



**THE REPUBLIC**

**OF THE GAMBIA**

**ATTORNEY GENERAL'S CHAMBERS  
MINISTRY OF JUSTICE  
MARINA PARADE  
BANJUL**

AG/113/158/01 Part 10(90)

19<sup>th</sup> March 2015

**RESPONSES TO THE RECOMMENDATIONS GIVEN TO THE GAMBIA  
DURING THE 20<sup>TH</sup> SESSION OF THE UPR**

1. **RECOMMENDATION: 109.1 & 109.2** Ratify the conventions to which it is not yet party in keeping with the recommendations accepted during the first Review

**RESPONSE**

We will study those conventions ratify those in the best interest of the State to do so.

2. **RECOMMENDATION: 109.3, 109.4 , 109.5, 109.6, 109.7 & 109.8 :** Ratify the second optional protocol to the international covenant on civil and political rights, aimed at ensuring the abolition of the death penalty.

**RESPONSE**

This recommendation is rejected. The death penalty is provided for in the Laws of the Gambia and Constitution.

3. **RECOMMENDATION: 109.9 - 109.21** : Consider the ratification of the UN Convention against Torture and other Cruel, Inhumane or Degrading treatment or Punishment and its Optional Protocol and harmonize the convention with the national legislation.

**RESPONSE**

Recommendation noted.

4. **RECOMMENDATION:109.22 & 109.23** : Ratify the Optional Protocol to the Convention on the Elimination of All forms of Discrimination against Women

**RESPONSE**

Accepted subject to the Constitution of the Gambia

5. **RECOMMENDATION:109.24-109.26** : Ratify the Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict

**RESPONSE**

Accepted

6. **RECOMMENDATION:109.27 & 109.28**: Consider acceding to the Optional Protocol to the Convention on the rights of the child on communication procedures.

**RESPONSE**

Noted.

7. **RECOMMENDATION:109.29 & 109.30**: Consider the ratification of the convention on the protection of the rights of all migrant workers and the members of their families

**RESPONSE**

Noted

**8. RECOMMENDATION: 109.31-109.36 : Ratify the International Convention for the Protection of All Persons from Enforced disappearance**

**RESPONSE**

Noted

**9. RECOMMENDATION: 109.37-109.42 : Ratify the Convention on the Rights of Persons with Disabilities and ensure that persons with Disabilities are free from all forms of discrimination and social exclusion**

**RESPONSE**

Accepted. In fact this Convention was ratified in July 2013 and there is also a Disability Bill under consultation.

**10. RECOMMENDATION:109.43- 109.48 : Consider enacting a comprehensive law prohibiting the practice of female Genital Mutilation**

**RESPONSE**

Noted.

**11. RECOMMENDATION:109.49 & 109.50 : That the president of The Gambia will use his executive power by refraining from signing the Bill amending section 144(A) of the criminal code into law and that the government of The Gambia eliminates all existing legislation criminalizing sexual orientation or gender identity**

**RESPONSE**

Rejected

12. RECOMMENDATION:109.51 - 109.56: That The Gambia repeals all provisions of law criminalising same sex relations between consenting adults and ensure the rights of these persons are protected.

**RESPONSE**

Rejected

13. RECOMMENDATION:109.57 & 109.58: Review the amendments to the criminal code in the area of "false information" in order to guarantee respect for freedom of the media and freedom of expression.

**RESPONSE**

Noted

14. RECOMMENDATION:109.59 - 109.64: Amend the legislation to remove restriction on freedom of expression which has a major impact on human rights defenders, journalist and members of the political opposition.

**RESPONSE**

Rejected.

15. RECOMMENDATION:109.65 & 109-66: Enact Laws prohibiting forced and early marriage of girls.

**RESPONSE**

Accepted.

16. RECOMMENDATION:109.67 & 109.68: Conclude the ongoing consultations concerning the draft Disability Bill to be adopted at the nearest time possible.

**RESPONSE**

Accepted.

17. **RECOMMENDATION:109.69 - 109.80:** Accelerate the progress of consultations and ensure that the National Human Rights Institution functions in accordance with the Paris Principles

**RESPONSE**

Accepted.

18. **RECOMMENDATION:109.81:** Provide the necessary financial and human resources to strengthen the implementation of policies and programmes for the empowerment of women in social and public life.

**RESPONSE**

Accepted.

19. **RECOMMENDATION:109.82:** Adopt a national Action Plan on security Council Resolution on Women Peace and security

**RESPONSE**

Accepted.

20. **RECOMMENDATION: 109.83:** Follow up effectively the National Action Plan to accelerate the eradication of female genital mutilation and the implementation preventative measures

**RESPONSE**

Accepted.

21. **RECOMMENDATION:109.84:** Pursue efforts carried out by the Gambia Government in the framework of the National Policy for Gender Equality and promotion of women for the period of 2010 to 2020.

**RESPONSE**

Accepted.

22. **RECOMMENDATION:109.85 & 109.86 : Continue further improvement of the protection and promotion of human rights in the country**

**RESPONSE**

Accepted.

23. **RECOMMENDATION:109.87: Continue efforts aimed at promoting awareness of the culture of human rights in the Gambian Society**

**RESPONSE**

Accepted.

24. **RECOMMENDATION:109.88 : Improve its cooperation with treaty bodies**

**RESPONSE**

Accepted.

25. **RECOMMENDATION: 109.89 : Submit the long outstanding reports to the Human Rights Committee and to the committee on the Elimination of Racial Discrimination**

**RESPONSE**

Accepted

26. **RECOMMENDATION: 109.90 : Take all necessary measures to address the backlog in the submission of reports to treaty bodies**

**RESPONSE**

Accepted.

- 27. RECOMMENDATION: 109.91: Consider issuing a standing invitation to the United Nations Human Rights Special Procedures**

**RESPONSE**

Noted.

- 28. RECOMMENDATION:109.92-109.5 : Accept the visit of the Special Procedures of the Human Rights Council and allow them access without restrictions**

**RESPONSE**

Noted.

- 29. RECOMMENDATION:109.96 Take all necessary measures, both legislative and educational, to eradicate negative stereotypes and attitudes towards women**

**RESPONSE**

Accepted in line with Government's policy on women empowerment.

- 30. RECOMMENDATION:109.97-109.100: Withdraw Criminal laws sanctioning homosexuality and take action to combat violence based on sexual orientation and gender identity**

**RESPONSE**

Rejected. The position of Gambia on same sex relationship is very clear. For the record however no person has been subjected to any form of violence based on sexual orientation. They are prosecuted in accordance to the laws of the Gambia.

- 31. RECOMMENDATION:109.101 & 109.102 : Maintain the moratorium on execution with a view to abolishing the death penalty**

**RESPONSE**

Rejected.

**32. RECOMMENDATION:109.103:Consider establishing a new moratorium on executions with a view to abolish the death penalty in the future**

**RESPONSE**

Rejected.

**33. RECOMMENDATION:109.104-109.109 : Adopt a permanent moratorium on the death penalty with the view of its future abolition**

**RESPONSE**

Rejected.

**34. RECOMMENDATION:109.110. Investigate all complaints of torture and adopt necessary preventive measures to eliminate this practice**

**RESPONSE**

Accepted.

**35. RECOMMENDATION:109.111 & 109.112: Continue to improve the conditions of prisoners**

**RESPONSE**

Accepted.

**36. RECOMMENDATION: 109.113 - 109.116: Adopt and implement effective legislation aimed at banning female genital mutilation and punishing the perpetrators**

**RESPONSE**

Accepted.



**37. RECOMMENDATION: 109.107, 109.118 - 109.120: Enhance its initiatives designed to halt female genital mutilation and related harmful practices**

**RESPONSE**

Accepted.

**38. RECOMMENDATION :109.121 - 109.124: intensify efforts to ensure gender equality and eliminate sexual and gender based violence**

**RESPONSE**

Accepted. In fact the Sexual Offences Act and Domestic violence Act were recently enacted.

**39. RECOMMENDATION :109.125: Enforce laws relating to child labour**

**RESPONSE**

Accepted.

**40. RECOMMENDATION :109.126: Explore and maximize the benefits from international cooperation and partnerships to support initiatives to combat trafficking in persons, especially women and children**

**RESPONSE**

Accepted. In fact the National Agency against the Trafficking in persons, collaborates with International organizations and non Governmental Organizations to combat trafficking of persons.

**41. RECOMMENDATION :109.127: Seek technical assistance to improve the judiciary, in order to more adequately execute its functions**

**RESPONSE**

Accepted

**42. RECOMMENDATION :109.128 - 109.132: Ensure the independence of the judiciary**

**RESPONSE**

Accepted.

**43. RECOMMENDATION :109.133: Ensure independent, effective and speedy investigation to violations of the right to freedom of expression committed by officials engaged in law enforcement duties, to hold those responsible to account; and provide redress to victims**

**RESPONSE**

Accepted, please note however that The Gambia has in place structures that conduct independent and effective investigations in respect of any violations of law committed by any person.

**44. RECOMMENDATION :109.134: Implement swiftly and without preconditions the verdict of the ECOWAS court of 10 June 2014 on the need of a thorough investigation to the disappearances of journalists Manneh and Hydera**

**RESPONSE**

Noted.

**45. RECOMMENDATION :109.135: Investigate disappearance of U.S. Citizens Alhaji Ceesay and Ebrima Jobe**

**RESPONSE**

Accepted.

**46. RECOMMENDATION :109.136: Promote national efforts aimed at enhancing judicial reform, so as to cater for expanding recourse to courts of law, partly as a result of the growth of the Gambia economy**

**RESPONSE**

Accepted.

**47. RECOMMENDATION :109.137 & 109.138: Consider drawing up a legislation to raise the legal age of marriage to 18 years**

**RESPONSE**

Rejected. There is already a law in place which defines the age of a child and protects the child from early marriage. Our laws are however subject to personal laws as provided for in the Constitution.

**48. RECOMMENDATION :109.139: Take steps to prevent child early and forced marriage, including through education and awareness campaigns**

**RESPONSE**

Accepted as it is in line with Government's efforts to protect and promote children's rights.

**49. RECOMMENDATION :109.140 & 109.141: promote and guarantee freedom of expression in compliance with international standards as recommended previously**

**RESPONSE**

Accepted, subject to the laws of the Gambia.

**50. RECOMMENDATION :109.142 - 109.144: create and maintain in law and in practice, a safe and enabling environment, in which rights defenders can operate free from hindrance and insecurity, in accordance with Human Rights Council Resolution 22/6**

Accepted, however subject to the laws of The Gambia.

**51. RECOMMENDATION :109.145: Fully protect and promote freedom of expression, association and peaceful assembly for all, without fear**

of arbitrary detention, intimidation or harassment, and to investigate all allegations, of torture or ill-treatment and hold the perpetrators to account

**RESPONSE**

Accepted, subject to the laws of The Gambia.

**52. RECOMMENDATION 109.146: Decriminalize offences related to freedom of expression and guarantee that human rights defenders and journalists can carry out their work in an atmosphere of freedom and security**

**RESPONSE**

Noted. It should also be noted however that in the Gambia, human rights defenders and journalists can carry out their work in an atmosphere of freedom and security, subject to the laws of The Gambia.

**53. RECOMMENDATION :109.147: Take all the necessary measures to ensure that all persons, including journalists, opposition leaders and political opponents and human rights defenders can freely exercise their rights to freedom of expression, association and peaceful assembly without fear of arrest, detention, intimidation or harassment**

**RESPONSE**

Accepted subject to the Laws of the Gambia.

**54. RECOMMENDATION :109.148: Demonstrate its commitment to freedom of expression, including by members of the press, by allowing the UN unfettered access to complete its investigation of the death of journalist Deyda Hydara in 2004 and the disappearance of journalist Ebrima Manneh in 2006**

## **RESPONSE**

Rejected, there cannot be unfettered access anywhere.

- 55. RECOMMENDATION :109.149 - 109.154: Continue its positive approach in combating poverty by providing the necessary support in rural infrastructure and its national employment policy to reduce unemployment**

## **RESPONSE**

Accepted.

- 56. RECOMMENDATION :109.155: Continue strengthening its social protection programme that is already implementing, in order to provide for even greater well-being quality for its people**

## **RESPONSE**

Accepted.

- 57. RECOMMENDATION :109.156 - 109.160: further strengthen driven policies in the area of health, in order to achieve the objective of universal access to health**

Accepted, because it is in line with Government's policies.

- 58. RECOMMENDATION :109.161: Take action at all levels to address the interlinked root causes of preventable mortality and morbidity of children under 5 and consider applying the "Technical Guidance on the application of a human rights based approach to the implementation of policies and programmes to reduce and eliminate presentable mortality and morbidity of children under 5 years of age", A/HRC/27/31**

## **RESPONSE**

Accepted.

**59. RECOMMENDATION :109.162: Continue to implement its HIV/AIDS prevention, care and treatment programmes to further reduce the prevalence.**

**RESPONSE**

Accepted.

**60. RECOMMENDATION :109.163: Continue to invest in education and training**

**RESPONSE**

Accepted because it is in line with Government's policies.

**61. RECOMMENDATION :109.164 - 109.167: Continue with the positive approach in the field of education, especially the construction of more schools and educational centres, which contributed to an increase in student enrolment rates in the various stages of education**

**RESPONSE**

Accepted.

**62. RECOMMENDATION :109.168: Intensify the policy of social reintegration of abandoned children and school dropouts**

**RESPONSE**

Accepted.

**63. RECOMMENDATION :109.169: Continue efforts to provide more education to persons with disabilities**

**RESPONSE**

Accepted.

64. **RECOMMENDATION :109.170:** In the context of global partnerships for development, to seek assistance from the United Nations System, including the United Nations High Commissioner for Refugees and development partners to mobilize requisite resources with respect to financial assistance to aid the establishment of transit centres for refugees and capacity building in the administration and management of refugees and stateless persons

**RESPONSE**

Accepted.

65. **RECOMMENDATION :109.171 & 110:** Provide additional resources to the National Commission for Refugees in order to facilitate their reintegration and better organize their legal protection

**RESPONSE**

Accepted.

