Human Rights Council
Twenty-eighth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review

Gambia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.15-06235 (E)
1. Recommendation 109.1 and 109.2: Ratify the conventions to which it is not yet party in keeping with the recommendations accepted during the first Review.
   
   Response
   
   We will study those conventions ratify those in the best interest of the State to do so.

2. Recommendation 109.3, 109.4, 109.5, 109.6, 109.7 and 109.8: Ratify the second optional protocol to the international covenant on civil and political rights, aimed at ensuring the abolition of the death penalty.
   
   Response
   
   This recommendation is rejected. The death penalty is provided for in the Laws of the Gambia and Constitution.

3. Recommendation 109.9–109.21: Consider the ratification of the UN Convention against Torture and other Cruel, Inhumane or Degrading treatment or Punishment and its Optional Protocol and harmonize the convention with the national legislation.
   
   Response
   
   Recommendation noted.

   
   Response
   
   Accepted subject to the Constitution of the Gambia.

   
   Response
   
   Accepted.

   
   Response
   
   Noted.

7. Recommendation 109.29 and 109.30: Consider the ratification of the convention on the protection of the rights of all migrant workers and the members of their families.
   
   Response
   
   Noted.

   
   Response
   
   Noted.

   
   Response
Accepted. In fact this Convention was ratified in July 2013 and there is also a Disability Bill under consultation.


   Response
   Noted.

11. Recommendation 109.49 and 109.50: That the president of The Gambia will use his executive power by refraining from signing the Bill amending section 144(A) of the criminal code into law and that the government of The Gambia eliminates all existing legislation criminalizing sexual orientation or gender identity.

   Response
   Rejected.

12. Recommendation 109.51–109.56: That The Gambia repeals all provisions of law criminalising same sex relations between consenting adults and ensure the rights of these persons are protected.

   Response
   Rejected.

13. Recommendation 109.57 and 109.58: Review the amendments to the criminal code in the area of “false information” in order to guarantee respect for freedom of the media and freedom of expression.

   Response
   Noted.

14. Recommendation 109.59–109.64: Amend the legislation to remove restriction on freedom of expression which has a major impact on human rights defenders, journalist and members of the political opposition.

   Response
   Rejected.


   Response
   Accepted.

16. Recommendation 109.67 and 109.68: Conclude the ongoing consultations concerning the draft Disability Bill to be adopted at the nearest time possible.

   Response
   Accepted.

17. Recommendation 109.69–109.80: Accelerate the progress of consultations and ensure that the National Human Rights Institution functions in accordance with the Paris Principles.

   Response
   Accepted.
18. Recommendation 109.81: Provide the necessary financial and human resources to strengthen the implementation of policies and programmes for the empowerment of women in social and public life.
   
   Response
   Accepted.

   
   Response
   Accepted.

20. Recommendation 109.83: Follow up effectively the National Action Plan to accelerate the eradication of female genital mutilation and the implementation preventative measures.
   
   Response
   Accepted.

   
   Response
   Accepted.

   
   Response
   Accepted.

   
   Response
   Accepted.

   
   Response
   Accepted.

25. Recommendation 109.89: Submit the long outstanding reports to the Human Rights Committee and to the committee on the Elimination of Racial Discrimination.
   
   Response
   Accepted.

26. Recommendation 109.90: Take all necessary measures to address the backlog in the submission of reports to treaty bodies.
   
   Response
   Accepted.


Response
Noted.

29. Recommendation 109.96: Take all necessary measures, both legislative and educational, to eradicate negative stereotypes and attitudes towards women.

Response
Accepted in line with Government’s policy on women empowerment.


Response
Rejected. The position of Gambia on same sex relationship is very clear. For the record however no person has been subjected to any form of violence based on sexual orientation. They are prosecuted in accordance to the laws of the Gambia.

31. Recommendation 109.101 and 109.102: Maintain the moratorium on execution with a view to abolishing the death penalty.

Response
Rejected.

32. Recommendation 109.103: Consider establishing a new moratorium on executions with a view to abolishing the death penalty in the future.

Response
Rejected.


Response
Rejected.

34. Recommendation 109.110: Investigate all complaints of torture and adopt necessary preventive measures to eliminate this practice.

Response
Accepted.

35. Recommendation 109.111 and 109.112: Continue to improve the conditions of prisoners.

Response
Accepted.


Response
   Response
   Accepted.

   Response
   Accepted. In fact the Sexual Offences Act and Domestic violence Act were recently enacted.

   Response
   Accepted.

40. Recommendation 109.126: Explore and maximize the benefits from international cooperation and partnerships to support initiatives to combat trafficking in persons, especially women and children.
   Response
   Accepted.

41. Recommendation 109.127: Seek technical assistance to improve the judiciary, in order to more adequately execute its functions.
   Response
   Accepted.

   Response
   Accepted.

43. Recommendation 109.133: Ensure independent, effective ad speedy investigation to violations of the right to freedom of expression committed by officials engaged in law enforcement duties, to hold those responsible to account; and provide redress to victims.
   Response
   Accepted, please note however that The Gambia has in place structures that conduct independent and effective investigations in respect of any violations of law committed by any person.

44. Recommendation 109.134: Implement swiftly and without preconditions the verdict of the ECOWAS court of 10 June 2014 on the need of a thorough investigation to the disappearances of journalists Manneh and Hydara.
   Response
   Noted.

Response
Accepted.

46. Recommendation 109.136: Promote national efforts aimed at enhancing judicial reform, so as to cater for expanding recourse to courts of law, partly as a result of the growth of the Gambia economy.
Response
Accepted.

47. Recommendation 109.137 and 109.138: Consider drawing up a legislation to raise the legal age of marriage to 18 years.
Response
Rejected. There is already a law in place which defines the age of a child and protects the child from early marriage. Our laws are however subject to personal laws as provided for in the Constitution.

48. Recommendation 109.139: Take steps to prevent child early and forced marriage, including through education and awareness campaigns.
Response
Accepted as it is in line with Government’s efforts to protect and promote children’s rights.

49. Recommendation 109.140 and 109.141: promote and guarantee freedom of expression in compliance with international standards as recommended previously.
Response
Accepted, subject to the laws of the Gambia.

Response
Accepted, however subject to the laws of The Gambia.

51. Recommendation 109.145: Fully protect and promote freedom of expression, association and peaceful assembly for all, without fear of arbitrary detention, intimidation or harassment, and to investigate all allegations, of torture or ill-treatment and hold the perpetrators to account.
Response
Accepted, subject to the laws of The Gambia.

52. Recommendation 109.146: Decriminalize offences related to freedom of expression and guarantee that human rights defenders and journalists can carry out their work in an atmosphere of freedom and security.
Response
Noted. It should also be noted however that in the Gambia, human rights defenders and journalists can carry out their work in an atmosphere of freedom and security, subject to the laws of The Gambia.

53. Recommendation 109.147: Take all the necessary measures to ensure that all persons, including journalists, opposition leaders and political opponents and human rights
defenders can freely exercise their rights to freedom of expression, association and peaceful assembly without fear of arrest, detention, intimidation or harassment.

Response
Accepted subject to the Laws of the Gambia.

54. Recommendation 109.148: Demonstrate its commitment to freedom of expression, including by members of the press, by allowing the UN unfettered access to complete its investigation of the death of journalist Deyda Hydara in 2004 and the disappearance of journalist Ebrima Manneh in 2006.

Response
Rejected, there cannot be unfettered access anywhere.

55. Recommendation 109.149–109.154: Continue its positive approach in combating poverty by providing the necessary support in rural infrastructure and its national employment policy to reduce unemployment.

Response
Accepted.

56. Recommendation 109.155: Continue strengthening its social protection programme that is already implementing, in order to provide for even greater well-being quality for its people.

Response
Accepted.

57. Recommendation 109.156–109.160: Further strengthen driven policies in the area of health, in order to achieve the objective of universal access to health.

Response
Accepted, because it is in line with Government’s policies.

58. Recommendation 109.161: Take action at all levels to address the interlinked root causes of preventable mortality and morbidity of children under 5 and consider applying the "Technical Guidance on the application of a human rights based approach to the implementation of policies and programmes to reduce and eliminate presentable mortality and morbidity of children under 5 years of age", A/HRC/27/31.

Response
Accepted.

59. Recommendation 109.162: Continue to implement its HIV/AIDS prevention, care and treatment programmes to further reduce the prevalence.

Response
Accepted.

60. Recommendation 109.163: Continue to invest in education and training.

Response
Accepted because it is in line with Government’s policies.

61. Recommendation 109.164–109.167: Continue with the positive approach in the field of education, especially the construction of more schools and educational centres, which contributed to an increase in student enrolment rates in the various stages of education.
Response
Accepted.

   Response
   Accepted.

63. Recommendation 109.169: Continue efforts to provide more education to persons with disabilities.
   Response
   Accepted.

64. Recommendation 109.170: In the context of global partnerships for development, to seek assistance from the United Nations System, including the United Nations High Commissioner for Refugees and development partners to mobilize requisite resources with respect to financial assistance to aid the establishment of transit centres for refugees and capacity building in the administration and management of refugees and stateless persons.
   Response
   Accepted.

65. Recommendation 109.171: Provide additional resources to the National Commission for Refugees in order to facilitate their reintegration and better organize their legal protection.
   Response
   Accepted.