- 14 Ibid.
- 15 Ibid.
- 16 Ibid.
- 17 Ibid.
- 18 Ibid.
- 19 Ibid.
- 20 Ibid.
- 21 Ibid.
- 22 Meeting with Director of Intelligence and International Cooperation and Dembo Kuyateh, Human Resource and Policy Planning Unit, focal point for the gender survey, September 2019.
- 23 Child Welfare, Gender and Human Rights Unit, note 5 above.
- 24 Dembo Kuyateh, note 9 above.
- 25 DLEAG (2016) Staff Code of Conduct: Revised Edition January 2016, Art. 2(1-4), p. 2.
- 26 Ibid., Art. 7, Sub-part I(1-7), pp. 4-7.
- 27 Ibid., Art. 7, Sub-part I(1), p. 4.
- 28 Ibid., Art. 7, Sub-part II(1-6), pp. 7-9.
- 29 Ibid., Art. 7, Sub-part III(1-5), pp. 9-11.
- 30 Ibid., Art. 7, Sub-part III(2)(f)(h), p. 10.
- 31 Ibid., Art. 3(1-3), pp. 2-3.
- 32 Dembo Kuyateh, Human Resource and Policy Planning Unit, focal point for the gender survey, February 2020.
- 33 DLEAG (2016) Staff Service Rules: January 2016, Art. 1.1, p. 1.
- 34 Dembo Kuyateh, note 9 above
- 35 DLEAG, note 33 above, Art. 13.5, p. 42.
- 36 DLEAG, note 25 above, Art. 5(b), p. 3.
- 37 Dembo Kuyateh, note 32 above.
- 38 DLEAG, note 33 above, Art. 2.4(10), p. 9.
- 39 Ibid., Art. 2.8(5), p. 10.
- 40 Ibid., Art. 6.3, p. 20.
- 41 Ibid., Art. 6.4, p. 20.
- 42 Ibid., Art. 10.1, p. 32.
- 43 Ibid., Art. 10.2, p. 32.
- 44 Ibid., Art. 3.2(1), p. 12.
- 45 Ibid., Art. 2.11, p. 12.
- 46 Ibid., Art. 5.7(1), p. 18.
- 47 Ibid., Art. 5.8, p. 18.
- 48 Dembo Kuyateh, note 9 above.
- 49 DLEAG, note 25 above, Art. 7, p. 4.
- 50 Ibid., Art. 3(b), p. 8.
- 51 Ibid., Art. III, 2(f), p. 10.
- 52 Ibid., Art. III, 8, p. 11.
- 53 DLEAG, note 33 above, Art. 13.5, p. 42
- 54 Ibid., Article 12.6, p. 39
- 55 DLEAG, note 25 above, Art. III, 8, p. 11
- 56 DLEAG, note 33 above, Article 13.5, p. 42
- 57 Director of Intelligence and International Cooperation and Dembo Kuyateh, note 24 above.
- 58 Lorraine Serrano (2019) "Results of survey for members of civil society organizations", conducted at DCAF workshop for CSOs, 16-17 July, National Nutrition Agency, Bakau.
- 59 Child Welfare, Gender and Human Rights Unit, note 5 above.
- 60 Dembo Kuyateh, note 9 above.
- 61 Ibid.
- 62 DLEAG, note 33 above, Art. 2.4(1), p. 7.
- 63 Dembo Kuyateh, note 9 above.
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- 65 DLEAG, note 33 above, Arts 2.4 and 2.6, pp. 7-10.
- 66 Ibid., Art. 2.4(4-5), p. 8.
- 67 Ibid., Art. 13.5, p. 42.
- 68 Dembo Kuyateh, note 9 above.
- 69 DLEAG, note 33 above, Art. 2.4(8), p. 8.
- 70 Dembo Kuyateh, note 34 above.
- 71 DLEAG, note 33 above, Art. 2.4(9), p. 8.
- 72 Dembo Kuyateh, note 32 above.
- 73 Dembo Kuyateh, note 9 above.
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- 75 Ibid., Arts 2.4 and 2.6, pp. 7-10.
- 76 Dembo Kuyateh, note 9 above.
- 77 DLEAG, note 33 above, Art. 9.2, pp. 29-31.
- 78 DLEAG, note 25 above, Art. 5(b), p. 3.
- 79 DLEAG, note 33 above, Art. 2.4(10), p. 9.
- 80 Ibid., Art. 2.8(5), p. 10.
- 81 Director of Intelligence and International Cooperation and Dembo Kuyateh, note 24 above.
- 82 DLEAG, note 33 above, Art. 9.1(1-6), pp. 28-29.
- 83 Ibid., Art. 13.5, p. 42.
- 84 Dembo Kuyateh, note 9 above.
- 85 DLEAG, note 33 above, Art. 3.6(1), pp. 13-14.
- 86 Ibid., Art. 13.5, p. 42.
- 87 Ibid., Section 1, Art. 2.7(2), p. 10.
- 88 Dembo Kuyateh, note 9 above.
- 89 DLEAG, note 25 above, Art. 2(1-4), p. 2.
- 90 Ibid., Art. 3(1-3), pp. 2-3.



## 6 | GAMBIA FIRE AND RESCUE SERVICE

The 2019 NSP refers to The Gambia Fire Service Act No. 19 of 1948, and defines the mandate of the Gambia Fire and Rescue Service (GFRS) as follows.<sup>1</sup>

- Perform the function of saving life in fire and other disasters.
- Protect life and property from destruction and catastrophe (manmade or natural).
- Render humanitarian services.
- Assist in the protection of the environment.<sup>2</sup>

The GFRS was established in 1948 and was part of the police, headed by the inspector general of police. Initially there were only two fire stations (in Banjul and at the

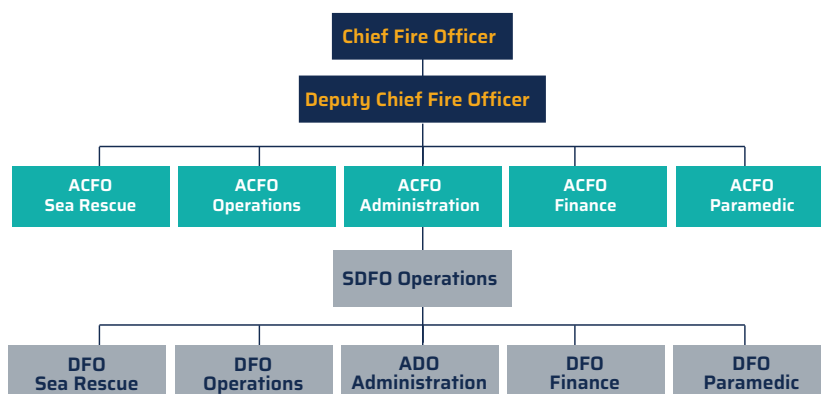
airport), with a total of 25 men at each station. Today the GFRS is a separate institution with an expanded structure, but it lacks the human capital and equipment required to meet the needs of a modern service. It is completely reliant on donations of fire and rescue tenders, firefighting equipment, rescue gear, personal protective equipment, etc., from generous partner fire services in the UK.<sup>3</sup>

In November 2019 the Constitutional Review Commission released a proposed draft Constitution for public scrutiny. The GFRS is identified as part of the security services of The Gambia, and part of the National Security Council and the National Security Service Commission.<sup>4</sup>

### Institutional structure

#### 1 | Organizational structure

Figure 1: Organizational structure of the GFRS



Source: Basiru Sinyan, GFRS focal point for the gender survey.

Table 1: GFRS physical infrastructure

Infrastructure	Number	Locations
Fire and rescue stations*	11	
Lifeboat stations	6	
Paramedical clinics**	5	Banjul, Serekunda, Soma, Bansang and Farafenni
Headquarters	1	Banjul

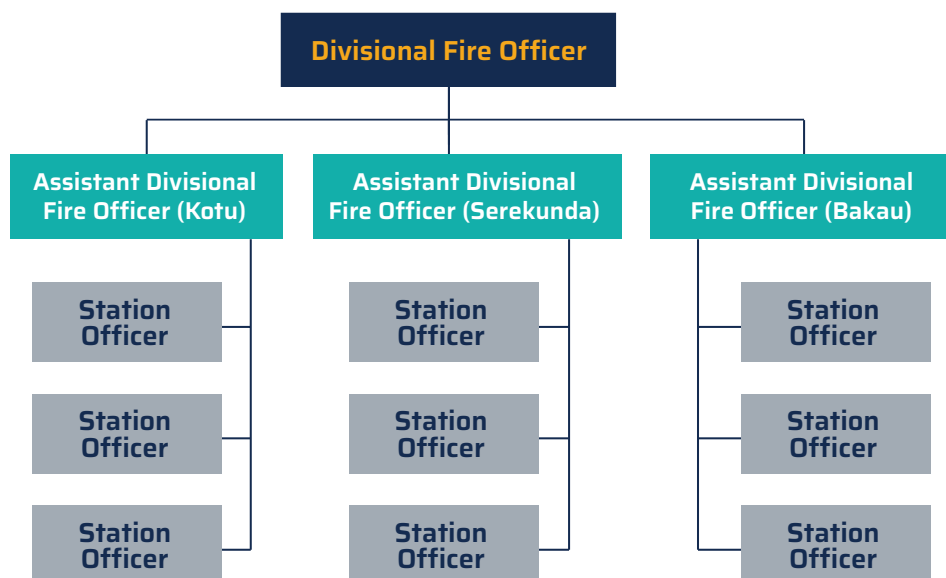
Source: Based on data from Basiru Sinyan, GFRS focal point for the gender survey, April-September 2019.

\* Four of the fire and rescue stations have sleeping quarters; they are located in Banjul, Bakau, Bansang and Soma. There is also a station currently being constructed in Baja Kunda.

\*\* A sixth clinic is currently under construction in Brikama.<sup>5</sup>

Figure 2: Organizational structure at regional operations station level

Example: Kanifing Municipality



Source: Basiru Sinyan, GFRS focal point for the gender survey.

## 2 | Ranks and positions

Table 2: GFRS ranks

Ranks		
Officers	Chief Fire Officer	CFO
	Deputy Chief Fire Officer	DCFO
	Assistant Chief Fire Officer	ACFO
	Senior Divisional Fire Officer	SDFO
	Divisional Fire Officer	DFO
	Assistant Divisional Fire Officer	ADFO
	Station Officer	STNO
	Cadet Fire Officer	
	Sub-Officer	S/O
	Leading Firefighter	LFF
	Firefighter	FF
	Cleaners	

## 3 | Internal gender structures

There is no dedicated gender structure within the GFRS, but the Human Resources Department is trying to establish a gender focal point.<sup>6</sup> There is no social welfare unit within the GFRS, either.<sup>7</sup>

## 4 | Coordination mechanisms

Within the GFRS governance structure there are Regional Fire Service Committees, which advise the Fire Service Council relating to the function of the service in their respective regions. These committees require the membership of one representative of the Regional House of Chiefs.<sup>8</sup>

There is a District Fire Service Committee in each district to advise the Regional Fire Service Committee. Each District Committee requires among its members one representative of the Traditional Council and two persons appointed by the District Assembly - one of whom is a woman.<sup>9</sup>

The GFRS is included in taskforces assembled by the Gambia Police Force (GPF), and also coordinates with the GPF when it calls for applications to serve in peace-keeping operations.<sup>10</sup>

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## Institutional policies and procedures

The current Fire Brigade Act 1964 is extremely short and has not been updated. A draft 2018 GFRS Act has been written by a former chief working for the GFRS as a consultant, but it is not known when the review will be completed.<sup>11</sup>

The Fire Brigade Act 1964 is completely written in the masculine form, referring to “fireman”.<sup>12</sup> It still also refers to the chief officer of the Fire Brigade as the inspector general of police.<sup>13</sup>

### 5 | Institutional gender policy

None exists.

### 6 | Code of conduct

None exists. General Orders (formally titled Revised General Orders Code of Conduct and Public Service Rules and Regulations), which apply to all civil servants, reflect many of the issues that would typically be found in a code of conduct.<sup>14</sup>

### 7 | Human resource policies

In general the GFRS does not have specific policies for the human resources issues listed below. The institution refers to the Women’s Act 2010 and the General Orders, which apply to all civil servants, for regulations on these issues.<sup>15</sup>

#### Marriage

There is no policy regarding marriages between staff, even though they occur. Senior commanders want to prevent this, but they cannot because there is no policy prohibiting it.<sup>16</sup>

Throughout the GFRS, in both administration and operations, personnel are told that they are not allowed to marry any other member of the GFRS. It is an unwritten rule in informal standing orders. If two GFRS employees want to marry, one person has to leave; usually it is the woman who resigns.<sup>17</sup> In the past there have been a few cases where the man resigned. The person who leaves writes a resignation letter, but does not say that s/he is leaving to get married. Very few couples complain about this to protect the spouse who remains within the force.<sup>18</sup>

Women have tried to complain about this situation verbally, but there has been no response from senior management.<sup>19</sup>

#### Pregnancy, maternity leave, paternity leave and breastfeeding

The GFRS follows the requirements stipulated in the Women’s Act 2010. Maternity leave for women is six months. Paternity leave for men is ten working days.<sup>20</sup>

There are standing orders stating that women should not have children if they are single.<sup>21</sup>

With regard to breastfeeding, if a woman is breastfeeding and is posted somewhere else, she can usually take her baby with her.<sup>22</sup>

#### Healthcare

There is no GFRS policy for health benefits or health insurance. If a member of staff is injured during active service (8 am–4 pm), personnel can seek compensation from Social Services.<sup>23</sup>

#### Working hours

Working hours for women and men are from 8 am to 4 pm, as stipulated by the Labour Act that applies to all Gambian workers.<sup>24</sup>

At each station there are three shifts: Red Shift, White Shift and Blue Shift.<sup>25</sup>

At fire stations with sleeping quarters, women and men work 24 hours, then rest for 48 hours. These working hours are not written formally in any document, but all staff are aware of them. During Ramadan married women are allowed to finish work at 2 pm instead of 4 pm, to enable them to prepare food for their husbands to break the fast; and at all times of the year breastfeeding mothers are usually allowed to end work at 2 pm instead of 4 pm to feed their babies.<sup>26</sup>

#### Retirement

Retirement and pension are consistent with the provisions afforded to all Gambian workers under the Pensions and Social Security Decree 1975.<sup>27</sup> Both women and men retire at 60 years of age.<sup>28</sup>

If retiring after five years of service, staff are eligible to continue working at the GFRS on individual contracts, but are ineligible for government retirement benefits.<sup>29</sup>

If retiring after at least ten years of service, staff are eligible for government retirement benefits.<sup>30</sup>

### Family benefits in case of injury or death

Through national social security, if a woman or man is severely injured or dies during active service, her/his family will receive benefits.<sup>31</sup>

### Psychosocial support

None exists.

### 8 | Policy on sexual harassment

No such policy exists. Incidents of sexual harassment take place, in particular a senior member of staff harassing a subordinate. However, no one complains as there is no complaints procedure.<sup>32</sup>

### 9 | Policy on protection from sexual exploitation and abuse

None exists.

### 10 | Policy on gender mainstreaming

None exists.

### 11 | Procedures for responding to GBV perpetrated by GFRS personnel against the public

None exists.

### 12 | Procedures for responding to gender-based discrimination (and other forms of discrimination)

None exists. Discrimination towards personnel exists, but no one wants to report such instances to senior officers.<sup>33</sup>

### 13 | Procedures for responding to cases of sexual harassment

None exists.

## Institutional culture

### 14 | Information provided at recruitment about the institution's commitment to gender equality and human rights

None exists.

### 15 | Personnel's perception on gender and women's advancement

To some, one of the biggest limitations for women is that a female head of a shift must be very strict because men do not like taking orders from women. When women are in control, it is more likely that they will discipline men if they do not follow orders. Women must be harder and stricter than men.<sup>34</sup>

To some women, men do not accept women getting promotions. When women are promoted, men will say that the woman "did something" to get there.<sup>35</sup>

### 16 | Senior personnel's commitment to and leadership on gender

No information exists.

## Relations with the community

### 17 | Community perceptions of the GFRS

A Fire Safety Unit was created within the GFRS to sensitize the population on how to prevent fires and mitigate disasters. Located in Serekunda, the unit conducts community outreach activities to educate communities on fire safety. It also visits schools and radio stations to conduct outreach on fire safety.<sup>36</sup>

During a workshop in July 2019, attended by representatives of various CSOs, 17 participants completed a survey about their perception of the GFRS.<sup>37</sup>

- Seven participants felt the GFRS has a good relationship with communities.
- Six participants said they did not know if the GFRS has a good relationship with communities.
- Three participants felt the GFRS does not have a good relationship with communities.
- Eleven participants said they did not know where they could make a complaint about the GFRS if they had to.
- Five participants said they knew where they could make a complaint. They cited the regional officer in charge, the Ombudsman and police headquarters as places where they could lodge a complaint.
- Eleven participants felt the GFRS did not take public complaints seriously.
- Four participants felt the GFRS would take complaints seriously.
- Fifteen participants said they do not know anyone who has been a victim of a crime committed by the GFRS.

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When asked about their **general opinion of the GFRS**, the responses included the following.

*“ Their relationship with communities in terms of their operations needs to be improved.”*

Male CSO focal person for North Bank Region

*“ They need to be given special motivations to prepare them with best standard equipment and take which they need to safeguard themselves in terms of fire outbreak ... Sometimes they come with empty tanks and go back again to get them filled and before they come back almost half of the premises or all is burned down.”*

Female CSO representative from Western Region

*“ People have respect and confidence in GFRS due to rescue services on open well incidents and quick response to putting out fires. When called upon to rescue either a goat or sheep that has fallen in an open well, they respond fast – the same for a fire outbreak. They also participate in cleaning activities at public places (e.g. the recent 13 July [2019] cleaning of Barse Tower Central Market).”*

Male CSO representative from Upper River Region

*“ A very important institution that is needed in times of disasters, but the working conditions of their staff is deplorable.”*

Senior male CSO representative from Western Region

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When asked **what the GFRS does well**, the responses included the following.<sup>38</sup>

*“They risk their lives trying to save lives and properties.”*

Female CSO representative from Western Region

*“Organize annual fire day and conduct radio programmes.”*

Male CSO representative from North Bank Region

*“Firefighting services, rescue services, voluntary work at public places.”*

Male CSO representative from Upper River Region

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When asked **what the GFRS does not do well**, the responses included the following.

*“They sometimes delay and go without filling their tanks because they believe people call them sometimes when it’s all lies.”*

Female CSO representatives from Western Region

*“Inadequate hydrants make their firefighting service difficult.”*

Male CSO representative from Upper River Region

*“Some of their vehicle water tankers are obsolete and old hence cannot cope with their expected response roles.”*

Senior male CSO representative from Western Region

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When asked **what the GFRS can do to improve its relationship with communities**, the responses included the following.

*“Train better and acquire better resources. Provide appropriate facilities for female firefighters.”*

Senior male CSO representative from Banjul

*“They should sensitize the general public over the media and more about their functions so that the people understand GFRS in its entirety.”*

Male CSO representative from Upper River Region

*“The Act governing the GFRS should be amended to reflect current realities. The government should invest in the sector.”*

Young adult male CSO representative

*“Train community personnel in how to rescue their people and in first aid measures.”*

Female CSO representative from Central River Region

## 18 | Personnel’s perception of the GFRS’s relationship with communities

According to some personnel, communities complain that fire stations come to fires without water, or arrive too late. To some personnel, communities believe that the GFRS is of no use - until there is a problem.<sup>39</sup>

Some personnel recognize the frustration when communities call 118 and hear the message: “This is the fire service, please hold on.” This message is only provided in English and not in local languages, which does not help improve the relationship between the GFRS and communities.<sup>40</sup>

## Personnel

The GFRS Human Resources Department is under-resourced. Within the organizational structure, it comes under the remit of the Finance Department. The Human Resources Department consists of two persons.<sup>41</sup> There are plans to increase the size of the department and eventually have a Human Resources person in every station. The Human Resources role in each station is currently handled by administrative staff. The Human Resources Department has a database, but needs appropriate staffing to use it effectively.<sup>42</sup>

## 19 | Total strength

Table 3 shows the total strength of the GFRS (as of August 2019), disaggregated by sex.

## 20 | Ranks of personnel

See Table 3.

Table 3: GFRS total personnel

Rank			Women		Men		Total
Officers	Chief Fire Officer	CFO	0	0%	1	100%	1
	Deputy Chief Fire Officer	DCFO	0	0%	1	100%	1
	Assistant Chief Fire Officer	ACFO	2	29%	5	71%	7
	Senior Divisional Fire Officer	SDFO	0	0%	1	100%	1
	Divisional Fire Officer	DFO	2	25%	6	75%	8
	Assistant Divisional Fire Officer	ADFO	1	4%	22	96%	23
	Station Officer	STNO	8	12%	60	88%	68
	Cadet Fire Officer		0	0%	0	0%	0
	Sub-Officer	S/O	19	17%	92	83%	111
	Leading Firefighter	LFF	80	19%	345	81%	425
	Firefighter	FF	346	48%	379	52%	725
	Cleaners		19	100%	0	0%	19
Total			477	34%	912	66%	1,389

Source: Basiru Sinyan, GFRS focal point for the gender survey.



## 21 | Distribution of staff across the country

The GFRS has 11 fire stations and six water-borne stations across the country. Five of the fire stations are within the capital and six are in the provinces. Most of the water-borne stations are situated along the coast, with only one in the provinces.<sup>43</sup>

The GFRS administration decides on the assignment of staff for each fire station. The GFRS used to deploy/post all personnel across the country, but in general, the administration has difficulties posting female personnel to stations in the provinces. Often, women cite marital status and other family issues for preferring to remain in the capital.<sup>44</sup>

Table 4 shows the distribution of personnel, disaggregated by sex, between the stations in the capital and the provinces:<sup>45</sup>

Table 4: Location of GFRS personnel

	Capital stations		Provincial stations		Total
Men	385	63%	195	64%	580
Women	227	37%	109	36%	336
Total	612		304		916

The remaining staff are posted in various units at headquarters, such as Human Resources, the Fire Safety Unit, the Planning Unit, Finance, skilled mechanics and other maintenance staff, etc.<sup>46</sup>

## Recruitment and selection

Recruitment for the GFRS is conducted separately from recruitment for the GPF. The Public Management Office decides how many people the GFRS can recruit at any given time, upon the recommendation of the GFRS that a recruitment campaign is required. Currently there is a moratorium on recruitment.<sup>47</sup>

## 22 | Eligibility requirements for recruitment

Recruitment criteria for women and men are as follows<sup>48</sup>

- Minimum grade 12.
- Aged between 18 and 25 years.
- Minimum weight of 50 kg.
- Pass a police check for a criminal record.
- Pass a medical.
- Pass a physical fitness test (“beep” test).

The “beep” physical fitness test is conducted in the same way for women as for men. The applicant must

pass a medical test conducted by a GFRS doctor prior to taking the physical fitness test. There is no requirement to carry a specific weight for either women or men.<sup>49</sup>

Women cannot apply if pregnant.<sup>50</sup> Still, many young girls want to join the fire service.<sup>51</sup>

## 23 | Recruitment targets and quotas

Initially women were not recruited to the GFRS. The first woman was recruited in 1987.<sup>52</sup>

There is no general target or quota in place for recruitment of women. A past order stipulated that efforts should be made to include more women, and there was an informal target to increase the number of women.<sup>53</sup>

In the last recruitment campaign a total of 296 potential firefighters were recruited, of whom 138 were men (46 per cent) and 158 were women (54 per cent). Although more women were recruited than men in that campaign, there is still a general perception among senior personnel that the work of the GFRS is for men, not women.<sup>54</sup>

Currently, the Public Management Office has decided that the GFRS is overstaffed and established a moratorium on recruitment. However, the GFRS is building more fire stations but does not have enough human resources to staff them.<sup>55</sup>

## 24 | Specific measures for recruitment

None exists.

## 25 | Vetting procedures for GBV and other human rights violations

None exists.

## 26 | Positions/units in which women or men cannot serve

No restrictions for women or men.

## Retention

### 27 | Rate of attrition

The rate of attrition is very high, and the GFRS is aware that this is a serious problem. Many members of personnel, both men and women, leave the GFRS to join the police, or even immigration. Some women leave the GFRS once they get married, especially if the husband does not approve of women working.<sup>56</sup>

Between 2016 and 2019, 180 members of staff left the GFRS. For most, the reason for leaving and seeking another job was the low salary.<sup>57</sup>

Reasons for leaving the GFRS between 2016 and 2019 are shown in Table 5.<sup>58</sup>

**Table 5: Reasons for leaving the GFRS**

Discharged voluntarily	62%	112
Dismissed	23%	42
Resigned	9%	16
Retired	6%	10
<b>Total</b>		<b>180</b>

### 28 | Specific measures for retention

None exists.

The GFRS would like to provide incentives for staff to remain, but does not have a budget to create such a scheme.<sup>59</sup>

### 29 | Informal restrictions affecting retention

During basic training, if a woman becomes pregnant she is dismissed and will have to reapply for possible recruitment.<sup>60</sup>

### 30 | Staff associations

There is no women's staff association and also no union. The GFRS is part of the Police Credit Union, as are all interior security services. A representative of the GFRS sits on the Board of the Police Credit Union, and both women and men of the GFRS can join.<sup>61</sup>

There used to be a Fire Service Association for women, where women contributed money for social activities. However, the association collapsed because not everyone was paying.<sup>62</sup>

## Promotions and remuneration

### 31 | Data on promotions

Promotions are based on length of service and qualifications. To improve qualifications, women and men have the opportunity to apply for training or education outside the GFRS and receive sponsorship through the government. However, it is difficult to use this facility without sufficient personal income.<sup>63</sup>

Within the GFRS, four or five staff have university degrees, one staff member has a master's degree and another staff member is currently pursuing his master's.<sup>64</sup>

In 2019 the Public Management Office decided that the GFRS was overstaffed and there could be no promotions. The moratorium on promotion has since been lifted, but the Public Management Office says that due to overstaffing the GFRS should either dismiss 250 staff or suspend promotions for senior officers for a period of time.<sup>65</sup>

In the past there was a Promotions Board, and every five years all personnel were considered for a promotion.<sup>66</sup> The Promotions Board was dissolved in 2014, which meant that senior commanders made decisions on promotions, based on the criteria above, until the freeze on promotions came into force in 2019.<sup>67</sup> In 2019 senior commanders said they would change this.<sup>68</sup>

Personnel are told that promotions are awarded according to seniority, but some believe they are based on personal relationships. Some women feel they have difficulty getting promoted because there is no one "to stand" for them at the Promotions Board level. Even though there were not supposed to be any promotions in 2019, in June 2019 some promotions were granted. In that round, four or five women were promoted.<sup>69</sup>

Some women feel that men are progressing and developing in their careers while women are excluded and left behind. Because of that, some women say they "feel lazy and lack motivation".<sup>70</sup>

Between 2016 and 2019 the GFRS promoted 279 personnel, of whom 13 per cent were women (Table 6).<sup>71</sup>

**Table 6: GFRS promotions**

Personnel promoted (2016–2019)		
Men	244	87%
Women	35	13%
<b>Total</b>	<b>279</b>	

### 32 | Specific measures for the advancement of women

None exists.

### 33 | Equal pay for the same rank/position

Consistent with the rest of The Gambia, there is equal pay between women and men in the GFRS, as required by the Constitution.<sup>72</sup>

## Special assignments, secondments and deployments

### 34 | Personnel on special assignments, secondments or deployments

Special assignments and secondments do not exist. GFRS personnel are selected at times for deployment to UN peacekeeping operations, through the GPF. GFRS personnel are deployed to peacekeeping operations as IPOs, and are mostly deployed to UNAMID.<sup>73</sup>

Between 2016 and 2019 the GFRS deployed 51 personnel on peacekeeping missions as IPOs, of whom 41 were men and ten were women. Of these 51 members of staff, 14 have returned to the mission for a second deployment, and three of these are women.<sup>74</sup>

Table 7: GFRS personnel deployed on UN peacekeeping missions

Personnel deployed		
Men	41	80%
Women	10	20%
Total	51	

### 35 | Eligibility requirements and selection process

The selection process for deployment to UN peacekeeping operations is managed by the GPF, which also determines the selection criteria.<sup>75</sup>

## Infrastructure and equipment

No infrastructure or equipment is adapted for the specific needs of women or men. The trucks and uniforms of the GFRS are not purchased from the GFRS budget but are donations from several regional fire services in the UK (including Avon and Cumbria).<sup>76</sup> Although the donations are very welcome, the equipment is not always appropriate for conditions in The Gambia – for example, the donated fire tenders have a capacity of 1,000L of water, but there are limited water hydrants in the country for refilling the tenders.<sup>77</sup>

Some women feel that one of the challenges for GFRS personnel in general is transportation. There is one bus that is available only for Banjul and Brikama, and a new bus purchased for Serekunda will be operational soon. Otherwise, personnel have to find their own transportation to work. For food, personnel pay D150 (1 dalasi = US\$0.02) every month for lunch and dinner.<sup>78</sup>

### 36 | Adapted infrastructure

Not all stations have women's toilets. When women are present at stations with sleeping quarters, toilets are separated and assigned to women.<sup>79</sup>

At the stations with sleeping quarters, there are not enough beds and the GFRS does not buy mattresses. The mattresses they have are donations.<sup>80</sup>

### 37 | Housing for families

None exists.

### 38 | Adapted equipment

All the trucks and uniforms used by the GFRS are donations from a fire service in the UK. Uniforms are the same for women and men, including ceremonial dress. Pregnant women are permitted to wear civilian clothes and perform fewer duties.<sup>81</sup>

No equipment is adapted for women or men because supplies come from the UK.<sup>82</sup>

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## Institutional capacity

### Training

There is one training school for the GFRS in Bakau, where all basic training is conducted. No specialized training exists. *Ad hoc* training is at times provided at individual stations. Basic training for women and men lasts a minimum four months, but sometimes can take up to six to nine months. The four-month basic training consists of one month of drills, two months of drills and practical work, such as using ladders, and one month of classes.<sup>83</sup>

If a woman becomes pregnant during basic training, she is dismissed and will have to reapply for possible recruitment.<sup>84</sup>

For career development within the GFRS, institutions such as the University of The Gambia, the Management Development Institute and other such schools help GFRS personnel to further their education, sponsored by the Personnel Management Office.<sup>85</sup>

In the past three years, 23 women and 32 men have been sent on training courses.<sup>86</sup>

Currently a draft Employee Training and Development Policy has been developed but not yet validated.<sup>87</sup>

#### 39 | Gender training

None exists. GFRS personnel deployed to UN peace-keeping missions are given pre-deployment training at Kairaba Police Station that covers GBV, sexual harassment and women's rights.<sup>88</sup>

#### 40 | Requirement to mainstream gender in training

None exists.

#### 41 | Physical requirements in training

Drill requirements are the same for women and men.<sup>89</sup>

#### 42 | Trainers

In total, there are 20 GFRS trainers (two women and 18 men). All trainers are posted at the training school in Bakau. However, none of the trainers has gender expertise.<sup>90</sup>

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## Accountability

#### 43 | Internal oversight mechanisms/bodies

None exists. It is the responsibility of the chain of command to enforce discipline and good conduct. Decisions are based on the personal judgement of each commanding officer, and hence at times may differ from one commanding officer to the next.<sup>91</sup>

#### 44 | External oversight mechanisms/bodies

None exists.

#### 45 | Formal and informal mechanisms for CSOs and other external oversight actors

None exists.

### Data on discrimination, sexual harassment and GBV

#### 46 | Compilation, publication and analysis of cases of discrimination, sexual harassment and GBV perpetrated by the GFRS

None exists.

## RECOMMENDATIONS

This section makes recommendations for the GFRS to consider as part of the current process of SSR in The Gambia. It is understood that many of these recommendations require additional financial resources that are beyond the immediate control of the GFRS. However, several recommendations are not dependent on financial resources.

Gender equality is integral to SSR, thus it is important

that gender mainstreaming is addressed at strategic-level discussions of the GFRS's institutional-level reforms.

Any reference to targets for women should not affect the required skill or competency levels for the positions in question. Consider developing innovative ways for men and women to prepare better for attaining such qualifications.

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### INSTITUTIONAL STRUCTURE

1. Review the structure of the GFRS to determine whether all parts will be responsible for building their capacity to mainstream gender themselves, or if there will be a dedicated structure with gender expertise to support the GFRS to accomplish this.
2. If it is decided that each department will be responsible for gender mainstreaming, develop their capacities in gender.
3. If it is decided that a dedicated structure is required (such as a Gender Unit), formalize the mandate and functions of this structure, including its operational relationship with the other departments, and ensure that the mandate and functions are well communicated throughout the GFRS.
  - The principal function of a dedicated structure on gender would be to provide support to the GFRS in mainstreaming gender throughout the institution. This could have a double-hatted element without replacing existing structures within the GFRS: such a structure would focus on internal GFRS issues and on its operations. Internally, the structure would support the GFRS's capacity to address the different needs of women and men employed by the GFRS. The structure would also support the GFRS's capacity to address the different needs of women, men, girls, boys and marginalized groups in its operations.
  - When the functions of the structure are formalized, develop the technical, advisory and training capacity of its staff to enable it to fulfil its mandate.
  - Provide the structure with a regular budget and the necessary personnel and material resources to enable it to fulfil its mandate.
  - Relating to the policies referenced below, the structure's mandate could include ensuring that the GFRS's policy framework mainstreams gender throughout. The structure could therefore play a key role in leading a participatory and inclusive process to review and/or develop policies related to gender.

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### INSTITUTIONAL POLICIES AND PROCEDURES

1. Develop an institution-wide gender policy that requires gender mainstreaming in all aspects of the GFRS, and which is in line with The Gambia's national policies related to gender.
  - Develop specific administrative procedures to accompany the gender policy, to enable all personnel to report when the policy is not being adhered to.
2. Develop an institution-wide and gender-responsive code of conduct. It can include provisions related to sexual harassment in the workplace, GBV and sexual exploitation and abuse.
  - Develop specific administrative procedures to accompany the code of conduct, to enable all personnel to report when the code of conduct is not being adhered to.
3. If not included in the code of conduct, develop an anti-sexual harassment policy for the workplace that is in line with The Gambia's national policies related to gender.
  - Develop specific administrative procedures to accompany the policy for men and women victims to report cases of sexual harassment.

4. If not included in the code of conduct, develop a policy on protection against sexual exploitation and abuse, in particular for personnel deployed to peacekeeping operations.
  - Develop specific administrative procedures to accompany the policy for men and women of all ranks to report cases of sexual exploitation and abuse, and for the public to report cases.
5. To provide more clarity to personnel with regard to human resource policies, develop policies that mainstream gender and are in line with The Gambia's legal and policy framework on gender. Ensure that these policies are not in conflict with the Women's Act 2010 and the General Orders.
  - In particular, review any informal or standing orders relating to marriage and pregnancy.

## INSTITUTIONAL CULTURE

1. Develop ways to communicate that gender equality is integral to the institutional culture of the GFRS, especially from the senior levels.
2. Provide training and mentoring support to all commanding officers on effectively commanding men and women, especially subordinates of the opposite sex.
3. Encourage staff, especially women, to develop informal networks and/or associations to support each other's career development.

## RELATIONS WITH THE COMMUNITY

1. Develop initiatives at all camps to better integrate with their surrounding communities, such as "open house" days where community members can visit stations.
2. Mainstream gender in operational planning to ensure that communities living in the station area are better protected because the specific needs of the different parts of the communities are considered in planning.

## PERSONNEL

1. Review procedures for promotions to integrate a gender perspective better.
  - Develop specific measures to support women's advancement.
2. Disaggregate all statistics by sex, rank, geographic region and other markers.
3. Consider developing selection targets for women to deploy to peace support operations.
4. Encourage women and men to create networks and/or associations to support each other in career development.

## INSTITUTIONAL CAPACITY

1. Organize gender training/reflection discussions for senior management only.
  - Mainstream gender in all training courses.
2. Develop gender training at the GFRS training school that is integrated into basic training.
  - Gender training, whether it is a course or several modules, could include the topics of gender and security, gender mainstreaming, sexual harassment in the workplace, GBV, conflict-related sexual violence and sexual exploitation and abuse.
3. Develop specialized gender modules for personnel in Human Resources and the training school's trainers.
4. Consider developing a target for ensuring there is a good ratio of full-time trainers who are men and women at the GFRS training school.

## ACCOUNTABILITY

1. Develop formal and informal relationships with external actors of the GFRS, such as CSOs and the Office of the Ombudsman, to play a role in external oversight of the institution.
2. Collect statistics within the GFRS for cases on gender or sex-based discrimination, sexual harassment and GBV. Disaggregate these statistics by category of case, sex of the complainant and the accused, and the result of each case.



## Endnotes

- 1 Republic of The Gambia (2019) National Security Policy, Art. 33.6.1, p. 32.
- 2 Ibid., pp. 32-33.
- 3 Basiru Sinyan, GFRS focal point for the gender survey, April-September 2019.
- 4 Constitutional Review Commission (2019) Proposed Draft Constitution of the Republic of the Gambia, Arts 282-283, 290, pp. 146-147, 150.
- 5 Basiru Sinyan, note 3 above.
- 6 Focus group of GFRS women, Kotu Station, July 2019.
- 7 Ibid.
- 8 Republic of The Gambia (2018) Gambia Fire Rescue Service Act, Act 537, 13(1)(g).
- 9 Ibid., Act 537, 14(1)(d)(e).
- 10 Basiru Sinyan, note 3 above.
- 11 Ibid.
- 12 Republic of The Gambia (1964) Fire Brigade Act, Ch. 20:03, (2), p. 3.
- 13 Ibid., Ch. 20:03, (5.1), p. 4.
- 14 Basiru Sinyan, note 3 above.
- 15 Ibid.
- 16 Ibid.
- 17 Focus group, note 6 above.
- 18 Ibid.
- 19 Ibid.
- 20 Basiru Sinyan, note 3 above.
- 21 Ibid.
- 22 Focus group, note 6 above.
- 23 Basiru Sinyan, note 3 above.
- 24 Ibid.
- 25 Focus group, note 6 above.
- 26 Basiru Sinyan, note 3 above.
- 27 Republic of The Gambia, note 8 above, Act 537, 27(1).
- 28 Basiru Sinyan, note 3 above.
- 29 Ibid.
- 30 Ibid.
- 31 Ibid.
- 32 Ibid.
- 33 Ibid.
- 34 Focus group, note 6 above.
- 35 Ibid.
- 36 Basiru Sinyan, note 3 above; Focus group, note 6 above.
- 37 Lorraine Serrano (2019) "Results of survey for members of civil society organizations", conducted at DCAF workshop for CSOs, 16-17 July, National Nutrition Agency, Bakau.
- 38 Ibid.
- 39 Focus group, note 6 above.
- 40 Ibid.
- 41 Basiru Sinyan, note 3 above; Head of Human Resources, May 2019.
- 42 Head of Human Resources, *ibid.*
- 43 Basiru Sinyan, note 3 above.
- 44 Ibid.
- 45 Ibid.
- 46 Ibid.
- 47 Ibid.
- 48 Ibid.
- 49 Ibid.
- 50 Ibid.
- 51 Focus group, note 6 above.
- 52 Basiru Sinyan, note 3 above.
- 53 Ibid.
- 54 Ibid.
- 55 Basiru Sinyan, GFRS focal point for the gender survey, February 2020.
- 56 Basiru Sinyan, note 3 above.
- 57 Ibid.
- 58 Ibid.
- 59 Ibid.
- 60 Ibid.
- 61 Ibid.
- 62 Focus group, note 6 above.
- 63 Basiru Sinyan, note 3 above.
- 64 Ibid.
- 65 Ibid.
- 66 Focus group, note 6 above.
- 67 Basiru Sinyan, note 3 above.
- 68 Focus group, note 6 above.
- 69 Ibid.
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- 71 Basiru Sinyan, note 3 above.
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- 75 Ibid.
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- 78 Focus group, note 6 above.
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- 81 Basiru Sinyan, note 3 above.
- 82 Ibid.
- 83 Ibid.
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- 85 Ibid.
- 86 Ibid.
- 87 Ibid.
- 88 Ibid.
- 89 Ibid.
- 90 Ibid.
- 91 Ibid.

# 7 | GAMBIA PRISON SERVICE

## Institutional structure

The NSP 2019 states that the Gambia Prison Service (GPS) is established under Section 182 of the 1997 Constitution with the mandate to:

- maintain the safety of inmates in custody, including their welfare, shelter and food
- reform and rehabilitate inmates
- reintegrate inmates back into the society.<sup>1</sup>

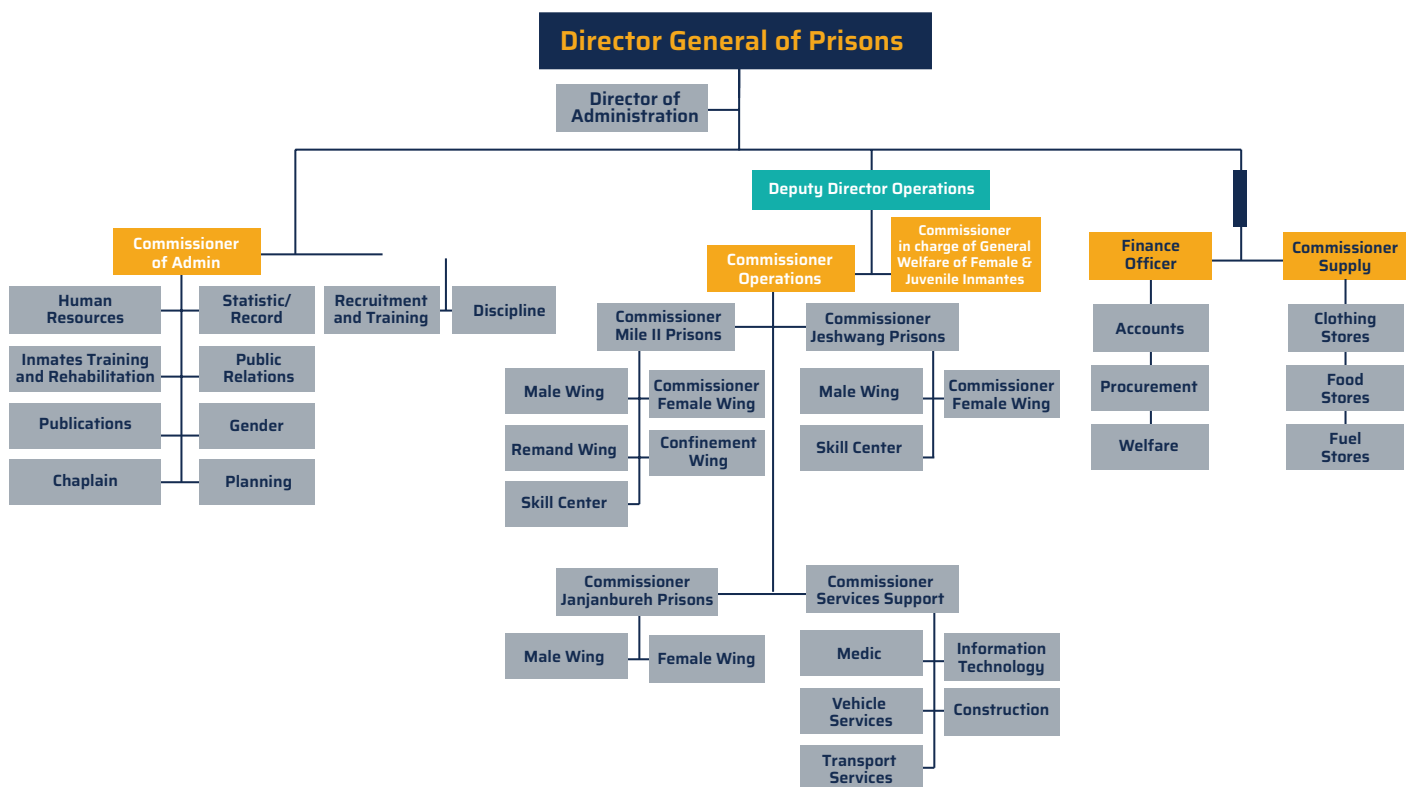
In November 2019 the Constitutional Review Commission released a proposed draft Constitution for public

scrutiny; this identifies the GPS as part of the security services of The Gambia and part of the National Security Council and the National Security Commission.<sup>2</sup>

The GPS is currently governed by the Prisons Act (1953). This Act refers to inmates as “civil prisoners” or “criminal prisoners”, a “juvenile” means a person under the age of 16, and a “young prisoner” is aged 16 years or above but less than 20 years.<sup>3</sup>

### 1 | Organizational structure

Figure 1: Organizational structure of the GPS



Source: GPS, February 2020.

## 2 | Ranks and positions

Table 1: Ranks in the GPS

Director General
Deputy Director General
Director of Administration
Commissioner
Chief Superintendent
Superintendent
Procurement Officer
Assistant Superintendent
Cadet Assistant Superintendent
Chief Officer
Senior Principal Officer
Principal Officer
Senior Procurement Clerk
Corporal
Third Class
Cleaners

Source: GPS Gender Unit

## 3 | Internal gender structures

There is an informal Gender Unit at GPS headquarters, but it is not a formalized structure within the institution. Personnel for the unit have been selected but are not able to conduct any activities officially. Despite their status, the director of administration is extremely supportive of them. Once it is formalized, the unit would like to have Gender Unit personnel in all prisons.<sup>4</sup>

Decision-making within the GPS is male-dominated, and it is hoped that the arrival of the Gender Unit will make decision-making fairer between men and women.<sup>5</sup>

One of the responsibilities of the Gender Unit is to inform personnel. The unit uses parades on Fridays to discuss gender issues with staff. Its members try to deliver the message that gender is not about empowering one sex, but about equal participation, gender balance, equity and fairness. In general, the overall view of gender among GPS personnel is negative.<sup>6</sup>

Members of the Gender Unit have varying years of experience, ranging from just under three years to 22 years. One of the men within the unit is a social worker – one of two social workers (the other is a woman) who work at the GPS. He provides counselling to both men and women. When he visits women's prisons he is accompanied by a female officer for security.<sup>7</sup>

## 4 | Coordination mechanisms

The Prisons Act 1953 states that if there are insufficient prison staff to provide an escort for the removal of a prisoner, the police (the GPF) may provide an escort.<sup>8</sup>

The GPS collaborates with organizations such as the Insight Training Centre, the MRC Holland Foundation and other stakeholders to provide training to inmates.<sup>9</sup>

## 5 | Prison infrastructure

The Prisons Act 1953 states that prisoners must be segregated by sex. Men and women must be confined in separate parts of the prison in such a manner as to prevent their seeing, conversing or holding any intercourse with each other. Each sex, as far as the prison accommodation renders it practicable, is separated into various categories:

- prisoners awaiting trial are separated from convicted criminal prisoners
- juveniles are separated from adults and young prisoners
- civil prisoners are separated from criminal prisoners
- first offenders are separated from offenders with one or more previous convictions
- any other categories of prisoners are separated as specified by the commissioner.<sup>10</sup>

Prison officers are segregated by sex and prison. Only women officers work at the women's prisons, and only men work at the men's prisons. For escorting inmates there are supposed to be two officers to one inmate for security reasons; but sometimes the lack of staff, especially female staff, means the ratio is one to one because only women can escort women.<sup>11</sup>

When inmates visit the infirmary they are escorted. Among all the prisons, the men's prisons are usually considered by the GPS staff to require more medical attention due to stereotypes of violent masculinities.<sup>12</sup>

## 6 | Specialized education, training and rehabilitation

The GPS provides skills training for inmates (men and women) in IT, tailoring, plumbing, electrical installation, blocking, tiling, etc.<sup>13</sup> The GPS collaborates with organizations such as the Insight Training Centre and the MRC

Holland Foundation to provide training.<sup>14</sup>

The GPS recognizes that some inmates have experienced trauma prior to entering prison and some are retraumatized by coming to prison. Hence two to three years ago the GPS started using social workers to provide counselling to inmates.<sup>15</sup>

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## Institutional policies and procedures

According to the Prisons Act 1953, no prisoner shall be admitted to a prison unless accompanied by one of the following:

- a remand warrant
- a warrant or order of detention
- a warrant of conviction or of committal
- an order of court martial.<sup>16</sup>

The Act also stipulates that upon admission all prisoners (male and female) must be searched and “at such times subsequently as may be prescribed, by a prison officer of his or her own sex, but not in the presence of any other prisoner nor in the presence of a person of the opposite sex, and all prohibited articles shall be taken from him or her”.<sup>17</sup>

## 7 | Institutional gender policy

None exists.

## 8 | Code of conduct

There is no specific code of conduct for the GPS. The Prisons Act is the key document guiding on conduct for GPS personnel.<sup>18</sup>

Personnel acting wrongfully will be found guilty of an offence against discipline and subject to the provisions of the Constitution. Depending on the severity of the act, punishments can include admonishment (warning), a reprimand, a severe reprimand or a fine. A finding of misconduct applies to a member of staff who:<sup>19</sup>

- offers or uses unwarrantable personal violence to or ill uses any person in GPS custody
- is slovenly, uncivil or quarrelsome
- is guilty of any oppressive or tyrannical conduct towards an inferior in rank
- is guilty of wilful misconduct or wilfully disobeys, whether in hospital or elsewhere, any orders, and by this misconduct or disobedience contracts or aggravates any disease or infirmity or delays its cure
- makes any frivolous or vexatious complaint or makes a complaint in an irregular manner

- in making a complaint against any prison officer makes a false statement affecting the character of such officer knowing such statement to be false, or knowingly or willfully suppresses any material facts
- is guilty of any other act, conduct, disorder or neglect to the prejudice of good order and discipline not hereinbefore specified.<sup>20</sup>

## 9 | Human resource policies

In general, the GPS does not have separate human resource policies for most issues. The GPS refers to and follows the 2010 Women’s Act.

### **Pregnancy, maternity leave, paternity leave and breastfeeding**

In the past women were not permitted to get pregnant during the recruitment process and for two years after recruitment. After the two years, if a married woman got pregnant there was no problem, but an unmarried woman was dismissed, regardless of the identity of the father. This was an unwritten rule that is no longer followed.

## 10 | Policy on sexual harassment

There is no specific policy on sexual harassment. However, the Prisons Act makes reference to sexual harassment.<sup>21</sup>

## 11 | Policy on protection from sexual exploitation and abuse

None exists.

## 12 | Policy on gender mainstreaming

None exists.

## 13 | Procedures for responding to GBV perpetrated by GPS personnel against the public

None exists.

#### 14 | Procedures for responding to gender-based discrimination (and other forms of discrimination)

None exists.

#### 15 | Procedures for responding to cases of sexual harassment

There are no specific procedures for responding to cases of sexual harassment between personnel. In such cases, senior officers are responsible for the discipline of their subordinates. Other than at headquarters, most female and male staff are segregated due to the segregation of inmates by sex.<sup>22</sup>

#### 16 | Procedures for family and conjugal visits

Procedures regarding family visits are described in the Prisons Act, and conjugal visits are not permitted.<sup>23</sup>

#### 17 | Procedures regarding pregnant and nursing mothers and their children

The Prisons Act (1953) states that a child of a female prisoner may be admitted into a prison with its mother if he or she is less than two years old or if the medical officer of the prison advises so.<sup>24</sup>

In reality, the GPS does not receive pregnant and nursing mothers and their children because there is no welfare department. A pregnant inmate is taken to hospital to undergo a test to verify the pregnancy. If she is confirmed pregnant, she is referred (or returned) to the Welfare Unit of the GPF.<sup>25</sup>

#### 18 | Procedures for responding to GBV perpetrated by detainees

No specific procedures exist for cases of GBV perpetrated by detainees of the same sex. Between male and female detainees, GBV does not occur because detainees are segregated by sex.<sup>26</sup>

The Prisons Act 1953 does stipulate the following acts, among others, as being a prison offence when “committed by a prisoner”:

- causing, or omitting to assist the suppressing of, violence or insubordination of any kind
- taking part in any attack upon any prison officer or upon another prisoner
- omitting or refusing to help any prison officer in case of an attempted escape or of an attack upon any prison officer or upon another prisoner

- treating with disrespect any prison officer or servant of the prison, or any visitor or any other person employed in connection with the prison
- any assault or use of criminal force
- immoral, disorderly or indecent behaviour
- using insulting, threatening or indecent language.<sup>27</sup>

### Institutional culture

#### 19 | Information provided at recruitment about the institution’s commitment to gender equality and human rights

None exists.

#### 20 | Personnel’s perception on gender and women’s advancement

Information not collected.

#### 21 | Senior personnel’s commitment to and leadership on gender

Information not collected.

### Relations with the community

#### 22 | Community perceptions of the GPS

During a workshop in Bakau in July 2019 attended by representatives of various CSOs, 16 participants completed a survey about their perceptions of the GPS.<sup>28</sup>

- Eleven participants said they did not know if the GPS had a good relationship with communities
- Two participants said the GPS did not have a good relationship with communities.
- Thirteen participants said they did not know where they could make a complaint about GPS if they had to do so.
- Thirteen participants said they did not think the GPS takes public complaints seriously.
- One participant thought the GPS takes public complaints seriously.
- Fourteen participants said they did not know of anyone who had been victim of a crime committed by the GPS.

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When asked about their **general opinion of the GPS**, the responses included the following.<sup>29</sup>

*“GPS is one of the institutions that the government should prioritize to improve conditions – the conditions are very poor.”*

Young adult male CSO representative

*“They should serve as a correction centre – supporting the inmates, training some of them with skills.”*

Male CSO representative

*“Training is needed to get involved in understanding their roles in community relationships. Most of the victims, especially those that have issues outside of their lives, face challenges in the hands of these prison officers. They should treat them according to the law.”*

Female CSO representative from Western Region

*“Unsatisfactory. Prisons should be a place to return and rehabilitate and not only to punish.”*

Young adult male CSO representative from Banjul

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When asked **what the GPS does well**, the responses included the following.<sup>30</sup>

*“Some inmates after their release become very good citizens.”*

Male CSO representative

*“Providing training for the inmates in the forms of skills.”*

Young adult male CSO representative from Lower River Region

*“Escorting prisoners to the court and justice delivery systems.”*

Male CSO representative from Upper River Region

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When asked **what the GPS does not do well**, the responses included the following.

*“Providing poor food to inmates, poor health service to inmates, congested cells with inmates, and little rest and niceties for inmates.”*

Male CSO representative from Upper River Region

*“Maltreating of inmates, which is a violation of their rights.”*

Young adult male CSO representative from Lower River Region

*“Rehabilitation of prisoners.”*

Male CSO representative from Upper River Region

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When asked **what the GPS can do to improve its relationship with communities**, the responses included the following.

*“Work with communities and try to improve their services to prisoners.”*

Male CSO focal person for North Bank Region

*“Enlighten the people that the prison is a place to reform people and not to only punish offenders of law.”*

Young adult male CSO representative from Banjul

*“Initiate family mediation activities for inmates to reunite with their loved ones.”*

Male CSO representative from Upper River Region

## 23 | Personnel’s perception of the GPS’s relationship with communities

Some staff think there is generally a wide difference in perception between the communities/families of inmates – their concept of prisons – and what actually happens inside. Gambians who have no interaction with prisons blame the prisons when the police come with a warrant

and arrest someone. People also blame the prisons when people on remand wait a long time in prison for their trial and do not know their fate. However, the waiting time for trials has improved.<sup>31</sup>



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## Personnel

### 24 | Total strength

Not known.

### 25 | Ranks of personnel

Not known.

### 26 | Distribution of staff across the country

All personnel are deemed to be on duty at all times and may at any time be detailed for duty in any part of The Gambia.<sup>32</sup>

### 27 | Number of detainees

The Prisons Act 1953 provides specific guidance for prisoners sentenced to imprisonment with hard labour. Under this section, female prisoners cannot be employed outside the prison except on the recommendation of the medical officer, and then only on labour that is approved by the commissioner and the relevant minister.<sup>33</sup>

The Act also has a section on corporal punishment, where it specifies corporal punishment cannot be used upon:

- women
- men under the death sentence.<sup>34</sup>

### 28 | Number of prison facilities

Not known.

### 29 | Set ratio of prison personnel to detainees

When escorting inmates a ratio of two officers for one inmate is recommended for security reasons. But sometimes a lack of staff means that for female detainees the ratio is one officer to one inmate, because female inmates must have women escorts.<sup>35</sup>

## Recruitment and selection

### 30 | Eligibility requirements for recruitment

Not known.

### 31 | Recruitment targets and quotas

Not known.

### 32 | Specific measures for recruitment

Not known.

### 33 | Vetting procedures for GBV and other human rights violations

Not known.

### 34 | Positions/units in which women or men cannot serve

Prison officers are segregated by sex and prison. Only female officers work in the female wing of the prisons, and only male officers can work in the main yard and men's wing of the prisons.<sup>36</sup>

## Retention

### 35 | Rate of attrition

Not known.

### 36 | Specific measures for retention

Not known.

### 37 | Informal restrictions affecting retention

Not known.

### 38 | Staff associations

Not known.

## Promotions and remuneration

### 39 | Data on promotions

Not known.

### 40 | Specific measures for the advancement of women

Not known.

### 41 | Equal pay for the same rank/position

Not known.

## Special assignments, secondments and deployments

### 42 | Personnel on special assignments, secondments or deployments

Not known.

### 43 | Eligibility requirements and selection process

Not known.

## Infrastructure and equipment

### 44 | Adapted infrastructure

Not known.

### 45 | Housing for families

Not known.

### 46 | Adapted equipment

Not known.

---

## Institutional capacity

### Training

#### 47 | Gender training

Currently there is no specific gender training provided by the GPS to its personnel. However, the GPS would like to include gender in its recruitment training.<sup>37</sup>

UNDP has provided gender adviser training to staff from the Gender Unit, and other *ad hoc* one-day gender workshops have been organized with other UN entities.<sup>38</sup>

#### 48 | Requirement to mainstream gender in training

None exists.

#### 49 | Physical requirements in training

Not known.

#### 50 | Trainers

Not known.

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## Accountability

#### 51 | Internal oversight mechanisms/bodies

The GPS chief's office provides internal oversight of the GPS.

#### 52 | External oversight mechanisms/bodies

The Prisons' Committee is mandated to monitor the affairs of prisoners and promote and protect their rights and interests.

The Office of the Ombudsman can investigate complaints brought to it regarding the GPS. In 2014 the Office of the Ombudsman received 67 complaints, of which two were against the GPS.<sup>39</sup>

External oversight is also provided by the Standing Committee on Defence and Security of the National Assembly, the Prisons Visiting Committee, the National Human Rights Commission and the International Committee of the Red Cross.<sup>40</sup>

#### 53 | Formal and informal mechanisms for CSOs and other external oversight actors

Not known.

### Data on discrimination, sexual harassment and GBV

#### 54 | Compilation, publication and analysis of cases of discrimination, sexual harassment or GBV perpetrated by GPS personnel

Not known.

## RECOMMENDATIONS

This section makes recommendations for the GPS to consider in the current process of SSR in The Gambia. It is understood that many of these recommendations require additional financial resources that may be beyond the immediate control of the GPS. However, several recommendations are not dependent on financial resources.

Gender equality is integral to SSR, thus it is important

that gender mainstreaming is addressed at strategic-level discussions of the GPS's institutional-level reforms.

Please note that any reference to targets for women should not affect the required skill or competency levels for the positions in question. Consider developing innovative ways for men and women to prepare better for attaining such qualifications.

---

### INSTITUTIONAL STRUCTURE

1. Formalize the mandate and functions of the Gender Unit, including its relationship with the other GPS directorates and units, and ensure that the mandate and functions are well communicated throughout the institution.
  - ▶ The principal function of the Gender Unit could be to provide support to the GPS in mainstreaming gender throughout the institution. This could have a double-hatted element without replacing existing structures within the GPS. The Gender Unit could focus on the internal issues of the GPS and also on its services. Internally, the Gender Unit could support the GPS's capacity to address the different needs of the women and men it employs. It could also support the GPS's capacity to address the different needs of women, men, girls, boys and marginalized groups in its prisons.
- ▶ When the functions of the Gender Unit are formalized, develop the technical, advisory and training capacity of its staff to enable the unit to fulfil its mandate.
- ▶ Provide the Gender Unit with a regular budget and the necessary personnel and material resources to enable it to fulfil its mandate.
- ▶ Relating to the policies referenced below, the Gender Unit's mandate could include ensuring that the GPS's policy framework mainstreams gender throughout. The Gender Unit can play a key role in leading a participatory and inclusive process to review and/or develop policies related to gender.

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### INSTITUTIONAL POLICIES AND PROCEDURES

1. Develop an institution-wide gender policy that requires gender mainstreaming in all aspects of the GPS, and is in line with The Gambia's national policies related to gender.
  - ▶ Develop specific administrative procedures to implement the policy and enable all personnel to report when the policy is not being adhered to.
2. Develop an institution-wide code of conduct that is gender-responsive. It can include provisions related to sexual harassment in the workplace, GBV and sexual exploitation and abuse.
  - ▶ Develop specific administrative procedures to accompany and implement the code of conduct, including enabling all personnel to report when the code is not being adhered to.
3. If not included in the code of conduct, develop an anti-sexual harassment policy for the workplace that is in line with The Gambia's national policies related to gender.
  - ▶ Develop administrative procedures to implement the policy.
  - ▶ Develop a specific complaints mechanism/procedure to accompany the policy, to enable men and women victims to report cases of sexual harassment.
4. Develop a policy on protection from sexual exploitation and abuse.
  - ▶ Develop administrative procedures to implement the policy.
  - ▶ Develop a specific complaints mechanism/procedure to accompany the policy, for men and women of all ranks to report cases of sexual exploitation and abuse, and for the public to report cases.
5. Develop the GPS's own human resource policies to ensure that the specificities of the GPS are incorporated alongside the requirements of the Women's Act 2010.
  - ▶ Mainstream gender throughout all human resource policies for personnel, in line with The Gambia's

national legal and policy framework related to gender, such as the Women's Act 2010.

6. Since there are more women personnel than men, explore whether there are different strategies that can be used to address staffing issues between

the different prisons and the different services provided to inmates.

7. Mainstream gender in the planning of all services provided to inmates.

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## INSTITUTIONAL CULTURE

1. Develop ways to communicate that gender equality is integral to the institutional culture of the GPS, especially from the senior levels.
2. Encourage staff, especially women, to develop informal networks and/or associations to support each other's career development.

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## RELATIONS WITH THE COMMUNITY

1. Develop community awareness-raising activities to sensitize communities to the work of the GPS.

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## PERSONNEL

1. Disaggregate all GPS statistics by sex, rank, geographic region and any other relevant marker.
2. Develop innovative ways to promote women's advancement within the GPS.
3. Encourage the recruitment of more women, and develop innovative ways to promote women's presence within the GPS.

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## INSTITUTIONAL CAPACITY

1. Develop gender training specific for the GPS that is compulsory for all personnel.
  - ▶ Gender training, whether it is a course or several modules, could include the topics of gender and security, gender mainstreaming, sexual harassment in the workplace, GBV, conflict-related sexual violence and sexual exploitation and abuse.
  - ▶ Mainstream gender in all training courses.
2. Develop specialized gender modules for personnel in Human Resources and for trainers.
3. Develop training for personnel on the new code of conduct (if created) and/or all human resource policies related to absences, recruitment, promotions, etc.
4. Consider developing a target for ensuring there is a good ratio of full-time trainers who are men and women at the GPS.

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## ACCOUNTABILITY

1. Develop the specialized skills of the Gender Unit on gender and gender mainstreaming, as well as on workplace sexual harassment.
2. Develop formal and informal relationships with external actors of the GPS, such as CSOs and the Ombudsman, to play a role in external oversight of the institution.
3. Collect statistics within the GPS for cases on gender or sex-based discrimination, sexual harassment and GBV. Disaggregate these statistics by category of case, sex of the complainant and the accused, and the result of each case.

## Endnotes

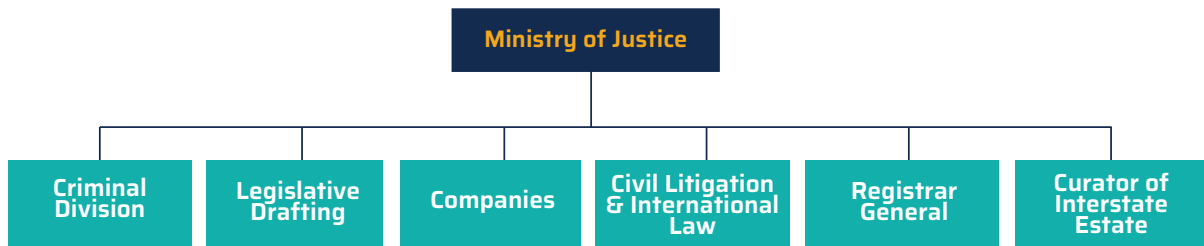
- 1 Republic of The Gambia (2019) National Security Policy, Art. 33.7, p. 33.
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- 3 Republic of The Gambia (1953) Prisons Act, Ch. 20:01, (2), p. 7.
- 4 Focus group discussion with GPS Gender Unit, 7 May 2019.
- 5 Ibid.
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- 9 Ndey Sowe (2018) "Gambia Prison Services graduates 43 inmates on life skills", Forayya, available at [forayaa.gm/gambia-prison-services-graduates-43-inmates-on-life-skills/](http://forayaa.gm/gambia-prison-services-graduates-43-inmates-on-life-skills/) (accessed 19 February 2020)
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- 15 Focus group, note 4 above.
- 16 Republic of The Gambia, note 3 above, Ch. 20:01, (31), p. 21.
- 17 Ibid., Ch. 20:01, (32), p. 22.
- 18 Fatou Njie, GPS focal point for the Gender Survey, April-September 2019.
- 19 Republic of The Gambia, note 3 above, Ch. 20:01, (20-24), pp. 14-19.
- 20 Ibid.
- 21 Fatou Njie, note 18 above.
- 22 Ibid.
- 23 Ibid.
- 24 Republic of The Gambia, note 3 above, Ch. 20:01, (30)(1), p. 21.
- 25 Fatou Njie, note 18 above.
- 26 Ibid.
- 27 Republic of The Gambia, note 3 above, Ch. 20:01, (62), pp. 27-30.
- 28 Lorraine Serrano (2019) "Results of survey for members of civil society organizations", conducted at DCAF workshop for CSOs, 16-17 July, National Nutrition Agency, Bakau.
- 29 Ibid.
- 30 Ibid.
- 31 Focus group, note 4 above.
- 32 Republic of The Gambia, note 3 above, Ch. 20:01, (17), p. 12.
- 33 Ibid., Ch. 20:01, (50), p. 25.
- 34 Ibid., Ch. 20:01, (65)(3), p. 32.
- 35 Focus group, note 4 above.
- 36 Ibid.
- 37 Fatou Njie, note 18 above.
- 38 Ibid.
- 39 Office of the Ombudsman (2014) "Annual report 2014", pp. 76-78.
- 40 Written inputs from GPS Gender Unit, February 2020.

# 8 | JUSTICE SECTOR

The Ministry of Justice in The Gambia was created in 1968, with the title of “Attorney General’s Chambers and Ministry of Justice”, and is deputized by the Solicitor General and Legal Secretary.

## Institutional structure

### 1 | Organizational structure



The Ministry has six departments, each headed by a director: Civil Litigation, Curator of Interstate Estate, Legislative Drafting, Criminal Division, Registrar General and Companies in the Republic of The Gambia.<sup>1</sup>

The Ministry is responsible for issuing marriage certificates, registering marriages and conducting civil marriages, as well as issuing bachelors’ and spinsters’ certificates.

The line agencies of the Ministry are the Gambia Law Reform Commission, the National Council for Law Reporting, the Alternative Disputes Resolution Secretariat, the National Agency against Trafficking in Persons and the National Agency for Legal Aid.<sup>2</sup>

### 2 | Internal gender structures

Gender structures are the Human Rights Unit, the Child Rights Unit and the Sexual and Gender-Based Violence Unit.<sup>3</sup>

### 3 | Coordination mechanisms

The justice sector coordinates with many state and non-state actors.<sup>4</sup>

- ▶ Government ministries and agencies: the Ministry of Women, Children & Social Welfare and the National Women’s Council (in which the Ministry of Justice has a nominated member).
- ▶ The judiciary.

- ▶ The general public.
- ▶ The private sector.
- ▶ Media and CSOs.
- ▶ International organizations.
- ▶ Bilateral, regional and multilateral organizations.
- ▶ UN agencies and other development partners.

Furthermore, the Ministry has signed a memorandum of understanding with the Network against Gender Based Violence,<sup>5</sup> a consortium bringing together Gambian CSOs and government institutions to implement GBV prevention and response programmes, and serve as a platform for action and discussion on GBV issues in The Gambia.<sup>6</sup>

### 4 | Courts in The Gambia

The courts in The Gambia, which have the jurisdiction to hear matters at first instance, are as follows.

- ▶ High Court.
- ▶ Special Criminal Court (power to hear and determine all criminal offences of theft relating to public property and public funds).
- ▶ Magistrates’ courts.
- ▶ District tribunals.
- ▶ Cadi courts (jurisdiction to apply Islamic law in matters of marriage, divorce and inheritance).<sup>7</sup>



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## Institutional policies and procedures

Laws such as the Women's Act 2010, the Children's Act 2005, the Trafficking in Persons Act 2007, the Tourism Offences Act 2003, the Domestic Violence Act 2013, the Sexual Offences Act 2013 and the Labour Act 2007 have all been promulgated to address the rights of women and children and to combat discrimination in all its forms.

### 5 | Institutional gender policy

In addition to the national legal and policy framework on gender, the Ministry of Justice's Strategic Plan 2015–2019 and Transitional Justice Strategic Plan 2017–2020 integrate a gender perspective. (A new Strategic Plan 2020–2025 is under way to take the process forward.) As a result, women have been included in all transitional justice processes undertaken by the government, particularly transformative governance rebuilding activities. For instance, six out of 11 commissioners of the Constitutional Review Commission are women, including the vice chairperson; four of the 11 commissioners of the Truth, Reconciliation and Reparations Commission are women, including the vice chairperson; and two of the five commissioners of the National Human Rights Commission are women, including the vice chairperson.<sup>8</sup>

### 6 | Code of conduct

All employees of the Ministry of Justice are civil servants, and are therefore subject to the regulations and code of conduct specified in the General Orders (see Chapter 2).

The Gambia Bar Association focuses on ensuring the professional discipline of its members by strict compliance with the General Orders. The association receives complaints from the general public about legal practitioners, and can investigate members' conduct to see if further action should be taken by the General Legal Council.<sup>9</sup>

### 7 | Human resource policies

All employees of the Ministry of Justice are civil servants, and are therefore subject to the articles of the General Orders (formally titled Revised General Orders Code of Conduct and Public Service Rules and Regulations).

### 8 | Policy on sexual harassment

No specific policy exists for the justice sector.

### 9 | Policy on protection from sexual exploitation and abuse

No specific policy exists for the justice sector.

### 10 | Policy on gender mainstreaming

No specific policy exists for the justice sector.

The Women and Gender Bureau is mandated to advise the government on the well-being of women and girls. The National Women's Council is mandated to develop methods for the integration and implementation of gender and women's rights initiatives in all areas of government activities, to initiate education for all public officers and authorities regarding equality between women and men, to examine and study the economic, social and cultural structure of the society, and to advise the government on areas where the participation of women should be encouraged and strengthened (see Chapter 2). The government has plans to enhance gender mainstreaming, capacity development for women entrepreneurs and the establishment of a fund to improve women's access to finance.<sup>10</sup>

### 11 | Procedures for responding to GBV perpetrated by the justice sector against the public

No specific procedures exist.

Survivors of GBV normally report to the nearest police station. The police investigate and compile a case file, which is sent to the Ministry of Justice for legal advice and subsequent prosecution. In addition, as part of its mandate the Sexual and Gender-Based Violence Unit under the Ministry of Justice is tasked with conducting effective monitoring of sexual and gender-based complaints through social media, advocacy groups, media reports and any other sources. The unit contacts police investigators to obtain information on the status of the cases identified and provides assistance as needed.<sup>11</sup>

### 12 | Procedures for responding to gender-based discrimination (and other forms of discrimination)

No specific procedures exist.

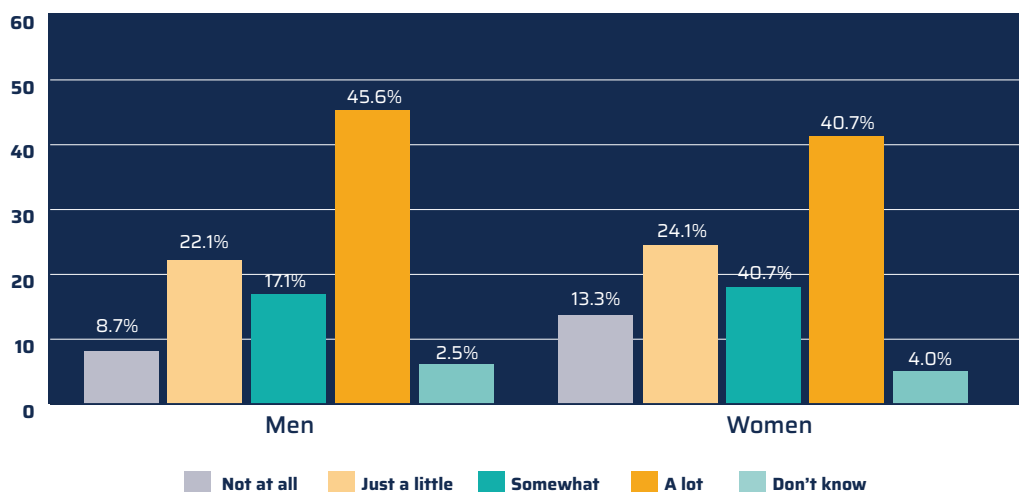
### 13 | Procedures for responding to cases of sexual harassment

No specific procedures exist.

## Relations with the community

### 14 | Community perceptions of the justice sector

How Much Do You Trust the Courts of Law?



Source: Afrobarometer, 2018.

The Afrobarometer survey for 2018 found that 44.5 per cent of women and 45.6 per cent of men trust the courts of law “a lot”, while 8.9 per cent of women and 8.7 per cent of men do not trust the courts “at all”.<sup>12</sup>

During a workshop in Bakau in July 2019, attended by representatives of various CSOs, 15 participants completed a survey about their perceptions of the justice sector.<sup>13</sup>

- ▶ Six participants felt the justice sector has a good relationship with communities
- ▶ Five participants said they did not know whether or not the justice sector has a good relationship with communities.
- ▶ Two participants said the justice sector does not have a good relationship with communities.

- ▶ Ten participants said they did not know where to make a complaint about the justice sector if they had to.
- ▶ Three participants said they knew where to make a complaint. They identified the Ombudsman and any judicial secretary as places where a complaint could be lodged.
- ▶ Eleven participants said they did not know whether the justice sector would take complaints from the public seriously.
- ▶ Two participants believed the justice sector would take complaints seriously.
- ▶ Thirteen participants said they did not know anyone who had been the victim of a crime committed by someone within the justice sector.

When asked about their **general opinion of the justice sector**, the responses included the following.

*“All justice proceedings should be sped up and treated with urgency.”*

Male CSO focal point for North Bank Region

*“It is one sector that is doing well in the reform sector. However, legal fees or services are still very high.”*

Young adult male CSO representative

*“Delay in justice delivery systems that take a lot of time and resources.”*

Male CSO representative from Upper River Region

*“Satisfactory. In the current time, our country started having an effective and functioning judicial system.”*

Young adult male CSO representative from Banjul

---

When asked **what the justice sector does well**, the responses included the following.

*“Decentralizing the justice system and the establishment of Cadi courts allows plaintiffs to seek redress.”*

Male CSO representative from North Bank Region

*“Focuses impartially on legislative issues, bills and human rights issues.”*

Senior male CSO representative from Banjul

*“Periodic press briefings by the Justice Minister.”*

Male CSO representative from Lower River Region

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When asked **what the justice sector does not do well**, the responses included the following.

*“Expediting cases at the courts.”*

Male CSO representative from Upper River Region

*“Allowing themselves to be remotely controlled by the executive.”*

Male CSO representative

*“The operation of the courts appears somewhat haphazard. Prosecutor’s service lacks a cutting edge. Not enough cases reach court.”*

Senior male CSO representative from Banjul

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When asked **what the justice sector can do to improve its relationship with communities**, the responses included the following.

*“Outreach programmes to create more awareness of their roles and how people can lodge complaints.”*

Male CSO representative from North Bank Region

*“Expedite cases at the courts and create awareness of the justice delivery systems in the Gambia.”*

Male CSO representative from Upper River Region

*“Sensitization to citizens about laws and the law, and access to fair trials.”*

Young adult male CSO representative from Banjul

*“Be more open and transparent about how the legal system operates.”*

Senior male CSO representative from Banjul

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## Personnel

### 15 | Total number of staff

The Ministry has a total number of 157 staff, out of whom about 55 are lawyers.<sup>14</sup>

There are over 200 legal practitioners admitted to practise in The Gambia, most of whose chambers are located in Banjul. All lawyers in The Gambia are required to be members of the Gambia Bar Association.<sup>15</sup>

### 16 | Distribution of staff across the country

In addition to the main office in Banjul, the Ministry has two offices situated in Basse and Kanifing.

## Recruitment and selection

Recruitment and selection of staff for the Ministry of Justice are conducted by the Personnel Management Office.<sup>16</sup>

The Judicial Training Institute is mandated to conduct continuing legal and judicial education for all judges, magistrates, cadis and support staff of the judiciary.<sup>17</sup>

### 17 | Eligibility requirements for recruitment

Not found.

### 18 | Recruitment targets and quotas

Not found.

### 19 | Specific measures for recruitment

Not found.

**20** | Vetting procedures for GBV and other human rights violations

Not found.

**21** | Positions/units in which women or men cannot serve

Not found.

## Retention

**22** | Rate of attrition

Not found.

**23** | Specific measures for retention

Not found.

**24** | Informal restrictions affecting retention

Not found.

**25** | Staff associations

Not found.

## Promotions and remuneration

**26** | Data on promotions

Not found.

**27** | Specific measures for the advancement of women

Not found.

**28** | Equal pay for the same rank/position

The government of The Gambia does not discriminate on remuneration and offers equal pay for the same positions.<sup>18</sup>

## Assignments, secondments and deployments

**29** | Personnel on assignments, secondments or deployments

Not found.

**30** | Eligibility requirements and selection process

Not found.

## Infrastructure and equipment

**31** | Adapted infrastructure

Not found.

**32** | Housing for families

Not applicable.

**33** | Adapted equipment

Not applicable.

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## Institutional capacity

### Relations with justice sector beneficiaries

**34** | Data on gender-specific cases and sexual violence cases

The Network on GBV collects data on GBV cases since 2013.<sup>19</sup>

**35** | Justice sector and public access to laws and jurisprudence/body of law

The online legal resources platform for The Gambia is available at [www.lawhubgambia.com/](http://www.lawhubgambia.com/).

**36** | Equal rights and treatment for witnesses and providing testimony before the court

Equal rights and treatment for witnesses and providing testimony before the court are covered in the Evidence Act and the Criminal Procedure Code.<sup>20</sup>

## Training

### 37 | Gender training

Not found.

### 38 | Requirement to mainstream gender in training

Not found.

### 39 | Trainers

Not found.

### 40 | Gender modules or courses in law schools

Not found.

### 41 | Requirement to mainstream gender in law school curricula

Not found.

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## Accountability

### 42 | Internal oversight mechanisms/bodies

The Gambia Bar Association has a Complaints Committee that receives complaints.<sup>21</sup> The General Legal Council is another internal oversight mechanism for the justice sector.<sup>22</sup>

### 43 | External oversight mechanisms/bodies

In the 2014 report of the Ombudsman's Office, one complaint (out of 67 complaints registered) was received regarding the "Judiciary Department".<sup>23</sup>

### 44 | Formal and Informal mechanisms for CSOs and other external oversight actors

Not found.

## Data on discrimination, sexual harassment and GBV

### 45 | Compilation, publication and analysis of cases of discrimination, sexual harassment and GBV perpetrated by the justice sector

Not found.

## RECOMMENDATIONS

This section makes broad recommendations for the justice sector as a whole, given that it comprises state institutions, such as the Ministry of Justice, the police, the judiciary and prisons, and non-state institutions like the Gambia Bar Association, the Female Lawyers Association and the Network against Gender-Based Violence. In light of the current process of SSR in The Gambia, it is important to consider the potential of reforms within the justice sector, especially because of its close relationship to the security sector.

Many of these recommendations may require additional financial resources that are beyond the immediate control of actors in the justice sector. However, several recommendations are not dependent on financial resources.

Since gender equality is integral to SSR, gender mainstreaming must be addressed strategically at the national level, as well as at the strategic level of the justice sector.

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### MINISTRY OF JUSTICE

1. Develop a ministerial-level gender strategy that can provide broader key objectives with regard to gender and gender mainstreaming in all aspects of the ministry to bring it in line with The Gambia's national policies related to gender.
  - This includes requesting a review of the General Orders to ensure that these provisions are not in conflict with the provisions of the Women's Act 2010.
2. If a review of the General Orders does not cover sexual harassment sufficiently, develop an anti-sexual harassment policy for the workplace that is in line with The Gambia's national policies related to gender.
  - Develop specific administrative procedures to accompany the policy to enable men and women victims to report cases of sexual harassment.
3. If a review of the General Orders does not cover sexual exploitation and abuse sufficiently, develop a policy on prevention of sexual exploitation and abuse.
  - Develop specific administrative procedures to accompany the policy for men and women within the justice sector to report cases of sexual exploitation and abuse, and for the public to report cases.

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### INSTITUTIONS AND ACTORS WITHIN THE JUSTICE SECTOR

1. Recognize Female Lawyers Association Gambia (FLAG) as a key actor by inviting the association to be officially represented (as an organization and not only through participation of individual members) in all strategic-level discussions about the justice sector.
  - It is important that FLAG is well resourced financially, materially and in human terms. All employers of legal practitioners should encourage women to join FLAG as active members.
2. Develop ways to communicate to staff and the public that gender equality is integral to the justice sector, including from the highest-level judges and the Minister of Justice.
3. Provide (or provide opportunities for) continuous training and education for all levels on issues such as gender bias, gender and sex-based discrimination, gender mainstreaming, sexual harassment in the workplace, GBV, conflict-related sexual violence, sexual exploitation and abuse, gender analysis, etc.
4. Disaggregate all statistics by sex, age, geographic region and any other relevant markers.
5. Collect statistics within the sector for cases of gender or sex-based discrimination, sexual harassment and all forms of GBV perpetrated by staff. Disaggregate these statistics by category of case, sex of the complainant and the accused, and the result of each case.



## Endnotes

- 1 Flora Ogbuitepu Ngo-Martins (2019) "Update: Researching Gambian legal information", available at [www.nyulawglobal.org/globalex/Gambia1.html](http://www.nyulawglobal.org/globalex/Gambia1.html) (accessed 20 February 2020).
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- 13 Lorraine Serrano (2019) "Results of survey for members of civil society organizations", conducted at DCAF workshop for CSOs, 16-17 July, National Nutrition Agency, Bakau.
- 14 Bafou Jeng et al., note 2 above.
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- 16 Bafou Jeng et al., note 2 above.
- 17 Ngo-Martins, note 1 above.
- 18 Bafou Jeng et al., note 2 above.
- 19 Ibid.
- 20 Ibid.
- 21 Gambia Bar Association, note 9 above.
- 22 Bafou Jeng et al., note 2 above.
- 23 Office of the Ombudsman (2014) "Annual report 2014", p. 78.

## 9 | GENDER AND SECURITY REVIEW OF THE DRAFT CONSTITUTION

Following the release of a draft Constitution in November 2019 by the Constitutional Review Commission, this chapter reviews the draft from a gender perspective, focusing mainly on the security sector.<sup>1</sup>

1. The cooperation provided for in Article 4(4) makes no mention of human rights. This article could reproduce the national values and principles of governance that do refer to human rights in Article 10(2)(b).

**Article 4(4):** The Government and the Local Government Authorities shall cooperate and work with each other to promote – (a) the interests of all Gambians; (b) the development of each administrative area or region; (c) unity, cohesion and peace between and amongst all Gambians; (d) the ethnic, cultural and language diversity of all Gambians as a source of national pride and unity; and (e) the development and use of local languages, including sign language, Braille and other communication formats and technologies accessible to persons with disabilities.<sup>2</sup>

Article 10(2)(b): The national values and principles of governance include... (b) human dignity, equity, social justice, inclusiveness, equality, respect for human rights and freedoms, non-discrimination and protection of the marginalised.<sup>3</sup>

2. Article 9 does not articulate how conflicts of laws are to be determined. For example, as noted above, Article 10(2) includes equality as one of the binding national values and principles, but Article 9(1)(d)–(e) would mean that customary and Shari’ah law could apply to women in ways that may infringe their rights to gender equality and non-discrimination.

Similarly, Article 12(1)(e) on duties of citizens requires every citizen to respect the rights of others. But this could also give rise to a conflict with the recognition of customary and Shari’ah law in Article 9.

**Article 9 (Laws of The Gambia):** (1) In addition to this Constitution, the laws of The Gambia consist of – (a) Acts of the National Assembly made under this Constitution and subsidiary legislation made under this Constitution and such Acts; (b) the existing laws; (c) the

common law and principles of equity; (d) customary law so far as concerns members of the communities to which it applies; and (e) the Shari’ah as regards matters of marriage, divorce, burial, endowment (waqf) and inheritance among members of the communities to which it applies. (2) Subject to subsection (3), a treaty to which The Gambia is a party shall not form part of the laws of The Gambia unless it is incorporated in an Act of the National Assembly. (3) The courts may have due regard to international treaties on human rights to which The Gambia is a party where it considers it necessary to aid its interpretation or application of a provision of this Constitution with respect to any right or freedom.<sup>4</sup>

**Article 12(1)(e)** on duties of citizens: (1) The exercise and enjoyment of rights and freedoms provided for in this Constitution are inseparable from the performance of duties and obligations, and accordingly, every citizen shall – ... (e) respect the rights, freedoms and legitimate interests of others and refrain from acting in a manner detrimental to the welfare of other persons.<sup>5</sup>

3. Article 10 could include gender equality as an explicit value or principle – as other national Constitutions do, including in those pluralistic legal systems.
4. In Article 15(3), if one of the parties to the marriage is not of a legal age to marry, it is unclear if the marriage would be considered unlawful regardless of whether or not the child knows it is unlawful.

**Article 15(3):** Subsection (2) (a) shall not apply if the court or tribunal, in annulling or declaring the marriage void, found that the parties, at the time of the marriage, knew that the marriage was unlawful or fraudulent.<sup>6</sup>

5. Article 19 is missing “or her” in the last clause at the end of the sentence.

**Article 19:** A citizen of The Gambia who had lost his or her citizenship of The Gambia as a result of the acquisition or possession of the citizenship of some other country shall, on a written notification to the Minister, have his Gambian citizenship restored.<sup>7</sup>

6. Article 31(2) could also include sex – not only gender.
- Article 31(2):** Every person in The Gambia, whatever his or her race, ethnicity, colour, creed, gender, language, religion, disability, political or other opinion, national or social origin, property, birth or other status, shall be entitled to the fundamental rights and freedoms of the individual contained in this Chapter, but subject to respect for the rights and freedoms of others and for the public interest.<sup>8</sup>
7. In Article 39(3)(d), would communal obligations for women to perform certain types of labour that could otherwise be classified as “forced labour” be part of this provision?
- Article 39(3)(d):** For the purposes of this section, the expression “forced labour” does not include— ... (d) any labour reasonably required as part of reasonable and normal communal or other civic obligations.<sup>9</sup>
8. Article 41(1) seems to include customary and Shari’ah law. If, under those laws, women are not allowed to inherit property for any reason, does this article still apply to them?
- Article 41(1):** Subject to the provisions of this Constitution, a person has the right to acquire and own property.<sup>10</sup>
9. To protect girls from child marriages, the minimum age for “full age” as referred to in Article 52(1) is unclear. Even in Article 54(1) on the rights of children, the maximum age of a “child” (age of majority) is not indicated.
- Article 52(1):** Men and women of full age and capacity have the right to marry and found a family.<sup>11</sup>
- Article 54(1):** Every child has the right - (a) to a name and nationality from birth; (b) to adequate nutrition; (c) to be protected from abuse, neglect, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour; (d) to parental care and protection, which includes equal responsibility of the mother and father, to provide for the child; (e) to special protection against exposure to any physical or moral hazard; and (f) not to be detained, except as a measure of last resort, and then only for the shortest appropriate period. (2) Children under the age of sixteen years are entitled to be protected from economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or be harmful to their health or physical, mental, spiritual, moral or social development. (3) A juvenile offender who is kept in lawful custody shall be kept separately from adult offenders.<sup>12</sup>
10. Do Articles 52 and 53 on the right to marry and the rights of women take precedence over Shari’ah and customary law if there are provisions that are in conflict with each other?
- Article 52 (Right to marry):** (1) Men and women of full age and capacity have the right to marry and found a family. (2) Marriage shall be based on the free and full consent of the intended parties.<sup>13</sup>
- Article 53 (Rights of women):** (1) Women are accorded full and equal dignity of the person with men. (2) Women have the right to equal treatment with men, including equal opportunities in political, economic and social activities.<sup>14</sup>
11. Although women have rights under this Constitution, as specified in Article 53, they are not protected from discrimination because of the exceptions provided in Article 67(2)(c) and 67(2)(d). Since the Constitution is the supreme law, this would put into question Article 9 of the Women’s Act. Also, Article 67(6) could include sex – not only gender.
- Article 67 (Protection from discrimination):** (1) All persons are equal before the law. (2) Subject to the provisions of subsection (4) — (a) no law shall make any provision which is discriminatory either of itself or in its effect; and (b) no person shall be treated in a discriminatory manner by any other person acting by virtue of any law or in the performance of the functions of any public office or any public authority. (3) Subsection (2)(a) shall not apply to any law in so far as that law makes provision — (a) with respect to persons who are not citizens of The Gambia or to qualifications for citizenship; (b) with respect to the qualifications prescribed by this Constitution for any office; (c) with respect to adoption, marriage, divorce, burial, endowment (waqf), devolution of property on death or other matters of personal law; or (d) for the application, in the case of members of a particular race or ethnicity of customary law, with respect to any matter in the case of persons who, under that law, are subject to that law. (4) Subsection (2)(b) shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4). (5) The exercise of any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by the Constitution or any other law shall not be enquired into by any court on the grounds that it contravenes the provisions of subsection (2)(b). (6) In this section, the expression “discrimination” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, ethnicity, creed, colour, gender,

language, religion, political or other opinion, national or social origin, property, birth or other status whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject.<sup>15</sup>

**Women’s Act, Article 9:** (1) A woman shall not be made to suffer any discrimination by reason only that she is a woman ... (3) Nothing in this section prevents the making of laws in pursuance of promoting equality for women in the society and removing all forms of discrimination against women in law and in practice.<sup>16</sup>

12. In Article 72(b), how would “fair representation” in elective public bodies be enforced?

**Article 72 (General principles for the electoral system):** The electoral system shall comply with the following principles— ... (b) fair representation of all gender in the elective public bodies.<sup>17</sup>

13. In Article 103(5)(b), the President should not be immune from prosecution for crimes under the Rome Statute because that treaty (Article 27) does not provide for immunity.

**Article 103(5)(b) (Immunity of President from legal proceedings):** (5) Nothing contained in this section shall be construed as — ... (b) extending to a crime for which the President may be prosecuted under any treaty to which The Gambia is a party and which prohibits such immunity and, for that purpose, section 9(2) shall not apply.<sup>18</sup>

**Rome Statute of the International Criminal Court, Article 27 (Irrelevance of official capacity):** (1.) This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence. (2.) Immunities or special procedural rules which may attach to the official capacity of a person, whether under national or international law, shall not bar the Court from exercising its jurisdiction over such a person.<sup>19</sup>

14. In Article 114(2)(d)–(g), and similarly for all articles related to the appointment of specific members of government bodies, the provisions that would not qualify someone for an appointment could include having been liable for misconduct in the form of sexual harassment and/or having been convicted by a court or tribunal for violations of human rights and/or gender-based violence.

Article 114(2): A person is not qualified to be appointed a Minister if he or she — (a) is a member of the National Assembly; (b) has been declared to be of an unsound mind; (c) is adjudged a bankrupt and has not been discharged, or has entered into an arrangement with creditors; (d) has, during any period of service in a public office or in the private sector in The Gambia, been found liable for misconduct, misbehaviour, negligence or corruption by a commission of inquiry; (e) has, during any period of service in a public office or in the private sector in The Gambia, been terminated or dismissed for dishonesty or immoral conduct; (f) has been convicted by a court or tribunal of competent jurisdiction of — (i) an offence involving dishonesty or immoral conduct; or (ii) any other offence for which the penalty exceeds twelve months; (g) has, within seven years immediately preceding the date of his or her appointment as Minister, been convicted by a court or tribunal of competent jurisdiction of an offence relating to elections.<sup>20</sup>

15. Article 114(2)(k) restricts serving members of a “disciplined force” from specific appointments, and these persons are defined under the “Interpretation” section as members of various security institutions. While the definition is clear, the term seems inconsistent because it is only used once in all of Chapter XVI on National Security, which refers to the same security institutions as used in the “disciplined force” definition. For consistency between this chapter and the rest of the Constitution, use language/terminology the same throughout so as not to cause confusion for readers who are not familiar with the security sector.

Article 114(2): A person is not qualified to be appointed a Minister if he or she ... (k) is a serving member of a disciplined force.<sup>21</sup>

16. Article 129(11)(g)(12) provides that the Director of Public Prosecutions should supply statistical data. In addition to the aggregation and the types of information required, all the data should be disaggregated by sex and age to provide an even fuller picture to the National Assembly.

**Article 129(11)(g)(12):** (g) any other cases for which statistical data may be developed to assist the National Assembly in understanding and having a fuller picture on the trend of criminality in the country. (12) The statistics required under subsection (11) shall each be aggregated according to type of offence.<sup>22</sup>

17. In Article 180, when the Court of Appeal is determining a case from the Shari'ah High Court, does it apply Shari'ah law alone, or is it bound to apply Constitutional guarantees when they conflict with Shari'ah law?

**Article 180 (Establishment and composition of Court of Appeal):** (1) There is established the Court of Appeal which shall comprise — (a) the President of the Court of Appeal, who shall be a citizen of The Gambia; and (b) not less than four other judges of Gambian citizenship, at least one of whom shall be qualified in Shari'ah, and who shall, subject to section 188(3), be citizens of The Gambia. (2) The Chief Justice may in any particular case where it is expedient to do so at the request of the President of the Court of Appeal, appoint in writing a judge of the High Court to sit in the Court of Appeal for the determination of a particular cause or matter. (3) Subject to subsection (5), the Court of Appeal shall be constituted by three judges of the Court. (4) In any cause or matter before the Court of Appeal involving the application or interpretation of Shari'ah, the President of the Court shall, to the extent feasible, ensure that judges of the Court competent in Shari'ah constitute the Court to hear and determine the appeal. (5) A single judge of the Court of Appeal may exercise the powers of the Court in any interlocutory matter which may be subject to a fresh application to a bench of three judges of the Court. (6) The President of the Court of Appeal shall preside at sittings of the Court, and in his or her absence, the most senior of the other judges of the Court shall preside. (7) The Chief Justice may, in consultation with the President of the Court of Appeal, establish such divisions of the Court of Appeal as he or she thinks fit to sit at such places in The Gambia as he or she may determine.<sup>23</sup>

18. **Article 219(1)** could include a quota for female commissioners for the Human Rights Commission.

**Article 219(1):** The National Human Rights Commission shall comprise five Commissioners, who shall be appointed for a term of three years, subject to renewal for one more term.<sup>24</sup>

19. Articles 259(1)(e) and 283(2)(c) refer to a/the “national security service”. However, this is not a term used in Chapter XVI on National Security. That chapter speaks of the “National Security Commission”, “national security” and “security services”. It is thus unclear what is meant by “national security service”. For consistency in language, consolidate the language regarding security actors throughout the Constitution to ensure that readers can understand, especially those unfamiliar with the security sector.

**Article 259(1)(e):** The Public Service of The Gambia includes the following — ... (e) the National Security Service.<sup>25</sup>

**Article 283(2)(c):** The National Security Council shall be responsible for advising the President — (c) on reforms that may be necessary to ensure and maintain a harmonized national security service to strengthen law enforcement in The Gambia.<sup>26</sup>

20. In Article 283(1)(c), the National Security Council should include the ministers responsible for finance and women, children and social welfare. Issues of national security can have a significant impact on the national budget, and security threats almost always have the biggest impact on women and children. Including these ministers would help the National Security Council move more towards strategic discussions of human security, rather than classical notions of state security. The presence of both ministers will also help ensure better integration of domestic and foreign policies, as stated in Article 283(2)(b).

**Article 283:** (1) There is established the National Security Council which shall comprise — (a) the President, as Chairperson; (b) the Vice-President, who may deputise in the absence and on the direction of the President; (c) the Ministers responsible for defence, internal security, foreign affairs, and justice; (d) the Chief of Defence Staff; (e) the Inspector General of Police; (f) the Director-General of the State Intelligence Service; (g) the Director General of The Gambia Immigration Service; (h) the Commissioner General of The Gambia Revenue Authority; (i) the Director General of Prisons; (j) the Chief Fire Officer; (k) the Director General of the



Drug Law Enforcement Agency; and (l) the National Security Adviser to the President. (2) The National Security Council shall be responsible for advising the President — (a) on all matters relating to the security of The Gambia, including measures necessary to keep the peace and security of the nation; (b) on the integration of domestic and foreign policies relating to the security of The Gambia; (c) on reforms that may be necessary to ensure and maintain a harmonized national security service to strengthen law enforcement in The Gambia; and (d) on measures that are necessary to ensure a well-trained and professional national security system that is effectively responsive to threats to, and the protection of, The Gambia. (3) Under the direction of the President, the National Security Council shall take appropriate measures to safeguard the internal and external security of The Gambia, and ensure the co-operation of the Departments and Agencies of the Government in that regard.<sup>27</sup>

21. Article 283(2)(d) refers to the “threats to, and the protection of, The Gambia”. As above, to acknowledge the importance of human security in addition to state security, the suggested wording is “threats to, and the protection of, The Gambia and its people”.

22. In Article 284(6), as above, the suggested wording is “The Armed Forces shall be equipped and maintained to perform their role of defence of The Gambia and its people, as well as such other...”

**Article 284(6):** The Armed Forces shall be equipped and maintained to perform their role of defence of The Gambia as well as such other functions for the development of The Gambia as provided in this Constitution or any other law.<sup>28</sup>

23. Article 287 makes no reference to an Act of the National Assembly (i.e. Police Act) that will make provisions for the functions and duties (etc.) of the Gambia Police Force, as is done for the Gambia Armed Forces in Article 284(7).

**Article 287:** The Gambia Police Force shall — (a) strive for the highest standards of professionalism and discipline among its members; (b) prevent corruption and promote and practice discipline, transparency and accountability; (c) have utmost respect for the rule of law which shall at all times guide the execution of its duties and responsibilities; (d) comply with standards of human rights and fundamental freedoms and respect for human dignity; (e) train staff to the

highest possible standards of competence and integrity; and (f) foster and promote harmonious relationships with the broader Gambian society.<sup>29</sup>

**Article 284(7):** An Act of the National Assembly shall make provision — (a) for the functions and duties of the Armed Forces; (b) outlining the internal structures and commands of the Armed Forces; (c) for the establishment of an Armed Forces Council, including its composition, functions and all other related matters; (d) subject to section 285, for the appointment, discipline and removal of members of the Armed Forces; and (e) for such other matters as may be considered necessary to maintain an efficient, effective and discipline Armed Forces.<sup>30</sup>

24. For consistency, Article 288(4)(a) should include an exception in the case of Article 129(6).

**Article 288(4)(a):** (4) The Minister responsible for internal security may only give direction to the Inspector-General of Police with respect to matters of policy for The Gambia Police Force, but no person may give any direction to the Inspector-General of Police with respect to — (a) the investigation of any particular offence or offences.<sup>31</sup>

**Article 129(6):** The Director of Public Prosecutions may direct the Inspector General of Police to investigate any suspicion or allegation of criminal conduct and the Inspector General of Police shall comply with such direction.<sup>32</sup>

25. For consistency, use the same title for the head of the Gambia Fire and Rescue Service; it currently appears differently in Articles 283(1)(j) and 290(1)(d).

**Article 283(1)(j):** The Chief Fire Officer.<sup>33</sup>

**Article 290(1)(d):** The Chief Fire and Rescue Officer.<sup>34</sup>

26. Although the Gambia Prison Service, the Gambia Fire and Rescue Service and the Gambia Immigration Service do not have separate sections, they are all governed by separate Acts of the National Assembly (i.e. Prisons Act, Fire Service Act and Immigration Act). Should those be included in the Constitution?



## Endnotes

- 1 This review was co-written with Amrita Kapur, DCAF Gender and Security Division.
- 2 Constitutional Review Commission (2019) Proposed Draft Constitution of the Republic of The Gambia, Art. 4(4), p. 3.
- 3 Ibid., Art. 10(2)(b), p. 6.
- 4 Ibid., Art. 9, p. 5.
- 5 Ibid., Art. 12(1)(e), p. 6.
- 6 Ibid., Art. 15(3), p. 8.
- 7 Ibid., Art. 19, p. 10.
- 8 Ibid., Art. 31(2), p. 15.
- 9 Ibid.
- 10 Ibid., Art. 41(1), p. 21.
- 11 Ibid., Art. 52(1), p. 28.
- 12 Ibid., Art. 54, pp. 28-29.
- 13 Ibid., Art. 52, p. 28.
- 14 Ibid., Art. 53, p. 28.
- 15 Ibid., Art. 67, pp. 32-33.
- 16 Office of the Vice President and Ministry of Women's Affairs (2010) Women's Act 2010, July, Art. 7, pp. 9-10.
- 17 Constitutional Review Commission, note 2 above, Art. 72(b), p. 36.
- 18 Ibid., Art. 103(5)(b), p. 52.
- 19 International Criminal Court (2011) Rome Statute of the International Criminal Court, available at [www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf](http://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf) (accessed 14 February 2020).
- 20 Constitutional Review Commission, note 2 above, Art. 114(2), p. 59.
- 21 Ibid.
- 22 Ibid., Art. 129(11)(g)(12), p. 68.
- 23 Ibid., Art. 180, pp. 91-92.
- 24 Ibid., Art. 219(1), p. 112.
- 25 Ibid., Art. 259(1)(e), p. 134.
- 26 Ibid., Art. 283(2)(c), p. 147.
- 27 Ibid., Art. 283, pp. 146-147.
- 28 Ibid., Art. 284(6), p. 148.
- 29 Ibid., Art. 287, p. 149.
- 30 Ibid., Art. 284(7), p. 148.
- 31 Ibid., Art. 288(4)(a), p. 150.
- 32 Ibid., Art. 129(6), p. 67.
- 33 Ibid., Art. 283(1)(j), p. 147.
- 34 Ibid., Art. 290(1)(d), p. 150.

# APPENDIX

## Indicators for the legal and policy framework on gender and security

### National, regional and international laws, policies and standards

1. International, regional and subregional norms regarding the security and justice sector and gender equality.
2. National security laws, national action plans, national strategies or national policies related to:
  - a. gender equality/equity
  - b. gender mainstreaming
  - c. sexual and gender-based violence (GBV)/ conflict-related sexual violence
  - d. women's participation in security and oversight mechanisms of the security sector
  - e. specific security needs of men, women, boys and girls.
3. National gender laws and policies applicable to the security sector.
4. National policies applicable to the security sector.
5. National structure on gender and coordination mechanisms within the security sector.
6. Monitoring mechanisms of the security sector related to gender and security.

## Indicators for the Gambia Armed Forces (GAF)

### Institutional structure

1. Organizational structure.
2. Ranks and positions.
3. Internal gender structures.
4. Coordination mechanisms.
10. Policy on gender mainstreaming.
11. Procedures for responding to GBV perpetrated by GAF personnel against the public.
12. Procedures for responding to cases of gender-based discrimination (and other forms of discrimination).
13. Procedures for responding to cases of sexual harassment.
14. Strategies to implement policies and procedures related to gender.

### Institutional policies and procedures

5. Institutional gender policy.
6. Code of conduct.
7. Human resource policies:
  - a. marriage
  - b. pregnancy, maternity leave, paternity leave and breastfeeding
  - c. healthcare
  - d. working hours
  - e. retirement
  - f. family benefits in case of injury or death of personnel
  - g. psychosocial support.
8. Policy on sexual harassment.
9. Policy on preventing sexual exploitation and abuse.
15. Information provided at recruitment about the institution's commitments to gender equality and human rights.
16. Personnel's perceptions on gender and women's advancement.
17. Senior personnel's commitment to and leadership on gender.

### Institutional culture

### Relations with the community

18. Community perceptions of the GAF.
19. Personnel's perception of the GAF's relationship with communities.

## Personnel

20. Total strength.
21. Ranks of personnel.
22. Distribution of staff across the country.

### Recruitment and selection

23. Eligibility requirements for recruitment.
24. Recruitment targets and quotas.
25. Specific measures for recruitment.
26. Vetting procedures for GBV and other human rights violations.
27. Positions/units in which women or men cannot serve.

### Retention

28. Rate of attrition.
29. Specific measures for retention.
30. Informal restrictions affecting retention.
31. Staff associations.

### Promotions and remuneration

32. Data on promotions.
33. Specific measures for advancement of women.
34. Equal pay for the same rank/position.

### Special assignments, secondments and deployments

35. Personnel on special assignments, secondments or deployments.
36. Eligibility requirements and selection process.

### Infrastructure and equipment

37. Adapted infrastructure.
38. Housing for families.
39. Adapted equipment.

## Institutional capacity

### Training

40. Gender training.
41. GBV training.
42. Requirement to mainstream gender in training.
43. Physical requirements in training.
44. Training on safety and healthcare.
45. Trainers.

## Accountability

46. Internal oversight mechanisms/bodies.
47. External oversight mechanisms/bodies.
48. Formal and informal mechanisms to enable civil society organizations (CSOs) and other actors to provide external oversight.

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## Indicators for the Gambia Police Force (GPF)

### Institutional structure

1. Organizational structure.
2. Ranks and positions.
3. Internal gender structures.
4. Coordination mechanisms.
5. Custody facilities.
6. Data on GBV cases reported to the police.

### Institutional policies and procedures

7. Institutional gender policy.
8. Code of conduct.
9. Human resource policies.
10. Policy on sexual harassment.
11. Policy on preventing sexual exploitation and abuse.

12. Policy on gender mainstreaming.
13. Procedures for responding to GBV perpetrated by GPF personnel against members of the public.
14. Procedures for responding to cases of gender-based discrimination (and other forms of discrimination).
15. Procedures for responding to cases of sexual harassment.
16. Strategies to implement policies and procedures related to gender.

### Institutional culture

17. Information provided at recruitment about the institution's commitments to gender equality and human rights.
18. Personnel's perceptions on gender and women's advancement.
19. Senior personnel's commitment to and leadership on gender.

## Relations with the community

20. Community perceptions of the GPF.
21. Personnel's perception of the GPF's relationship with communities.

## Personnel

22. Total strength.
23. Ranks of personnel.
24. Distribution of staff across the country.

## Recruitment and selection

25. Eligibility requirements for recruitment.
26. Recruitment targets and quotas.
27. Specific measures for recruitment.
28. Vetting procedures for GBV and other human rights violations.
29. Positions/units in which women or men cannot serve.

## Retention

30. Rate of attrition.
31. Specific measures for retention.
32. Informal restrictions affecting retention.
33. Staff associations.

## Promotions and remuneration

34. Data on promotions.
35. Specific measures for advancement of women.
36. Equal pay for the same rank/position.

## Special assignments, secondments and deployments

37. Personnel on special assignments, secondments or deployments.
38. Eligibility requirements and selection process.

## Infrastructure and equipment

39. Adapted infrastructure.
40. Housing for families.
41. Adapted equipment.

## Institutional capacity

### Training

42. Gender training.
43. GBV training.
44. Requirement to mainstream gender in training.
45. Physical requirements in training.
46. Training on safety and healthcare.
47. Trainers.

## Accountability

48. Internal oversight mechanisms/bodies.
49. External oversight mechanisms/bodies.
50. Formal and informal mechanisms to enable CSOs and other actors to provide external oversight.

## Data on discrimination, sexual harassment and GBV

51. Compilation, publication and analysis of cases of discrimination, sexual harassment or GBV perpetrated by GPF personnel.

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# Indicators for the Drug Law Enforcement Agency, The Gambia (DLEAG)

## Institutional structure

1. Organizational structure.
2. Ranks and positions.
3. Internal gender structures.
4. Coordination mechanisms.
5. Custody facilities.

## Institutional policies and procedures

6. Institutional gender policy.
7. Code of conduct.

8. Human resource policies:
  - a. marriage
  - b. pregnancy, maternity leave, paternity leave and breastfeeding
  - c. healthcare
  - d. working hours
  - e. retirement
  - f. family benefits in case of injury or death of personnel
  - g. psychosocial support.
9. Policy on sexual harassment.

10. Policy on preventing sexual exploitation and abuse.
11. Policy on gender mainstreaming.
12. Procedures for responding to GBV perpetrated by DLEAG personnel against the public.
13. Procedures for responding to cases of gender-based discrimination (and other forms of discrimination).
14. Procedures for responding to cases of sexual harassment.
15. Strategies to implement policies and procedures related to gender.

#### Institutional culture

16. Information provided at recruitment about the institution's commitments to gender equality and human rights.
17. Personnel's perceptions on gender and women's advancement.
18. Senior personnel's commitment to and leadership on gender.

#### Relations with the community

19. Community perceptions of the DLEAG.
20. Personnel's perception of the DLEAG's relationship with communities.

## Personnel

21. Total strength.
22. Ranks of personnel.
23. Distribution of staff across the country.

#### Recruitment and selection

24. Eligibility requirements for recruitment.
25. Recruitment targets and quotas.
26. Specific measures for recruitment.
27. Vetting procedures for GBV and other human rights violations.
28. Positions/units in which women or men cannot serve.

#### Retention

29. Rate of attrition.
30. Specific measures for retention.
31. Informal restrictions affecting retention.
32. Staff associations.

#### Promotions and remuneration

33. Data on promotions.
34. Specific measures for advancement of women.
35. Equal pay for the same rank/position.

#### Special assignments, secondments and deployments

36. Personnel on special assignments, secondments or deployments.
37. Eligibility requirements and selection process.

#### Infrastructure and equipment

38. Adapted infrastructure.
39. Housing for families.
40. Adapted equipment.

## Institutional capacity

#### Training

41. Gender training.
42. GBV training.
43. Requirement to mainstream gender in training.
44. Physical requirements in training.
45. Trainers.

## Accountability

46. Internal oversight mechanisms/bodies.
47. External oversight mechanisms/bodies.
48. Formal and informal mechanisms to enable CSOs and other actors to provide external oversight.

#### Data on discrimination, sexual harassment and GBV

49. Compilation, publication and analysis of cases of discrimination, sexual harassment or GBV perpetrated by DLEAG personnel.

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## Indicators for the Gambia Fire and Rescue Service (GFRS)

### Institutional structure

1. Organizational structure.
2. Ranks and positions.
3. Internal gender structures.
4. Coordination mechanisms.

### Institutional policies and procedures

5. Institutional gender policy.
6. Code of conduct.
7. Human resource policies:
  - a. marriage
  - b. pregnancy, maternity leave, paternity leave and breastfeeding
  - c. healthcare
  - d. working hours
  - e. retirement
  - f. family benefits in case of injury or death of personnel
  - g. psychosocial support.
8. Policy on sexual harassment.
9. Policy on preventing sexual exploitation and abuse.
10. Policy on gender mainstreaming.
11. Procedures for responding to GBV perpetrated by GFRS personnel against the public.
12. Procedures for responding to cases of gender-based discrimination (and other forms of discrimination).
13. Procedures for responding to cases of sexual harassment.

### Institutional culture

14. Information provided at recruitment about the institution's commitments to gender equality and human rights.
15. Personnel's perceptions on gender and women's advancement.
16. Senior personnel's commitment to and leadership on gender.

### Relations with the community

17. Community perceptions of the GFRS.
18. Personnel's perception of the GFRS's relationship with communities.

### Personnel

19. Total strength.
20. Ranks of personnel.
21. Distribution of staff across the country.

### Recruitment and selection

22. Eligibility requirements for recruitment.
23. Recruitment targets and quotas.
24. Specific measures for the recruitment.
25. Vetting procedures for GBV and other human rights violations
26. Positions/units in which women or men cannot serve.

### Retention

27. Rate of attrition.
28. Specific measures for retention.
29. Informal restrictions affecting retention.
30. Staff associations.

### Promotions and remuneration

31. Data on promotions.
32. Specific measures for advancement of women.
33. Equal pay for the same rank/position.

### Special assignments, secondments and deployments

34. Personnel on special assignments, secondments or deployments.
35. Eligibility requirements and selection process.

### Infrastructure and equipment

36. Adapted infrastructure.
37. Housing for families.
38. Adapted equipment.

## Institutional capacity

### Training

39. Gender training.
40. Requirement to mainstream gender in training.
41. Physical requirements in training.
42. Trainers.

## Accountability

43. Internal oversight mechanisms/bodies.
44. External oversight mechanisms/bodies.
45. Formal and informal mechanisms to enable CSOs and other actors to provide external oversight.

### Data on discrimination, sexual harassment and GBV

46. Compilation, publication and analysis of cases of discrimination, sexual harassment or GBV perpetrated by GFRS personnel.

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## Indicators for the Gambia Prison Service (GPS)

### Institutional structure

1. Organizational structure.
2. Ranks and positions.
3. Internal gender structures.
4. Coordination mechanisms.
5. Prison infrastructure.
6. Specialized education, training and rehabilitation.

### Institutional policies and procedures

7. Institutional gender policy.
8. Code of conduct.
9. Human resource policies:
  - a. pregnancy, maternity leave, paternity leave and breastfeeding.
10. Policy on sexual harassment
11. Policy on preventing sexual exploitation and abuse.
12. Policy on gender mainstreaming.
13. Procedures for responding to GBV perpetrated by GPS personnel against the public.
14. Procedures for responding to cases of gender-based discrimination (and other forms of discrimination)
15. Procedures for responding to cases of sexual harassment.
16. Procedures for family and conjugal visits.
17. Procedures regarding pregnant and nursing mothers and their children.
18. Procedures for responding to GBV perpetrated by detainees.

### Institutional culture

19. Information provided at recruitment about the institution's commitments to gender equality and human rights.
20. Personnel's perceptions on gender and women's advancement.
21. Senior personnel's commitment to and leadership on gender.

### Relations with the community

22. Community perceptions of the GPS.
23. Personnel's perception of the GPS's relationship with communities.

### Personnel

24. Total strength.
25. Ranks of personnel.
26. Distribution of staff across the country.
27. Number of detainees.
28. Number of prison facilities.
29. Set ratio of prison personnel to detainees.

### Recruitment and selection

30. Eligibility requirements for recruitment.
31. Recruitment targets and quotas.
32. Specific measures for the recruitment of women.
33. Vetting procedures for GBV and other human rights violations.
34. Positions/units in which women or men cannot serve.



## Retention

35. Rate of attrition.
36. Specific measures for retention.
37. Informal restrictions affecting retention.
38. Staff associations.

## Promotions and remuneration

39. Data on promotions.
40. Specific measures for advancement of women.
41. Equal pay for the same rank/position.

## Special assignments, secondments and deployments

42. Personnel on special assignments, secondments or deployments.
43. Eligibility requirements and selection process.

## Infrastructure and equipment

44. Adapted infrastructure.
45. Housing for families.
46. Adapted equipment.

## Institutional capacity

### Training

47. Gender training.
48. Requirement to mainstream gender in training.
49. Physical requirements in training.
50. Trainers.

## Accountability

51. Internal oversight mechanisms/bodies.
52. External oversight mechanisms/bodies.
53. Formal and informal mechanisms to enable CSOs and other actors to provide external oversight.

### Data on discrimination, sexual harassment and GBV

54. Compilation, publication and analysis of cases of discrimination, sexual harassment or GBV perpetrated by GPS personnel.

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## Indicators for the Justice Sector

### Institutional structure

1. Organizational structure.
2. Internal gender structures.
3. Coordination mechanisms.
4. Courts in The Gambia.

### Institutional policies and procedures

5. Institutional gender policy.
6. Code of conduct.
7. Human resource policies.
8. Policy on sexual harassment.
9. Policy on preventing sexual exploitation and abuse.
10. Policy on gender mainstreaming.
11. Procedures for responding to GBV perpetrated by members of the justice sector against the public.
12. Procedures for responding to cases of gender-based discrimination (and other forms of discrimination).
13. Procedures for responding to cases of sexual harassment.

### Relations with the community

14. Community perceptions of the justice sector.

### Personnel

15. Total number of staff.
16. Distribution of staff across the country.

### Recruitment and selection

17. Eligibility requirements for recruitment.
18. Recruitment targets and quotas.
19. Specific measures for the recruitment of women.
20. Vetting procedures for GBV and other human rights violations.
21. Positions/units in which women or men cannot serve.

### Retention

22. Rate of attrition.
23. Specific measures for retention.
24. Informal restrictions affecting retention.
25. Staff associations.

### Promotions and remuneration

26. Data on promotions
27. Specific measures for advancement of women
28. Equal pay for the same rank/position

### Special assignments, secondments and deployments

29. Personnel on special assignments, secondments or deployments.
30. Eligibility requirements and selection process.

### Infrastructure and equipment

31. Adapted infrastructure.
32. Housing for families.
33. Adapted equipment.

## Institutional capacity

### Relations with justice sector beneficiaries

34. Data on gender-specific cases and sexual violence cases.
35. Justice sector and public access to laws and jurisprudence/body of law.
36. Equal rights and treatment for witnesses and providing testimony before court.

### Training

37. Gender training.
38. Requirement to mainstream gender in training.
39. Trainers.
40. Gender modules or courses in law schools.
41. Requirement to mainstream gender in law school curricula.

## Accountability

42. Internal oversight mechanisms/bodies.
43. External oversight mechanisms/bodies.
44. Formal and informal mechanisms for CSOs and other external oversight actors.

### Data on discrimination, sexual harassment and GBV

45. Compilation, publication and analysis of cases of discrimination, sexual harassment or GBV perpetrated by members of the justice sector.





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