

**STATEMENT
BY
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**FOLLOW UP SESSION ON THE REPORT OF
WORKING GROUP ON THE UNIVERSAL PERIODIC
REVIEW ON THE GAMBIA**

**FOURTEENTH SESSION
UNIVERSAL PERIODIC REVIEW
HUMAN RIGHTS COUNCIL**

**11 JUNE 2010
GENEVA, SWITZERLAND**

Mr. President,

Your Excellencies

Distinguished ladies and gentlemen,

It is with great pleasure that The Republic of The Gambia is given the opportunity once again to give an update on the follow up measures taken after a successful interactive session with the Working Group on the Universal Periodic Review in February 2010. During that session, The Gambia had the unique opportunity to share with the whole world the giant strides it has made in promoting and protecting human rights in the Gambia as well as the problems and challenges encountered in this process. Consequently, recommendations were made by the plenary for our consideration. The Gambia was presented with 141 recommendations, 61 of these were accepted, 30 were rejected and 50 of them were deferred for a response during the 14th Session of the UPR.

Mr. President,

Excellencies

Distinguished ladies and gentlemen,

We are happy to state that the 50 recommendations in paragraph 99 of the Report of the Working Group that were deferred have been considered at the national level and we would like to report to this august body with respect to these recommendations.

Recommendations 1-8 under paragraph 99 of the Report call on The Gambia to ratify or accede to the main human rights instruments, namely CAT, OP-CAT, OP-ICCPR, OP-CEDAW, OP-ICESCR, the two optional protocols to the CRC,

Convention on the Protection of all Persons from Enforced Disappearances, the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Convention on the Rights of Persons with Disabilities.

We would like to report that the ratification process of the Rights of Persons with Disabilities is far advanced as this treaty is in line with the Constitutional protection provided to persons with disabilities in the Gambia. As parties to the parent treaties cited above, The Gambia is also seriously considering the list of these outstanding human rights instruments and would endeavour to ratify/accede to them. We therefore hope to engage the International Community and the UN Treaty bodies for technical assistance in this area. With regards to the two optional protocols to the CRC, we have reported in February that these protocols have been ratified in April 2008 by the National Assembly of the Gambia and the instruments of ratification have been sent to the United Nations Office in New York to be deposited.

Recommendations 9-14, 40 and 43 deal with the need to enact legislation and to put in place mechanisms and structures to promote and protect women's rights in line with CEDAW and other international legal instruments especially protection against all forms of violence. To demonstrate the Gambia's commitment to the promotion and protection of Women's rights, the Women's Bill 2009 was enacted into law in April 2010. This Act incorporated the provisions of CEDAW and the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. This new legislation was highly welcomed by the Gambian people as a key step towards promoting and protecting women's rights in the Gambia. In addition, several other interventions are being undertaken to promote women's rights and children.

These include the validation of the National Gender and Women Empowerment Policy in May 2010. This policy has a whole section dealing with measures and strategies to eradicate Violence Against Women (VAW) and Gender Based Violence (GBV). The Strategies of the policy include:

- Conducting a National study on GBV which will be conducted this year and supported by UNDP.
- After the study a National Programme will be developed and supported by UNDP
- Key institutions will be strengthened to properly keep records on GBV and supported by UNDP
- The laws of the Gambia will also be reviewed with a view to formulate a separate and comprehensive Bill on GBV.
- Training of Women leaders on their roles and responsibilities, leadership and conflict resolution
- Conducting a review of laws, with a view to fully harmonize all International, Regional and National commitments on the promotion, protection and empowerment of Women.

Following the UPR review process in February, the recommendations on FGM (28-30,40-42 and 44) were discussed with key stakeholders such as National Assembly Members, Religious Leaders and Women Leaders. The outcome of such consultations revealed that legislation is not the answer now but there is an urgent need for continued public education on the dangers of the practice, and a national study. Subsequently, a National Steering Committee has been set-up to review WASU Kafo's study to determine if it can be used as evidence or whether there is a need for a new clinical and empirical study to be conducted. The studies if conducted will cover a Situational Analysis on FGM in the

Gambia and Clinical/Medical Research on FGM. A Social Study on FGM is also being conducted and supported by UNICEF and an Education Programme on Gender and Religion using the media will be launched soon.

With respect to Recommendation 15, we would want to report that there are laws already in place to protect children against violence and abuse of all forms. Efforts are also being made through the Department of Social Welfare to sensitise communities and institutions on child protection and the use of alternative disciplinary measures for children with a view to involve them in promoting these alternative measures. Similarly, a training manual on alternative disciplinary measures has also been developed and introduced in Teacher Training College Curriculum. The Child Protection Alliance, a locally based civil society organisation is also working in partnership with Government and communities to sensitise on the promotion of alternative disciplinary measures for children. It is hoped that the long term effect of these initiatives will go a long way in ensuring effective implementation of the laws.

On the issue of Juvenile Justice, The Government of the Gambia is equally concerned as the Children's Act 2005 clearly provides for the adequate protection of Children in conflict with the law. Government through the Ministry of the Interior has identified sites where new corrective centres for child offenders will be erected. Currently, there is a separate Juvenile Wing in one of the Prisons which is completely isolated from the main prison camp and some basic structures have been put in place to make it child friendly. The Social workers at the Department of Social Welfare conduct regular visits to the wing to provide counselling and other services, link up parents with their children and have a sustained and well defined reintegration programmes for them. The children also have access to basic education and skills training.

Training manuals on juvenile justice have been developed for use by the Police and Prison Training Schools respectively. The After Arrest Procedures developed for the Police is also being reviewed and the Special Rules of Procedure for the Children's Court have also been validated in April 2010.

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There were recommendations for the establishment of a National Human Rights Commission (NHRC) (16-19). This has also been considered and we are happy to report that the possibility of having a separate NHRC or expanding the mandate of the Office of the Ombudsman is being looked into. This will enable The Gambia to make an informed decision to better serve the interest of Gambians. We look forward to working with the international and regional bodies for technical assistance in this area.

The National Council for Civic Education is also an institution established under the Constitution. It enjoys its independence and due to the limited financial resources to operate, the Gambia has approached the UNDP and other international donors to assist in this regard.

Regarding the timelines for submitting overdue reports as highlighted in recommendations 21-22. We would like to report that in view of the serious capacity and financial constraints faced by the Gambia, we will endeavour within 2 years, subject to the technical and financial assistance of the UN Human Rights Bodies and the International Community to submit all pending reports.

We are also committed to cooperate with the special procedures established under the UN Treaty Bodies and would therefore treat with utmost urgency any request for invitations by these special procedures. This cooperation has been established with the African Union and with many international and Civil Society Organisations. (Recommendations 22-27)

Recommendations 33-35 call for establishing a moratorium on the death penalty, ratification of OP2-ICCPR, review of Constitution on death penalty and abolishing of same. We would like to report that there is already a moratorium on the death penalty since 1995 when it was re-introduced. All prisoners sentenced to death are serving life imprisonment terms and none has been executed. However, the Gambia does not intend to abolish the death penalty now or anytime soon from the laws of the country. It is a punishment meant for only very serious crimes with adequate guarantees for the application of due process.

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With respect to recommendations 36-38, we would like to state that the 1997 Constitution of The Gambia clearly guarantees the right not to be tortured and protection against unlawful arrests and detentions. The challenge is how to effectively implement these laws. The Gambia is therefore committed to the protection of these rights and efforts are being made to overcome this challenge. A Human Rights Unit at the Headquarters to register complaints of such violations by security agents. These complaints are investigated and the culprits

are dealt with accordingly. A human rights training component has also been introduced in the police training curriculum. The Ministry of Interior and the Office of the IGP also work in collaboration with other stakeholders to strengthen the capacity of the police with a view to improve the level of professionalism in the execution of their duties. This is an ongoing process and we will leave no stone unturned to ensure an efficient, effective, professional and community friendly security force working in the service of the Gambian people.

Concerning recommendation 47, there is an ongoing investigation. However, the challenged faced by the investigators is that the two key witnesses are without the jurisdiction and all efforts to reach them proved futile. The Gambia welcomes the assistance of the international community to enable us close the investigation soonest. The findings of the investigation will also be made public once it is concluded.

The independence of the judiciary is guaranteed by the constitution as indicated in paragraph 61 of the Report of the Working Group and paragraphs 36-38 of the National Report. To ensure that these guarantees are strengthened, A Code of Conduct has been enacted for Judicial Officers for the first time in the history of The Gambia in 2009. The conditions of service and remuneration have also been improved tremendously during the 2008/2009 budget year. Thus recommendations 44-45 is already being implemented.

Similarly, the rights and activities of human rights defenders are recognised and protected by law in the Gambia. This is manifested by the uninterrupted operations of the African Commission on Human and Peoples Rights (ACHPR) for more than two decades, the African Centre for Democracy and Human

Rights Studies (ACDHRS), the Institute for Human Rights and Democracy in Africa(IHRDA) to name a few. Thus recommendations 48 and 49 are already being implemented in accordance with the laws of the Gambia and other international legal instruments and allegation of lack of protection of human rights defenders is unfounded.

Last but not the least, recommendation 50 is also being implemented. Under the Education for All and the Fast Track Initiative, The Gambia is one of the leading African countries that have met the MDG's with respect to primary school enrolment free of charge as well as gender parity. However, providing access to free education to all at all levels of education is a long term process and a challenge. This goal can only be realised progressively based on the availability of resources and would need the intervention and assistance of the international community.

Finally, we would once again use this opportunity to renew The Gambia's commitment to the UPR process and to thank the UPR Working Group , the HRC Plenary and all those who have participated in this interactive process especially our very abled Troika. We therefore look forward to an interactive plenary session.

Thank you for your kind attention