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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE ANNEX  
TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Gambia**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. 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), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

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

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	29 Dec. 1978	None	
ICESCR	29 Dec. 1978	None	-
ICCPR	22 Mar. 1979	Yes (art. 14, para. 3 (d)) <sup>3</sup>	Inter-State complaints (art. 41): Yes, 9 June 1988
ICCPR-OP 1	9 June 1988		
CEDAW	16 April 1993	None	-
CRC	8 Aug 1990	None	-

*Core treaties to which Gambia is not a party:* OP-ICESCR<sup>4</sup>, ICCPR-OP 2, OP-CEDAW, CAT<sup>5</sup>, OP-CAT, OP-CRC-AC<sup>6</sup>, OP-CRC-SC<sup>7</sup>, ICRMW, CRPD, CRPD-OP, CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>8</sup>	Yes
Refugees and stateless persons <sup>9</sup>	Yes except 1954 and 1961 Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>10</sup>	Yes except Additional Protocol III
ILO fundamental conventions <sup>11</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. In 2001, the Committee on the Rights of the Child (CRC) noted that the Gambia had signed but not ratified the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, and encouraged it to ratify them.<sup>12</sup>
2. In 2005, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged the Gambia to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and consider ratifying the other human rights treaties to which it was not yet a party.<sup>13</sup>

### B. Constitutional and legislative framework

3. The 2005 Common Country Assessment (CCA) stated that there is need for the harmonization of existing national laws with various international conventions and protocols, especially CEDAW, so as to address some of the gender imbalances. The Government must also ensure that interventions are put in place to implement the recommendations of the CRC and CEDAW Committees.<sup>14</sup> CEDAW urged the Gambia to place high priority on completing the incorporation of the Convention in national legislation.<sup>15</sup>
4. In March 2006, the Special Representative of the Secretary-General on human rights defenders stated that, according to the information she received, the Gambia had not integrated

the legislative and legal provisions contained in the international human rights treaties it had ratified into its legislation.<sup>16</sup>

5. UNICEF mentioned that with the integration of birth registration into the Reproductive and Child Health Services, birth registration rates for children under-five have significantly increased nationally from 32 per cent in 2000 to 55 per cent in 2005.<sup>17</sup> The 2005 CCA highlighted that the Birth Registration Act established a decentralised Birth Registration system, which is plagued by inadequate resources.<sup>18</sup>

6. UNICEF noted that the enactment of the 2005 Children's Act, a comprehensive law regrouping and superseding all legislation relating to the rights and welfare of children, which addresses the administration of justice, harmonizes domestic laws with the Convention on the Rights of the Child,<sup>19</sup> following CRC's recommendations made in 2001.<sup>20</sup> UNICEF also noted the adoption of the Child Trafficking Law, in October 2007, which prevents, suppresses and punishes those engaged in the trafficking in persons including child trafficking, and rehabilitates and reintegrates victims of trafficking.<sup>21</sup>

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

7. As of 29 September 2009, Gambia does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>22</sup> CRC encouraged the Gambia to expand the mandate of the Office of the Ombudsman or establish a separate mechanism to deal with complaints of violations of the rights of children.<sup>23</sup>

8. The 2008 annual report of the Resident Coordinator noted that the National Planning Commission was established in 2008 as the main body for coordination of all development plans and interventions.<sup>24</sup>

9. The 2005 CCA indicated the emergence of the women legislators caucus in the National Assembly, the National Women's Council, and the National Women's Bureau.<sup>25</sup>

### **D. Policy measures**

10. A 2009 UNODC report indicated that, in 2007, a national action plan on trafficking in persons was adopted, and the specific offence for trafficking in persons was established.<sup>26</sup>

11. The 2007-2011 United Nations Development Assistance Framework (UNDAF) indicated that the Gambia has adopted a comprehensive Poverty Reduction and Growth Strategy and committed itself to mainstreaming Millennium Development Goals in all its national plans and sector specific strategies.<sup>27</sup>

12. The 2005 CCA noted that the national HIV/AIDS policy was being reviewed in order to be updated in 2006. A national HIV/AIDS Strategic Framework was finalized for the period 2003 to 2008.<sup>28</sup>

13. CRC recommended that the Gambia pay particular attention to the implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, especially economically and geographically disadvantaged groups.<sup>29</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

Treaty body <sup>30</sup>	Latest report submitted and considered	Latest concluding observations	Follow-up response	Reporting status
CESCR		18 May 1994 <sup>31</sup>		First, second, third and fourth reports overdue since 1990, 1995, 2000 and 2005, respectively
HR Committee	1983	Aug. 2004 <sup>32</sup>		Second report overdue since 1985
CEDAW	2003	15 July 2005		Fourth report overdue since 2006
CRC	1999	12 Oct. 2001		Second and third reports overdue since 1997 and 2002, respectively
CERD	1980	1982 (2009) <sup>33</sup>		Second to fifteenth periodic reports overdue from 1982 to 2008

14. In 2002, the Human Rights (HR) Committee considered the situation of civil and political rights in the Gambia, under the International Covenant on Civil and Political Rights, in the absence of a periodic report, regretting the failure to honour reporting obligations and that no report had been submitted to the Committee since 1983.<sup>34</sup> In 2009, the Committee on the Elimination of Racial Discrimination (CERD) considered the implementation of the Convention in the absence of the overdue periodic reports noting with regret that no report had been submitted since 1980.<sup>35</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	-
<i>Visits agreed upon in principle</i>	-
<i>Visits requested and not yet agreed upon</i>	(Requested in 2006, 2007) Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; (requested in 2007) Special Rapporteur on the right to education; (requested in 2009) Special Rapporteur on the sale of children, child prostitution and child pornography.
<i>Facilitation/cooperation during missions</i>	-
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, 10 communications were sent concerning, inter alia, particular groups and three women. The Government replied to none of the communications.
<i>Responses to questionnaires on thematic issues</i> <sup>36</sup>	Gambia responded to none of the 16 questionnaires sent by special procedures mandate holders. <sup>37</sup>

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

### **1. Equality and non-discrimination**

15. CEDAW was concerned about the persistence of strong patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in society. It urged the Gambia to introduce measures to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women.<sup>38</sup>

16. The 2005 CCA indicated that persistent gender inequity poses a severe obstacle to sustainable socio-economic development.<sup>39</sup> Women are less likely than men to be in positions of power and decision-making in almost all key occupational positions. As patriarchal societies predominate, the status of women remains low compared to men. The root causes of these gender disparities rest in deeply entrenched traditional beliefs and practices, as well as poverty.<sup>40</sup> The HR Committee expressed its concern about systemic discrimination against women. It recommended taking appropriate measures to ensure that domestic laws and customary law, as well as certain aspects of the Sharia, are interpreted and applied in ways compatible with the provisions of the Covenant.<sup>41</sup>

17. In 2007, the ILO Committee of Experts on the Application of Conventions and Recommendations recalled that the constitutional provisions on freedom from discriminatory laws do not apply to persons who are not citizens of Gambia.<sup>42</sup> The ILO Committee of Experts also emphasized that it is not permissible to exclude non-citizens from the coverage of the ILO Discrimination (Employment and Occupation) Convention<sup>43</sup> and urged the Gambia to ensure that the new labour law includes a comprehensive definition of discrimination.<sup>44</sup>

18. CRC expressed concern that the principle of non-discrimination was not adequately implemented with respect to certain vulnerable groups of children, especially girls, children born out of wedlock and children with disabilities.<sup>45</sup> It recommended that the Gambia establish a definition of the child in accordance with article 1 of the Convention; set the legal minimum age for marriage of girls and boys at 18 years; and establish legal minimum ages for compulsory education, employment and enlistment in the armed forces.<sup>46</sup>

19. CRC further recommended, inter alia, implementing alternatives to the institutionalization of children with disabilities; establishing special education programmes for them and, where feasible, integrating them into mainstream schools and public life; undertaking awareness-raising campaigns to sensitize the public about children with disabilities as well as children with mental health concerns; increasing resources, both financial and human, and enhancing the support given to families of children with disabilities.<sup>47</sup>

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

20. In 2002, the HR Committee noted with concern that the death penalty was reintroduced in August 1995, after its abolition in 1993 and that Gambian law did not seem to prohibit the death penalty for crimes committed by persons under the age of 18. According to the HR Committee, several death sentences have been imposed, but they were apparently not carried out.<sup>48</sup>

21. The HR Committee recommended that the Gambia investigate allegations of instances of excessive use of force, especially use of lethal force and extrajudicial executions by the security forces, and bring to justice those found responsible for such acts.<sup>49</sup>

22. In January 2008, the Working Group on Enforced or Involuntary Disappearances reported a case of disappearance. The victim was reportedly taken by security agents from the National Intelligence Agency in the town of Bakau in January 2006. The case remains outstanding.<sup>50</sup>

23. The HR Committee was concerned about information that conditions of detention at Mile Two prison were not compatible with article 10 of the Covenant<sup>51</sup> and recommended that an independent body investigate all allegations of ill-treatment and torture in custody.<sup>52</sup>

24. The HR Committee was also concerned about information that numerous members of the political opposition, independent journalists and human rights defenders had been subjected to arbitrary arrest and periods of detention of varying length without charges.<sup>53</sup> It recommended that the Gambia ensure that all those arrested and detained are either properly charged and brought to trial without delay, or released.<sup>54</sup> In March 2007, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment reported that a journalist and several persons were detained in connection with an alleged coup attempt in March 2006. They were charged with treason and conspiracy, which may be punishable by death penalty. At least eight other persons were also detained without charges, some of them incommunicado.<sup>55</sup>

25. The 2005 CCA indicated that some socio-cultural beliefs tend to inhibit the advancement of women and lead to harmful practices such as violence against women in various forms and commercial sexual exploitation.<sup>56</sup> CEDAW urged the Gambia to enact legislation on violence against women, including domestic violence.<sup>57</sup> It requested the Gambia to introduce legislation on the prohibition of trafficking; to implement legislation on the exploitation of the prostitution of women and to prosecute offenders and called upon the Gambia to ensure the implementation of the 2003 Tourism Offence Act and to enhance cooperation with tourists' countries of origin aimed at preventing and combating sex tourism.<sup>58</sup> UNICEF stated that female genital mutilation/cutting was widely practiced.<sup>59</sup> CEDAW,<sup>60</sup> the HR Committee<sup>61</sup> and the Committee on Economic, Social and Cultural Rights (CESCR)<sup>62</sup> urged the Gambia to adopt and implement legislation prohibiting female genital mutilation, and to ensure that offenders are prosecuted and punished,<sup>63</sup> and recommended taking legal and educational measures to combat this practice.<sup>64</sup>

26. UNICEF noted that social and cultural norms hindered the execution of the 2005 Children's Act, as harmful practices such as corporal punishment, female genital mutilation/cutting, early or forced marriage, domestic violence, were still widely practiced.<sup>65</sup> CRC recommended taking legislative measures to prohibit all forms of physical and mental violence, including corporal punishment as a penal sanction within the juvenile justice system, in schools and care institutions, as well as in families.<sup>66</sup> It also recommended undertaking studies on domestic violence, ill-treatment and abuse, including sexual abuse within the family.<sup>67</sup>

27. The 2005 CCA noted that children are subjected to abuse, neglect, violence and exploitation, including children living and working in the street. Children are also subjected to sexual abuse and exploitation, trafficking, baby abandonment and corporal punishment in homes and institutions, as well as been orphaned or made vulnerable by HIV/AIDS.<sup>68</sup> CRC was concerned about the increasing number of child victims of commercial sexual exploitation, especially among child labourers and street children.<sup>69</sup>

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

28. The 2006 annual report of the Resident Coordinator indicated that in March 2006 the Gambian authorities announced that military officers had perpetrated a failed coup attempt. Following this announcement, there were a number of arrests of senior military officers, members of the National Assembly, journalists, prominent civilians and private lawyers: the overall human rights situation, particularly with regard to arbitrary arrest and detention, free and fair trials, freedom of expression and of press, had deteriorated significantly in the post-coup environment.<sup>70</sup>

29. The HR Committee noted that detainees opposed to the Government and facing criminal charges did not always benefit from all guarantees of a fair trial, and that some had been tried before military courts. It recommended that the Gambia afford trials to all those facing criminal charges, in full conformity with the Covenant.<sup>71</sup> It also noted that Decree No. 45 (1995) and Decree No. 66 (1996) of the Armed Forces Provisional Ruling Council (AFPRC), extending the period of detention for up to 90 days, were neither compatible with the constitutional provisions governing arrest and detention, nor with the Covenant. It recommended that the Gambia repeal Decrees Nos. 45 and 66.<sup>72</sup>

30. CEDAW urged the Gambia to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers.<sup>73</sup>

31. UNICEF mentioned that the lack of administrative structures, such as regional children's courts and rehabilitation facilities for juvenile offenders, hampers the enforcement of the Children's Act of 2005.<sup>74</sup> CRC was concerned at the absence of juvenile courts and juvenile judges, and the lack of social workers and teachers to work in this field.<sup>75</sup> In this respect, the Committee made a number of recommendations.<sup>76</sup>

### **4. Right to marriage and family life**

32. CEDAW expressed concern that the Constitution explicitly exempts from prohibition of discrimination on grounds of gender the areas governing personal status, particularly regarding adoption, marriage, divorce, burial and devolution of property on death.<sup>77</sup> The 2005 CCA indicated that subsection 5 of the Constitution states that women can only seek protection under customary law regarding adoption, marriage divorce and inheritance.<sup>78</sup>

33. CEDAW expressed concern about the widespread practice of polygamy.<sup>79</sup> The HR Committee recommended that this practice be discouraged and that laws permitting early marriages of boys and girls, at different ages, be amended.<sup>80</sup>

34. The 2005 CCA noted that many children are not registered at birth.<sup>81</sup> CRC recommended that the Gambia strengthen its efforts to ensure that all children are registered at birth and to facilitate the issuance of birth certificates, for example by combining birth registration with the automatic issuance of a free birth certificate.<sup>82</sup>

### **5. Freedom of movement**

35. The HR Committee expressed concern that the Government had withdrawn the passports of several members of the political opposition to prevent them from leaving the country and recommended that the Gambia respect the rights guaranteed under article 12 of the Covenant.<sup>83</sup>

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

36. The Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on human rights defenders from the African Commission on Human and Peoples' Rights were concerned about the security of human rights defenders in the Gambia and hundreds of those who will attend the session of the African Commission on Human and Peoples' Rights, to be held in Banjul, in November 2009. The Special Rapporteurs urged the Gambian authorities to take all necessary steps to ensure the protection of everyone, individually and in association with others, against any violence, retaliation, adverse discrimination or pressure as a consequence of his or her legitimate exercise of the rights referred to in the Declaration on Human Rights Defenders.<sup>84</sup>

37. In April 2006, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal regarding two journalists who had been arrested. Charges against them were unknown and they were not allowed to see any visitors.<sup>85</sup> In October 2007, the Special Rapporteur, jointly with the Special Representative of the Secretary-General on the situation of human rights defenders, brought to the attention of the Government information concerning a staff member of a non-governmental organization and a journalist from a local newspaper who were arrested by the National Intelligence Agency. Neither of them had been charged with an offence.<sup>86</sup> In April 2008, the Special Rapporteur sent an allegation letter regarding a journalist who was arrested in March 2007 by the National Intelligence Agency and accused of sedition, for an article she had published in the now-banned newspaper "The Independent" in June 2004. At the last hearing, in March 2008, the Judge adjourned her case indefinitely.<sup>87</sup>

38. The HR Committee considered that legislation passed in May 2002, creating a National Media Commission vested with the power to order the detention of journalists and to impose heavy fines on them, was incompatible with articles 9 and 19 of the Covenant. The Commission's procedure for the licensing of journalists was equally incompatible with article 19. The resort to libel and defamation charges against journalists was also cause for concern. Likewise, the closure of independent radio stations, as well as the possibility to impose heavy fines on independent newspapers, was indicative of unjustifiable restrictions on freedom of thought and expression and of a pattern of harassment of independent media. The Committee recommended reviewing the above-mentioned legislation, with a view to bringing it into conformity with the provisions of articles 9, 18 and 19 of the Covenant.<sup>88</sup>

39. The HR Committee was also concerned that the right to freedom of assembly was subject to limitations, including denial of authorization to hold meetings, targeted in particular at the political opposition.<sup>89</sup> It recommended that the Gambia treat all political parties equally and provide them with equal opportunities for the pursuit of their legitimate activities.<sup>90</sup>

40. CEDAW encouraged the Gambia to increase the representation of women in elected and appointed bodies in all areas of public and political life and at all levels.<sup>91</sup> The HR Committee was concerned about the inadequate participation of women in political life.<sup>92</sup> A 2009 United

Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament decreased from 13.2 per cent in 2006 to 9.4 per cent in 2009.<sup>93</sup>

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

41. The 2005 CCA noted that employment opportunities are gender biased in favour of men, particularly in the formal sector. In this sector, education is a prerequisite but the traditional gender roles and cultural norms have contributed to the general low level of education among Gambian women. Women occupy 9.4 per cent of the skilled labour force and 61.9 per cent of the unskilled labour category.<sup>94</sup>

42. The ILO Committee of Experts urged the Gambia to consider including a specific provision in the new Labour Code providing for equal remuneration for men and women for work of equal value.<sup>95</sup> CEDAW urged the Gambia to ensure equal opportunity for women and men in the labour market through, inter alia, the use of temporary special measures.<sup>96</sup> Likewise, the HR Committee was concerned at the inadequate participation of women in public and private sector employment.<sup>97</sup>

43. The ILO Committee of Experts recalled that the Labour Act does not apply to workers engaged in the civil service, prison service and domestic service and requested the Gambia to guarantee that the rights afforded by the ILO Right to Organise and Collective Bargaining Convention are ensured for these categories of workers.<sup>98</sup>

44. CRC encouraged the Gambia to introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, particularly in the informal sectors. It recommended establishing a clear legal minimum age for employment,<sup>99</sup> and the introduction of programs to discourage and prevent child begging.<sup>100</sup>

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

45. The 2007-2011 UNDAF indicated that access to quality health care, nutrition; education and sanitation services have been undermined by government budgetary crises.<sup>101</sup> UNICEF noted that declining government expenditure on education and health has had an adverse effect on the quality of basic social services, especially for the poor.<sup>102</sup>

46. The 2005 CCA observed that maternal malnutrition, caused by poverty, leads to low birth weight babies, which in turn are more likely to die in infancy, or before the age of five.<sup>103</sup> Extreme poverty is most severe in rural areas.<sup>104</sup> The most common childhood conditions related to childhood morbidity and mortality include malaria, acute respiratory infections, malnutrition and diarrhoea. Together these conditions contribute to 60-70 per cent of child mortality.<sup>105</sup>

47. CEDAW remained concerned that maternal and infant mortality rates continue to be very high<sup>106</sup> and recommended that the Gambia make every effort to decrease them, and increase women's access to health services, including health-care facilities and medical assistance.<sup>107</sup> The HR Committee expressed concern that the criminalization of abortion, even when pregnancy threatens the life of the mother or results from rape, leads to unsafe abortions, which contributes to a high rate of maternal mortality.<sup>108</sup>

48. CEDAW urged the Gambia to ensure that rural women and girls have full access to health-care services, education and vocational training, as well as credit facilities and income-generating opportunities.<sup>109</sup>

49. CEDAW further recommended the implementation of comprehensive policies and programmes to prevent and combat malnutrition, malaria and HIV/AIDS.<sup>110</sup> The 2005 CCA highlighted that women are particularly vulnerable to HIV infection due to socio-cultural factors.<sup>111</sup> UNICEF noted that the prospects of achieving the Millennium Development Goal (MDG) target of halting and reversing the incidence of HIV/AIDS in the Gambia were uncertain.<sup>112</sup>

50. CRC recommended that the Gambia: allocate sufficient resources to reinforce its policies and programmes to improve health care for children; reduce the incidence of maternal, child and infant mortality; increase access to safe drinking water; improve sanitation; prevent and combat malnutrition; reduce the incidence of malaria and respiratory infections;<sup>113</sup> strengthen adolescent health policies, including reproductive health education;<sup>114</sup> and reinforce its efforts to provide support and material assistance to economically disadvantaged families.<sup>115</sup>

51. In January 2007, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health reported that, following a complaint from mental health advocates, the African Commission on Human and Peoples' Rights ordered the Government to replace, as soon as possible, the Lunatics Detention Act with a new legislative scheme for mental health that was compatible with the African Charter on Human and Peoples' Rights, as well as more specific international standards for the protection of persons with disabilities.<sup>116</sup>

## **9. Right to education**

52. The 2005 CCA noted that high drop out rates are an underlying cause of the high rates of illiteracy, especially for girl children.<sup>117</sup> Many families are still unable to meet education costs and the value of schooling is still perceived differently for boys and girls in some communities.<sup>118</sup> CEDAW urged the Gambia to take measures that reflect the importance of realizing women's and girls' right to education as a fundamental human right, and a means for the empowerment of women. The Committee also encouraged the use of temporary special measures in order to accelerate the improvement of women's and girls' education.<sup>119</sup>

53. The ILO Committee of Experts asked the Gambia to indicate the measures taken, including their impact, to promote women's access to education and a wide variety of vocational training courses, including their participation in training courses primarily attended by men.<sup>120</sup>

54. CRC recommended taking effective measures to make primary education free, train teachers, including female teachers, enhance the quality of education and improve the literacy rate. It further recommended increasing enrolment in schools by, inter alia, abolishing and/or rationalizing user fees at all levels of the educational system.<sup>121</sup>

## **10. Migrants, refugees and asylum-seekers**

55. The 2007 annual report of the Resident Coordinator noted that the intensification of the fighting among rebels and the army in a neighbouring country resulted in an influx of over 6,500 refugees in 56 villages located in the Kombo and Foni districts of Gambia.<sup>122</sup> CRC

recommended taking legal and other measures to ensure adequate protection of refugee, asylum-seeking and unaccompanied children and implement further policies and programmes to guarantee their access to health, education and social services.<sup>123</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

56. The 2005 CCA indicated that the primary challenges consist of the persistence of, and increase in poverty. The country also faces formidable challenges in the form of persistent gender inequality, inadequate provision of health and education services (particularly for the poor and rural residents), nonobservance of child rights and rising HIV prevalence rates.<sup>124</sup> The Millennium Development Goal to eradicate extreme poverty and hunger is, in many ways, the most daunting challenge for Gambia.<sup>125</sup>

57. CRC acknowledged that the economic and social difficulties had a negative impact on the situation of children. The coexistence of various ethnic groups and several legal systems (common law, customary law and the Sharia), and the effects of traditional practices not conducive to the rights of the child, were other elements which affected the full implementation of the Convention.<sup>126</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

#### **Specific recommendations for follow-up**

58. The HR Committee invited the Gambia to provide replies to the concerns raised in its provisional concluding observations by 31 December 2002.<sup>127</sup> On 11 June 2008, the Special Rapporteur for follow-up on concluding observations informed the Government that, at its ninety-third session, the Committee had declared the Gambia to be in breach of its obligation to cooperate with the Committee in the performance of its functions under Part IV of the Covenant.<sup>128</sup>

### **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

59. The 2007-2011 UNDAF outlined the need for action in the following priority areas: poverty reduction and social protection, basic social services and governance and human rights.<sup>129</sup>

60. CRC recommended that the Gambia seek technical assistance: from, inter alia, UNICEF and UNDP related to its recommendations on abuse, violence and neglect;<sup>130</sup> from UNICEF and WHO, to implement the recommendations on adolescent health;<sup>131</sup> and from WHO and UNESCO, for the training of professional staff, including teachers, working with children with disabilities.<sup>132</sup> CRC also recommended strengthening the educational system through closer cooperation with UNICEF and UNESCO,<sup>133</sup> and continuing to cooperate with, among others, WHO and UNICEF, through the Integrated Management of Childhood Illnesses and other measures for child health improvement.<sup>134</sup>

## Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

<sup>2</sup> The following abbreviations have been used for this 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
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 Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> "For financial reasons free legal assistance for accused persons is limited in our constitution to persons charged with capital offences only. The Government of the Gambia therefore wishes to enter a reservation in respect of article 14 (3) (d) of the Covenant in question."

<sup>4</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant."

<sup>5</sup> Signed but not ratified (23 Oct. 1985).

<sup>6</sup> Signed but not ratified (21 Dec. 2000).

<sup>7</sup> Ibid.

<sup>8</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>9</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>10</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); Convention relative to the Treatment of Prisoners of War (Third Convention); 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); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). 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>11</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 Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize 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 the 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>12</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.165), paras. 69 and 70.

<sup>13</sup> CEDAW, *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38 (A/60/38)*; paras. 215 and 218.

<sup>14</sup> Gambia CCA 2005, p. 14, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf).

<sup>15</sup> A/60/38, paras. 187-188

<sup>16</sup> E/CN.4/2006/95/Add.5, paras 628 - 630

<sup>17</sup> UNICEF submission to the UPR on Gambia, para. 22.

<sup>18</sup> Gambia, CCA 2005, p. 11, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf).

<sup>19</sup> UNICEF submission to the UPR on Gambia, para. 14.

<sup>20</sup> CRC/C/15/Add.165, paras. 11 and 12.

<sup>21</sup> UNICEF submission to the UPR on Gambia, para. 19.

<sup>22</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

<sup>23</sup> CRC/C/15/Add.165, paras. 17 and 18.

<sup>24</sup> UNDG, Resident Coordinator Annual Report 2008 - Gambia, available at <http://www.undg.org/rcar08.cfm?fuseaction=RCAR&ctyIDC=GAM&P=1095>

<sup>25</sup> Gambia, CCA 2005, p. 13, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf).

<sup>26</sup> UNODC, Global Report on Trafficking in Persons, 2009, Vienna, p. 98, available at [http://www.unodc.org/documents/human-trafficking/Global\\_Report\\_on\\_TIP.pdf](http://www.unodc.org/documents/human-trafficking/Global_Report_on_TIP.pdf).

<sup>27</sup> Gambia, UNDAF 2007-2011, 2006, pp. 10-11, available at [http://www.undg.org/archive\\_docs/8408-Gambia\\_UNDAF\\_2007-2011.pdf](http://www.undg.org/archive_docs/8408-Gambia_UNDAF_2007-2011.pdf).

<sup>28</sup> Gambia, CCA 2005, p. 18, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf).

<sup>29</sup> CRC/C/15/Add.165, paras. 19 and 20.

<sup>30</sup> The following abbreviations have been used for this 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>31</sup> Situation considered in the absence of a report.

<sup>32</sup> The HR Committee considered the situation of civil and political rights in the Gambia during its seventy-fifth session (July 2002) in the absence of a report and a delegation. Provisional concluding observations were sent to the State party. At the end of the eighty-first session (July 2004), the Committee decided to convert them into final and public observations. At its ninety-fourth session (October 2008), the Committee also decided to declare the State party in non-compliance with its obligations under article 40 of the Covenant (A/64/40).

<sup>33</sup> The latest concluding observations by CERD are from 1982 (A/37/18, paras. 61-72). Gambia was subjected to CERD's Review procedure (situation considered in the absence of a report) in 2009 (CERD/C/GMB/CO/14), however, no concluding observations that include country specific concerns and/or recommendations are contained therein.

<sup>34</sup> Concluding observations of the Human Rights Committee (CCPR/CO/75/GMB), para. 2.

<sup>35</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/GMB/CO/14), para. 2.

<sup>36</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>37</sup> See (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special

Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (h) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (i) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (j) report on the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, especially women and children; (k) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes, sent in October 2008; (l) report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (m) report of the Special Rapporteur on violence against women, (June 2009) (A/HRC/11/6) questionnaire on violence against women and political economy; (n) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour; (o) report of the Special Rapporteur on the right to food to the twelfth session of the Council (A/HRC/12/31), questionnaire on world food and nutrition security; (p) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography.

<sup>38</sup> A/60/38, paras. 191-192.

<sup>39</sup> Gambia, CCA 2005, p. 12, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf)

<sup>40</sup> Ibid., p. 13.

<sup>41</sup> CCPR/CO/75/GMB, para. 16.

<sup>42</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Geneva, doc. No. (ILOLEX) 092006GMB111, para. 3.

<sup>43</sup> Ibid., para. 3.

<sup>44</sup> Ibid., para. 2.

<sup>45</sup> CRC/C/15/Add.165, paras. 25 and 26.

<sup>46</sup> Ibid., paras. 23 and 24.

<sup>47</sup> Ibid., paras. 50 and 51.

<sup>48</sup> CCPR/CO/75/GMB, para. 8.

<sup>49</sup> Ibid., para. 7.

<sup>50</sup> A/HRC/7/2, , paras 133-135

<sup>51</sup> CCPR/CO/75/GMB, para. 12.

<sup>52</sup> Ibid., para. 9.

<sup>53</sup> Ibid., para. 11.

<sup>54</sup> Ibid., para. 12.

<sup>55</sup> A/HRC/4/33/Add.1, para 71.

<sup>56</sup> Gambia, CCA 2005, p. 13, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf).

<sup>57</sup> A/60/38, paras. 193-194.

<sup>58</sup> Ibid., para. 198.

<sup>59</sup> UNICEF submission to the UPR on Gambia, para. 21.

<sup>60</sup> A/60/38, para. 196.

<sup>61</sup> CCPR/CO/75/GMB, para. 10.

<sup>62</sup> E/C.12/1994/9, para. 16.

<sup>63</sup> A/60/38, para. 196.

<sup>64</sup> CCPR/CO/75/GMB, para. 10.

<sup>65</sup> UNICEF submission to the UPR on Gambia, para. 15.

<sup>66</sup> CRC/C/15/Add.165, paras. 32 and 33.

<sup>67</sup> Ibid., paras. 40 and 41.

<sup>68</sup> Gambia, CCA 2005, p. 11, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf).

<sup>69</sup> CRC/C/15/Add.165, para. 64.

<sup>70</sup> UNDG, Resident Coordinator Annual Report 2006 - Gambia, available at <http://www.undg.org/rcar.cfm?fuseaction=RCAR&ctyIDC=GAM&P=490>.

<sup>71</sup> CCPR/CO/75/GMB, para. 14.

<sup>72</sup> Ibid., para. 13.

<sup>73</sup> A/60/38, paras. 187-188.

<sup>74</sup> UNICEF submission to the UPR on Gambia, para. 15.

- <sup>75</sup> CRC/C/15/Add.165, para. 66.
- <sup>76</sup> Ibid., para. 68.
- <sup>77</sup> A/60/38, paras. 189-190.
- <sup>78</sup> Gambia, CCA 2005, p. 13, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf).
- <sup>79</sup> A/60/38, paras. 189-190.
- <sup>80</sup> CCPR/CO/75/GMB, para. 18.
- <sup>81</sup> Gambia, CCA 2005, p. 11, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf)
- <sup>82</sup> CRC/C/15/Add.165, paras. 30 and 31.
- <sup>83</sup> CCPR/CO/75/GMB, para. 15.
- <sup>84</sup> OHCHR, Media statement, 9 October 2009.
- <sup>85</sup> A/HRC/4/27/Add.1, para. 243
- <sup>86</sup> A/HRC/7/14/Add.1, paras. 227-228
- <sup>87</sup> Ibid., paras. 897-899.
- <sup>88</sup> CCPR/CO/75/GMB, paras. 19 to 21.
- <sup>89</sup> CCPR/CO/75/GMB, para. 22.
- <sup>90</sup> Ibid., para. 23.
- <sup>91</sup> A/60/38, paras. 199-200.
- <sup>92</sup> CCPR/CO/75/GMB, para. 16(b).
- <sup>93</sup> United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg/Data.aspx> .
- <sup>94</sup> Gambia CCA 2005, p. 7, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf).
- <sup>95</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Equal Remuneration Convention, 1951 (No. 100), Geneva, doc. No. (ILOLEX) 092009GMB100, para. 2.
- <sup>96</sup> A/60/38, paras. 199-200.
- <sup>97</sup> CCPR/CO/75/GMB, para. 16(b).
- <sup>98</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Geneva, doc. No. (ILOLEX) 062009GMB098, p. 1.
- <sup>99</sup> CRC/C/15/Add.165, paras. 62 and 63.
- <sup>100</sup> Ibid., paras. 60 and 61.
- <sup>101</sup> Gambia, UNDAF 2007-2011, 2006, p. 10, available at [http://www.undg.org/archive\\_docs/8408-Gambia\\_UNDAF\\_2007-2011.pdf](http://www.undg.org/archive_docs/8408-Gambia_UNDAF_2007-2011.pdf).
- <sup>102</sup> UNICEF submission to the UPR on Gambia, para. 10.
- <sup>103</sup> Gambia CCA 2005, p. 8, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf) .
- <sup>104</sup> Ibid., p. 6.
- <sup>105</sup> Ibid., p. 14.
- <sup>106</sup> A/60/38, para. 212; see also concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/1994/9), para. 16.
- <sup>107</sup> A/60/38, para. 204.
- <sup>108</sup> CCPR/CO/75/GMB, para. 17.
- <sup>109</sup> A/60/38, paras. 211-212.
- <sup>110</sup> Ibid., para. 206.
- <sup>111</sup> Gambia CCA 2005, p. 18.
- <sup>112</sup> UNICEF submission to the UPR on Gambia, para. 13.
- <sup>113</sup> CRC/C/15/Add.165, paras. 42 and 43.
- <sup>114</sup> Ibid., paras. 44 and 45.
- <sup>115</sup> Ibid., paras. 52 and 53.
- <sup>116</sup> A/HRC/4/28, para. 86.
- <sup>117</sup> Gambia CCA 2005, p. 7, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf) .
- <sup>118</sup> Ibid., p. 12.
- <sup>119</sup> A/60/38, paras. 207-208.
- <sup>120</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Geneva, doc. No. (ILOLEX) 092009GMB111, para. 4.
- <sup>121</sup> CRC/C/15/Add.165, paras. 54 and 55.
- <sup>122</sup> UNDG, Resident Coordinator Annual Report 2007 - Gambia, available at <http://www.undg.org/rcar07.cfm?fuseaction=RCAR&ctyIDC=GAM&P=589>.

<sup>123</sup> CRC/C/15/Add.165, paras. 56 and 57.

<sup>124</sup> Gambia CCA 2005, p. iv, available at [http://www.undg.org/archive\\_docs/7624-Gambia\\_CCA.pdf](http://www.undg.org/archive_docs/7624-Gambia_CCA.pdf).

<sup>125</sup> *Ibid.*, p. 6.

<sup>126</sup> CRC/C/15/Add.165, para. 10.

<sup>127</sup> CCPR/CO/75/GMB, para. 25.

<sup>128</sup> Report of the Special Rapporteur for follow-up on concluding observations (CCPR/C/95/2/Rev.1), pp. 2 and 3.

<sup>129</sup> Gambia UNDAF 2007-2011, 2007, p. 7, available at [http://www.undg.org/archive\\_docs/8408-Gambia\\_UNDAF\\_2007-2011.pdf](http://www.undg.org/archive_docs/8408-Gambia_UNDAF_2007-2011.pdf).

<sup>130</sup> CRC/C/15/Add.165, para. 41.

<sup>131</sup> *Ibid.*, para. 45.

<sup>132</sup> *Ibid.*, para. 51 (g).

<sup>133</sup> *Ibid.*, para. 55.

<sup>134</sup> *Ibid.*, para. 43 (d).

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