

HUMAN RIGHTS IN THE GAMBIA

UPR Info Pre-sessions

Recommendations that The Gambia accepted during previous UPR

- Improve the situation of freedom of expression in accordance with international standards, including through cooperation with international and regional human rights bodies;
- Ensure a favourable environment in law and in practice for the activities of journalists, human rights defenders and other civil society actors and refrain from harassment and intimidation against them;
- Accelerate the progress of consultations and ensure that the National Human Rights Institution functions in accordance with the Paris Principles.

Recommendations – Freedom of Association

- Engage in comprehensive reforms to laws limiting the right to freedom of peaceful assembly to bring them into compliance with international human rights law, in particular the Public Order Act (repealing Sections 5 and 167), repealing Sections 15(A) and 72 of the Criminal Code, and the Indemnity Act.
- Make public the Commission of Inquiry's report into the killing of demonstrators at Faraba Banta, to allow a full and open discussion on its recommendations, including to take action to ensure perpetrators of any crimes are held accountable, and to ensure that the use of force by law enforcement is placed on a legal footing consistent with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Freedom of Assembly

- Reform or replace Decree 81 (1996) on NGOs to bring it into compliance with international human rights law, in particular Article 22 of the ICCPR.
- In relation to the right to freedom of association, the government of The Gambia should be encouraged through the CRC to make revisions in line with Article 22 of the ICCPR.
- ARTICLE 19 urges the NGO Affairs Agency to act quickly and revise the mode of its operations to ensure civil society organisations operate without undue hindrance

Transitional Justice Mechanisms

Since the new government took office in January 2017, ARTICLE 19 West Africa and other stakeholders have been in discussions with the Ministry of Justice and the Ministry of Information and Communication Infrastructure (MOICI) on urgent reform of the Gambia's media laws, as well as supporting efforts to enact an Access to Information Act. These reforms if materialised and effectively implemented, will greatly improve the situation for the rights to peaceful Assembly & Association, freedom of expression, access to information, and freedom of association in the country.

- *The Government is urged to recognize the unique circumstances of victims of HR violations and to take steps in ensuring that victims have access to justice*

Establishment of key institutions

The Commission of Enquiry; TRRC; National HR Commission

- The government should ensure complete independence of the commission by allowing it to execute its mandate independently.
- Government should refrain from interfering with the commission and or its witnesses.
- The government should adhere to any recommendations of the commission in holding perpetrators accountable for their actions.
- Ensure the sustainability of funding to, and independence of, the TRRC and the NHRC, and ensure that information on their activities and progress is actively disseminated in all parts of the country, including through radio and television broadcasts.

Constitutional Review Commission

- Ensure complete independence of the established Human Rights Institution through non-interference by the state to allow for proper execution of the commissions mandate.
- While supporting the independence of the CRC and its work, the Government must fully commit to ensuring the new Constitution fully guarantees the rights to freedom of opinion and expression, access to information, association and assembly, as well as media independence, including for broadcast media, fully in line with international human rights law, in particular its obligations under Article 19(3) of the ICCPR.
- The 1997 Constitution does not guarantee in specific terms a right of access to information, and it is hoped that the CRC will recommend the specific inclusion of this right in their anticipated proposals for Constitutional reforms.

Conclusion



The Gambia is urged to use this transitional period as an opportunity for robust reforms; legislative and institutional.

THANK YOU!