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## Human Rights Council

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### **Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

## **Gambia**

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the document referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1978)	OP-CRC-SC (2010)	ICCPR-OP 2
	ICESCR (1978)		CAT (signature, 1985)
	ICCPR (1979)		OP-CAT
	CEDAW (1993)		OP-CRC-AC (signature, 2000)
	CAT (signature, 1985)		ICRMW
	CRC (1990)		CRPD
	OP-CRC-AC (signature, 2000)		CPED
<i>Reservations and/or declarations</i>	ICCPR (reservation, art. 14, para. 3 (d) 1979)		
<i>Complaints procedures, inquiries and urgent action<sup>3</sup></i>	ICCPR, art. 41 (1988)		ICERD, art. 14
	ICCPR-OP 1 (1988)		OP-ICESCR
			OP-CEDAW
			CAT (signature, 1985)
			OP-CRC-IC
			ICRMW
		OP-CRPD	
		CPED	

#### Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		Conventions on stateless persons <sup>4</sup>
	Rome Statute of the International Criminal Court		

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Palermo Protocol <sup>5</sup>		Additional Protocol III to the 1949 Geneva Conventions <sup>9</sup>
Conventions on refugees <sup>6</sup>		ILO Conventions Nos. 169 and 189 <sup>10</sup>
Geneva Conventions of 12 August 1949 and Additional Protocols I and II <sup>7</sup>		UNESCO Convention against Discrimination in Education
ILO fundamental conventions <sup>8</sup>		

1. The United Nations country team (UNCT) in the Gambia stated that, despite the acceptance by the Gambia of recommendations from the previous cycle of the universal periodic review (UPR) encouraging the ratification of CAT, OP-CAT, ICCPR-OP2, OP-CEDAW, ICRMW, CPED, CRPD, OP-CRPD, OP-ICESCR and OP-CRC-AC, those international instruments had not yet been ratified.<sup>11</sup>

2. UNCT pointed out that the ratification of several treaties had, according to the Government, been approved at the national level, but that the instruments had not been deposited with the Secretary-General of the United Nations. They included CAT, OP-CRC-AC, CRPD, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>12</sup>

3. The United Nations High Commissioner for Refugees (UNHCR) recommended that the Gambia accelerate the deposit of the instruments of accession to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.<sup>13</sup>

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that the Gambia be strongly encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.<sup>14</sup>

## **B. Constitutional and legislative framework**

5. In 2013, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders raised concern with regard to the alleged lack of compliance with international human rights law of the 2009 Information and Communication Act, as amended in July 2013. According to information received, the Act imposed severe and disproportionate penalties on persons found guilty of writing or spreading false information online, including cartoons and satirical comedies. The amended Act provided for sentences of up to 15 years' imprisonment and fines of approximately US\$ 82,000. Concerns had been expressed that that legislative development was part of a broader campaign by the Government aimed at silencing dissenting voices.<sup>15</sup>

6. UNCT stated that several provisions in the laws governing the media were incompatible with international standards and that the situation had not improved during the period under review.<sup>16</sup>

7. UNESCO noted that the 2009 Information and Communications Act, as amended in July 2013, required broadcasters to obtain a licence to operate, although the process allowing for that did not meet international standards on independent regulation, as the Minister for Information and Communication had the power to grant or deny licences.<sup>17</sup>

8. UNESCO underlined the fact that defamation was a criminal offence under sections 178 to 181 of the Gambian Penal Code (1933), punishable by imprisonment for a minimum term of one year and/or a monetary fine. Section 181A provided that the offence of publishing or broadcasting false information was also punishable by a minimum of one year's imprisonment and/or a monetary fine. The publication and distribution of seditious material, as well as the uttering of seditious words, were also considered crimes under section 52, punishable by a monetary fine and/or a jail term of not less than one year.<sup>18</sup>
9. UNESCO noted that a freedom of information law did not exist in the Gambia.<sup>19</sup>
10. UNCT noted that the Domestic Violence Bill and the Sexual Offences Act had been enacted in December 2013. However, the prohibition of female genital mutilation had not been included in either law.<sup>20</sup>
11. UNCT noted that the Act against Trafficking in Persons, which prohibited all forms of trafficking, had been passed in 2007 and amended in 2010, increasing the prescribed penalty to 50 years to life imprisonment for all forms of trafficking. In 2011, the National Agency against Trafficking in Persons had been established, but its operations had been hampered by capacity constraints.<sup>21</sup>
12. UNCT noted that the Anti-Corruption Act had been passed by the National Assembly in 2012.<sup>22</sup>
13. UNHCR indicated that in 2008, the Gambia had adopted the Refugee Act, under which the Gambia Commission for Refugees had been established. The Commission had been fully operational since 2012.<sup>23</sup>
14. According to UNCHR, the Constitution of the Gambia (1997) and the Gambia Nationality and Citizenship Act (1965) contained some gaps that might result in some persons being left stateless. The main gaps were the lack of provisions for granting nationality to children born in the country who would otherwise be stateless, and for granting nationality to abandoned children.<sup>24</sup> UNCHR recommended that the Gambia review and amend the Gambian nationality legislation in order to bring it into line with the international standards on the rights of the child and on the prevention and reduction of statelessness.<sup>25</sup>

### **C. Institutional and human rights infrastructure and policy measures**

15. The United Nations Development Assistance Framework (UNDAF) noted the low level of civic education and awareness, an absence of national dialogue on political issues, weakened opposition parties and the need to enhance inclusive decision-making processes. Governance institutions such as the Independent Elections Commission and the legislature required further support to be more effective in their oversight functions, the judiciary was weak and sometimes separation of powers was ambiguous.<sup>26</sup>
16. UNCT indicated that, following the Government's acceptance of the 2010 UPR recommendations on the establishment of a national human rights commission, a bill had been validated by key stakeholders with the support of the Commonwealth Secretariat on 22 August 2013. However, the bill was not fully compliant with international standards. The United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights (OHCHR) had subsequently submitted substantive comments to the Ministry of Justice to ensure that the bill was consistent with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles).<sup>27</sup>
17. UNDAF underlined that there was a need to give greater prominence to the promotion and protection of human rights and to efforts to achieve gender equality,

including through effective implementation of the Women's Act and the establishment of an independent national human rights commission.<sup>28</sup>

18. UNCT indicated that a national task force on social protection had been established under the leadership of the Government, thus creating a forum for collaboration among key stakeholders on social protection.<sup>29</sup>

19. UNHCR recommended that the Government provide the Gambia Commission for Refugees with greater autonomy to recruit directly for some of its key posts.<sup>30</sup>

20. OHCHR indicated that the Gambia had adopted a national action plan in conformity with international human rights standards for the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security.<sup>31</sup>

## II. Cooperation with human rights mechanisms

### A. Cooperation with treaty bodies<sup>32</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2009 (non-reporting procedure)	–	–	Second report overdue since 1982
CESCR	May 1994 (non-reporting procedure)	2012	–	Initial report pending consideration in 2015
HR Committee	July 2002 (non-reporting procedure)	–	–	Second report overdue since 1985
CEDAW	July 2005	2012	–	Fourth to fifth reports pending consideration in 2015
CRC	October 2001	2011	–	Second and third reports pending consideration in 2015 Initial OP-CRC-SC report overdue since 2012

21. UNCT indicated that, following the establishment of a national task force on United Nations treaty body reporting, reports had been submitted to the Committee on the Rights of the Child (CRC) in 2011 and to the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Elimination of Discrimination against Women (CEDAW) in 2012.<sup>33</sup>

22. UNCT stated that the country still had a significant backlog of reports, particularly those to the Human Rights Committee (HR Committee) and the Committee on the Elimination of Racial Discrimination (CERD). The 2013 plan aimed at reducing the number of overdue reports by submitting the outstanding reports to the HR Committee and CERD had not been implemented. UNCT recommended revitalizing the national task force so that it could take advantage of technical and financial support from the United Nations in order to enable the country to meet its reporting obligations.<sup>34</sup>

## B. Cooperation with special procedures<sup>35</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	–	–
<i>Visits agreed to in principle</i>	–	Summary executions (postponed in August 2014)  Torture (postponed in August 2014)
<i>Visits requested</i>	Torture  Education  Sale of children	Education  Sale of children
<i>Responses to letters of allegation and urgent appeals</i>	In the period under review six communications were sent. The Government replied to two communications.	

23. UNCT stated that the Gambia had not issued a standing invitation to special procedures mandate holders, although it had supported UPR recommendations to do so.<sup>36</sup>

24. UNCT noted that, following the commitment of OHCHR to provide assistance in the investigations of the death of one journalist, Deyda Hydara, and the disappearance of another, Chief Ebrima Manneh, in March 2014 the Government had responded favourably to the requests made by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit the country.<sup>37</sup>

25. On 12 August 2014, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions expressed their deep disappointment at the unilateral decision taken by the Government of the Gambia to postpone their country visit, scheduled to take place from 12 to 18 August 2014. The Special Rapporteurs urged the Gambian authorities to honour their commitments made in the 2010 UPR, which included the acceptance of a recommendation to welcome a visit by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other special procedures mandate holders.<sup>38</sup>

## C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

26. UNCT indicated that the OHCHR West Africa Regional Office had conducted regular missions to the country from 2010 to 2014, and had been able to provide technical assistance and implement capacity-building and awareness-raising activities, in cooperation with other members of the United Nations country team.<sup>39</sup>

### **III. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Right to life, liberty and security of the person**

27. In 2012, the Special Rapporteur on extrajudicial, summary or arbitrary executions strongly condemned a number of executions which had taken place after a moratorium on the death penalty for 27 years.<sup>40</sup> In the night of 23 to 24 August 2012, seven Gambian nationals and two persons of another nationality had been removed from their cells and may have been executed at the Mile Two State Prison.<sup>41</sup> The Special Rapporteur indicated that, according to available evidence, the trials had not met due process safeguards<sup>42</sup> and some of the detainees had been convicted on charges of treason and for their political convictions.<sup>43</sup> The United Nations High Commissioner for Human Rights stated that the confusion and lack of transparency for several days over whether the executions had actually taken place, and the accompanying uncertainty about the identity of those executed, was unacceptable, particularly for the family members of those killed. She added that secretly executing individuals without informing their families amounted to inhuman treatment.<sup>44</sup>

28. In 2011, the Working Group on arbitrary detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers sent a joint urgent appeal concerning the alleged arrest, detention and subsequent sentencing of two lawyers on fabricated charges. According to the information received, on 19 September 2011, a former High Court judge and lawyer who had worked on defending victims of human rights abuses had been convicted and sentenced to two years' imprisonment with hard labour at Mile Two State Prison on charges of giving false information and sedition. On 26 January 2011, it was reported that a senior member of the Gambian Bar Association and former magistrate had been remanded at the Mile Two State Prison. The charges against him included making and issuing false documents without authority and false swearing. He had denied the charges.<sup>45</sup>

29. In December 2012, the Working Group on arbitrary detention, the Working Group on enforced or involuntary disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the situation of human rights defenders sent a joint urgent appeal with regard to the alleged arrest and continued detention of a human rights defender. According to the information received, on 3 December 2012, a prominent Imam and supporter of human rights in the Gambia, who that evening had delivered a sermon during which he had expressed concern at the State execution of nine persons in 2012, had been arrested by two men who had identified themselves as officers of the National Intelligence Agency. The Imam had then been detained for about five months in an unknown location and had not been provided with access to a lawyer or family members. Reportedly, no charges had been brought against him.<sup>46</sup>

30. UNCT indicated that a consultancy on the Action Plan for Prison Reform had been validated by key stakeholders. UNCT stressed the need for efforts to be made to implement the recommendations contained in the Plan.<sup>47</sup>

31. UNCT noted that the International Committee of the Red Cross had pursued dialogue with the Gambian authorities aimed at resuming its visits to detainees, which had been suspended since 2006, but that those efforts had been unsuccessful to date.<sup>48</sup>

32. UNHCR stated that many traditional attitudes and practices remained unfavourable to women and girls. Female genital mutilation and related harmful practices, such as under-age/child marriage, continued to be practised widely in the country.<sup>49</sup> UNHCR recommended that the Gambia ensure adequate implementation of the recently adopted law on sexual and gender-based offences against women and pursue efforts aimed at eradicating sexual and gender-based violence in the country.<sup>50</sup> CESCR requested information on steps taken by the Gambia to combat the prevalence of female genital mutilation.<sup>51</sup>

33. UNCT stated that the Action Plan on Women, Peace and Security had been launched through a series of nationwide advocacy campaigns. Increased awareness of the health complications of female genital mutilation had resulted in a rise in the number of public declarations of abandonment of the practice. However, the practice was still not prohibited by law.<sup>52</sup>

34. UNCT indicated that a communication strategy on wife beating had been developed and that there was increased confidence among the community to report cases of gender-based violence. With the incorporation of gender-based violence in the police training curriculum, police child welfare and gender officers were better equipped to address and manage such cases.<sup>53</sup> CESCR requested information on the specific action taken by the Gambia to tackle domestic violence and enquired whether there was a national action plan in place in that regard.<sup>54</sup> It also enquired how the draft law on violence against women and girls addressed sexual harassment in the workplace and requested information on the mechanisms for monitoring the implementation of the law.<sup>55</sup>

35. CESCR requested information about the steps the Gambia had taken to ensure that all forms of physical and mental violence against children were expressly prohibited in all settings,<sup>56</sup> and the measures it had taken to enforce child labour legislation<sup>57</sup> and tackle child marriage.<sup>58</sup>

36. UNHCR stated that human trafficking in the country mainly took the form of smuggling migrant workers to Europe by sea. The sustained efforts on the part of the Government had drastically reduced smuggling activities in the country. However, a huge number of Gambian youths, mostly young men and boys, continued to be smuggled into Europe by traffickers operating from other countries. UNHCR recommended that the Gambia take all appropriate measures to curb the phenomenon of trafficking.<sup>59</sup>

37. UNCT stated that the Government had not yet fully complied with the minimum standards for the elimination of trafficking. Combating trafficking in persons was increasingly important in the political agenda of the Gambia and in recent years, the Government had taken steps towards its elimination. A plan of action to combat trafficking in persons between 2008 and 2011 had been developed, but had not been implemented owing to a lack of resources.<sup>60</sup>

## **B. Administration of justice, including impunity, and the rule of law**

38. According to the Special Rapporteur on extrajudicial, summary or arbitrary executions, it was reported that the individuals who were still on death row had been sentenced to death following trials which had not scrupulously observed the fair trial guarantees.<sup>61</sup>

39. UNCT noted that support for judicial sector reforms had been pursued mainly through access to justice by the poor. Two regional Alternative Dispute Resolution Centres and one regional Legal Aid Centre had been set up and a comprehensive database and a website had been established in order to improve case management and reporting. In addition, the judiciary had been strengthened by: introducing short-term measures which had reduced the backlog of cases; updating, revising and introducing court rules;

establishing operational manuals and procedures to ensure efficiency in justice delivery; and providing training to improve the management and leadership skills of magistrates.<sup>62</sup>

40. UNCT stated that the governance indicators from the World Bank revealed that corruption was emerging as a serious problem in the country. A number of people had been prosecuted on corruption charges and the President had expressed the Government's commitment to zero tolerance on corruption. An Anti-Corruption Act had been passed by the National Assembly in 2012.<sup>63</sup> CESCR requested information on effective measures taken by the Gambia to combat corruption.<sup>64</sup>

### **C. Right to privacy, marriage and family life**

41. UNCT noted that a man who committed "any act of gross indecency" in public or private could be imprisoned for between 5 and 14 years.<sup>65</sup>

42. CESCR requested information on measures that the Gambia had undertaken towards ensuring equal enjoyment for men and women of the Covenant rights in respect of marriage, divorce and inheritance.<sup>66</sup>

### **D. Freedom of expression, peaceful assembly, and right to participate in public and political life**

43. UNCT noted that three media bans had been in effect for over 16 months. Two of the affected media outlets, a daily newspaper and a community radio station, had been allowed to reopen at the beginning of 2014, raising hopes of a rapprochement between the media and the Government. However, a ban on one of the main newspapers (*The Daily News*) remained in place.<sup>67</sup>

44. UNESCO recorded no killings of journalists in the country between 2008 and 2012. However, journalists had reportedly been intimidated and threatened, as in the cases of Abubacarr Saïdykhan and Baboucarr Ceesay, who had received several death threats in 2012. In 2010, the Court of Justice of the Economic Community of West African States had ordered the Gambia to pay compensation to Musa Saïdykhan, a journalist who had been arbitrarily detained for three weeks and tortured by State authorities in 2006. Foreign journalists had reportedly been denied entry to the country.<sup>68</sup>

45. UNESCO recommended that the Gambia introduce a freedom of information act that was in accordance with international standards, and decriminalize defamation, moving it from the Penal Code to the Civil Code.<sup>69</sup> UNESCO also recommended decriminalizing freedom of expression offences under the Information and Communications Act. Provisions concerning "false news" and insult should also be removed, as they were incompatible with international standards.<sup>70</sup> According to UNESCO, the Gambia must ensure that journalists and media workers were able to practise their profession in a free and safe environment as part of their fundamental human rights. The country must investigate all attacks on journalists and media workers, and ensure the full implementation of the rule of law.<sup>71</sup>

46. UNCT noted that the decree on non-governmental organizations (NGOs) had not been sent to Parliament for enactment. Key stakeholders had made suggestions and comments on the decree. If integrated into the text of the decree, those suggestions and comments could improve the NGO environment and ensure compliance with the principles of freedom of association.<sup>72</sup>

47. The ILO Committee of Experts on the Application of Conventions and Recommendations urged the Government to take the necessary measures to ensure that no prison sentences involving compulsory labour were imposed on persons who, without

having recourse to violence, expressed political opinions or views opposed to the established political, social or economic system.<sup>73</sup>

48. Regarding freedom of assembly, UNCT indicated that requests for permission for demonstrations had to be approved by the police.<sup>74</sup>

49. UNDAF stated that women, particularly peri-urban and rural women, played a limited role in the political sphere, where they were underrepresented especially at the grass-roots level. The Government, through the National Gender Policy, intended to increase the level of representation of women in public life and in elected office to 30 per cent by 2020.<sup>75</sup> CESCR requested information on specific measures taken to increase the representation of women in senior positions in State bodies, including the legislative, executive and judicial bodies, and on the implementation of the National Gender Policy 2010–2020 and the results it had achieved to date.<sup>76</sup>

50. UNCT underlined the fact that women's participation at all levels of the public sphere remained a challenge. In the 2013 local elections, there had been no significant change in the number of women councillors and only 9.2 per cent of the members of the National Assembly were women.<sup>77</sup>

#### **E. Right to work and to just and favourable conditions of work**

51. The ILO Committee of Experts on the Application of Conventions and Recommendations asked the Government to include provisions in national legislation to ensure the effective implementation of the right of men and women to equal remuneration for work of equal value.<sup>78</sup>

52. UNDAF noted that the rate of unemployment was a major cause for concern, especially for youths and women, with 40 per cent of youths unemployed, while 70 per cent of women were engaged in low productivity subsistence agriculture.<sup>79</sup>

#### **F. Right to social security and to an adequate standard of living**

53. UNCT recalled that the country remained a least developed and low-income, food-deficit country, with 48.4 per cent of the population living below the national poverty line.<sup>80</sup> CESCR requested information on the effect to date of the 2012–2015 Programme for Accelerated Growth and Employment and its impact on poverty reduction.<sup>81</sup>

54. UNCT explained that the combined effects of the 2011–2012 food insecurity crisis, persistent high malnutrition rates, heavy flooding in 2012 and an outbreak of contagious bovine pleuropneumonia in late 2012 and 2013 had eroded vulnerable households' coping mechanisms and resulted in protracted food insecurity in some areas. Despite a recovery in cereal production in the 2012–2013 harvest and projected increases in 2013–2014, access to food continued to be constrained by high food prices and the lingering effects of the food insecurity crisis, with 15 per cent of households facing food insecurity, 5.5 per cent of which were moderate or severe cases. Moreover, the nutrition status of the under-five population had deteriorated over the past five years and was expected to deteriorate in 2014.<sup>82</sup> CESCR requested information from the Government on the 2010–2015 draft strategic plan for the implementation of the National Nutrition Policy.<sup>83</sup>

55. UNCT explained that the exact number of people in crisis could not be ascertained owing to the lack of verifiable information. However, according to the Humanitarian Needs Overview 2013, it was estimated that 291,454 people (17 per cent of the population) were in need of either humanitarian support or assistance to strengthen their resilience to crises.

The capacity of the relevant government institutions to respond to humanitarian crises remained limited in most areas.<sup>84</sup>

## **G. Right to health**

56. UNDAF stated that, despite progress realized in the health sector, including gains relating to both infant and maternal mortality, increased immunizations and the fight against HIV/AIDS, the Gambia faced major challenges. Poor access to comprehensive emergency obstetric care and the insufficient number of skilled health workers had a negative impact on efforts to reduce child and maternal morbidity and mortality, as well as significantly undermining the Government's disease control and prevention programmes.<sup>85</sup> CESCR enquired about the steps the Gambia had taken to accelerate progress in reducing the high child and maternal mortality rates.<sup>86</sup>

57. UNCT noted that inadequate access to basic social services, such as health, safe and clean water, basic sanitation and hygiene aggravated the high prevalence of childhood diseases.<sup>87</sup>

58. According to UNCT, health service delivery continued to face varying challenges, including inadequate human resources and poor distribution of skilled staff; inadequate equipment; limited basic essential medicines and supplies; inadequate access to basic health facilities; low remuneration of health staff; and inadequate/lack of electricity and water supplies in most facilities. While basic health services were available, quality health service delivery was not accessible to the most vulnerable population.<sup>88</sup> CESCR requested information about measures taken to improve the staffing of health facilities, which, according to the State's 2010 report to the Working Group on the UPR, was highly inadequate.<sup>89</sup>

59. UNCT noted that uniform coverage of sanitation and access to clean water remained a challenge. Children continued to die, particularly in rural areas, owing to diseases related to water, sanitation and hygiene. Water and sanitation related-deaths represented 20 per cent of the deaths of children under the age of five. Even though 85.8 per cent of the population was using improved water sources for drinking and 76.3 per cent was using improved sanitation facilities, there were serious disparities and vulnerabilities.<sup>90</sup>

## **H. Right to education**

60. UNDAF noted that increases in enrolment in primary education had been remarkable, as had the increase in the number of girls enrolled in lower primary education. However, the quality of the education provided and the retention of students throughout the school cycle up to secondary and tertiary level, in particular that of young girls, were still of concern.<sup>91</sup> CESCR requested information about measures to ensure universal enrolment of children in primary school and to reduce the alarming school drop-out rate.<sup>92</sup>

61. UNCT indicated that the high cost of education, including the cost of school supplies and school uniforms, limited access to schooling. While the Government had recently introduced the School Improvement Grant, which reduced some costs for parents, the full impact of the grants had yet to be assessed. The percentage of qualified teachers had increased from 79.4 per cent in 2012 to 89.4 per cent in 2013.<sup>93</sup>

62. UNESCO noted that, although the Constitution made provision for compulsory and free primary and lower secondary education for all children, basic education was only non-fee paying, with households having to bear expenses related to school lunches, uniforms and learning materials. Consequently, basic education had not yet been made compulsory.<sup>94</sup>

63. According to UNESCO, the Gambia had made appreciable efforts to expand the coverage of education by targeting the imbalances in teachers' deployment with incentives introduced to encourage them to teach in remote regions. The issue of inclusive education was also being addressed and work was under way in that regard. There had been no report to UNESCO on initiatives to promote human rights education.<sup>95</sup>

64. UNESCO recommended that the Gambia further its efforts to implement constitutional provisions providing for free and compulsory education, and to make sure to remove all costs of schooling for parents.<sup>96</sup> It also recommended that the Gambia continue to take measures to improve teachers' working and living conditions and to reduce imbalances in teacher deployment within the territory.<sup>97</sup>

## **I. Migrants, refugees and asylum seekers**

65. UNHCR stated that, at the end of 2013, the Gambia had a refugee population of some 9,565, most of whom came from a neighbouring country.<sup>98</sup> Aside from the arrest, detention and attempted prosecution in 2012 of five refugee leaders for giving false information to a public officer, over the past few years, the Gambia had been steadily improving the protection environment for persons in need of international protection.<sup>99</sup>

66. UNHCR noted that, even though the Government facilitated the local integration of refugees, the residency requirement of the law on naturalization remained a problem for refugees who wished to take Gambian nationality. The naturalization law did not consider the residency of a refugee in the country as normal residency. Access to land, especially for agricultural purposes, was another impediment to the local integration of refugees.<sup>100</sup> UNCT indicated that, according to the Joint Assistance Mission report, up to 84 per cent of the refugees from a neighbouring country showed signs of food insecurity and vulnerability.<sup>101</sup>

67. UNHCR recommended that the Gambia amend the naturalization law so that the number of years refugees spent in the country as refugees was taken into account in the residency requirement. It also recommended that the Gambia facilitate land access for refugees who opted to integrate locally in the Gambia.<sup>102</sup>

68. UNHCR stated that the authorities ensured birth registration and issued birth certificates to all children, including the children of refugees born on Gambian territory.<sup>103</sup> However, the minimum age for issuance of identity documents was 18 years, which left many refugee minors without any identity documents, as many refugee parents did not ensure follow-up on the birth registration of their children.<sup>104</sup>

69. UNHCR recommended that the Gambia ensure that refugees below the age of 18 were issued with identity documents, especially those not born in the country and who arrived with their parents or were unaccompanied.<sup>105</sup>

## **J. Internally displaced persons**

70. UNHCR noted that internal displacement in the Gambia was caused mostly by floods resulting from heavy rains during the rainy season. The displacement was short-lived in most cases, with victims supported and assisted by the Government, United Nations agencies, NGOs, private institutions and individuals, among others. The National Disaster Management Agency handled internal displacement cases and worked closely with UNHCR and other United Nations agencies.<sup>106</sup>

## K. Right to development, and environmental issues

71. UNCT noted that, according to the International Institute for Environment and Development, the country was at the top of the list of the 100 countries that were most exposed and vulnerable to the effects of climate change, especially weather-related hazards such as drought, windstorms and floods.<sup>107</sup>

72. UNDAF also noted that over the past years, the country had experienced several disasters in the form of drought, floods, fires and locust infestation, causing large-scale destruction. The severe floods that had occurred in recent years had been caused largely by rapid urbanization and the failure by citizens to adhere to physical planning regulations.<sup>108</sup>

73. UNDAF stated that the Gambia faced environmental challenges such as land degradation, loss of forest cover, coastal erosion, waste management and climate change.<sup>109</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on the Gambia from the previous cycle (A/HRC/WG.6/7/GMB/2).

<sup>2</sup> The following abbreviations have been used in the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

<sup>4</sup> 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of

- Statelessness.
- <sup>5</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>6</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- <sup>7</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>8</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>9</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).
- <sup>10</sup> International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.
- <sup>11</sup> United Nations country team (UNCT) submission to UPR on the Gambia, p. 1.
- <sup>12</sup> *Ibid.*, p. 1. See also Office of the United Nations High Commissioner for Refugees (UNHCR) submission to UPR on the Gambia, p. 1.
- <sup>13</sup> UNHCR submission to UPR on the Gambia, p. 4.
- <sup>14</sup> United Nations Educational, Scientific and Cultural Organization (UNESCO) submission to UPR on the Gambia, para. 35.
- <sup>15</sup> Communications report of Special Procedures: Communications sent, 1 June to 30 November 2013; Replies received, 1 August 2013 to 31 January 2014 (A/HRC/25/74), p. 42. See also UNESCO submission to UPR, para. 23.
- <sup>16</sup> UNCT submission to UPR on the Gambia, p. 5.
- <sup>17</sup> UNESCO submission to UPR on the Gambia, para. 23.
- <sup>18</sup> *Ibid.*, para. 24.
- <sup>19</sup> *Ibid.*, para. 25.
- <sup>20</sup> UNCT submission to UPR on the Gambia, p. 3.
- <sup>21</sup> *Ibid.*, pp. 8–9.
- <sup>22</sup> *Ibid.*, p. 4.
- <sup>23</sup> UNHCR submission to UPR on the Gambia, p. 1.
- <sup>24</sup> *Ibid.*, p. 4.
- <sup>25</sup> *Ibid.*, p. 4.
- <sup>26</sup> United Nations Development Assistance Framework (UNDAF) The Gambia 2012–2016, p. 4, available from [www.undg.org/docs/12726/UNDAF%20Final%20Oct.2011.pdf](http://www.undg.org/docs/12726/UNDAF%20Final%20Oct.2011.pdf).
- <sup>27</sup> UNCT submission to UPR on the Gambia, p. 1.
- <sup>28</sup> UNDAF The Gambia 2012–2016, p. 10.
- <sup>29</sup> UNCT submission to UPR on the Gambia, p. 3.
- <sup>30</sup> UNHCR submission to UPR on the Gambia, pp. 3–4.
- <sup>31</sup> OHCHR Report 2013, p. 218. Available from [http://www2.ohchr.org/english/OHCHRReport2013/WEB\\_version/allegati/15\\_Africa.pdf](http://www2.ohchr.org/english/OHCHRReport2013/WEB_version/allegati/15_Africa.pdf).
- <sup>32</sup> The following abbreviations have been used in the present document:
- CERD                      Committee on the Elimination of Racial Discrimination

CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CRC	Committee on the Rights of the Child

- <sup>33</sup> UNCT submission to UPR on the Gambia, p. 2.
- <sup>34</sup> *Ibid.*, p.2.
- <sup>35</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>36</sup> UNCT submission to UPR on the Gambia, p. 2.
- <sup>37</sup> *Ibid.*, p. 2. See also press release dated 30 August 2012, available from [www.un.org/apps/news/story.asp?NewsID=42772&](http://www.un.org/apps/news/story.asp?NewsID=42772&).
- <sup>38</sup> Press release dated 12 August 2014, available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14937&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14937&LangID=E).
- <sup>39</sup> UNCT submission to UPR on the Gambia, p. 3.
- <sup>40</sup> Press release dated 28 August 2012, available from [www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/8C08489B5A5CB8B3C1257A680048F56B?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/8C08489B5A5CB8B3C1257A680048F56B?OpenDocument).
- <sup>41</sup> Communications report of Special Procedures: Communications sent, 1 June to 30 November 2012; Replies received, 1 August 2012 to 31 January 2013 (A/HRC/22/67), p. 89.
- <sup>42</sup> Press release dated 28 August 2012, available from [www.unog.ch/unog/website/news\\_media.nsf/\(httpNewsByYear\\_en\)/8C08489B5A5CB8B3C1257A680048F56B?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/8C08489B5A5CB8B3C1257A680048F56B?OpenDocument).
- <sup>43</sup> A/HRC/22/67, p. 89.
- <sup>44</sup> Press release dated 30 August 2012, available from [www.un.org/apps/news/story.asp?NewsID=42772&](http://www.un.org/apps/news/story.asp?NewsID=42772&).
- <sup>45</sup> Communications report of special procedures: Communications sent, 1 June 2011 to 30 November 2011; Replies received, 1 August 2011 to 31 January 2012 (A/HRC/19/44), p. 90.
- <sup>46</sup> Communications report of Special Procedures: Communications sent, 1 December 2012 to 28 February 2013; Replies received, 1 February to 30 April 2013 (A/HRC/23/51), p. 26.
- <sup>47</sup> UNCT submission to UPR on the Gambia, p. 4.
- <sup>48</sup> *Ibid.*, p. 4.
- <sup>49</sup> UNHCR submission to UPR on the Gambia, p. 5.
- <sup>50</sup> *Ibid.*, p. 5.
- <sup>51</sup> List of issues from the Committee on Economic, Social and Cultural Rights in relation to the initial report of the Gambia (E/C.12/GMB/Q/1), para. 22.
- <sup>52</sup> UNCT submission to UPR on the Gambia, p. 3.
- <sup>53</sup> *Ibid.*, p. 3.
- <sup>54</sup> E/C.12/GMB/Q/1, para. 13.
- <sup>55</sup> *Ibid.*, para. 8.
- <sup>56</sup> *Ibid.*, para. 15.
- <sup>57</sup> *Ibid.*, para. 16.
- <sup>58</sup> *Ibid.*, para. 12.
- <sup>59</sup> UNHCR submission to UPR on the Gambia, p. 5.
- <sup>60</sup> UNCT submission to UPR on the Gambia, pp. 8–9.
- <sup>61</sup> A/HRC/22/67, p. 89. See also UNCT submission to UPR on the Gambia, p. 4 and press release dated 30 August 2012, available from [www.un.org/apps/news/story.asp?NewsID=42772&](http://www.un.org/apps/news/story.asp?NewsID=42772&).
- <sup>62</sup> UNCT submission to UPR on the Gambia, p. 4.
- <sup>63</sup> *Ibid.*, p. 4.
- <sup>64</sup> E/C.12/GMB/Q/1, para. 3.
- <sup>65</sup> UNCT submission to UPR on the Gambia, p. 4.
- <sup>66</sup> E/C.12/GMB/Q/1, para. 4.
- <sup>67</sup> UNCT submission to UPR on the Gambia, p. 5.
- <sup>68</sup> UNESCO submission to UPR on the Gambia, para. 27.
- <sup>69</sup> *Ibid.*, para. 39.
- <sup>70</sup> *Ibid.*, para. 40.
- <sup>71</sup> *Ibid.*, para. 41.
- <sup>72</sup> UNCT submission to UPR on the Gambia, p. 5.

- <sup>73</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning ILO Abolition of Forced Labour Convention, 1957 (No. 105) – Gambia, adopted in 2013, published 103rd ILC session (2014), available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3146790,103226,Gambia,2013](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3146790,103226,Gambia,2013).
- <sup>74</sup> UNCT submission to UPR on the Gambia, p. 5.
- <sup>75</sup> UNDAF The Gambia 2012–2016, p. 4.
- <sup>76</sup> E/C.12/GMB/Q/1, para. 5.
- <sup>77</sup> UNCT submission to UPR on the Gambia, p. 3.
- <sup>78</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, direct request concerning ILO Equal Remuneration Convention, 1951 (No. 100) – Gambia, adopted in 2013, published 103rd ILC session (2014), available from [www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P11110\\_COUNTRY\\_ID,P11110\\_COUNTRY\\_NAME,P11110\\_COMMENT\\_YEAR:3146599,103226,Gambia,2013](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3146599,103226,Gambia,2013).
- <sup>79</sup> UNDAF The Gambia 2012–2016, p. 3.
- <sup>80</sup> UNCT submission to UPR on the Gambia, p. 5.
- <sup>81</sup> E/C.12/GMB/Q/1, para. 18.
- <sup>82</sup> UNCT submission to UPR on the Gambia, p. 6.
- <sup>83</sup> E/C.12/GMB/Q/1, para. 17.
- <sup>84</sup> UNCT submission to UPR on the Gambia, p. 6.
- <sup>85</sup> UNDAF The Gambia 2012–2016, p. 8.
- <sup>86</sup> E/C.12/GMB/Q/1, para. 21.
- <sup>87</sup> UNCT submission to UPR on the Gambia, p. 7.
- <sup>88</sup> *Ibid.*, p. 7.
- <sup>89</sup> E/C.12/GMB/Q/1, para. 20.
- <sup>90</sup> UNCT submission to UPR on the Gambia, p. 7.
- <sup>91</sup> UNDAF The Gambia 2012–2016, p. 3. See also UNCT submission to UPR on the Gambia, pp. 7–8.
- <sup>92</sup> E/C.12/GMB/Q/1, para. 23.
- <sup>93</sup> UNCT submission to UPR on the Gambia, p. 8.
- <sup>94</sup> UNESCO submission to UPR on the Gambia, para. 13.
- <sup>95</sup> *Ibid.*, para. 34.
- <sup>96</sup> *Ibid.*, para. 37.
- <sup>97</sup> *Ibid.*, para. 38.
- <sup>98</sup> UNHCR submission to UPR on the Gambia, p. 1.
- <sup>99</sup> *Ibid.*, p. 2. See also UNCT submission to UPR on the Gambia, p. 8.
- <sup>100</sup> UNHCR submission to UPR on the Gambia, p. 2. See also UNCT submission to UPR on the Gambia, p. 8.
- <sup>101</sup> UNCT submission to UPR on the Gambia, p. 8.
- <sup>102</sup> UNHCR submission to UPR on the Gambia, p. 3.
- <sup>103</sup> UNHCR submission to UPR on the Gambia, p. 2.
- <sup>104</sup> *Ibid.*, p. 3.
- <sup>105</sup> *Ibid.*, p. 3.
- <sup>106</sup> *Ibid.*, pp. 1–2.
- <sup>107</sup> UNCT submission to UPR on the Gambia, p. 9.
- <sup>108</sup> UNDAF The Gambia 2012–2016, p. 6.
- <sup>109</sup> *Ibid.*, p. 6.
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