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**PUBLIC STATEMENT**

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**EFSCRJ Urges MOBSE to Uphold the Rights of Children to Participate in Protests**

EFSCRJ notes with concern the press release from the Ministry of Basic and Secondary Education (MOBSE) issued on 31<sup>st</sup> July 2025, entitled, '*Concern for the Safety and Well-being of Students During Public Events.*' The press release is in relation to the participation of children in the recent GALA Anti-Corruption Protest. While acknowledging the rights of citizens to freedom of assembly, MOBSE highlighted the vulnerability and safety of children in public events. As such the Ministry concluded that,

*"... this Ministry strongly disapproves the participation of school children in any protest organized by an individual or groups on matters that do not relate to educational service delivery."*

We wish to state that children have the right to participate in peaceful protests. This is a right recognized under domestic, regional and international human rights law. This right stems from the fundamental rights to freedom of expression, association, and peaceful assembly, which apply to children as well as adults. However, this right is not absolute and may be subject to limitations to protect public safety, order, and health, and to ensure the best interests of the child are considered.

Section 25 of the 1997 Constitution guarantees the rights to opinion, expression, assembly, and association to every person including children. Section 17 of the Children's Act also guarantees children the right to form and express an opinion and to be listened to accordingly, as well as to participate in decisions which affect their well-being.

At the regional level, Article 8 of the African Charter on the Rights and Welfare of the Child states, "*Every child shall have the right to free association and freedom of peaceful assembly in conformity with the law.*"

Article 15 of the Convention on the Rights of the Child (UNCRC) explicitly states that children have the right to freedom of association and peaceful assembly. Furthermore, the International Covenant on Civil and Political Rights (ICCPR) under its Article 21 extends the right to peaceful assembly to "*everyone*," which includes children. The UN Human Rights Committee which monitors ICCPR has affirmed that children have all the civil rights outlined in the ICCPR, including the right to peaceful assembly.

Indeed, these instruments which the Gambia has ratified, and the Human Rights Committee provide necessary limitations and safeguards based on these principles. These are:

- **The Principle of Best Interests** of the Child provides that when considering a child's participation in protests, their best interests and right to have their views heard should be paramount.



- **The Principle of Reasonable Restrictions** requires that the right to protest, such as those related to public safety or public order, must be based in law and be necessary in a democratic society.
- **The Principle of Safety and Wellbeing** requires adults to ensure that children participating in protests are safe and protected from harm, both physically and emotionally.
- **The Principle of Freedom from Punishment** requires that children should not face punishment or abuse for participating in peaceful protests.

EFSCRJ strongly holds that the participation of children in peaceful protests carries lot of benefits for both the children themselves and the public. In the first place, it develops the agency of children to become voices for change. Protests can be a powerful way for children to make their voices heard on issues that affect them, especially when they cannot vote.

Furthermore, participation in protests can foster a sense of civic engagement and responsibility in children. For that matter, protests can offer opportunities for personal development and growth, including developing critical thinking skills and a sense of purpose in children. Protest is a civic duty hence to inculcate the culture of protests in children early on serves to build responsible adults tomorrow hence become active citizens who are committed to good governance and the promotion and protection of public interest.

EFSCRJ therefore strongly advocates the right of children to take part in peaceful protests. We would insist that it is crucial that their participation is safe, informed, and aligned with their best interests. In this regard, we urge MOBSE to introduce and strengthen human rights education in the school curriculum. We have a duty to build and strengthen the culture of rights early in the life of citizens which augurs well for citizen participation, peace building, national unity and developing a sense of patriotism.

The GALA Anti-Corruption Protest directly affects children as some of the children themselves have eloquently expressed their issues and concerns. Corruption affects everything and everyone in society, especially the delivery and quality of education services and lives and wellbeing children themselves. Hence, we are of the view that MOBSE should rather encourage children to take part and not prevent them from protesting, while calling on schools, parents, adults, and protest organizers to adequately cater for the safety of children during these activities.

We wish to urge the National Human Rights Commission to engage and support the Ministry to understand and appreciate human rights better and take all necessary measures for the protection and promotion of the rights of children.

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