



UNPRPD MPTF
Partnership on the Rights of Persons with Disabilities



UNITED NATIONS
THE GAMBIA



SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

THE GAMBIA



COUNTRY BRIEF



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COUNTRY BRIEF

November 2022

Disclaimer

This brief was prepared by the Technical Secretariat. It summarizes the key findings from the situational analysis report and does not necessarily reflect the position of the UNPRPD MPTF.

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ACRONYMS AND ABBREVIATIONS

CRPD	Convention on the Rights of Persons with Disabilities
DSW	Directorate of Social Welfare
GBV	Gender-based Violence
GFD	Gambia Federation of the Disabled
MoGCSW	Ministry of Gender, Children and Social Welfare
MPTF	Multi-Partner Trust Fund
NDMA	National Disaster Management Agency
NDP	National Development Plan
NHRC	National Human Rights Commission
OPDs	Organizations of Persons with Disabilities
SDGs	Sustainable Development Goals
TANGO	The Association of Non-Governmental Organisations
UN	United Nations
UNCT	United Nations Country Team
UNFPA	United Nations Population Fund
VNR	Voluntary National Review
WHO	World Health Organization

1 BACKGROUND

The United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) is a unique partnership that brings together United Nations (UN) entities, governments, organizations of persons with disabilities (OPDs), and broader civil society to advance the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and disability-inclusive Sustainable Development Goals (SDGs) at the country level around the world.

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium (IDDC). The main contributors to the UNPRPD MPTF are Australia, Finland, Norway, Sweden and the United Kingdom.

In 2020, with the Strategic and Operational Framework 2020-2025 UNPRPD adopted a new programme design approach. The Framework moves towards proactive, results-oriented joint programming to drive implementation of the CRPD and disability-inclusive SDGs.

In the same year, the UNPRPD launched its fourth funding call and invited UN Country Teams (UNCTs) to submit proposals for joint country-level programmes with the objectives of advancing CRPD implementation and improving the implementation of disability-inclusive SDGs. The 26 selected teams (see Annex 1) were then allocated an initial budget to deliver an induction training, conduct a country situational analysis and complete a full joint programme proposal based on the findings of the situational analysis.

The 26 countries each conducted a comprehensive multistakeholder situational analysis to identify gaps and opportunities around preconditions to CRPD implementation and agree on a set of recommendations to address them.

From March to November 2021, The Gambia UNCT conducted the comprehensive situational analysis. The methodology included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises, and consultative workshops with key stakeholders.

The full situational analysis report can be found [here](#).

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WHY A COUNTRY ANALYSIS?

Many countries still struggle to transform the CRPD into concrete policies, systems, programmes and services that uphold the rights of persons with disabilities. It is urgent that governments and their implementation partners deliver on their SDG commitments through CRPD-compliant interventions. To support countries in the most catalytic way requires understanding the main bottlenecks and priorities in each country in relation to the fulfilment of the CRPD. We needed to know who the key stakeholders are, how implementation/monitoring mechanisms are functioning (or not), which capacities stakeholders may need to improve, and which ongoing development processes could be leveraged to become more disability inclusive.

The situation analyses were designed to:

- Inform the design of future PRPD funded programmes in the country and serve as a baseline for them;
- Inform UNCTs of gaps in achieving disability inclusion in ongoing national processes and programmes and recommend further, in-depth analysis where needed;
- Build a base of mutual understanding and working relationships among UN entities, government, OPDs and other civil society organizations, as well as the private sector and academia, as the basis for future co-design of joint programmes;
- Strengthen the capacity of those stakeholders to more effectively include and address the rights of persons with disabilities as outlined in the CRPD; and,
- Serve as an advocacy tool for ODPs and other civil society partners, both national and international.

3 INTRODUCTION TO DISABILITY CONTEXT IN THE GAMBIA

 Population	2.4 million				
 Disability Prevalance	1.2% [2013]¹				
	<table><tr><td>Female</td><td>Male</td></tr><tr><td>1.2%</td><td>1.3%</td></tr></table>	Female	Male	1.2%	1.3%
Female	Male				
1.2%	1.3%				

The Gambia ratified the CRPD in 2015. The first comprehensive disability law, the Persons with Disabilities Act, was adopted in 2021. In line with the CRPD, it defines disability as a physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others.² The Gambia 2013 Population and Housing Census used a different definition to inform the methodology used to obtain statistical data on the prevalence of disability in the country. Information was collected on the following disabilities: visual, hearing, speech, physical, mental illness, epilepsy and learning difficulties. Given this limited scope, which excludes certain forms of disabilities, the prevalence rate of persons with disabilities is grossly underreported.

4 FINDINGS

4.1 Stakeholder coordination mechanisms

The key stakeholders responsible for implementing and monitoring the CRPD are highlighted below. A full list of stakeholders is included in the full report.

Government

- **Ministry of Gender, Children and Social Welfare (MoGCSW)** is responsible for the overall monitoring and implementation of laws and policies related to children and women and the welfare of vulnerable groups in the country. The Directorate of Social Welfare (DSW) under the MoGCSW is considered the focal point for disability matters within the government. Similarly, the Ministry works with OPDs and development partners to support interventions relating to persons with disabilities. Its newly established Directorate of Children's Affairs is responsible for children, including support to children with disabilities.
- **Other ministries:** Other relevant ministries' interventions affect the lives and livelihood of persons with disabilities, including health, basic and secondary education, transportation, justice and information and communication technology. Most provide direct services to persons with disabilities. For example, the Ministry of Health is expected to provide equitable, accessible, cost-effective and high-quality mental health and substance abuse services in the community.
- **The Gender-Based Violence (GBV) Technical Working Group**, chaired by MoGCSW and co-chaired by the United Nations Population Fund (UNFPA), is the coordinating body for all GBV-related activities and services targeting women and girls and persons with disabilities.

Organizations of persons with disabilities

Based on the desire to champion their own causes, a number of OPDs have emerged to promote and advance the rights of persons with disabilities in The Gambia. Most are registered either under the Non-Governmental Organisation Act of 1996 or under the Companies Act of 2013 as a company limited by guarantee.

The **Gambia Federation for the Disabled (GFD)** is the umbrella organization of OPDs, which are registered under it as affiliates.

- The GFD was formed in the early 1990s and is a registered civil society organization with The Association of Non-Governmental Organisations (TANGO), the national consortium of non-governmental organizations.
- It advocates for the respect, promotion, protection and empowerment of persons with disabilities and encourages, supports and monitors activities of stakeholders in the disability sector that improve the living conditions of persons with disabilities.
- The Federation's membership totals 18 OPDs.

Over the years, OPDs' advocacy efforts have given priority to encouraging the government to develop proper legislative mechanisms in line with the CRPD. In terms of OPDs' capacity gaps and the environment for participation, it is important to note that OPDs are not present in all regions or parts of the country, nor do they represent all categories of persons with disabilities. For example, there is limited information regarding the representation of LGBTI persons with disabilities and persons with psychosocial disabilities in the GFD. The GFD does not receive government subsidies. It last received government support from the previously existing Department of Social Welfare in 2014, but those funds were not spent as required. This also coincided with the government's suspension of financial support for welfare organizations in anticipation of the social assistance service scheme of the National Social Protection Policy.

In addition, resource constraints limit the GFD's efforts to engage in effective coordination and widen its membership base. The 2019-2022 GFD Action Plan assesses the structure of the umbrella body, pointing out weaknesses such as lack of institutional support, inability to provide an effective coordinating mechanism, and conflicts between the GFD and OPDs, with the GFD perceived as competing with member affiliates. The plan calls for the GFD to focus on advocacy, lobbying and capacity building to ensure that it can engage in important processes such as CRPD monitoring.

UN System

Through its many agencies in The Gambia, the UN continues to support initiatives that focus on persons with disabilities. To facilitate this, a coordination mechanism comprising the different UN agencies in The Gambia was created. Each agency has a disability focal person; they meet monthly to discuss their interventions with respect to persons with disabilities. The United Nations Children's Fund and the Office of the United Nations High Commissioner for Human Rights are the lead agencies in this process. Other UN agencies such as UNFPA, United Nations Development Programme, International Organization for Migration, International Trade Centre, Joint UN Programme on HIV/AIDs and the World Food Programme are part of this mechanism. To better coordinate these efforts, the UN Disability Inclusion Strategy has been developed to inform the agencies' interventions and programmes. Through the monthly meetings of focal persons, the UN is able to monitor the strategy's indicators and ensure that the programmes designed align with these indicators.

During the monthly meeting, each agency describes the work it has done or intends to do in respect of disability programming. Agencies that should take a more active role on issues affecting persons with disabilities are encouraged to integrate disabilities within their broader programmes. The UNCT in Gambia is currently working on a country-specific disability strategy.

International cooperation

Current funders/donors investing in disability inclusion in the country include:

- **The UK Foreign Commonwealth & Development Office**, which focuses on ensuring that girls with disabilities are included in education. The goal is to include persons with disabilities, along with other relevant stakeholders and beneficiaries, in all Department funded programme design.
- **European Union**, which focuses on the inclusion of persons with disabilities in project design and intervention.
- **Westminster Foundation for Democracy**, which held a roundtable dialogue on The Gambia's response to and impact of COVID-19 on marginalized groups, including persons with disabilities.

International non-governmental organizations that deliver programmes for persons with disabilities in The Gambia include:

- **Sightsavers**, which has been working in The Gambia since the 1950s to eliminate avoidable visual impairments and promote the rights of persons with disabilities. The organization also focuses on eliminating trachoma, an infectious disease that can cause intense pain and visual impairment.
- **Child Fund** has worked in The Gambia since 1984 to ensure the promotion and protection of the rights of vulnerable children.
- **Article 19** works with The Gambia Federation of the Disabled to facilitate and advocate for disability legislation.

Summary of stakeholder coordination analysis

There is a lack of coordination among stakeholders working in support of disability matters, both within the government and outside. However, the State recently established a National Advisory Council on disability, which will be inaugurated in December 2022. This council will be responsible for coordinating disability matters.

National stakeholders lack the capacity to achieve the high ambitions of the new Disability Act. However, it is important to note that the UN has supported the drafting of the Disability Policy and Strategic Plan to support the implementation of the Act, which is to be validated with stakeholders in November 2022.

The country lacks sufficient experts on disability matters, both within government and OPDs.

While the GFD has been involved in the development of a few policies (including the national integrated disability, special needs education, health and employment policies),

its participation overall in policy-making, development or governance is limited. The barriers that OPDs face include the lack of capacity to participate meaningfully and constructively in policy-making processes, along with social stigma. This has an impact on the funding available to them and measures adopted to address the situation of persons with disabilities. Decision makers' failure to include persons with disability (including provision of reasonable accommodation) also excludes them from access to policy making processes.

4.2 Preconditions for disability inclusion

In its Strategic Framework, UNPRPD identified five preconditions as foundational elements that must be in place to address the rights of persons with disabilities across sectors. The following findings focus on these preconditions in the Gambian context.

- 1 Equality and non-discrimination
- 2 Accessibility
- 3 Inclusive service delivery
- 4 CRPD-compliant budgeting and financial management
- 5 Accountability and governance

Equality and non-discrimination

The Persons with Disability Act 2021 is the first comprehensive law on disability rights in The Gambia. Its goal is to protect, promote and uphold the inherent rights of persons with disabilities. (The full report includes details on additional laws and policies.)

Although several laws and policies guarantee the rights of persons with disabilities in The Gambia, these are yet to be implemented. Persons with disabilities continue to face marginalization, unequal treatment and discrimination based on their disabilities. They remain largely excluded from many actions and initiatives that are relevant to preserving their dignity. Multiple obstacles persist in their everyday lives. Attitudes towards, or assumptions about, persons with disabilities and the failure of government, employers or school administrations to reasonably accommodate them can constitute invisible barriers.

Some people believe that persons with disabilities cannot understand and make decisions and, as such, should be excluded from decision-making. Thus, they are not invited to consultations and are not informed of decisions concerning them, particularly within the family setting. They are often excluded from most social activities and have limited opportunities to obtain health care, education and employment.

Discriminatory views of persons with disabilities pose barriers to their independence. Similarly, negative social attitudes make it difficult for the disability community to integrate into Gambian society, due to the prevalence of stigma and discrimination.

Key findings

- The Gambia develops and enacts rights-based legislation but often fails to develop the accountability and other frameworks that would ensure implementation, even as the government makes available some financial resources for implementation and enforcement.
- Policies are often not reviewed and updated in a timely fashion, as in the case of the National Disability Policy that was never implemented due in large part to lack of resources and expired in 2018.
- The Persons with Disabilities Act 2021 faces the same challenge. No monitoring frameworks, implementation plan, policy/strategic plan or budget have been developed or formulated to guide its enforcement or implementation. Although some efforts have been made to review the prior disability policy and strategic plan for 2021-2030, these have not been validated due to unavailability of funds. A draft mental health bill has been developed and will be submitted for passage, but the process has been delayed.
- The DSW experiences perennial capacity challenges, such as lack of technical capacities and inadequate resources.
- Ensuring that existing national laws and policies are updated in line with the CRPD would also result in a more coherent legislative and policy framework for disability matters.

Inclusive service delivery

Disability assessment and referral services

Two entities are responsible to assess disability: hospitals for medical conditions and the status of the individual's physical condition; and the DSW's Disability Unit for functional ability and psychosocial aspects. The specialists who perform these assessments include medical doctors, physiotherapists, orthopaedic technologists, and rehabilitation technicians. Significant personnel/workforce constraints pose obstacles to establishing an organized assessment system and quality control mechanism.

The Disability Unit coordinates a system to refer persons with disabilities to appropriate service providers. The system focuses primarily on health-related conditions that require further intervention. Constraints include sourcing of supplies for technical and mobility aids. Procurement of materials to repair and manufacture technical appliances is grossly inadequate. Other challenges include the lack of an updated service provider directory and inadequate funding for effective service delivery.

Individuals may also self-refer, based on their circumstances and knowledge of available services provided by the Disability Unit. However, this unit provides only technical aids

and appliances to clients with physical problems that prevent/limit their functioning. These services are available only in Banjul and access is limited because of both high demand and high costs. There is no follow-up system (home visit) to assess the home situation and living condition of clients/persons with disabilities that might lead to recommendations for adaptation, training and counselling, and social inclusion.

Overall, the disability assessment and referral systems are limited. Persons with disabilities have raised concerns about these limitations, which risk leaving behind persons with certain disabilities who have not been identified.

Disability support services

Although social services are improving gradually, they are few in number and type and remain under-resourced. Some parents of children with disabilities may now receive micro-credit loans to boost their income.

The DSW reports that it has recently begun to provide support to OPDs such as The Gambia Organisation of the Visually Impaired, Gambia Association of the Deaf and Hard of Hearing, GFD and Gambia Organisation for Learning Difficulties. Plans are also underway to mobilize resources to ensure that this support can be sustained. While the MoGCSW provides some support services to persons with disabilities, these services are limited to urban areas. As a result, persons with disabilities living in rural communities may not have easy access, making such services inaccessible and less inclusive.

Mainstream services

In general, all persons with disabilities face major barriers in accessing mainstream services. For instance, despite educational policies that promote mainstreaming persons with disabilities at all educational levels, children with disabilities continue to experience significant barriers. Women and children with disabilities also face such barriers in accessing mainstream services, such as inclusive education, services for sexual and gender-based violence survivors, and health care, including information on and access to sexual and reproductive health services. No sign language interpreters are available to facilitate communication between persons who are deaf/hard of hearing and hospital staff or to help those persons obtain employment and participate in political and public life. The COVID-19 pandemic has exacerbated some of the challenges facing women with disabilities, and they risk being left further behind.

Key findings

- The coverage, scope and financing of the social protection system in The Gambia remains limited overall. Participants in both the focus group discussions and key informant interviews raised concerns regarding limited social security services available to persons with disabilities, limited sign language interpretation, particularly at hospitals, and challenges in obtaining an education due to distance and accessibility.
- Due to socio-cultural and environmental factors, persons with disabilities face enormous challenges in accessing services such as health care, including mental health and sexual reproductive health care services; education; social protection services; and basic information relating to these services themselves. The lack

of sign language interpreters and specialists in reproductive and sexual health of persons with disabilities at health facilities discourage persons with disabilities from accessing these services or they may be turned away due to a breakdown in communication between them and health personnel.

- Most social and health services are also physically inaccessible to persons with disabilities because they are located in multi-storey buildings without ramps. As a result, most persons with disabilities would prefer not to try to obtain access.
- Participants in all the focus group discussions, key information interviews and induction training noted that services for persons with disabilities are very limited, do not meet their full needs, and are inaccessible and unwelcoming. They also noted the dearth of health care workers with expertise in the reproductive and sexual health needs of persons with disabilities, especially those of women and children with disabilities. This is due in part to the inadequate financial, material and human capacity of relevant government institutions.

Accessibility

Access to buildings and infrastructure, particularly public buildings, remains a challenge as most are not designed to accommodate persons with disabilities. There are often no ramps for wheelchair access or elevators and where an elevator is provided, it is usually not disability compliant as it does not have braille for visually impaired persons or the buttons are unreachable for someone in a wheelchair. Access to courts and other judicial bodies also remains a challenge. Locating institutions in facilities that are not accessible to persons with disabilities renders access to services - including justice - impossible.

Access to information also poses a challenge. There are limited efforts to ensure that OPDs and their members can access information about laws, policies, services and redress opportunities that are relevant to them, for example, through accessible communication methods and media.

Key findings

- One of the key barriers identified is accessibility of schools and other educational services. These often pose challenges in the physical environment, transportation challenges to and from, and failure of building design to accommodate the needs of students with disabilities (including toilets).
- Access to public and commercial buildings and infrastructure remains a challenge for persons with disabilities. Most buildings are not designed to accommodate them, often lacking ramps for wheelchair access or elevators. Where an elevator is provided, it is usually not disability compliant.
- Access to transportation, including public transportation, remains a challenge due to stigma. Persons with disabilities may spend hours on the roadside because some commercial vehicle drivers refuse to carry them. While the Ministry of Transport, Works and Infrastructure is responsible for ensuring accessibility, access to facilities and the safety of every road user, many public facilities remain inaccessible to persons with disabilities.
- These problems are largely due to the low level of awareness regarding disability among duty bearers and rights holders.

CRPD compliant budgeting and financial management

The MoGCSW is the line ministry that directly coordinates government expenditures on disability. In 2020, as part of efforts to tackle extreme poverty and empower women and children, the government allocated approximately US\$1,582,000 to this sector. In 2019, the government allocated approximately \$85,500 to the DSW; that allocation totalled approximately \$68,000 in 2020 and approximately \$90,300 in 2021. General public services received a similar disability-designated allocation, totalling 0.96 percent of the total 2021 budget. With the creation of the MoGCSW, the government is expected to allocate sufficient resources to support projects and programmes for the welfare of vulnerable groups, including persons with disabilities.

This ministry submitted a request to the Ministry of Finance to create a new budget line for a disability fund. If approved, this fund will be used to support OPDs and activities targeting persons with disabilities. The Directorate, through the Ministry, recently procured supplies and equipment such as white canes, braille machines and paper and hearing aids to be distributed to persons with disabilities through OPDs.

Key findings

- Despite some notable allocations (still less than 1 percent of the budget), CRPD-compliant budgeting that adopts a human rights-based approach to budgeting is lacking overall.
- Data on budget allocations to disability inclusion are lacking in all ministries.

Accountability and governance

Inclusive evidence and data gathering systems

Despite the advances made in addressing the gaps in disability-disaggregated data in national surveys, significant gaps remain in obtaining reliable information on persons with disabilities. The last comprehensive disability survey was conducted in 1998, based on the World Health Organization (WHO) International Classification of Impairments, Disabilities and Handicaps for the measurement of disability (it has since been updated). The 2013 census did not use the Washington Group Short Set of Questions to identify persons with disabilities in designing its questionnaires. The GFD did express concern that the statistics and prevalence rates would be too low given the exclusion of certain forms of disabilities.

Other relevant surveys that incorporated indicators on persons with disabilities include the Multiple Indicator Cluster Survey 2018, the Migration Survey 2019 and the Gambia Demographic Health Survey (GDHS), which included components on persons with disabilities and was based on the Washington Group “short set” of questions. The Gambia Bureau of Statistics has started to use the Washington Group questions to collect disability-related statistics regarding adults aged 18 years and over, but has not yet started collecting data on individuals between 5-18 years.

National accountability mechanisms

The Gambia has several democratic and independent institutions whose mandate is to promote and protect the human rights of all persons, including those of persons with disabilities.

The Constitution empowers the High Court to hear and enforce the fundamental rights of all individuals in the country. Persons with disabilities whose rights are violated can bring a claim to the High Court. Not a single disability-focused claim has been brought to date.

In addition to the High Court, the NHRC (National Human Rights Commission), established by law in 2017, is also mandated to promote and protect fundamental rights, including of persons with disabilities. The NHRC dedicated a portion of its 2020 State of Human Rights Report to persons with disabilities and highlighted the need for the government to address institutional, legislative and policy shortcomings. The Commission also recently launched the Thematic Committee on Vulnerable Groups, which includes persons with disabilities pursuant to section 19 (c) of the NHRC Act, which will monitor the rights and welfare of persons with disabilities in The Gambia. All persons, including those with disabilities, may submit complaints through the NHRC's complaint procedure. Since it was created, the NHRC has advocated for better service delivery for persons with disabilities, including access to social services, equal access to employment opportunities, health care and services, and equal participation in political affairs of the state.

The Gambia did not submit its CRPD initial report until 2017, two years after ratifying the Convention. The Gambia has not yet submitted its next report, due in 2021 (four years after the initial report), to the CRPD Committee. The country is well known for its delayed reporting to human rights treaty bodies. A national monitoring mechanism for CRPD implementation pursuant to article 33 of the CRPD has not yet been established given that the Convention was just domesticated. The new Disability Act requires creating an advisory council for persons with disabilities; that process is underway.

Key findings

- Reliable data on persons with disabilities are lacking in general. The last comprehensive disability survey was conducted in 1998. This may be due to lack of government interest in disability matters, lack of priority or lack of funding to conduct such studies and research.
- Accurate, timely and reliable data on persons with disabilities are needed to understand their situation and support the development and implementation of appropriate programmes.

4.3 Cross-cutting approaches: Participation, gender, inequalities

The UNPRPD has adopted three cross-cutting approaches to be intrinsically applied across all of UNPRPD MPTF's work, including its structures, programmes, and processes to ensure full and meaningful participation of all persons with disabilities.



Participation:

Enabling full and effective participation of persons with disabilities



Inequalities:

Ensuring the inclusion of marginalized and underrepresented groups of persons with disabilities



Gender:

Addressing gender inequality and advancing the rights of women and girls with disabilities

Participation

Persons with disabilities are excluded, for the most part, from public decision-making processes. Their views are seldom solicited when national decisions that affect their lives are made.

The government consults OPDs on an ad-hoc basis in policy-making processes. For instance, the GFD actively participated in the constitutional review process and in the Voluntary National Review (VNR) led by the Ministry of Finance. OPDs were also actively engaged in drafting the Disability Act and advocated for its adoption by the National Assembly. However, persons with disabilities and OPDs are often forgotten or neglected in consultation processes at all levels. They also sometimes lack the technical capacity to meaningfully participate in certain processes.

Persons with disabilities are hugely underrepresented in elected and other public decision-making bodies, including independent institutions. According to the Local Government Act 2002 (as amended), every local council should include an appointed OPD representative. However, of the 137 councillors in the eight Local Government Authorities, only eight are persons with disabilities. Persons with disabilities face enormous challenges in exercising their right to participate in public affairs. They are subject to discrimination, stigmatization and the public perception that they lack the capacity to lead. Running for political office requires significant financial resources, while persons with disabilities are, by and large, among society's poorest members.

Gender

Although the 1997 Constitution and existing law prohibits discrimination, persons with disabilities continue to be subjected to negative stereotypes, stigma and discrimination. Women and children (especially girls) are the most underrepresented groups of persons

with disabilities, facing challenges to obtaining formal education, health care services, employment, skills, empowerment, and capacity development in livelihood and vocational skills. They also experience GBV within families and the wider community and physical, emotional and sexual abuse. They are also subject to harmful traditional practices such as forced marriage and female genital mutilation.

Inequalities

The situational analysis indicates that persons with psychosocial and intellectual disabilities are especially vulnerable and excluded. They require targeted interventions, including supported decision-making, vocational training, care services and better access to health care. Further, rural areas offer far fewer services than urban centres.

4.4 Disability inclusion in broader development, humanitarian and emergency contexts

National development plans

The Government of The Gambia redefined its development framework based on the twin pillars of the rule of law and respect for human rights as expressed in its National Development Plan (NDP) 2018-2021. It is intended as a holistic mechanism to spur the country's social and economic development. The government's goal is to "deliver good governance, accountability, social cohesion and national reconciliation and a revitalized and transformed economy for the well-being of all Gambians."³

Outcome 4.9 of the NDP calls for the inclusion and participation of persons with disabilities in national development by strengthening the policy framework on disability matters, emphasizing the review and adoption of the National Integrated Disability Policy and the enactment of the Persons with Disabilities Bill. The outcome also calls for the social and economic empowerment of persons with disabilities and mainstreaming them in programmes and projects with the overall goal of financial independence. Last, it commits to accessible rehabilitation and habitation programmes and services for persons with disabilities by decentralizing specialized service delivery to the community level.

The Gambia's VNR report on the SDGs was presented at the July 2020 UN High-level Political Forum. Persons with disabilities were consulted as part of the regional consultations to prepare the VNR report. One shortcoming of the report is that it does not use the Washington Group Short Set of Questions, which are essential for measuring outcomes for various groups of persons with disabilities - seeing, hearing, walking, cognition, self-care and communication. The GFD has also not undertaken the voluntary complementary national review broadly focused on disability related to SDG implementation (2015-2020). The Gambia is in the process of developing the UN Sustainable Development Cooperation Framework for 2023-2028 based on the 2021 Common Country Analysis, which has not yet been published.

Climate change, disaster risk reduction and humanitarian action

Climate change has significant impacts on livelihoods and many Gambians are affected by frequent natural disasters. In 2019, it was estimated that 22,274 people were affected by natural disasters; 2 percent of that number are physically challenged. Given that persons with disabilities in The Gambia experience multiple layers of discrimination, their vulnerability is all the more profound in the face of natural disasters.

Part XV of the Disability Act requires the National Disaster Management Agency (NDMA) to include persons with disabilities as a vulnerable target group in disaster management planning, activity implementation and assessment. It also requires that the rights of persons with disabilities be respected in situations of risk, including, but not limited to, armed conflict, civil unrest, humanitarian emergencies and natural disasters. However, these provisions are not yet implemented in practice. None of the existing humanitarian and disaster response strategies consider the situation of persons with disabilities.

For example, the Westminster Foundation for Democracy conducted a study on vulnerable groups confirming that persons with disabilities were not consulted in the design and implementation of the government's COVID-19 response strategy. Similarly, during the distribution of COVID-19 relief packages, the NDMA focused on households and families. Persons with disabilities were largely excluded because those who do not live in household settings were not included, although they were affected by COVID-19.

Furthermore, persons with disabilities and their organizations are not consulted in NDMA policy development and planning. According to the NDMA, its own role is limited to receiving and distributing humanitarian support in response to disasters and emergencies and does not extend to developing the agency's policies and holding consultations with stakeholders.

Persons with disabilities need to participate in an inclusive and effective fashion. While the NDMA does not have indicators to measure its impact, it maintains a situational report that provides weekly updates about the condition of persons with disabilities across the country.

COVID-19:

The GFD has raised concerns that The Gambia's COVID-19 response has not adequately addressed the needs of persons with disabilities. Specific concerns include: limited inclusion in developing of eLearning and other learning platforms that accommodate persons with disabilities following school closures; increasing challenges to accessing transportation due to measures to reduce the number of passengers in commercial vehicles, leading to higher transportation costs; and increased financial burden and loss of livelihood due to restrictions on the movement of persons with and without disabilities who had resorted to street begging. Other concerns included increase domestic violence due to loss of livelihood and lack of inclusion in the government's food assistance deliveries under its COVID-19 response plan. Overall, the Government of The Gambia does not consult persons with disabilities when it declares a state of public emergency to ensure that the restrictions imposed will address the special needs of persons with disabilities.

5 CONCLUSIONS

The Gambia has made progress in promoting the rights of persons with disabilities, including institutional and legislative reforms. Since the NHRC was established in 2017, the government has focused on the need to promote and protect the rights of persons with disabilities. The Commission also established a Committee on the Rights of Persons with Disabilities, which provides an important channel for OPDs to work closely with the Commission on disability matters. Despite the progress, the situational analysis highlighted key challenges and gaps, including weak implementation of disability legislation and policy, lack of capacity of duty bearers and rights holders, stigma and discrimination, unreliable data, and limitations in terms of accessibility, coverage and financing for inclusive services for persons with disabilities.

To address the challenges identified in the situational analysis, key recommendations are outlined below:

- Provide financial and technical support to the MoGCSW to strengthen the implementation of the legal frameworks and systems in line with CRPD standards.
- Support the MoGCSW to strengthen the coordination and consultation mechanisms for the implementation of disability laws and policies, including conducting a skills audit to determine key capacity gaps of the various stakeholders in the disability policy context.
- Support OPD capacity development to enable them to participate meaningfully in the SDG process including the voluntary national review.
- Support the MoGCSW to develop guidelines and checklists for new programmes and projects to achieve equity for people with disabilities in compliance with the CRPD and institute mechanisms for regular monitoring, including addressing gaps in access to health care services, in particular, on integrated sexual and reproductive health for women with disabilities.
- Provide technical support to the Ministry of Health and the MoGCSW to ensure that existing policies and services comply with the CRPD, such as aligning the assessment and referral system, as well as healthcare standards related to services for persons with disability including mental health, with the CRPD.

- Support the government, particularly the Ministry of Finance and Economic Affairs, to enhance CRPD-compliant budgeting that adopts a human rights-based approach to budgeting.
- Strengthen national capacity in data collection and analysis of disability statistics in collaboration with the MoGCSW and the Gambia Bureau of Statistics. In particular, disability focal points and disability sector personnel should be trained in monitoring and evaluation and database management, including the introduction of disaggregated targets and monitoring indicators in all sectors and programmes. The Bureau of Statistics should receive support to conduct a national disability survey (using the Washington Group Short Set of Questions) and the government and OPDs should receive support to prepare state and shadow reports to the CRPD committee.

ANNEX 1: 26 SELECTED COUNTRIES

Argentina
Colombia
Guatemala
Panama
Trinidad & Tobago

AMERICAS

Cameroon
DRC
Eswatini
Ghana
Rwanda
Sierra Leone
Tanzania
The Gambia
Tunisia
Zimbabwe

AFRICA

Montenegro
North Macedonia
Republic of Moldova

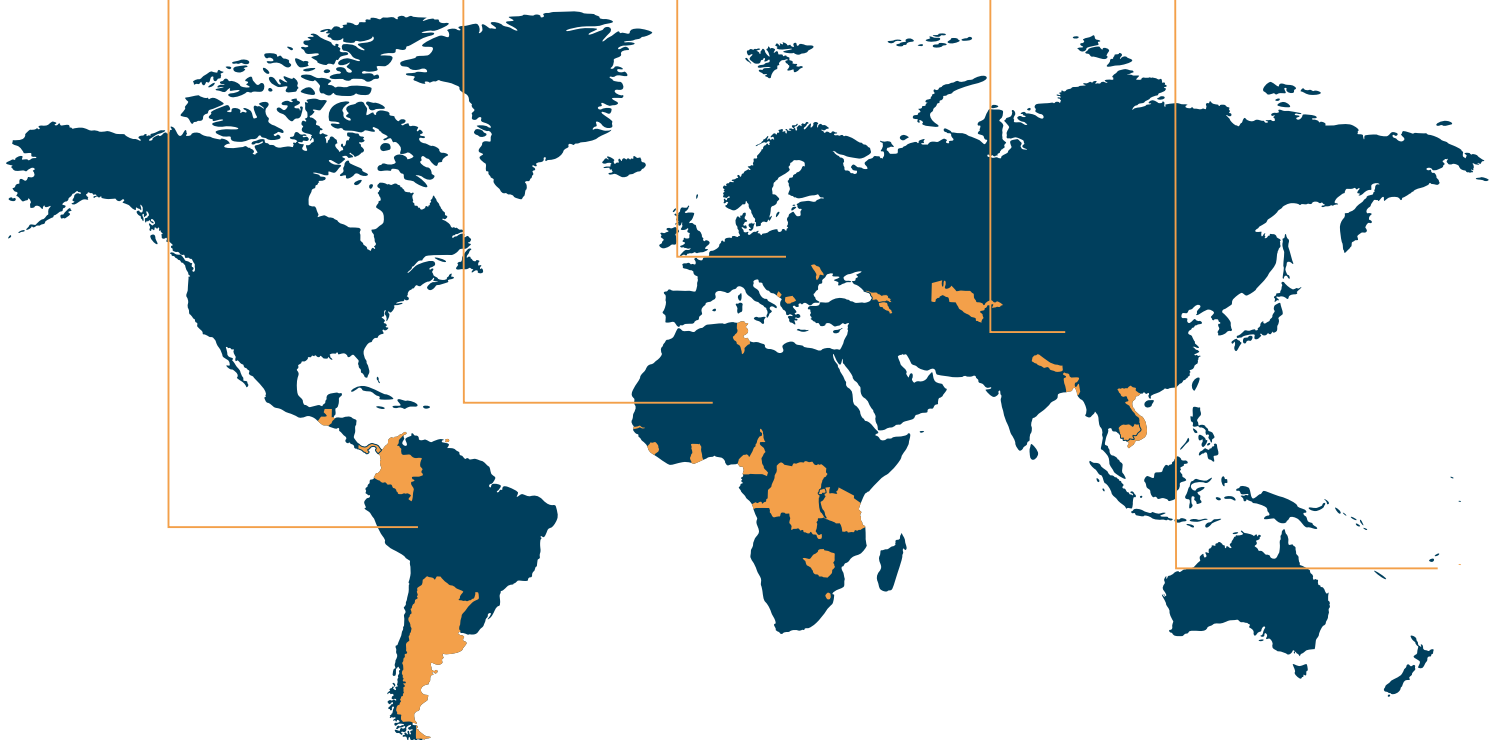
EUROPE

Armenia
Bangladesh
Cambodia
Georgia
Nepal
Uzbekistan
Vietnam

ASIA

Cook Islands

OCEANIA



ENDNOTES

- 1 2013 Population Census
- 2 [Persons with Disabilities Bill, 2020](#)
- 3 The Gambia National Development Plan (2018-2021), Ministry of Finance and Economic Affairs, Banjul The Gambia, <https://www.mofea.gm/downloads-file/national-development-plan>.



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