

Responses to Recommendations

GAMBIA

Review in the Working Group: 10 February 2010
 Adoption in the Plenary: 11 June 2010

Gambia's responses to recommendations (as of 23.06.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
68 REC accepted (among which 7 are considered as already implemented or in the process of implementation); 30 rejected; 50 pending	No addendum	Out of the 50 pending, the delegation commented 45 REC without giving a clear position; 5 REC were considered as already implemented (n°44, 45, 48, 49, 50 -> no clear position) and 5 were not mentioned (n°20, 31, 32, 39, 46 -> pending)	Accepted: 68 Rejected: 30 No clear position: 45 Pending: 5

List of recommendations contained in Section II of the Report of the Working Group A/HRC/14/6:

97. The recommendations formulated during the interactive dialogue have been examined by Gambia and the recommendations listed below enjoy the support of Gambia:

- A - 1. Continue making legislative and concrete efforts to promote human rights (Lebanon);
- A - 2. Continue the process of strengthening and adapting the national normative framework, particularly by finalizing the texts being prepared with regards to women, asylum and elections (Algeria);
- A - 3. Rigorously enforce legislative instruments that protect and strengthen the rights of the child (Australia);
- A - 4. Enact legislation on violence against women, including domestic violence (Belarus);
- A - 5. Accelerate efforts to review the scope and mandate of Ombudsman's institution (Malaysia);

- A - 6. Maintain and strengthen the measures undertaken to date to ensure the effective promotion and protection of women rights, which obviously requires the provision of the necessary minimum resources for this purposes, as well as the financial support from the international community (Venezuela);
- A - 7. Take appropriate measures, as possible, to make up for the delay accumulated over the past years in presenting its reports to various human rights bodies (Algeria);
- A - 8. Take concrete steps to address reporting delays to United Nations treaty bodies, in particular the Human Rights Committee (United Kingdom);
- A - 9. Take practical steps to fulfil its reporting obligations to the different United Nations treaty bodies and to seek technical assistance from OHCHR in this regard (Azerbaijan);
- A - 10. Take the necessary measures to bring itself up to date with the reporting obligations to treaty bodies (Djibouti);
- A - 11. Provide, with the support of the international community, the various initial and periodic reports (Niger);
- A - 12. To the extent possible, and taking into account the human resources constraints, fulfil its reporting obligations to the relevant treaty bodies and to seek assistance from OHCHR in this regard (Mauritius);
- A - 13. Cooperate more with the special procedures mandate holders, in order to allow the international community to provide the best possible support in guaranteeing human rights (Burkina Faso);
- A - 14. Favourably consider the requests for country visits of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the right to education (Belarus);
- A - 15. Take additional measures to ensure non-discrimination, in particular against women (Cote d'Ivoire);
- A - 16. Continue work in areas of discrimination against women and children (Kyrgyzstan);
- A - 17. Adopt national measures in order to promote access to more women to positions of responsibility (Niger);
- A - 18. Enhance efforts, both in law and practice, to protect the rights of women, promote gender equality and eliminate discrimination and violence against women (Thailand);
- A - 19. Continue efforts to put an end to all negative cultural practices and stereotypes that discriminate against women (Azerbaijan);
- A - 20. Continue strengthening efforts to ensure a more active role of women in all spheres of society (Pakistan);
- A - 21. Give particular attention to human rights protection of people with disabilities in order to secure their rights (Ukraine);
- A - 22. Continue to fight resolutely against the practice of arbitrary or summary executions and against impunity (Cote d'Ivoire);
- A - 23. Take all necessary measures to avoid unlawful arrests and detentions (Germany);
- A - 24. Ensure that reports of human rights violations by the police, the army and the National Intelligence Agency relating to unlawful arrest, detention, and torture of journalists, human rights defenders and opposition members are investigated and those responsible are brought to justice (Canada); **1**

A - 25. Allow access to its detention centers by independent organizations and to arrested foreigners by their diplomatic representatives in accordance with its international human rights obligations (Canada); **2**

A - 26. Ensure all detainees be properly charged and brought to trial without delay, or released, and that an independent body in Gambia investigate allegations of ill-treatment, torture and extra-judicial executions (Australia);

A - 27. Address appropriately the issue of overcrowding as one of the major problems faced by the prisons which seriously affects the lives of the inmates in maintaining a good health standard (Iran);

A - 28. Intensify efforts to improve the existing conditions in detention centres and prisons (Slovakia);

A - 29. Continue to promote efforts to fight FGM (Angola);

A - 30. Step up measures to comprehensively address the problem of violence against women, including FGM, by expediting the enactment of the Women's Bill, and by implementing social, educational and legal safeguards and increasing public awareness campaigns to sensitize the community on the issue (Malaysia);

A - 31. Intensify measures to effectively combat child sexual abuse and exploitation (Azerbaijan);

A - 32. Continue to intensify law enforcement efforts against traffickers, incorporate anti-trafficking training into standard police curriculum, increase efforts to rescue trafficking victims, and provide appropriate care to those individuals (United States);

A - 33. Continue efforts, despite constraints, with the assistance and cooperation of the international community to improve the situation of the justice sector, the police and prisons (Sudan);

A - 34. Focus on the development of law enforcement capacities in order to fight impunity (Germany);

A - 35. Strengthen work with international organizations to cooperate in supporting and improving the country's health system (Kyrgyzstan);

A - 36. Continue using the ongoing programmes to ensure universal access for its population to health services (Cuba);

A - 37. Take measures to reduce infant mortality rates (Libyan Arab Jamahiriya);

A - 38. In line with CEDAW recommendations, address the problem of maternal and infant mortality and make every effort to increase women's access to health services (Kazakhstan);

A - 39. Seek to obtain financial assistance in order to implement poverty reduction plans (Kuwait);

A - 40. Continue to give absolute priority to programmes to combat poverty (Algeria);

A - 41. Further strengthen its efforts to reduce poverty in the country (Azerbaijan);

A - 42. Take adequate measures to combat illiteracy and poverty (Djibouti);

A - 43. Continue efforts to reduce poverty and promote development, with a view to enhancing the effective enjoyment of all human rights for its people, especially economic and social rights (Thailand);

A - 44. Redouble efforts in the area of poverty eradication, including by allocating adequate human and financial resources and providing support and material assistance to the disadvantaged groups in the country (Malaysia); **3**

A - 45. Continue to promote the rights of women and children (Djibouti);

A - 46. Give more attention to improving the status of women and children (Algeria);

A - 47. Multiply efforts to expand the coverage of education and expand services to include the disabled (Libyan Arab Jamahiriya);

A - 48. Increase level of education to cover disabled children (Kyrgyzstan);

A - 49. Continue applying the measures adopted with a view to achieving the proposed goals relating to education (Cuba);

A - 50. Continue efforts to promote education for the good of all (Kuwait);

A - 51. Strengthen national education programmes in favour of girls and persons with disabilities (Niger);

A - 52. Seek, as necessary, international assistance in the elaboration and implementation of programmes for the promotion of human rights (Algeria);

A - 53. Promote human rights education and training in all types of education, as well as for public officials in order to generate a greater understanding about human rights and help cultivate a human rights culture within the society (Thailand);

A - 54. Request technical assistance from the various United Nations bodies, responsible in particular for the protection of children's rights and of persons with disabilities so that in order to ensure the effectiveness of the rights of these vulnerable persons (Burkina Faso);

A - 55. Define expectations from relevant United Nations organizations and agencies with regards to technical and financial assistance and to solicit, therefore, the necessary international assistance to overcome material and infrastructural constraints mentioned in its national report (Morocco);

A - 56. Engage members of the international community with a view to building capacity, particularly with regard to securing improvements in the human rights situation of its population (Malaysia);

A - 57. Use international technical and financial assistance to try to strengthen the institutional framework for the protection of human rights (Lebanon);

A - 58. Continue and intensify efforts for further promotion of economic, social and cultural rights with a view to better realize the Millennium Development Goals. In this context we recommend Gambia to benefit from technical and financial assistance by the international community, which is vital to this crucial endeavor (Iran); **4**

A - 59. Continue an inclusive process in the follow-up on UPR recommendations (Norway);

A - 60. Seek the assistance of the international community in its efforts to combat poverty and to providing the necessary social services to its population based on the national priorities determined by the Government of Gambia (Egypt);

A - 61. Seek the assistance of the international community to reduce poverty (Republic of Congo);

98. Gambia considers that recommendations listed below are either already implemented or in the process of implementation:

A - 1. Consolidate efforts to improve educational infrastructure at secondary, tertiary and higher education levels to ensure equitable access and quality education for all (Pakistan);

A - 2. To consider ratifying the two Optional Protocols to the Convention on the Rights of the Child (Brazil);

A - 3. To raise the minimum age of criminal responsibility (Brazil);

A - 4. Ratify both optional protocols to the Convention on the Rights of the Child (Turkey);

A - 5. To toughen liability for sexual abuse, exploitation and child trafficking (Belarus);

A - 6. To harmonize its national laws in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in accordance with relevant guidelines by Treaty bodies (DRC);

A - 7. Elaborate a development plan with a view, inter alia, to eradicate extreme poverty and hunger as the most daunting challenge of the country, and to provide access to education, health care for all its citizens, particularly women and children (Iran).

99. The following recommendations will be examined by Gambia that will provide responses in due time. The response of Gambia to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its 14th session:

NC - 1. Consider taking the necessary steps to ratify or accede to the outstanding main international human rights instruments and treaties (Nigeria);

NC - 2. Accede to the various international conventions to which Gambia is not yet party to (Niger);

NC - 3. Consider an early ratification of the CAT and OP-CAT, ICCPR- OP2, OP-CEDAW, OP-ICESCR, OPs to CRC; improve its cooperation with Special Procedures and other Human Rights mechanisms (Slovakia);

NC - 4. Consider being party to the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the rights of Persons with Disabilities and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Argentina);

NC - 5. Recognizing the commitment of the Gambia to different international human rights instruments, ratify and sign CAT and OP-CAT, CRPD and OPCRPD, CED, OP-CEDAW, CRC and ICESCR (Spain);

NC - 6. Ratify the CAT, OP-CAT, ICCPR-OP2 (Chile);

NC - 7. Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (DRC);

NC - 8. Consider signing and ratifying the Convention on the Protection of All Persons from Enforced Disappearance (Argentina);

NC - 9. Integrate the legislative and legal provisions of the international human rights treaties ratified by the Gambia in its own legislation (Kazakhstan);

NC - 10. Fulfill obligation under the Convention on the Elimination of All Forms of Discrimination against Women, by adopting and implementing legislation prohibiting female genital mutilation (Australia);

NC - 11. Enact legislation on violence, including domestic violence against women; to take appropriate measures to ensure that domestic laws and customary law, and certain aspects of the Sharia, are applied in ways compatible with the provisions of ICCPR (Norway);

NC - 12. In line with the recommendations of the Human Rights Committee with regards to discrimination against women, take measures to ensure that national laws, customary laws and some aspects of Sharia law be interpreted and implemented in accordance with the principle of what most favors the individual (Mexico);

NC - 13. Adopt measures and programmes aimed at eliminating discrimination against women (Chile);

NC - 14. Adopt and implement legislation prohibiting Female Genital Mutilation (FGM), and ensure that offenders are prosecuted and punished, and take legal and education measures to combat this practice (Slovenia);

NC - 15. Take legal measures to prohibit all forms of physical and mental violence against children in all settings and to arrange an adequate juvenile justice system (Slovenia);

NC - 16. Establish a national human rights institution according to the Paris Principles (Libyan Arab Jamahiriya), (Spain), (France), (Niger);

NC - 17. Strengthen the institutional human rights framework, including by establishing a national human rights institution (Algeria);

NC - 18. Consider establishing a national human rights institution in accordance with the Paris Principles (Nigeria), (Egypt);

NC - 19. Consider the establishment of a national human rights institution accredited by the International Coordinating Committee of the National Institutions for the Promotion and Protection of Human Rights (Mauritius);

P - 20. Allocate the necessary resources to ensure the appropriate functioning of the National Council on Civic Education (Angola);

NC - 21. Improve cooperation with the United Nations Treaty Bodies, by agreeing on the timeliness for submitting overdue reports, and to consider the need for external assistance to that end (Norway);

NC - 22. Meet all reporting obligations under the core universal human rights treaties and comply fully with the Special Procedures' requests, in the spirit of good faith and cooperation with all relevant mechanisms (Hungary);

NC - 23. Issue an open and standing invitation to United Nations human rights special procedures mandate holders (Chile), (Argentina);

NC - 24. Step up cooperation with the special procedures and eventually consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);

NC - 25. Issue a standing invitation to Special Procedures and seek technical assistance through the OHCHR to submit outstanding reports on the implementation of human rights treaties (Canada);

NC - 26. Extend an open and standing invitation to Special Procedures of the Human Rights Council and respond positively to visits requests issued by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the right to education (Spain);

NC - 27. Accept a visit to the country from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Mexico);

NC - 28. Step up efforts to combat all forms of discrimination towards women, in particular, by adopting legislation prohibiting traditional harmful practices, such as (FGM), (Brazil);

NC - 29. Following the recommendations of CEDAW, introduce measures to eliminate negative harmful cultural practices and stereotypes that discriminate women (Slovenia);

NC - 30. Follow-up on the recommendations by CEDAW and HRC with regard to discrimination against women; introduce measures to eliminate cultural practices that discriminate against women (Norway);

P - 31. Adopt measures to protect the rights of certain vulnerable groups of children, in particular, girls, children born out of wedlock, and children with disabilities (Chile);

P - 32. Consider establishing a moratorium on executions with a view to abolishing the death penalty (Brazil);

NC - 33. Abolish the death penalty; sign and ratify ICCPR-OP2 (Spain);

NC - 34. Implement the constitutional review of the death penalty and to confirm commitment to a moratorium with a view to abolishing death penalty (Italy);

NC - 35. Not carry out public execution and to work towards the abolition of the death penalty, considering as a first measure the imposition of a moratorium (Argentina);

NC - 36. Investigate at earliest cases of forced disappearances and to proceed to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);

NC - 37. Prevent, investigate and punish cases of torture and other ill-treatment, such as extra-judicial executions and enforced disappearances; to this end, establish a national mechanism for the prevention of torture and ill-treatment (Spain);

NC - 38. In line with the observations by the Human Rights Committee, address the issues of unlawful arrest and detention by the security agencies, and any allegations of torture and ill-treatment of persons in their custody (Ghana);

P - 39. Implement efficient policies and programmes to eliminate the phenomenon of excessive use of force by law enforcement officials, such as unlawful arrests and detentions, torture of detainees, enforced disappearances or extra-judicial executions; to investigate allegations of torture and ill treatment and duly punish the perpetrators in accordance to international standards; law enforcement officials should undergo a due human rights training (Slovakia);

NC - 40. Introduce legislation criminalizing FGM and domestic violence and launch an awareness and education campaign as part of implementing the legislation (Canada);

NC - 41. Strengthen its laws to effectively combat FGM (Cote d'Ivoire);

NC - 42. Take all necessary social, educational and legal measures to eliminate the practise of FGM (Italy);

NC - 43. Take further steps to address human rights abuses against women and children, especially domestic violence, forced and early marriages (Sudan);

NC - 44. Enforce Gambia's Children's Act of 2005 on issues such as corporal punishment, early marriages, FGM and sexual exploitation of children, as well as the Child Trafficking Law of 2007 (Norway);

NC - 45. Strengthen efforts to guarantee the independence of the judiciary according to international human rights standards (Netherlands);

P - 46. Government's efforts to ensure quality service delivery in the justice sector also include measures to strengthen the independence of the judiciary in line with the United Nations Basic Principles on the Independence of the Judiciary (Ghana);

NC - 47. Allow independent investigations into the death of Deyda Hydera and the disappearance of Chief Ebrima Manneh, including publication of findings (United Kingdom);

NC - 48. Guarantee the full legitimacy and protection for human rights defenders in accordance with the United Nations Declaration on Human Rights Defenders. Those arrested should be with no delays brought to fair and proper trials, or released (Slovakia);

NC - 49. Guarantee the free exercise of activities of human rights defenders (France);

NC - 50. Take effective measures to make primary education free, enhance the quality of education, improve the literacy rate and increase enrolment in schools by abolishing or rationalizing tuition fees at all levels of the educational system as recommended by the Committee on the Rights of the Child (Turkey).

100. The following recommendations did not enjoy the support of Gambia:

R - 1. Guarantee equal treatment and non discrimination of women also with regard to areas concerning personal status, particularly, adoption, marriage, divorce and inheritance according to international human rights standards (Netherlands);

R - 2. Take firm measures to prevent and stop the recurrence of 'witch hunts' (Italy);

R - 3. Amend the Women's Bill as well as laws related to marriage, divorce and inheritance to comply with its obligations under the Convention on the Elimination of Discrimination Against Women (Canada);

R - 4. Modify the current legislation to eliminate discrimination based on sexual orientation (Chile);

R - 5. Ensure that no forced evictions or restrictions on access to adequate housing are imposed on the basis of sexual orientation (Canada);

R - 6. Ensure non-discrimination in access to adequate housing, and prevent forced evictions, as well as the threat of forced evictions, on the basis of sexual orientation or gender identity (United States);

R - 7. Take action to combat violence based on sexual orientation and gender identity and repeal all provisions criminalizing sexual activity between consenting adults; ensure non-discrimination in access to adequate housing and remedies for forced evictions on the basis of sexual orientation (United Kingdom);

R - 8. Repeal all provisions criminalizing sexual activity between consenting adults (Canada);

R - 9. Decriminalize homosexuality, and take action to combat violence based on sexual orientation and gender identity (Norway);

R - 10. Repeal all provisions of law criminalising sexual activity between consenting adults (United States);

R - 11. Withdraw legislation that criminalizes homosexuality between consenting adults and to prosecute violence directed against persons because of their sexual orientation (Italy);

R - 12. Ensure that all LGBT persons fully and equally enjoy their human rights, in conformity with Gambia's international obligations, and as an immediate step, to repeal the provisions in the Criminal Code that criminalize sexual activity among persons of the same sex (Sweden);

R - 13. Decriminalise same-sex activities in accordance with international human rights standards (Netherlands);

R - 14. With regard to the criminalisation of relations between adults of the same sex, consider harmonising domestic standards with international ones so as to ensure the full exercise of all human rights (Argentina);

R - 15. Cease the harassment and intimidation of media institutions (Australia);

R - 16. Promote and guarantee the right to freedom of expression (Italy);

R - 17. Amend legislation to comply with international obligations to guarantee freedom of expression (Canada);

R - 18. Carry out concrete and effective measures, including legislative action to ensure respect for the freedom of expression, association and the press, in conformity with international standards (Mexico);

R - 19. Adopt measures to guarantee freedom of the press and of expression (Chile);

R - 20. Take all necessary steps to strengthen the freedom of expression (Germany);

R - 21. Take all necessary steps to ensure freedom of speech as guaranteed by international conventions to which the Gambia is a signatory (United States);

R - 22. Replace criminal defamation laws with civil laws that are more narrowly defined, thus ensuring greater compliance with international obligations under the International Covenant on Civil and Political Rights, including a defence for the accused (United Kingdom);

R - 23. Improve efforts to guarantee the freedom of the press, and take all necessary steps to protect everyone individually or in association with others against any violence, retaliation, adverse discrimination or pressure as a consequence of his or her legitimate exercise of freedom of expression according to international human rights standards (Netherlands);

R - 24. Amend legislation infringing freedom of expression, in accordance with the Gambia's international human rights obligations (Australia);

R - 25. Take steps to promote free and independent media and continue work to ensure the safety of journalists, including Ndey Tapha Sossey, Sarata Jabbi- Dibba, Pa Modou Faal, Pap Saine, Sam Sarr, Ebrima Sawaneh, Emil Touray, and Augustine Kanja (United Kingdom);

R - 26. Develop a specific normative framework to guarantee the freedom of opinion and expression, as well as the security of journalists, members of the opposition and civil society (Spain);

R - 27. Take all necessary steps to ensure the protection of human rights defenders, including journalists, against any violence, retaliation, or adverse discrimination as a consequence of their legitimate exercise of the rights according to the Declaration on Human Rights Defenders (Norway),

R - 28. Ensure free access to information (Germany);

R - 29. Immediately cease the harassment and intimidation of independent media and to proceed to a reform of the legislation applicable to ensure full respect of freedom of expression (France);

R - 30. Bring an immediate end to harassment and intimidation of independent journalists and media institutions and amend the legislation that restricts press freedom and freedom of expression (Sweden).

Notes

1 The original recommendation read as follows: "Instruct the police, the army and the National Intelligence Agency to cease unlawfully arresting, detaining, and torturing journalists, human rights defenders and opposition members and ensure that reports of such human rights violations are investigated and those responsible are brought to justice" (Canada).

2 The original recommendation read as follows: "Comply with its international human rights obligations by allowing access to its detention centers by independent organizations and to arrested foreigners by their diplomatic representatives" (Canada).

3 The original recommendation read as follows: Redouble efforts in the area of poverty eradication, including by allocating adequate human and financial resources and providing support and material assistance to the marginalized and disadvantaged groups in the country (Malaysia).

4 The original recommendation read as follows: "Continue and intensify efforts for further promotion of economic, social and cultural rights and particularly the right to development with a view to better realization of the Millennium Development Goals. Needless to say that providing technical and financial assistance by the international community is vital for contributing to this crucial endeavor and therefore we would like to recommend that."

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