

## 2RP: Responses to Recommendations & Voluntary Pledges

# GAMBIA

## Second Review Session 20

Review in the Working Group: 28 October 2014  
Adoption in the Plenary: 18 March 2015

### Gambia's responses to recommendations (as of 18.06.2015):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	95 were accepted, 2 commented (n°1-2 -> noted), 36 "rejected" (n°3-8, 49-56, 59-64, 97-109, 137-138, 148 -> noted) and 38 noted. However, in an additional document published after the addendum, rec n°38 is not responded to and n°42 is noted instead of accepted	In the absence of the delegation of Gambia to its adoption, the HRC President stated that 93 recs were accepted and 78 noted thus contradicting the addendum but in line with the additional document provided after	Accepted: 93 Noted: 78 Total: 171

*Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.*

### List of recommendations contained in Section II of the Report of the Working Group A/HRC/28/6:

**109.** The following recommendations will be examined by the Gambia, which will respond in due course, but no later than the twenty-eight session of the Human Rights Council in March 2015:

N - 109.1 Ratify the conventions to which it is not yet a party, in keeping with the recommendations accepted during the first cycle of the review (Niger);

- N - 109.2 Ratify the conventions on human rights not yet ratified and proceed to the harmonization of those already ratified with domestic legislation (Chad);
- N - 109.3 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);
- N - 109.4 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, and abolish the death penalty (Portugal);
- N - 109.5 Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Rwanda);
- N - 109.6 Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Angola);
- N - 109.7 Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Germany);
- N - 109.8 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);
- N - 109.9 Consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Indonesia);
- N - 109.10 Consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Gabon);
- N - 109.11 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Portugal);
- N - 109.12 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Tunisia);
- N - 109.13 Consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ghana);
- N - 109.14 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Mali);
- N - 109.15 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone);
- N - 109.16 Ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark);
- N - 109.17 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Togo);
- N - 109.18 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and harmonize the convention with the national legislation (France);

N - 109.19 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, recalling the commitment undertaken by the Government of the Gambia during the first cycle of the UPR (Uruguay);

N - 109.20 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure that allegations of ill treatment are investigated thoroughly and independently and that the individuals responsible are held to account (Australia);

N - 109.21 Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure its full implementation in law and practice (Botswana);

A - 109.22 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Mali);

A - 109.23 Consider acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Thailand);

A - 109.24 Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Uruguay);

A - 109.25 Consider acceding to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Thailand);

A - 109.26 Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Portugal);

N - 109.27 Consider acceding to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Thailand);

N - 109.28 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);

N - 109.29 Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);

N - 109.30 Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);

N - 109.31 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);

N - 109.32 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Portugal);

N - 109.33 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Tunisia);

N - 109.34 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and harmonize the convention with the national legislation (France);

N - 109.35 Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

N - 109.36 Consider the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (Ghana);

A - 109.37 Ratify the Convention on the Rights of Persons with Disabilities and ensure that persons with disabilities are free from all forms of discrimination and social exclusion (Maldives);

N - 109.38 Ratify the Rome Statute (Tunisia);

A - 109.39 Ratify or accede to the Agreement on Privileges and Immunities of the International Criminal Court and implement it fully at national level (Slovakia);

A - 109.40 Ratify the UNESCO Convention against Discrimination in Education (Portugal);

A - 109.41 Incorporate into its national legislation most of the international legal human rights instruments that the Gambia has acceded to (Mauritania);

N - 109.42 Comply with its existing international and regional human rights obligations (Germany);

N - 109.43 Enact legislation prohibiting female genital mutilation (Slovenia);

N - 109.44 Enact and enforce effective legislation prohibiting the practice of female genital mutilation (Germany);

N - 109.45 Take urgent steps to incorporate the prohibition of female genital mutilation in its law and enforce it (Ghana);

N - 109.46 Consider enacting a comprehensive law prohibiting the practice of female genital mutilation (India);

N - 109.47 Introduce legislation to criminalize the practice of female genital mutilation (Canada);

N - 109.48 Enact domestic violence legislation with the aim of eliminating domestic violence, and enact specific legislation criminalizing acts such as female genital mutilation (Maldives);

N - 109.49 That the President of the Gambia will use his executive power by refraining from signing the Bill amending section 144a of the Criminal Code into law, and that the Government of the Gambia eliminates all existing legislation penalizing sexual orientation or gender identity (Netherlands);

N - 109.50 That the President of the Gambia reject provisions in the proposed Criminal Code on aggravated homosexuality and absconding State officials (Sweden);

N - 109.51 That the President of the Gambia repeal provisions in the Criminal Code which criminalize consensual same-sex sexual conduct (Sweden);

N - 109.52 Repeal all provisions in laws that criminalize same sex relations between consenting adults and ensure the rights of those persons are protected (Australia);

N - 109.53 Repeal laws that provide for the criminalization of LGBT persons, in accordance of the principle of non-discrimination (France);

N - 109.54 Ensure that the Criminal Code is applied in a non-discriminatory manner, in full compliance with articles 2, 17 and 26 of the International Covenant on Civil and Political Rights, as interpreted by the Human Rights Committee (United Kingdom of Great Britain and Northern Ireland);

N - 109.55 Immediately decriminalize homosexuality and amend legislation to promote and protect human rights for all individuals, regardless of race, ethnic origin, religion, personal beliefs and opinions, disability, age, gender and sexual orientation, in accordance with the Gambia's obligations, including as a signatory to the African Charter on Human and Peoples' rights (Canada);

N - 109.56 Refrain from introducing and/or repeal any legislation that criminalizes sexual activities between consenting adults and take all necessary measures to prevent discrimination on the basis of sexual orientation and/or gender identity or expression (Germany);

N - 109.57 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 (Portugal);

N - 109.58 Repeal legislation that does not comply with international human rights law, in particular the amendment to the Information and Communication Act, enacted in 2013 and the amendment to the Criminal Code, enacted in 2013 (Slovakia);

N - 109.59 Amend legislation to remove restrictions on freedom of expression, which has a major impact on human rights defenders, journalists and members of the political opposition (Spain);

N - 109.60 Amend legislation that infringes on freedom of expression and decriminalize press-related offences such as defamation (Australia);

N - 109.61 Amend the Criminal Code to ensure respect of the right to freedom of expression and establish guidelines for criminal defamation prosecution to ensure the exercise of the right to freedom of expression without fear of intimidation or harassment (Canada);

N - 109.62 Abolish all legal provisions limiting the freedom of expression and freedom of the press, and take all necessary measures to facilitate the work of human rights defenders, journalists and civil society (Germany);

N - 109.63 Take all necessary measures to guarantee, in all circumstances, full respect of freedom of expression and freedom of the press; reform, in that regard, the provisions of the Information and Communication Act in order to bring the national legislation in line with international standards (France);

N - 109.64 Adopt measures, compatible with international norms, to guarantee the freedom of information (Chile);

A - 109.65 Enact laws prohibiting forced and early marriage of girls (Central African Republic);

A - 109.66 Incorporate into national legislation provisions to ensure the effective implementation of the rights of men and women to equal pay for equal work (Congo);

A - 109.67 Conclude the ongoing consultations concerning the Disability Bill to be adopted at the nearest time possible (Kuwait);

A - 109.68 Promptly adopt the law in the area of the protection and promotion of the rights of persons with disabilities to enable the requisite legal framework to apply the Convention on the Rights of Persons with Disabilities (Bolivarian Republic of Venezuela);

A - 109.69 Accelerate the progress of consultations and ensure that the national human rights institution functions in accordance with the Paris Principles (India);



A - 109.70 Accelerate the process of the establishment of a national human rights commission in accordance with the Paris Principles (Tunisia);

A - 109.71 Accelerate the establishment of the national commission for human rights in accordance with the Paris Principles (Niger);

A - 109.72 Accelerate the establishment of the national human rights institution in accordance with the Paris Principles (Gabon);

A - 109.73 Accelerate efforts for the establishment of a national human rights institution in conformity with the Paris Principles (Chile);

A - 109.74 Consider establishing the national human rights institution in accordance with the Paris Principles (Nicaragua);

A - 109.75 Finalize the creation of a national human rights institution and the establishment of an NHRI in full compliance with the Paris Principles (A status) (Portugal);

A - 109.76 Intensify its efforts to establish a national human rights institution fully in accordance with the Paris Principles (Rwanda);

A - 109.77 Work towards the effective establishment of the national human rights institution (Burkina Faso);

A - 109.78 Seek to expedite the current process of establishing a national human rights institution, with a view to further improving the general situation of human rights in the Gambia (Egypt);

A - 109.79 Continue its efforts in establishing a national human rights institution (Sudan);

A - 109.80 Continue to promote and protect the rights of women and children (Djibouti);

A - 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 (Malaysia);

A - 109.82 Adopt a national action plan on Security Council resolution 1325 on women peace and security (Portugal);

A - 109.83 Follow up effectively the national plan of action to accelerate the eradication of female genital mutilation and the implementation of preventative measures (Spain);

A - 109.84 Pursue efforts carried out by the Gambian Government in the framework of the national policy for gender equality and promotion of women for the period 2010 to 2020 (Algeria);

A - 109.85 Continue further improvement of the protection and promotion of human rights in the country (Azerbaijan);

A - 109.86 Continue its national efforts with the support and assistance of the international community in the promotion and protection of human rights, particularly in the realization of economic, social and cultural rights of the people of the Gambia (Bangladesh);

A - 109.87 Continue efforts aimed at promoting awareness of the culture of human rights in the Gambian society (Egypt);

A - 109.88 Improve its cooperation with treaty bodies (Niger);

A - 109.89 Submit the long outstanding reports to the Human Rights Committee and to the Committee on the Elimination of Racial Discrimination (Sierra Leone);

A - 109.90 Take all necessary measures to address the backlog in the submission of reports to treaty bodies (Burkina Faso);

N - 109.91 Consider issuing a standing invitation to the United Nations Human Rights Council special procedures (Rwanda);

N - 109.92 Accept the visit of the special procedures of the Human Rights Council and allow them access without restriction (Uruguay);

N - 109.93 Extend a standing invitation to all United Nations human rights mechanisms (Costa Rica);

N - 109.94 Facilitate, without further ado, the visit of the Special Rapporteur on summary executions and the Special Rapporteur on torture (Mexico);

N - 109.95 Respond favourably to the request of the Special Rapporteur on torture to visit the country (Denmark);

A - 109.96 Take all necessary measures, both legislative and educational, to eradicate negative stereotypes and attitudes towards women (Italy);

N - 109.97 Withdraw the criminal laws sanctioning homosexuality and take action to combat violence based on sexual orientation and gender identity (Italy);

N - 109.98 Take on board policies to promote human rights regardless of the sexual orientation of persons (Spain);

N - 109.99 Ensure that the human rights of all Gambian citizens are respected, regardless of sexual orientation or gender identity, by repealing discriminatory laws that are inconsistent with international human rights principles (United States of America);

N - 109.100 Guarantee to LGBTI persons the full and equal enjoyment of their human rights, and protection from criminalization and stigmatization (Argentina);

N - 109.101 Maintain the moratorium on executions with a view to abolishing the death penalty (Italy)

N - 109.102 Reinstate and respect the moratorium on the death penalty with a view to preparing a referendum on its possible abolition in accordance with the stipulations of the national Constitution (Mexico);

N - 109.103 Consider establishing a new moratorium on executions, with a view to abolishing the death penalty in the future (Brazil);

N - 109.104 Adopt a permanent moratorium on the death penalty with the view of its future abolition (Costa Rica);

N - 109.105 Abolish the death penalty for all crimes (France);

- N - 109.106 Establish a moratorium on the death penalty with a view to its abolition (Togo);
- N - 109.107 Establish a standing moratorium on executions with a view to the abolition of the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);
- N - 109.108 Abolish de jure the death penalty and proceed to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Uruguay);
- N - 109.109 Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);
- A - 109.110 Investigate all complaints of torture and adopt necessary preventative measures to eliminate this practice (Spain);
- A - 109.111 Continue to improve the conditions of prisoners (Djibouti);
- A - 109.112 Improve the conditions of detention in all places of detention and ensure that prisoners and detainees have access to medical care, adequate and appropriate food, hygiene and exercise (Slovakia);
- A - 109.113 Adopt and implement effective legislation aimed at banning female genital mutilation and punishing the perpetrators (Italy);
- A - 109.114 Pursue efforts aimed at eradicating the practice of female genital mutilation (Montenegro);
- A - 109.115 Strengthen and accelerate mechanisms aiming at eradicating the harmful practice of female genital mutilation (Angola);
- A - 109.116 Take all necessary measures to prohibit and eliminate the practice of female genital mutilation (Australia);
- A - 109.117 Enhance its initiatives designed to halt female genital mutilation and related harmful practices (Brazil);
- A - 109.118 Further progress in the eradication of the female genital mutilation and reaffirm its prohibition (Chile);
- A - 109.119 Intensify efforts to strengthen the fight against female genital mutilation (Ethiopia);
- A - 109.120 Continue efforts to eliminate harmful tradition practices and female genital mutilation (Rwanda);
- A - 109.121 Intensify efforts to ensure gender equality and eliminate sexual and gender-based violence (Rwanda);
- A - 109.122 Ensure the full implementation of the adopted law on sexual and gender-based offences against women (Montenegro);
- A - 109.123 Ensure the full implementation of the recently adopted law on sexual and gender-based violence against women and pursue efforts aimed at eradicating these vices (Botswana);



A - 109.124 Continue to expand plans and measures to eliminate all forms of physical, sexual and gender-based violence in the country (Chile);

A - 109.125 Enforce laws relating to child labour (Central African Republic);

A - 109.126 Explore and maximize the benefits from international cooperation and partnerships to support initiatives to combat trafficking in persons, especially women and children (Philippines);

A - 109.127 Seek technical assistance to improve the judiciary, in order to more adequately execute its functions (Sierra Leone);

A - 109.128 Ensure the independence of the judiciary (Central African Republic);

A - 109.129 Actively pursue further reforms to ensure judicial independence (India);

A - 109.130 Continue working to ensure the independence and transparency of its judicial system as well as to improve the conditions of its penitentiaries (Thailand);

A - 109.131 Work towards strengthening the independence of the judiciary through the adoption of the Judges Bill of 2014 (Kuwait);

A - 109.132 Take measure to ensure the independence of the judiciary, including by means of eradicating the system of presidential decisions on the appointment of judges (Mexico);

A - 109.133 Ensure independent, effective and speedy investigation into violations of the right to freedom of expression committed by officials engaged in law enforcement duties, hold those responsible to account; and provide redress to victims (Sweden);

N - 109.134 Implement swiftly and without preconditions the verdict of the ECOWAS Court of 10 June 2014 on the need for a thorough investigation into the disappearances of journalists Manneh and Hydara (Netherlands);

A - 109.135 Investigate the disappearance of U.S. citizens Alhaji Ceeseay and Ebrima Jobe (United States of America);

A - 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 Gambian economy (Egypt);

N - 109.137 Consider drawing up legislation to raise the legal age of marriage to 18 years (Sierra Leone);

N - 109.138 Set 18 years as the minimum legal age of marriage (Togo);

A - 109.139 Take steps to prevent child, early and forced marriage, including through education and awareness campaigns (Canada);

A - 109.140 Promote and guarantee freedom of expression in compliance with international standards, as recommended previously (Italy);

A - 109.141 Cooperate with international and regional human rights bodies to improve the situation of freedom of expression and human rights generally in the Gambia (Sweden);

A - 109.142 Intensify efforts to ensure a favourable environment for the activities of journalists, human rights defenders and other civil society actors (Tunisia);

A - 109.143 Ensure human rights defenders the free exercise of their activities and refrain from harassment and intimidation against them (France);

A - 109.144 Create and maintain, in law and in practice, a safe and enabling environment, in which human rights defenders can operate free from hindrance and insecurity, in accordance with Human Rights Council resolution 22/6 (Ireland);

A - 109.145 Fully protect and promote freedom of expression, association and peaceful assembly for all, without fear of arbitrary detention, intimidation or harassment, and investigate all allegations of torture or ill-treatment and hold the perpetrators to account (United Kingdom);

N - 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 (Mexico);

A - 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 (Slovenia)

N - 109.148 Demonstrate its commitment to freedom of expression, including by members of the press, by allowing the United Nations unfettered access to complete its investigation of the death of journalist Deyda Hydrara in 2004 and the disappearance of journalist Ebrima Manneh in 2006 (United States of America);

A - 109.149 Continue its positive approach in combating poverty by providing the necessary support in rural infrastructure and its national employment policy to reduce unemployment (Malaysia);

A - 109.150 Continue making efforts to seek the necessary resources to lead the Gambia towards development (Nicaragua);

A - 109.151 Give more focus to building the capacity of institutions responsible for poverty eradication programmes of the Government (Philippines);

A - 109.152 Continue to focus on developing its economy, escalating employment, increasing efforts on poverty reduction, and improving the living standards of its people (China);

A - 109.153 Strengthen efforts on the eradication of extreme poverty and hunger through the full implementation of the Programme on Accelerated Growth and Employment (South Africa);

A - 109.154 Continue its efforts in increasing the financial resources allocated to provide welfare services to vulnerable members of the society (Sudan);

A - 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 (Venezuela (Bolivarian Republic of));

A - 109.156 Further strengthen driven policies in the area of health, in order to achieve the objective of universal access to health (Venezuela (Bolivarian Republic of));

A - 109.157 Pursue the implementation of the national health policy for the period 2012 to 2020 (Algeria);

A - 109.158 Take further steps, with the support of the international community, to continue ameliorating access of the population to health (Cuba);

A - 109.159 Enhance the existing effort in health service delivery system particularly to vulnerable groups (Ethiopia);

A - 109.160 Step-up further efforts to strengthen health care facilities and improve health care services provided to women and children and equipping health facilities with the necessary equipment and medicine (Libya);

A - 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 preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31) (Ireland);

A - 109.162 Continue to implement its HIV/AIDS prevention, care and treatment programmes to further reduce the prevalence (Singapore);

A - 109.163 Continue to invest in education and training (Djibouti);

A - 109.164 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 (Libya);

A - 109.165 Continue to place emphasis on promoting access to education and improving the quality of its education system (Singapore);

A - 109.166 Further strengthen its sound educational policies, in particular in the secondary school (Venezuela (Bolivarian Republic of));

A - 109.167 Continue education reforms in order to reduce the illiteracy rate in the country (Cuba);

A - 109.168 Intensify the policy of social reintegration of abandoned children and school dropouts (Democratic Republic of the Congo);

A - 109.169 Continue efforts to provide more education to persons with disabilities (South Sudan);

A - 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 (South Africa);

A - 109.171 Provide additional resources to the National Commission for Refugees in order to facilitate their reintegration and better organize their legal protection (Democratic Republic of the Congo)

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