

THE NATIONAL POPULATION BILL, 2024

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THE NATIONAL POPULATION BILL, 2024

A BILL ENTITLED:

AN ACT to provide for the establishment, composition, functions and administration of the National Population Commission, its Secretariat, the National Observatory for the Demographic Dividend and connected matters.

ENACTED by the President and the National Assembly

PART I - PRELIMINARY

1. Short Title

This Act may be cited as the National Population Act, 2024.

2. Interpretation

In this Act, unless the context otherwise requires-

“Board” means the National Population Board of Directors, established under section 6;

“Chairperson” means the Chairperson of the National Population Commission established under section 3;

“Commission” means the National Population Commission;

“Director-General” means the Director-General of the National Population Secretariat;

“National Observatory” means the National Observatory for the Demographic Dividend, established under section 17; and

“Population Secretariat” or “Secretariat” means the National Population Secretariat.

PART II - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE COMMISSION

3. Administration

(1) The administration of this Act shall be under the overall direction and control of the Vice President of The Gambia.

(2) The Vice President may direct any Minister serving as a member of the Commission to exercise or perform any power, duty or function under this Act that may be relevant to the Ministry assigned to that Minister.

(3) For the guidance of Ministries, Departments and Agencies, the Vice President in consultation with the relevant Minister may issue codes of recommended practices as regards to the execution and enforcement of this Act, and of regulations and orders made under it, to the extent that they are relevant to that Minister's responsibilities.

4. Establishment of the Commission

(1) There is established the National Population Commission, which shall consist of-

- (a) the Vice President, who shall be the Chairperson;
- (b) the Minister responsible for Health;
- (c) the Minister responsible for Finance and Economic Affairs;
- (d) the Minister responsible for Gender, Children and Social Welfare;
- (e) the Minister responsible for Youth & Sports;
- (f) the Minister responsible for Agriculture;
- (g) the Minister responsible for Trade, Industry, Regional Integration and employment ;
- (h) the Minister responsible for Environment, Climate Change and Natural Resources;
- (i) the Minister responsible for Basic and Secondary Education;
- (j) the Minister responsible for Higher Education, Research Science and Technology;
- (k) the Minister responsible for Lands, Regional Government and Religious Affairs;
- (l) the Minister responsible for Information;
- (m) the Minister responsible for Communication & Digital Economy;
- (n) the Minister responsible for Interior;
- (o) the Chairperson of the Network of National Assembly Members on Population and Development;

- (p) the President of the Supreme Islamic Council;
- (q) the Chairperson of the Gambia Christian Council;
- (r) the Chairperson of the Board;
- (s) the Chairperson of the National Statistical Council; and
- (t) the Director-General, who shall be the secretary of the Commission;

(2) The following shall take part in the proceedings of the Commission as observers -

- (a) the Vice Chancellor of the University of The Gambia;
- (b) the Country Representative of the United Nations Population Fund;
- (c) the Executive Director of Gambia Family Planning Association, and
- (d) the Chairperson of TANGO

5. Functions of the Commission

The Commission shall have the following functions -

- a. give strategic direction for the formulation and implementation of the objectives of the National Population Policy;
- b. recommend new policies or review existing policies as it considers necessary, for better and effective population management;
- c. advocating for increased support, including resource mobilisation, for population and development issues; and
- d. give policy directives on Population and Housing Censuses and other demographic surveys

6. Meetings of the Commission

- (1) The Commission shall meet at least twice a year and the Chairperson shall preside at every meeting of the Commission.
- (2) In the absence of the Chairperson, the members present shall appoint one of the members to preside over the meeting.
- (3) The minutes of the meeting of the Commission shall be recorded and signed by the Secretary and the person who presides over the meeting after confirmation by the Commission.

- (4) The quorum of the Commission at any meeting shall be seven.
- (5) The Commission may at any time co-opt any competent Agency, institution or person to participate in its meetings and such person shall not have a voting right.

PART III – ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE BOARD

7. Establishment and Composition of the Board

- (1) There is established the National Population Board which shall oversee the affairs of the Secretariat.
- (2) The Board shall comprise -
 - (a) a Chairperson of the Board;
 - (b) the Permanent Secretary, Office of the Vice President, or his or her designated representative, not below the position of a director;
 - (c) the Permanent Secretary of the Ministry of Finance and Economic Affairs, or his or her designated representative, not below the position of a director;
 - (d) Permanent Secretary of the Ministry of Health, or his or her designated representative, not below the position of a director;
 - (e) Permanent Secretary of the Ministry of Gender, Children and Social Welfare, or his or her designated representative, not below the position of a director;
 - (f) Permanent Secretary of the Ministry of Communication and Digital Economy, or his or her designated representative, not below the position of a director;
 - (g) Statistician General
 - (h) the Director General; and
 - (i) three persons to represent the public interest, one of whom shall be -

- (i) a youth;
- (ii) a woman; and
- (iii) a person with disability.

(3) The Chairperson of the Board and other members of the Board, other than ex-officio members, shall be appointed by the President, after consultation with the Public Service Commission.

- (4) Notwithstanding sub-section (3), a person shall not qualify for appointment as Chairperson of the Board unless he or she –
- (a) holds a relevant academic and professional qualification relating to population and development; and
 - (b) has at least ten years of professional experience working in a relevant field.
- (5) A person shall not be qualified to be a member or continue as a member of the Board if he or she –
- (a) has been, or is found to be guilty of misconduct;
 - (b) is an undischarged bankrupt;
 - (c) has been convicted of an offence involving dishonesty;
 - (d) has an infirmity of body or mind rendering him or her unfit to perform his or her functions; or
 - (e) otherwise ceases to be a member for any of the reasons stipulated under Section 9(2).
- (6) As far as reasonably practicable, persons appointed to the Board shall have proven interest in population affairs with an appropriate range of expertise and experience.
- (7) The members of the Board shall elect one of the non ex-officio members to be the Vice Chairperson of the Board.
- (8) The Board may invite other individuals of recognised academic and technical competence to assist the Board.

8. Functions of the Board

The functions of the Board shall include the following, to –

- (a) the greatest extent possible, cooperate with Government, local government institutions and civil society organisations, in carrying out its functions under this Act;

- (b) advise the Commission on population programmes and activities which the Board considers necessary for better and effective population management;
- (c) promote comprehensive population programmes for integration into sectoral plans and national development plans;
- (d) review targets for population programme performance and the expected impact, and recommend strategies for their achievement;
- (e) advise on suitable methods for generating internal and external resources to support the implementation of population policies;
- (f) support the Commission and the Secretariat in their resource mobilisation strategy;
- (g) oversee the management, secure property, business and funds of the Secretariat and other matters relating to the Secretariat;
- (h) review and approve annual work programme and budget of the Secretariat;
- (i) monitor the performance of the Secretariat, based on established performance indicators;
- (j) obtain relevant information and reports that it considers necessary from the Director General;
- (k) ensure that the Secretariat carries out its functions and performs the tasks assigned to it under this Act;
- (l) ensure that work programmes of the Secretariat are consistent with the Government's legislative and policy priorities in sectoral plans and national development plans;
- (m) oversee the effective implementation of the National Demographic Dividend Observatory; and
- (n) perform such other functions as prescribed under this Act.
- (o) ensuring the integration of demographic variables into sectoral plans and policies and cross-sectoral coherence;
- (p) ensuring the functioning of the National Observatory on the Demographic Dividend

9. Tenure and Vacancy

- (1) A person appointed to the Board, other than an ex-officio member, shall hold office for a period of three years and may be eligible for reappointment for a further term.
- (2) A vacancy in the office of an appointed member shall occur if the member-

- (a) dies;
- (b) is adjudged bankrupt;
- (c) has physical or mental incapacity;
- (d) is sentenced under any written law to a term of imprisonment without an option of a fine;
- (e) ceases to possess the qualification necessary as a prerequisite for appointment;
- (f) is absent without permission from three consecutive meetings of the Board, of which he or she has had notice; or
- (g) resigns in accordance with subsection (3) of this section.

- (3) An appointed member may, at any time, resign from his or her office by written notice to the President.
- (4) A vacancy in the membership of the Board shall be filled, for the remainder of the term of the member whose vacancy has occurred, by the appointment of a new member.
- (5) Subsection (3) shall not apply if the remaining period is less than six months of the expiry of the term of the vacancy.

10. Appointment of Board Secretary

The Deputy Director General shall serve as Secretary to the Board and shall have the following responsibilities –

- (a) arranging the business of the Board meetings;
- (b) keeping a record of the proceedings of the Board; and
- (c) such other duties as the Board or the Director-General may direct.

11. Meetings of the Board

- (1) The Board shall meet to discharge its business, at least once in every three months, at such time and place as the Chairperson of the Board shall appoint.
- (2) The Chairperson of the Board shall, at the written request of the Director-General, or not less than four members of the Board, convene a special meeting of the Board to transact any extraordinary business, on a date specified in the request.
- (3) A written notice of a special meeting of the Board shall–

- (a) be sent to each member, not later than twenty-four hours before the meeting; and
 - (b) shall specify the business for which the meeting is being convened.
- (4) Where a request under subsection (2) is made by members or the Director-General, the request shall be transmitted to the Director-General or Deputy Director-General, stating the business to be transacted, at least two working days before the date specified in the request.
- (5) The quorum of the Board at any meeting shall be five
- (6) The Board shall take decisions by a simple majority of the votes of members present and, where there is an equality of votes, the person presiding shall have the casting vote.
- (7) The Chairperson of the Board shall preside at every meeting of the Board at which he or she is present, and in his or her absence the Vice Chairperson shall preside.
- (8) In the absence of both the Chairperson and Vice Chairperson, members present shall appoint one of their members to preside at the meeting.
- (9) The minutes of every meeting of the Board shall be recorded and signed by the Deputy Director-General and the person who presides over the meeting, after confirmation by the Board.
- (10) The Board may, at any time, co-opt any person to act as an adviser at any of its meetings, but no person so co-opted shall be entitled to vote at any of its meetings, and he or she shall be paid such allowance as the Vice President may approve.
- (11) The validity of any proceeding of the Board shall not be affected by-
 - (a) a vacancy in its membership; or
 - (b) a defect in the appointment of any of its members.
- (12) The Board shall regulate its own procedure.

12. Disclosure of Interest

- (1) A member of the Board who has an interest or an undertaking in a company with which the Commission proposes to enter into a contract, or any conflict of interest shall –
 - (a) disclose the nature of his or her interest to the Board; and
 - (b) not participate in any deliberation and voting of the Board, in respect of the contract.
- (2) A member who contravenes the provisions of subsection (1) may be sanctioned or removed from the Board by the President, on the recommendation of the Vice-President.

13. Transaction of business without meeting

- (1) A resolution is a valid resolution of the Board –
 - (a) if it is signed or assented to by a majority of the members; and
 - (b) if proper notice of the proposed resolution was given to each member and to the Director-General.
- (2) A resolution is not rendered invalid because it was not passed at a meeting of the Board.

14. Indemnity of Members

An action, suit, prosecution or other proceedings shall not be brought or instituted against a member of the Board, personally, in respect of anything done in pursuance, execution or intended execution of any of the provisions of the Act.

15. Allowances of Members of the Board

Members of the Board shall be paid such allowances as may be determined by the Vice President.

PART IV - THE NATIONAL POPULATION SECRETARIAT

16. The National Population Secretariat

- (1) There is established the National Population Secretariat, to be headed by a Director-General, under the supervision of the Board.
- (2) The Secretariat is a body corporate with perpetual succession and a common seal.
- (3) The Secretariat may-
 - (a) sue and be sued in its corporate name;
 - (b) enter into contracts and acquire, hold and dispose of property; and
 - (c) so far as it is possible for a body corporate to do so, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.
- (4) The application of the common seal of the Secretariat shall be authenticated by the signature of the Director-General.
- (5) A document bearing the imprint of the seal of the Secretariat is to be taken to be properly sealed unless the contrary is proved.

17. Continuance in existence of the National Population Secretariat

The National Population Commission Secretariat in existence immediately before the commencement of this Act shall continue to exist as the Secretariat of the Commission, subject to the provisions of this Act.

18. Functions of the Secretariat

The Secretariat shall –

- (a) provide technical and administrative support to the National Population Commission, and the Board and their committees;
- (b) implement, coordinate, monitor and evaluate the implementation of the population policy and programme;

- (c) undertake population research, analysis and disseminate relevant population information to stakeholders;
- (d) undertake policy and programme design;
- (e) promote advocacy for population and related development issues targeting government leadership and civil society;
- (f) assist government departments and other institutions to integrate demographic variables in their sectoral policies and programmes;
- (g) identify the training and institutional needs of implementing agencies and build their capacities on population and development;
- (h) coordinate government preparation and participation in both local and international conferences on population and development;
- (i) prepare quarterly, bi-annual and annual reports on the implementation of the population programme;
- (j) facilitate the implementation of population policy guidelines;
- (k) assist in the mobilisation of resources for national population programmes;
- (l) encourage the full participation of the private sector in attaining set population targets or goals;
- (m) promote public-private partnership;
- (n) promote research and studies on population and development;
- (o) coordinate and monitor all population programmes in the country;
- (p) facilitate the work of committees of the Secretariat; and
- (q) carry out functions assigned to it by the Commission and the Board for the achievement of the population goals and objectives, under this Act.
- (r) Promote community participation in policy and programme implementation.

19. Appointment of the Director-General

- (1) The Director-General shall be the Chief Executive of the Secretariat and shall be appointed by the President in consultation with the Public Service Commission and the Board.
- (2) The Director-General shall hold at least a master's degree in one of the following-

- (i) population studies;
- (ii) demography;
- (iii) Economics;
- (iv) Statistics; or other

population-related fields; and

shall have at least ten years of professional experience working in a relevant field.

- (3) The Director-General shall hold office on such terms and conditions as shall be specified in his or her letter of appointment.
- (4) The President may remove the Director General from office for any incapacity resulting from poor performance, infirmity of body or mind, serious violation of the laws of The Gambia, or serious misconduct.

20. Functions of the Director – General

- (1) The Director-General shall be responsible for the day-to-day management and operations of the Secretariat.
- (2) The Director-General shall be responsible for the management of the funds, property and business of the Secretariat and for the administration and control of the staff of the Secretariat.
- (3) The Director-General shall, from time to time, keep the Commission and the Board informed of the progress and activities of the Secretariat.
- (4) The Director-General is, in the performance of his or her functions, answerable to the Board.
- (5) The Director-General may, in writing, delegate any of the above duties to any other Staff.

21. Deputy Director – General

The Deputy Director- General shall assist the Director-General in the day-to-day management of the Secretariat

22. Directors and unit heads

- (1) The Director General may, subject to the approval of the Vice President, establish such directorates and units in the Secretariat as he or she considers necessary for the effective management of the Secretariat.
- (2) A directorate shall be headed by a Director who shall be appointed by the Board.
- (3) A unit shall be headed by a manager, who shall be designated by the Director General subject to the approval of the Board.
- (4) A Director or a manager shall hold office on the terms and conditions specified in his or her letter of appointment.

23. Officers and staff of the Secretariat

- 1) The Board shall appoint such officers and staff as it may think necessary for the proper carrying out of its functions under this Act.
- 2) Notwithstanding sub-section (1), the Board may assign the Director General to appoint the support staff for the secretariat.

PART V - THE NATIONAL OBSERVATORY FOR THE DEMOGRAPHIC DIVIDEND

24. National Observatory for the Demographic Dividend

- (1) There is hereby established the National Observatory for the Demographic Dividend, whose activities shall be implemented, coordinated, monitored and evaluated by the Secretariat.
- (2) In performing its function under this section, the Secretariat shall work closely with a sub-committee of the Board established for the Observatory, comprising the representatives of the –
 - (a) National Population Secretariat;
 - (b) The Gambia Bureau of Statistics;
 - (c) Planning Unit Office of the Vice President;
 - (d) Directorate of Budget, Ministry of Finance and Economic Affairs;
 - (e) Directorate of Development Planning, Ministry of Finance and Economic Affairs;
 - (f) Directorate of Economic Policy and Research, Ministry of Finance and Economic Affairs;
 - (g) Directorate of planning and Information, Ministry of Health;
 - (h) Directorate of Health Research, Ministry of Health;
 - (i) Directorate of Research, University of The Gambia;
 - (j) Department of Economics, University of The Gambia
 - (k) Directorate of Planning, Ministry of Agriculture;
 - (l) Directorate of Gender Equality and Women Empowerment, Ministry of Gender Children and Social Welfare;
 - (m) Directorate of Tertiary and Higher Education, Ministry of Higher Education, Research, Science and Technology;
 - (n) Directorate of Planning and Policy Analysis, Ministry of Higher Education, Research, Science and Technology;
 - (o) Directorate of Planning, Ministry of Basic and Secondary Education;
 - (p) Department of Youth and Sport, Ministry of Youth and Sports;

- (q) Planning and Statistics Unit, Ministry of Trade, Industry Regional Integration and employment;
 - (r) Department of Information Services, Ministry of Information;
 - (s) Planning and Statistics Unit, Ministry of Interior;
 - (t) Planning Unit, Ministry of Environment Climate Change and Natural Resources;
 - (u) Planning Unit, Ministry of Lands Regional Government and Religious Affairs;
- (3) The Secretariat may invite other individuals of recognised academic and technical competence to assist the Observatory.
- (4) In performing its function as the host of the Observatory for the Demographic Dividend, the Secretariat shall establish and lead the work of relevant committees to-
- (a) conduct studies and research on the dimensions of the demographic dividend and all other themes in the field of generational economy;
 - (b) conduct advocacy actions aimed at implementing economic and social policy recommendations resulting from studies and research on the demographic dividend;
 - (c) develop and implement national capacity building programmes to take into account the demographic dividend in economic, social and cultural development policies;
 - (d) set up a database allowing the periodic monitoring of the trajectory of the demographic dividend and to facilitate access to its users;
 - (e) participate in the functioning of the sub-regional network of national observatories of the demographic dividend;
 - (f) contribute to monitoring the implementation of the national roadmap, invest massively in young people to take full advantage of the demographic dividend, and adapt and implement the recommendations of sub-regional and international instruments in relation to the achievement of the demographic dividend;
 - (g) ensure the integration of demographic variable into sectoral plans and policies;
 - (h) track progress towards achieving the demographic dividend;
 - (i) produce the annual national report on the profile of the demographic dividend in The Gambia in order to assess the evolution of the composite demographic dividend monitoring index; and

- (j) perform such functions as it deems necessary for the effective functioning of the National Observatory.

25. Annual Report on the National Observatory

The Board shall include in its Annual Report under section 29, all activities carried out by the Secretariat in fulfilling its role and function as the National Observatory.

PART VI - FINANCIAL PROVISIONS

26. Funds of the Secretariat

- (1) The funds of the Secretariat shall consist of –
 - (a) moneys appropriated by the National Assembly;
 - (b) moneys and assets that vest in or accrue to the Secretariat; and
 - (c) grants, gifts or donations from the Government or other sources made with the approval of the Vice President and the Minister of finance.

27. Budgets, Accounts and Audit

- (1) The Secretariat shall, within three months before the end of each financial year, make and submit to the Office of The Vice President for approval, estimates of the income and expenditure of the Secretariat for the ensuing year.
- (2) The Secretariat shall keep proper records and accounts of its income and expenditure.
- (3) The Secretariat shall prepare a statement of accounts in respect of each financial year.
- (4) The Secretariat shall, within three months of the end of each financial year, submit to the Auditor-General for auditing, its statement of accounts for the preceding year.
- (5) The Secretariat shall present its activity and financial report to the Office of the Vice President.

28. Annual report

- (1) The Board shall, not later than three months after the end of each year, submit to the Vice-President, in respect of the year, an annual report on the activities of the Secretariat.
- (2) The report under subsection (1) shall include –
 - (a) information regarding the operation and performance of the Secretariat; and
 - (b) such other information as the Vice President may request in writing.
- (3) The Vice President shall, not later than three months after the end of the financial year, cause the Activity Report and Audited Financial Statements to be laid before the National Assembly.
- (4) The Director General shall also, from time to time, provide the Vice- President with such information relating to the affairs of the Secretariat as he or she may request in writing.

PART VII - MISCELLANEOUS

29. Protection of members and staff of the Secretariat from liability

A member of the Commission, the Board, or an employee of the Secretariat or a person acting on the directions of the Commission or the Board or Secretariat is not personally liable for any act or omission done in good faith in the exercise of the functions of the Commission, the Board or the Secretariat.

30. Consultants

The Board may engage consultants to serve as individual experts or advisers or as members of a Committee of the Board, as may be useful and appropriate for the Board to discharge its functions.

31. Power to make Regulations

The Vice President may, in consultation with the Board, make regulations for the better carrying out of the provisions of this Act.

PART VII —TRANSITIONAL PROVISIONS

32. Transfer of assets and liabilities

All property and assets vested in the National Population Commission Secretariat before the commencement of this Act shall, on the commencement of this Act, be vested in the Secretariat subject to all interests, liabilities, obligations, and trusts affecting the property.

33. Employees of the Secretariat

- (1) On the commencement of this Act -
 - (a) all persons who were employed in the National Population Commission Secretariat immediately before the commencement of this Act, shall continue in the employment of the Secretariat.
 - (b) the terms and conditions, including the salary, on which a person referred to in paragraph (a) was employed immediately before the commencement of this Act, shall be no less favourable than those that applied to that person's office immediately before the commencement of this Act; and
 - (c) there shall be no break or interruption in the employment of those persons because of this Act.
- (2) Subject to subsection (1)(b), the terms and conditions of any employment referred to in sub section (1) may be varied after the commencement of this Act.
- (3) Nothing in this Act affects the pension rights of any person referred to in subsection (1).

OBJECTS AND REASONS

The Population Bill 2024 seeks to provide the legislative authority for population and development related issues in The Gambia, as well as secure the rights of everyone, leaving no one behind; guide the implementation of population programmes; and secure dedicated financing for population related issues. As part of the process of defining its practical application, the Bill makes provisions for the continuance in existence of the

National Population Secretariat, to formulate, implement, coordinate, monitor and evaluate population programs. The Bill also seeks to establish the National Observatory for the Demographic Dividend.

The Bill is a comprehensive framework that addresses population-related issues, promotes data-driven decision-making, and ensures that demographic factors are considered in various aspects of national development in The Gambia and incorporates and aligns emerging issues with current and future realities of The Gambia.

.....
HIS EXCELLENCY MUHAMMED B.S. JALLOW
THE VICE PRESIDENT OF THE REPUBLIC OF THE GAMBIA

