



General Assembly

Distr.: General
31 July 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twentieth session
27 October–7 November 2014

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) 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 summary of 14 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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



Information provided by stakeholders

A. Background and framework

1. Scope of international obligations²

1. Amnesty International (AI)³, Commonwealth Human Rights Initiative (CHRI)⁴, JS3⁵ and JS6⁶ noted that The Gambia had not ratified important international human rights treaties.
2. CHRI recommended that The Gambia ratify the core international human rights treaties as a matter of priority.⁷ AI recommended ratifying CAT, OP-CAT and CPED⁸. JS6⁹ and JS7¹⁰ made similar recommendations.
3. Reporters sans Frontières (RSF-RWB) recommended that The Gambia honour its international obligations to respect freedom of information and expression and meet its obligations pursuant to Article 19 of the ICCPR.¹¹
4. JS4 was concerned that The Gambia was still not a party to the OP-CEDAW, OP-CRC-AC and OP-CRC-IC.¹²

2. Constitutional and legislative framework

5. AI recommended that The Gambia, pending abolition of the death penalty, remove from the law any mandatory imposition of the death penalty and provision for capital punishment for crimes which do not meet the threshold of “most serious crimes” under international and constitutional law.¹³
6. AI indicated that the Drugs Control (Amendment) Act, which replaced the death penalty with life imprisonment for possession of more than 250g of cocaine or heroin, had been passed in 2011.¹⁴
7. JS7 recommended that The Gambia criminalise offenses such as torture, extrajudicial executions, enforced disappearances and unlawful arrests in its national legislation in accordance with international standards.¹⁵
8. RSF-RWB noted that far from reforming its press laws, among the most repressive on the African continent, The Gambia had added legal restrictions on freedom of information since 2010.¹⁶
9. Article 19 stated that The Gambia’s legal framework was frequently abused to violate the freedom of expression rights of all people, in particular media workers and human rights defenders.¹⁷ JS6 recommended conducting a complete legal review to ensure that all Gambian laws are in conformity with international standards.¹⁸
10. AI indicated that in 2013, the National Assembly had passed the Criminal Code (Amendment) Act and the Information and Communication (Amendment) Act, both of which further restricted the right to freedom of expression.¹⁹
11. CHRI noticed that sedition²⁰, seditious intention, defamation²¹ and false publications were offences under the Criminal Code (Amendment) Act (2005) and the Official Secrets (Amendment) Act (2009) that were used to target real or perceived government critics, human rights defenders and journalists.²² Article 19 added that the 2013 Information and Communication (Amendment) Act had created several new online offences including spreading “false news” about the Government or public officials, that caricatured or made derogatory statements against public officials or that incited dissatisfaction or instigated

violence against the Government.²³ According to Article 19, these offences are punishable with up to fifteen years in prison and/or a fine of approximately USD 77,700.²⁴ JS1 stated that by targeting online freedoms, the Government aimed at restricting the only free space available in the country for citizens to express their opinions.²⁵ AI²⁶, CHRI²⁷, International Service for Human Rights (ISHR)²⁸, Gambia Press Union (GPU)²⁹, JS3³⁰, JS5³¹, JS6³², JS7³³, and RSF-RWB³⁴ made similar comments.

12. Article 19 noticed that the 2004 amendments to the Newspapers Act had increased registration fees for media to more than USD 13,000 accompanied by an exorbitant bond as guarantee. It added that the amendments also extended the scope of the Newspapers Act to audio-visual media, further reducing media diversity in the country.³⁵

13. GPU recommended that The Gambia create the enabling legal environment for the development and full participation of the independent media by repealing the current media related laws and by decriminalising media offences. It also recommended incorporating the provisions of international media and freedom of expression standards into domestic law and pass new and progressive media related laws.³⁶ AI³⁷, Article 19³⁸, CHRI³⁹, JS1⁴⁰, JS3⁴¹, JS5⁴², JS6⁴³, JS7⁴⁴ and RSF-RWB⁴⁵ made similar recommendations.

14. JS3 recommended that The Gambia expand the democratic space to include all persons with divergent opinions and voices and immediately stop the crackdown on human rights defenders, journalists, government critics, opposition members, lawyers and religious leaders who hold government accountable.⁴⁶

15. ISHR recommended that The Gambia develop and enact specific laws and policies to recognise and protect the work of human rights defenders. It also recommended reforming all restrictive laws against human rights defenders and NGOs in order to ensure the right to freedom of expression and association in accordance with international law.⁴⁷ Article 19 made similar recommendations.⁴⁸

16. JS1 recommended that The Gambia respect constitutional provisions protecting freedom of expression, assembly and association of citizens at all times.⁴⁹

17. JS4 stated that The Gambia had come up with policies to promote the rights of women and children; enacted some of these into laws (Women's Act 2010 and Domestic Violence Act 2013) and created the relevant machinery to implement these policies (Ministry of Women's Affairs and the National Women's Bureau and Council).⁵⁰ However, JS4 noticed that structural and legal gaps still remained and affected the extent to which women could enjoy their rights.⁵¹

18. JS7 recommended that the Gambia enact and implement laws to ensure equality of rights and opportunities for women.⁵² It also recommended passing laws that prohibit cutting of the female genital⁵³; enact laws to ban forced and early marriages; enforce the Domestic Violence and the Child Labour Acts and develop policies to give women access to quality healthcare.⁵⁴

19. JS2 recommended that The Gambia ensure that the Children's Act 2005 is amended to incorporate a definition of child pornography compliant with the OP-CRC-SC; ensure that all acts in connection with child pornography are criminalised; amend the Trafficking in Persons Act 2007 to ensure the protection of all victims for any offences committed in connection with their trafficking experience.⁵⁵

20. CHRI indicated that the 1965 Criminal Code, as amended in 2005, criminalised carnal knowledge "against the order of nature", punishable by up to 14 years of imprisonment. This definition was amended to specifically include female homosexual acts. The Code also criminalises "any act of gross indecency", defined as any homosexual act, whether in public or private and is punishable by five years' imprisonment.⁵⁶ In April 2012, the President Jammeh had reiterated his refusal to decriminalise homosexuality.⁵⁷

21. CHRI recommended that The Gambia ensure that all LGBT persons fully and equally enjoy their human rights⁵⁸; issue a moratorium on all prosecutions for reason of sexual orientation or gender identity⁵⁹ and repeal all provisions in the Criminal Code that criminalise and stigmatise people on the grounds of sexual orientation or gender identity.⁶⁰ AI made similar recommendations.⁶¹

3. Institutional and human rights infrastructure and policy measures

22. CHRI commended the Government for its efforts to look into the possibility of creating a National Human Rights Institution (NHRI) and to accept technical assistance from the international and regional community in this regard. However, CHRI was concerned that The Gambia's withdrawal from the Commonwealth in late 2013 might have hindered the establishment process.⁶²

23. AI indicated that a draft law had been developed to establish a NHRI, but several international observers had expressed concerns about its lack of independence and little progress had been made in bringing the draft law into line with the Paris Principles.⁶³ AI⁶⁴ CHRI⁶⁵, JS6⁶⁶ and JS7⁶⁷ recommended that The Gambia establish a fully functional and Paris Principles compliant NHRI.

24. Noting that national bodies such as the Judiciary, the Ombudsman, and the Public Service Commission lacked institutional independence resulting in their ineffectiveness and the loss of public confidence in the State,⁶⁸ JS7 recommended that The Gambia ensure the independence of these bodies to enable them to carry out their mandated work effectively.⁶⁹ JS5 also recommended that The Gambia further protect the independence and effective execution of the mandate of the Ombudsman.⁷⁰

25. Observing that a major problem that inhibits child rights monitoring was the absence of an effective coordination mechanism at the national level,⁷¹ JS2 recommended that The Gambia establish a functional Ministry that would be responsible for children's welfare and coordination of the implementation of laws and policies relating to children's rights and protection.⁷² JS2 also recommended the establishment of an independent monitoring mechanism to receive and investigate individual complaints of violations of the rights of children.⁷³

26. JS4 noted that the Ministry of Women Affairs was a weak institution where the personnel was inhibited from taking decisions to advance women's and children's rights.⁷⁴

B. Cooperation with human rights mechanisms

27. ISHR recommended that The Gambia cooperate fully with the United Nations and with the African Commission on Human and Peoples' Rights (ACHPR) human rights mechanisms.⁷⁵

28. Article 19⁷⁶ and JS7⁷⁷ recommended that The Gambia cooperate with international and regional human rights bodies to improve the situation of freedom of expression and human rights generally.

1. Cooperation with treaty bodies

29. AI mentioned that since 2010, The Gambia had submitted some overdue reports to treaty bodies, but, despite the commitments made at the review in 2010, failed to submit others, including to the Human Rights Committee.⁷⁸ Article 19⁷⁹, CHRI⁸⁰, JS4⁸¹ and JS5⁸² made similar comments. JS6 recommended that The Gambia prepare and submit overdue periodic reports to the treaty bodies.⁸³ AI⁸⁴, Article 19⁸⁵, CHRI⁸⁶ and JS5⁸⁷ made similar recommendations.

2. Cooperation with special procedures

30. JS5 noted that the Government had not demonstrated its commitment to cooperate further with the special procedures mandate holders.⁸⁸ JS4⁸⁹ and JS3⁹⁰ made a similar comment. CHRI⁹¹ and JS6⁹² indicated that some requests for visit by Special Rapporteurs remained pending.

31. AI⁹³, CHRI⁹⁴, JS1⁹⁵ and JS6⁹⁶ recommended that The Gambia extend a standing invitation to all special procedures and facilitate the visit of all mandate holders whose requests are pending.

32. Specific recommendations have also been made to The Gambia to invite the Special Rapporteurs on: promotion and protection of the right to freedom of opinion and expression (JS1⁹⁷, JS5⁹⁸, JS6⁹⁹ and JS7¹⁰⁰), situation of human rights defenders (JS1¹⁰¹) and rights to freedom of peaceful assembly and of association (JS1¹⁰²).

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

33. JS7 stated that women continued to face discrimination both in law and practice. It added that laws on domestic violence were not enforced, maternal mortality was high, and women were not adequately represented in decision making at both local and national government levels.¹⁰³

34. JS4 noted that laws that address women's and children's issues were undermined by some religious leaders who were publicly against women's rights which they claimed were intended to destroy the way of life of Gambians and Islam by imposing foreign cultures on Gambian society.¹⁰⁴

35. JS4 stated that many girls were discriminated against and were not given the chance to go to school or to be retained in school. According to JS4, about 90 percent of women are illiterate and this leads to their unemployment and negatively affects their economic status in the community.¹⁰⁵ It recommended that The Gambia provide a specific budget to promote the rights of women and girls.¹⁰⁶

36. JS2 noted that there was no provision in the Women's Act 2010 which stipulated that the minimum age for marriage should be 18 for both men and women.¹⁰⁷ It signalled that about 8.6 percent of women were married before 15 while 46.5 percent were married before 18. JS2 recommended that The Gambia establish 18 years as the minimum legal age for marriage; ensure all laws comply with this requirement and enforce the prohibition of the withdrawal of girls from school for the purpose of marriage.¹⁰⁸

37. JS4 recommended that The Gambia adopt measures to protect the rights of certain vulnerable groups of children, in particular girls, children born out of wedlock and children with disabilities.¹⁰⁹

2. Right to life, liberty and security of the person

38. JS3 stated that the executions of nine death row inmates (eight men and one woman) in August 2012 showed a total disregard to UPR recommendations and a lack of commitment to the moratorium on the death penalty which had been in place since 1995 and belied the statement made by The Gambia at the UPR in 2010, that the Government "had no intention of using the death penalty, now or anytime soon." According to JS3, these executions were carried out without using due process, as neither the executed prisoners nor their families were told of the executions in advance.¹¹⁰ AI noted that at least

three of executed prisoners had not exhausted their legal appeals.¹¹¹ JS7 added that one of the executed prisoners had mental health problems.¹¹²

39. AI indicated that as of March 2014, at least 43 people remained on death row and were routinely denied visits by lawyers, family or friends.¹¹³

40. CHRI mentioned that after the executions, the President had issued a temporary and conditional moratorium on the death penalty, conditional on falling violent crime rates.¹¹⁴

41. Stating that the Government had not taken any steps, even though the Gambian Constitution required it, to hold a referendum on the desirability or otherwise of the abolition of the death penalty.¹¹⁵ AI¹¹⁶, JS6¹¹⁷ and JS7¹¹⁸ recommended that The Gambia begin the process of this referendum.

42. AI recommended that The Gambia establish a permanent moratorium on executions, with a view to abolition, and commute all death sentences to terms of imprisonment; ensure that all of those on death row are aware of their rights and allow lawyers and families to visit their relatives on death row.¹¹⁹ CHRI¹²⁰, JS3¹²¹, JS6¹²² and JS7¹²³ made similar recommendations.

43. JS6 noted that President had created various units within the overall security system which were entirely answerable to him alone. Within the NIA, squads generally referred to as “Black Black” or “Junglers” had been associated with enforced disappearances, arbitrary arrests, detention and torture. According to JS6, within the police, the President had created the “Operation No Compromise” and “Operation Bulldozer” units which had been used to conduct arbitrary arrest and detention.¹²⁴ JS3 made similar comments.¹²⁵

44. CHRI noted that the Government stood accused of various cases of extrajudicial killings, torture and enforced disappearances of human rights defenders, journalists and political opponents.¹²⁶ AI added that investigations into enforced disappearances were rarely carried out and perpetrators were not brought to justice.¹²⁷

45. AI stated that torture and other ill-treatment were regularly used and that it had received consistent reports that people had been tortured or otherwise ill-treated in order to extract “confessions” which were used in court. It added that officers of the NIA, the police force, and the military regularly committed human rights violations with no repercussions.¹²⁸ It added that the Government had failed to implement resolutions from the ACHPR, calling on The Gambia to investigate all allegations of acts of torture in detention and extrajudicial executions and to comply with the decisions of the ECOWAS Court of Justice on the cases of journalists Ebrima Manneh and Musa Saïdykhan.¹²⁹ AI recommended that the Government fully and effectively implement the judgements of the Court and the resolutions of the ACHPR.¹³⁰

46. JS5 recommended that The Gambia put an immediate stop to arbitrary arrests, detention and torture¹³¹ and investigate all cases of enforced disappearances and extrajudicial executions.¹³² JS7 recommended that The Gambia ensure that all human rights violations committed by the police, the army and the National Intelligence Agency (NIA) are investigated and that those responsible are brought to justice; conduct independent and effective investigations into all cases of ill-treatment, torture, and extrajudicial execution and provide victims with the right to a remedy and full reparation, including rehabilitation, restitution and compensation.¹³³ AI¹³⁴ and JS6¹³⁵ made similar recommendations.

47. JS7 noted that, according to reports, prison conditions had worsened since 2010.¹³⁶ It observed that overcrowding, lack of medical attention and inadequate food provision had resulted in a high death rate. JS7 added that perceived enemies of the President were subjected to harsher treatment such as exposing them to unhealthy environments and long periods of solitary confinement.¹³⁷ JS3 stated that Mile 2 Central Prisons and other detention centres were deplorable, inhumane and degrading.¹³⁸

48. AI indicated that access to detention centres was limited and that the International Committee of the Red Cross (ICRC) had been denied access since 2006.¹³⁹

49. AI recommended that The Gambia 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.¹⁴⁰ JS3 recommended releasing and compensating detainees who have been detained for several years without charge or trial and allowing visits by the ICRC and the African Union special rapporteurs on prisons and conditions of detention in Africa and UN Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment.¹⁴¹ JS7 made similar recommendations.¹⁴²

50. JS3 noted that arbitrary arrests without a warrant were common as well as detention exceeding the 72 hour legal limit and incommunicado detention.¹⁴³ It added that political detainees and persons arrested on serious crimes were denied bail and kept in custody throughout the period of their trial.¹⁴⁴

51. JS5 stated that once in the custody of the Government, detainees seemed to fall beyond the protection of the law and were routinely subjected to further human rights violations, such as unlawful detention, torture, extra-judicial execution, unfair trials or enforced disappearance. According to JS5, avoiding arrest has become a constant preoccupation for the entire population and it affects every aspect of Gambian life, generating fear and mistrust among the population.¹⁴⁵ It added that arbitrary arrests, detentions and human rights violations were translated into a culture of silence.¹⁴⁶

52. AI recommended that The Gambia release all prisoners of conscience and all those currently detained unlawfully or charge them with a recognizable criminal offence in a fair trial; instruct the police, the army and the NIA to cease unlawful arrests and detention.¹⁴⁷

53. GPU noted that torture in custody, continued detention, unfair and bogus trials, arbitrary arrests and incommunicado detention of journalists had continued since 2010. According to GPU, it has become a norm that Gambian journalists, in fear for their life, go into exile and that an estimated more than 20 percent of the journalists' population have fled.¹⁴⁸ Article 19 also stated that the justice system controlled by the Executive did not hesitate to disregard due process in persecuting journalists and individuals who spoke out.¹⁴⁹ RSB-RWB added that perpetrators of violence against journalists enjoyed total impunity.¹⁵⁰ AI¹⁵¹, Article 19¹⁵², CHRI¹⁵³, ISHR¹⁵⁴, JS3¹⁵⁵ and JS7¹⁵⁶ made similar comments.

54. RSB-RWB also stated that the Gambian regime's contempt for freedom of information was also evident in the fact that it openly targeted international journalists.¹⁵⁷

55. GPU recommended that The Gambia respect, promote and defend the rights of journalists, notably by bringing an immediate end to the unnecessary and continued embarrassment and harassment of journalists.¹⁵⁸ JS1 recommended reinstating all newspapers forced to close; releasing all journalists in detention; investigating threats to journalists and representatives of the media and bringing to justice those found guilty of issuing such threats.¹⁵⁹ Article 19¹⁶⁰, JS3¹⁶¹, JS5¹⁶² and RSF-RWB¹⁶³ made similar recommendations.

56. JS7 stated that unlawful arrests of religious and political leaders, human rights defenders; persons suspected of homosexual behaviour and civil servants, and their detention well beyond the constitutionally-stipulated time limits, had increased since 2010. It added that no serious investigations had been conducted into any of the reported cases, and neither had any perpetrators been brought to justice for the crimes. In addition, no effective mechanism is in place to prevent such abuses.¹⁶⁴

57. JS1 stated that the harassment and persecution of civil society activists¹⁶⁵ and human rights defenders had led to self-censorship¹⁶⁶ while a number of activists had fled the

country to avoid persecution. Prominent human rights organisations ceased operating because of restrictions imposed by the Government.¹⁶⁷ AI added that human rights defenders told the organisation that they would not take part in the UPR process for fear of reprisals.¹⁶⁸

58. JS1 recommended that The Gambia release all human rights defenders and civil society activists detained for exercising their freedom of opinion; provide a safe and secure environment for human rights defenders and civil society to enable them to carry out their work without fear and investigate all instances of violations of their rights.¹⁶⁹ It also recommended removing restrictions that prevent human rights defenders from submitting information on violations of human rights by government representatives and state-owned organisations to human rights bodies.¹⁷⁰ CHRI recommended investigating and, where appropriate, holding to account any person suspected of harassing human rights defenders.¹⁷¹ AI¹⁷² and ISHR¹⁷³ made similar recommendations.

59. JS5 stated that the President had a habit of making hate speech against human rights defenders, gays, opposition members as well as journalists and ethnic groups on a consistent basis. He has openly and several times stated that he cannot guarantee the security of human rights defenders and journalists in the country.¹⁷⁴ JS5 recommended that The Gambia cease intimidation and hate speech against ethnic groups, journalists and human rights defenders, especially women human rights defenders.¹⁷⁵

60. JS4 recommended that The Gambia recognize the work of women human rights defenders and promote and protect them from threats, abuse, false allegations and harassments.¹⁷⁶

61. Article 19 stated that the Gambia Committee on Traditional Practices Affecting the Health of Women and Children, which fought against the practice of FGM, had been subject to intimidation and harassment.¹⁷⁷ ISHR also noted that human rights defenders working for sexual and reproductive health and the rights of women and children faced particular risks.¹⁷⁸ JS4 added that the President had openly threatened women human rights defenders and had been silent on the attacks and threats against them.¹⁷⁹

62. AI noticed that President Jammeh had made numerous public statements attacking LGBTI rights and had also repeatedly criticized human rights defenders for promoting and protecting the rights of sexual minorities. AI noted that in 2012, 18 men and women perceived to be LGBT had been arrested and charged with attempting to commit “unnatural acts” and “conspiracy to commit felony”. Charges against them were eventually dropped due to lack of evidence.¹⁸⁰ JS4 was deeply concerned by threats against lesbians and same-sex relationships.¹⁸¹

63. AI recommended that The Gambia promote human rights for all, regardless of their sexual orientation, and refrain from making threatening, intimidating, or discriminatory remarks against LGBTI rights.¹⁸²

64. JS7 stated that despite the Government’s acceptance of many of recommendations regarding women’s rights, actual progress remained minimal. According to JS7, the authorities have done nothing to pass legislation to end FGM¹⁸³ and its practice remains widespread.¹⁸⁴ JS2¹⁸⁵ and JS4¹⁸⁶ indicated that 76.3 percent of women aged from 15 to 49 years had been subjected to some form of FGM.

65. According to JS4, a draft bill seeking to criminalise and abolish FGM has been submitted to the Office of the Vice President and the Ministry of Women’s Affairs to place it before the National Assembly, but there has been no official acknowledgement so far. JS4 was also concerned that in the 2013 Domestic Violence Act, FGM had been removed from the final document.¹⁸⁷ JS2 added that some religious conservatives were actively encouraging the practice using media.¹⁸⁸

66. JS2 recommended that The Gambia enact a comprehensive law prohibiting the practice of FGM; enforce any such prohibition and reach out and sensitise the religious conservatives on the negative impact of FGM on women's reproductive and sexual health.¹⁸⁹ JS4 made a similar recommendation.¹⁹⁰

67. JS4 recommended that the Gambia put in place proper mechanisms in terms of reporting, management and confidentiality to protect rape victims and their identities and make available adequate support to access justice, health care and technical resources.¹⁹¹

68. JS2¹⁹² and JS4¹⁹³ noted that sexual abuse of children was surrounded by social stigma, family pressure or indifference, and a culture of silence that inhibited reporting of cases to the police. It also observed the weakness of coordination of child protection services¹⁹⁴ and the lack of trained professionals.¹⁹⁵ JS4 made similar comments.¹⁹⁶

69. JS2 explained that child labour was prohibited and that the minimum age for the engagement of a child in "light work" was 16 years. However, it noted the difficulty to indicate the extent of child labour in the country.¹⁹⁷ JS2 recommended that The Gambia set a definitive minimum legal age for engagement in formal employment.¹⁹⁸

70. Noting that corporal punishment was unlawful as a sentence for crime but was not fully prohibited in the home, alternative care settings, day care, schools and penal institutions,¹⁹⁹ Global Initiative to End All Corporal Punishment of Children (GIEACPC) recommended that The Gambia enact legislation to explicitly prohibit all corporal punishment of children in all settings.²⁰⁰ JS2 made a similar recommendation.²⁰¹

3. Administration of justice, including impunity, and the rule of law

71. JS6 stated that there was an absolute lack of independence of the Judiciary characterised by arbitrary hiring and firing of judges and magistrates by the President.²⁰² According to JS7, the latter were targeted for dismissal or criminal prosecution when their judgments were perceived as a threat to the current regime. JS7 noted that as a consequence of this constant threat of imprisonment, current members of the judicial system faced undue pressure to always side with the Government and this had a chilling effect on their independence and performance.²⁰³ JS5 also stated that fearful of reprisal against themselves and their families, lawyers were increasingly reluctant to take on sensitive cases, leaving few options for Gambians wishing to exercise their rights.²⁰⁴ JS3²⁰⁵ and JS6²⁰⁶ made similar comments.

72. JS7 added the fact that judges serve at the will of the President has undermined trust in their impartiality particularly in politically-sensitive cases. According to JS7, the lack of tenure of judges, backlog of cases in the courts, and excessive sentences in politically-related cases have marred public confidence in the Judiciary. JS7 also noticed that the absence of thorough and independent investigations into allegations of human rights abuses had served to further erode public trust in the justice system.²⁰⁷

73. JS7 recommended that The Gambia follow constitutional guidelines in the hiring and firing of judges to guarantee their impartiality; step up efforts to permit lawyers to perform their professional duties without intimidation, arrest, harassment or interference and cease all interference by public officials, including the President, in the judicial process.²⁰⁸ AI recommended putting in place measures to safeguard the independence of the judiciary in line with the United Nations Basic Principles on the Independence of the Judiciary.²⁰⁹ GPU recommended that the Gambia refrain from using Executive powers to give Judicial directives where media cases are in Court.²¹⁰ JS6 made similar recommendations.²¹¹

74. JS6 recommended that The Gambia combat corruption by creating a permanent anti-corruption agency.²¹²

75. JS4 stated that there were supposed to be children's courts in all the seven administrative regions of the country but only three were available and access them was not easy. According to JS4, the only juvenile detention centre is not suitable for children as adults are also held in the same premises.²¹³ JS4 recommended that The Gambia establish children courts in all administrative regions for easy access to justice.²¹⁴

4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

76. CHRI noted that since 2010, the situation regarding media freedom in the country had continued to deteriorate to the extent that ECOWAS had taken the decision to refrain from monitoring the presidential elections as a result of a fact-finding mission which revealed "a picture of intimidation, an unacceptable level of control of the electronic media by the party in power, the lack of neutrality of state and para-state institutions, and an opposition and electorate cowed by repression and intimidation."²¹⁵

77. JS7 stated that media outlets were subject to closure without warning or due process when they were critical of the Government. The Daily News and The Standard newspapers were closed immediately after reporting on the 2012 executions of nine inmates. Teranga FM radio station was also closed without due process in 2012 after translating news stories including opinions critical of the Government into local languages. While the ban on The Standard and Teranga FM was lifted by the President in December 2013, The Daily News remains closed. According to JS7, many websites critical of the Government remain inaccessible in the country.²¹⁶ AI²¹⁷, Article 19²¹⁸, CHRI²¹⁹, GPU²²⁰, JS1²²¹, JS3²²², JS5²²³, JS6²²⁴ and RSF-RWB²²⁵ made similar comments.

78. AI recommended that The Gambia ensure that all Gambians, including journalists, opposition leaders, real or perceived Government opponents, and human rights defenders are able to freely exercise their right to expression, association, and peaceful assembly without fear of arrest, detention, intimidation or harassment.²²⁶

79. Article 19 noted that NGOs and human rights defenders are under pressure and threatened, consequently, many have decided not to openly address issues related to governance, democracy and human rights. Their freedom of association and assembly is restricted. According to Article 19, the few organisations and individuals who attempt to defend human rights are victimised and subjected to judicial harassments and other intimidation.²²⁷

80. ISHR noted that there is a climate of fear and self-censorship resulting from limited freedom of expression restricted the work of and posed a threat to human rights defenders and journalists and led to intimidation of human rights lawyers who were critical of the Government.²²⁸ In 2010, the NGOs Affairs Agency was moved from the Interior Ministry to the Office of the President, thus increasing the monitoring of civil society. ISHR added that NGO registration was burdensome and included the mandatory acceptance to conform to government development plans.²²⁹ JS3 made similar comments and noted a high level of interference in activities of civil society organisations.²³⁰ CHRI noted that NGOs frequently faced harassment on procedural grounds.²³¹

81. JS1 recommended that the Gambia ensure, at a minimum, the following conditions: freedom of association, freedom of expression, right to operate free from unwarranted state interference, right to communicate and cooperate and the state's duty to protect.²³²

82. JS3 noted that The United Democratic Party (UDP), the main opposition party suffered inordinately from the repressive activities of the state.²³³ Article 19 stated that in mid-February 2014, 14 opposition youth supporters from the main opposition party (UDP) were charged for holding a meeting without a permit.²³⁴

5. Right to health

83. JS4 indicated that The Gambia had two major referral hospitals and several regional health centres that, in most cases, lacked the basic equipment and drugs to address the needs of mothers and pregnant women. It added that even though maternal health services were free of charge, poor mothers and pregnant women would still have to buy drugs and go to private clinics to enjoy better services.²³⁵

84. JS4 recommended that The Gambia upgrade the health care facilities, improve health care services for women and children and provide health centres with qualified personnel, adequate equipment and drugs.²³⁶

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
Article 19	Article 19, London (United Kingdom);
CHRI	Commonwealth Human Rights Initiative, London (United Kingdom);
GIEACPC	Global Initiative to End all Corporal Punishment of Children, London (United Kingdom);
GPU	Gambia Press Union, Banjul (Gambia);
ISHR	International Service for Human Rights, Geneva (Switzerland);
RSF-RWB	Reporters sans Frontières-Reporters without Borders, Paris (France).

Joint submissions:

JS1	Joint submission No 1: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa);
JS2	Joint submission No 2: Child Protection Alliance: Child and Community Initiatives for Development (CAID); SOS Children's Villages - The Gambia; The Association of Non-Governmental Organisations (TANGO) – The Gambia; Education for all Campaign Network – The Gambia (EFANet – The Gambia); Gambia Committee on Traditional Practices (GAMCOTRAP); Gambia Teachers Union (GTU); Child Fund International The Gambia; Kids Come First Foundation; International Society for Human Rights (ISHR); Peace Ambassadors – The Gambia; Abubakarr Siddique Foundation for Needy and Orphan Welfare (AFNOW); Gambia Press Union (GPU); Institute for Social Reformation and Action (ISRA); Nova Scotia Gambia Association (NSGA) and Voice of the Young; Banjul, The Gambia;
JS3	Joint submission No 3: Civil Society Associations of The Gambia and the Coalition for Change Gambia (CSAG): Coalition for Human Rights The Gambia (UK); Gambia Campaign for Human Rights in the Gambia (Scotland); Human Rights for All (Sweden); National Movement for the Restoration of Democracy in The Gambia (USA); Save The Gambia Democracy Project (USA); United Gambia for Democracy & Freedom (Senegal) and Coalition for Change – The Gambia (Gambia);
JS4	Joint submission No 4: Gambian Civil Society Coalition on Women's Rights, in collaboration with Amnesty International, London (United Kingdom);
JS5	Joint submission No 5: Gambian Civil Society Coalition on Civil and Political Rights, in collaboration with Amnesty International, London, (United Kingdom);
JS6	Joint submission No 6: Gambian Civil Society Coalition on National and International Law, in collaboration with Amnesty International, London (United Kingdom).
JS7	Joint submission No7: Gambia Human Rights Network, in collaboration with Amnesty International, London, (United Kingdom).

² The following abbreviations have been used in the present document:

ICCPR	International Covenant on Civil and Political Rights
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
CRPD	Convention on the Rights of Persons with Disabilities
CPED	International Convention for the Protection of All Persons from Enforced Disappearance.

- ³ AI, p. 1.
- ⁴ CHRI, para. 4, p. 1.
- ⁵ JS3, para. 2.7, 3.
- ⁶ JS6, p. 4.
- ⁷ CHRI, para. 5, p. 1.
- ⁸ AI, p. 5.
- ⁹ JS6, p. 6.
- ¹⁰ JS7, p.6.
- ¹¹ RSF-RWB, p. 5.
- ¹² JS4, p. 3.
- ¹³ AI, p. 6.
- ¹⁴ AI, p. 1. See also JS3, para. 3.6.5, p. 9.
- ¹⁵ JS7, p. 5.
- ¹⁶ RSF-RWB, p. 1.
- ¹⁷ Article 19, para. 4, p. 1. See also GPU, para. 1, p. 1.
- ¹⁸ JS6, p. 5.
- ¹⁹ AI, p. 2. See also Article 19, para. 5, p. 1 and ISHR para. 2, p. 1.
- ²⁰ See also Article 19, para. 6, p. 2.
- ²¹ See also Article 19, para. 7, p. 2.
- ²² CHRI, para. 8, p. 2.
- ²³ Article 19, para. 13, p. 3. See also JS3, para. 3.5.1, p. 8.
- ²⁴ Article 19, para. 12, p.3.
- ²⁵ JS1, para. 3.2, p. 5. See also para. 3.1, pp. 4-5 and para. 3.3, p. 5.
- ²⁶ AI, p. 2.
- ²⁷ CHRI, para. 8, p. 2.
- ²⁸ ISHR, p. 1.
- ²⁹ GPU, para.11, p. 2
- ³⁰ JS3, para. 3.5.1, p. 8.
- ³¹ JS5, pp. 2, 3 and 4.
- ³² JS6, pp. 2 and 3.
- ³³ JS7, pp. 2 and 3.
- ³⁴ RSF-RWB, p. 2.
- ³⁵ Article 19, para. 10, p. 3.
- ³⁶ GPU, para. 111, p.5.
- ³⁷ AI, p. 5.
- ³⁸ Article 19, para. 32, p. 6.
- ³⁹ CHRI, para. 12, p. 3.
- ⁴⁰ JS1, para. 5.2, p. 8.
- ⁴¹ JS3, para. 4, p. 10.
- ⁴² JS5, p. 4.
- ⁴³ JS6, pp. 5 and 6.
- ⁴⁴ JS7, p. 5.
- ⁴⁵ RSF-RWB, pp. 4 and 5.
- ⁴⁶ JS3, para. 4, p. 10.

- ⁴⁷ ISHR, para. 6, p. 2.
⁴⁸ Article 19, para. 32, p. 6.
⁴⁹ JS1, para. 5.2, p. 8.
⁵⁰ JS4, p. 2.
⁵¹ JS4, p. 3.
⁵² JS7, p. 6.
⁵³ See also JS4, p. 5.
⁵⁴ JS7, p. 6.
⁵⁵ JS2, para. 4.7, pp. 8-9.
⁵⁶ CHRI, para. 19, p. 5.
⁵⁷ CHRI para. 21, p. 5.
⁵⁸ CHRI , para. 21a, p. 5.
⁵⁹ CHRI, para. 21b, p. 5.
⁶⁰ CHRI, para. 21c, p. 5.
⁶¹ AI, p. 6.
⁶² CHRI, para. 6, pp. 1-2.
⁶³ AI, p. 2.
⁶⁴ AI, p. 5.
⁶⁵ CHRI, para. 6, p. 2.
⁶⁶ JS6, p. 6.
⁶⁷ JS7, p. 6.
⁶⁸ JS7, p. 2.
⁶⁹ JS7, p. 6. See also JS6, p. 3.
⁷⁰ JS5, p. 4.
⁷¹ JS2, para. 6.1, p. 9.
⁷² JS2, para. 6.2, p. 10.
⁷³ JS2, para. 7, p. 10.
⁷⁴ JS4, p. 3.
⁷⁵ ISHR, para. 6, p. 2.
⁷⁶ Article 19, para. 32, p. 6.
⁷⁷ JS7, p. 5.
⁷⁸ AI, p. 1.
⁷⁹ Article 19, para. 3, p.1.
⁸⁰ CHRI, para. 5, p. 1.
⁸¹ S4, p. 3.
⁸² JS5, p. 2.
⁸³ JS6, p. 6.
⁸⁴ AI, p. 5.
⁸⁵ Article 19, para. 32, p.6.
⁸⁶ CHRI, para. 5c, p. 1.
⁸⁷ JS5, p. 4.
⁸⁸ JS5, p.1.
⁸⁹ JS4, p. 3.
⁹⁰ JS3, para. 2.8, p. 3.
⁹¹ CHRI, para. 3, p. 1.
⁹² JS6, p. 4.
⁹³ AI, p. 5.
⁹⁴ CHRI, para. 5a, p. 1.
⁹⁵ JS1, para. 5.4, p. 9.
⁹⁶ JS6, p. 6.
⁹⁷ JS1, para. 5.4, p. 9.
⁹⁸ JS5, p. 4.
⁹⁹ JS6, p. 6.
¹⁰⁰ JS7, p. 5.
¹⁰¹ JS1, para. 5.4, p. 9.
¹⁰² JS1, para. 5.4, p. 9.

- 103 JS7, pp. 4 and 5.
104 JS4, p. 2.
105 JS4, p. 4.
106 JS4, p. 5.
107 JS2, para. 3.5, p. 6.
108 JS2, para. 3.6, p. 6.
109 JS4, p. 5.
110 JS3, paras. 1.5, p. 2 and 3.6.3, p. 9. See also AI, p. 1, CHRI, para. 18, p. 4 and JS6 p. 5.
111 AI, p. 3. See also CHRI, para. 18, p. 4 and JS7, p. 4.
112 JS7, p. 4.
113 AI, p. 4.
114 CHRI, para. 18, p.4. See also AI, p. 1.
115 JS7, p. 4. See also AI, p. 1 and JS3, para. 3.6.7, p. 9.
116 AI, p. 6.
117 JS6, p. 6.
118 JS7, p.6.
119 AI, p. 6.
120 CHRI, para. 18, p.5.
121 JS3, para. 4, p. 10.
122 JS6, p. 6.
123 JS7, p. 6.
124 JS6, p. 5.
125 JS3, para. 1.2, p. 1 and 3.1, p. 3.
126 CHRI, paras. 14 and 15, pp. 3 and 4. See also JS3, para. 1.3.2, p. 1 and JS7, p. 3.
127 AI, p. 4.
128 AI, p. 4. See also JS3, para. 3.2.3, p. 4.
129 AI, p. 4.
130 AI, p. 5.
131 JS5, p. 5.
132 JS5, p. 4.
133 JS7, p. 5.
134 AI, p. 5.
135 JS6, p. 6.
136 JS7, p. 1.
137 JS7, p. 4. See also JS3, para. 3.4, pp. 7 and 8.
138 JS3, para. 1.5, p. 1.
139 AI, p. 3.
140 AI, p. 5.
141 JS3, para. 4, pp. 9-10. See also AI, p. 5.
142 JS7, pp. 5 and 6.
143 See also AI, p. 3, JS1, para. 2.4, p. 4 and JS5, p. 2.
144 JS3, para. 3.3, p. 4. See also JS5, p. 2 and JS6, p. 2.
145 JS5, p. 2.
146 JS5, p. 3.
147 AI, p. 5.
148 GPU, para. 11, p. 4.
149 Article 19, para. 17, p. 4.
150 RSB-RWB, p. 4.
151 AI, p. 2.
152 Article 19, paras 14 and 16, p. 3.
153 CHRI, para. 10, p. 2.
154 ISHR, para. 4, p. 1.
155 JS3, paras. 1.4, p. 1 and 1.6, pp. 1-2.
156 JS7, p.3.
157 RSB-RWB, p. 3.
158 GPU, para. 111, p. 5.

- 159 JS1, para. 5.3, pp. 8-9.
160 Article 19, para. 32, p. 6.
161 JS3, para. 4, p. 9.
162 JS5, pp. 4-5.
163 RSB-RWB, p. 5.
164 JS7, p. 1.
165 See also Article 19, para. 27, p. 5.
166 See also ISHR, paras. 1 and 3, p. 1.
167 JS1, paras 1.3, p.2 and 4.1, pp. 5-6. See also AI, p. 3 and CHRI, para. 13, p. 3.
168 AI, p. 2.
169 See also CHRN, p. 5.
170 JS1, para. 5.1, p. 8.
171 CHRI, para. 17b, p. 4.
172 AI, p. 5.
173 ISHR, para. 6, p.2.
174 JS5, p. 4.
175 JS5, p. 4.
176 JS4, p.5.
177 Article 19, para. 28, p. 5. See also JS1, paras. 2.2, p. 3 and 2.5, p. 4 and ISHR, para. 1, p. 1.
178 ISHR, para. 4, p. 1.
179 JS4, p. 4.
180 AI, p. 4.
181 JS4, p. 4.
182 AI, p. 6.
183 JS7, p. 2. See also JS2, para. 2.1, p. 4.
184 JS7, p. 4.
185 JS2, para. 2.2, p.5. See also JS4, p. 4.
186 JS4, p. 4.
187 JS4, p. 1. See also JS2, para. 2.1, p. 4.
188 JS2, para. 2.3, p. 5.
189 JS2, para. 2.3, p. 5.
190 JS4, p. 5.
191 JS4, p. 5.
192 JS2, para. 4.2, p. 7.
193 JS4, pp. 1-2.
194 JS2, para. 4.5, p. 7.
195 JS2, para. 4.6, p. 8.
196 JS4, p. 1.
197 JS2, para. 5.1, p. 9.
198 JS2, para. 5.2, p. 9.
199 GIEACPC, para. 2.1, p. 2. See also JS2, paras. 1.2-1.5, p. 3
200 GIEACPC, para. 1.3, p. 2.
201 JS2, para. 1.5, p. 4.
202 JS6, p. 1.
203 JS7, p. 3. See also AI, p. 3.
204 JS5, p. 3.
205 JS3, para. 2.9, p. 3.
206 JS6, p. 1 and p. 4.
207 JS7, p. 1. See also JS3, paras. 3.2 and 3.2.3, p.4.
208 JS7, p. 5.
209 AI, p. 5.
210 GPU, para. 111, p. 5.
211 JS6, p. 6.
212 JS6, p. 6.
213 JS4, p. 4.
214 JS4, p. 5.

- ²¹⁵ CHRI, para. 7, p. 2. See also RSF-RWB, p.2.
²¹⁶ JS7, p. 3.
²¹⁷ AI, p. 2.
²¹⁸ Article 19, paras 24, 25 and 26, p. 5.
²¹⁹ CHRI, para. 11, p. 3.
²²⁰ GPU, para. 11, p. 4.
²²¹ JS1, paras 4.5 and 4.7, p. 7.
²²² JS3, para. 3.5.3, p. 8.
²²³ JS5, p. 3.
²²⁴ JS6, p. 3.
²²⁵ RSB-RWB, p. 4.
²²⁶ AI, p. 5.
²²⁷ Article 19, para. 27, p. 5.
²²⁸ ISHR, para. 1, p. 1.
²²⁹ ISHR, para. 2, p. 1.
²³⁰ JS3, para. 2.10, p. 3.
²³¹ CHRI, para. 13, p. 3.
²³² JS1, para. 5, pp. 7-8.
²³³ JS3, para. 3.3.3, p. 5.
²³⁴ Article 19, para. 31, p. 6.
²³⁵ JS4, p. 2.
²³⁶ JS4, p. 5.
-