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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-fourth session**  
4–15 November 2019

## **Compilation on the Gambia**

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with international human rights mechanisms and bodies<sup>1, 2</sup>**

2. In 2018, the Working Group on Enforced or Involuntary Disappearances and the Human Rights Committee stated that the Gambia should complete the ratification process of the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>3</sup>

3. The same Working Group and Committee stated that the Gambia should conclude the ratification process for the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>4</sup>

4. In 2015, the Committee on the Elimination of Discrimination against Women encouraged the Gambia to ratify, among others, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>5</sup>

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged the Gambia to ratify the Convention against Discrimination in Education.<sup>6</sup>

6. In 2015, the Special Rapporteur on extrajudicial, summary or arbitrary executions stated that the cooperation of the Gambia with the United Nations human rights machinery had been limited.<sup>7</sup> He noted that his visit to the country in November 2014 had been conducted in an overriding atmosphere of apprehension and fear from many who had engaged with him.<sup>8</sup>



7. The United Nations country team stated that the Gambia was working towards the formalization of an interministerial task force that would act as a national mechanism for reporting and follow-up.<sup>9</sup>

### **III. National human rights framework<sup>10</sup>**

8. The Working Group on Enforced or Involuntary Disappearances stated that the Gambia was faced with both a challenge and a unique opportunity: to undertake, with the support of the international community, a comprehensive set of measures towards the achievement of democratic and constitutional reforms.<sup>11</sup>

9. The Human Rights Committee expressed concern that article 35 (2) of the Constitution, providing for derogation from certain rights during states of emergency, did not fully comply with the International Covenant on Civil and Political Rights.<sup>12</sup> The Committee also expressed concern that the rights enshrined in the Covenant had not been fully incorporated in the bill of rights in the current Constitution and that insufficient effort had been made to ensure that customary and sharia law were interpreted in line with the Covenant.<sup>13</sup> The Committee stated that the Gambia should ensure that the rights enshrined in the Covenant were fully incorporated into the bill of rights in the new Constitution.<sup>14</sup>

10. The Committee on the Elimination of Discrimination against Women recommended that the Gambia repeal article 33 (5) (c) of the Constitution, which provided that the prohibition of discrimination did not apply in respect of adoption, marriage, divorce, burial and devolution of property upon death.<sup>15</sup>

11. The Special Rapporteur on summary executions noted that the Constitution provided for the protection of fundamental rights and freedoms. However, compliance with those constitutional provisions was deficient and many fundamental rights were routinely violated.<sup>16</sup>

12. The Special Rapporteur stated that the Gambia was characterized by disregard for the rule of law, infringements of civil liberties and the existence of a repressive State apparatus. Transparency and accountability in public affairs were scarce and there were no independent institutions or processes to channel alternative voices or social demands. The activities of civil society organizations were closely monitored by the executive.<sup>17</sup>

13. The Special Rapporteur stated that the Gambia had enacted legislation that infringed international human rights standards, such as the Indemnity Act of 2001, the Information and Communication Act of 2013, a series of amendments to the Criminal Code, and the Criminal Code (Amendment) Acts of 2005 and of 2014.<sup>18</sup> Noting that the legal system required the domestication of international treaties before they could be enforced by national courts,<sup>19</sup> the Special Rapporteur recommended that the Gambia harmonize domestic law with its international treaty obligations and repeal or amend all national legislation that was incompatible with international human rights standards.<sup>20</sup>

14. In 2015, the Committee on the Rights of the Child recommended that the Gambia strengthen its efforts to ensure that the right of the child to have his or her best interests taken as a primary consideration was appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that were relevant to, and had an impact on, children.<sup>21</sup>

15. The same Committee recommended that the Gambia utilize a child-rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget.<sup>22</sup>

16. It also recommended that the Gambia amend the Children's Act 2005 to ensure that it covered all areas of the Convention on the Rights of the Child, including child marriage, female genital mutilation and child labour, and ensure its effective enforcement.<sup>23</sup>

17. Concerned about the persistent violations of children's rights arising from tourism activities, the Committee recommended, inter alia, adapting the legislative framework to ensure legal accountability of business enterprises, especially those in the tourism industry.<sup>24</sup>

18. The Working Group on Enforced or Involuntary Disappearances recommended that the Gambia explicitly introduce a prohibition against enforced disappearance in the Constitution and a specific crime of enforced disappearance in the Criminal Code.<sup>25</sup>

19. The Human Rights Committee stated that the Gambia should expedite the enactment of the Access to Information Bill.<sup>26</sup>

20. Noting the prevalence in the Gambia of sexual violence and the underreporting of that crime, the United Nations country team stated that a gender unit had been established by the Attorney General's Chambers to train police officers, prosecutors and other law enforcement agents on the application of the relevant legislation.<sup>27</sup>

21. While welcoming the enactment of the National Human Rights Commission Act in 2017, the Human Rights Committee stated that the Gambia should take all measures necessary to ensure the independent and effective functioning of the Commission, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>28</sup>

22. The Committee on the Rights of the Child recommended making the Ministry of Children's Affairs operational.<sup>29</sup> Noting the delay in the adoption of the national child protection strategy, it encouraged the Gambia to accelerate the development and adoption of the strategy, and to develop appropriate plans for its implementation.<sup>30</sup>

23. Noting with great concern the massive human rights violations that had occurred between July 1994 and January 2017, the Human Rights Committee stated that the Gambia should put in place vetting procedures in the army and the law enforcement and intelligence sectors and remove from their positions all those who had been involved in serious human rights violations.<sup>31</sup>

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

### **A. Cross-cutting issues**

#### **1. Equality and non-discrimination<sup>32</sup>**

24. The Human Rights Committee stated that the Gambia should enact anti-discrimination legislation that provided protection against discrimination in all spheres, contained a comprehensive list of grounds for discrimination in line with the International Covenant on Civil and Political Rights, and provided for access to effective and appropriate remedies for victims of discrimination.<sup>33</sup>

25. The Committee was concerned by the entrenched patriarchal attitudes and gender role stereotypes, particularly legal provisions that discriminated against women with regard to marriage, divorce, inheritance, marital property, adoption, burial and devolution of property on death, some of which had been codified in the Women's Act of 2010.<sup>34</sup> The Committee stated that the Gambia should review its laws, including the personal law and the Women's Act, with a view to removing all provisions that were discriminatory towards women.<sup>35</sup>

26. The Committee was concerned that consensual same-sex relationships were criminalized and that lesbian, gay, bisexual, transgender and intersex persons reportedly continued to be subjected to arbitrary arrest and violence. It stated that the Gambia should decriminalize same-sex relationships between consenting adults and take measures to change societal perception of lesbian, gay, bisexual, transgender and intersex persons and protect them from arbitrary arrests and violence.<sup>36</sup>

#### **2. Development, the environment, and business and human rights<sup>37</sup>**

27. The United Nations Human Settlements Programme (UN-Habitat) stated that, given the limited presence of effective government beyond the Greater Banjul Area and the

limited opportunities and jobs, there was a tendency for young people and able-bodied individuals to move to urban areas in search of livelihoods. Given the lack of a national urban policy as an overarching framework to guide meaningful and coordinated sustainable urban development, the Government should prioritize responses to the negative ramifications of urbanization and develop the capacity to address the negative results due to lack of planning.<sup>38</sup>

28. The Committee on Economic, Social and Cultural Rights recommended that the Gambia intensify its efforts to combat corruption and related impunity and ensure that public affairs, in law and in practice, were conducted in a transparent manner. It also recommended making politicians, members of parliament and government officials aware of the economic and social costs of corruption, and making judges, prosecutors and the police aware of the need for strict enforcement of the law.<sup>39</sup>

### **3. Human rights and counter-terrorism**

29. The Human Rights Committee expressed concern at the broad definition of acts of terrorism provided for in article 2 of the Anti-Terrorism Act of 2002, which failed to differentiate between terrorist crimes and ordinary crimes. It stated that the Gambia should review the Act with a view to aligning the definition of acts of terrorism with international standards.<sup>40</sup>

## **B. Civil and political rights**

### **1. Right to life, liberty and security of person<sup>41</sup>**

30. Welcoming the moratorium on the death penalty, the same Committee stated that the Gambia should abolish the death penalty.<sup>42</sup>

31. The Committee was concerned by reports of widespread torture, beatings and ill-treatment by the police, security forces and correctional officers and the failure to prosecute alleged perpetrators.<sup>43</sup>

32. The Committee expressed concern at the high incidence of enforced disappearance and extrajudicial killings allegedly committed by the security forces. It was also concerned that investigations into allegations of enforced disappearance and extrajudicial killings had been impeded due, among other reasons, to the lack of forensic capacity, and that the whereabouts of most victims remained unknown.<sup>44</sup>

33. The Working Group on Enforced or Involuntary Disappearances stated that, during the former President's 22 years in the power, which had come to an end in January 2017, he had relied heavily on the National Intelligence Agency and on a group of men reporting directly to him, known as "the Junglers", to neutralize political dissents and terrorize the population by means of illegal arrests, enforced disappearances, extrajudicial killings and torture.<sup>45</sup> The Working Group recommended that the Gambia create a registry of cases of grave human rights violations, including enforced disappearances, committed between 1994 and 2016,<sup>46</sup> and develop a gender-sensitive policy and action plan to provide support and rehabilitation for families of forcibly disappeared persons.<sup>47</sup>

34. During its visit in 2017, the Working Group had noticed good momentum for shedding light on past human rights violations, including enforced disappearances.<sup>48</sup> However, since the visit, no tangible progress had been made in advancing investigations, including the search for and preservation of burial sites, the identification of the remains of victims of enforced disappearances and the prosecution of suspected perpetrators. Exhumations had also reportedly ceased.<sup>49</sup> The lack of progress was, in part, due to the lack of resources and capacity of law enforcement and forensic experts; support was needed from the international community.<sup>50</sup>

35. The Working Group stressed the importance of national dialogue and the involvement of different ethnic groups, non-governmental organizations and relatives of forcibly disappeared persons in the pursuit of truth, justice, reparations and memory.<sup>51</sup>

36. The Human Rights Committee expressed concern at the high incidence of excessive use of force by law enforcement officials and members of security forces, including the incident on 18 June 2018 during a protest in Faraba Banta, which had resulted in two deaths and eight injuries. It was also concerned that article 18 of the Constitution and sections 15 (A) and 72 of the Criminal Code allowed for wide discretion in the use of force by law enforcement officials, and that section 2 (a) and (b) of the Indemnity Act (as amended in 2001) exonerated all public officials from civil or criminal liability for the exercise of their duties with respect to unlawful assemblies, riotous situations or public emergencies. It stated that all allegations of excessive use of force should be investigated.<sup>52</sup>

37. The Special Rapporteur on summary executions urged the Gambia to ensure that all norms and regulations on the use of force by law enforcement officials complied with international standards; to ensure that any use of force by law enforcement officials was proportionate and necessary in view of the threat posed, and that lethal force was used only when absolutely necessary in order to protect life against an immediate threat; and to provide regular human rights training to all law enforcement officials, correctional service officers and military personnel, and ensure that human rights were an integral part of the curricula of their academies or training programmes.<sup>53</sup>

38. The Human Rights Committee was concerned that child marriage and female genital mutilation remained widespread, despite the criminalization of those practices.<sup>54</sup> It called on the Gambia to strengthen the enforcement of the Children's (Amendment) Act of 2016 and the Women's (Amendment) Act of 2015, which criminalized child marriage and female genital mutilation, respectively, and to enhance public awareness, particularly among traditional and religious leaders, of the lifelong negative consequences of such practices.<sup>55</sup>

39. The Committee expressed concern about the harsh and life-threatening conditions in prisons, particularly overcrowding, the poor food, living conditions, sanitation and medical care, and numerous reports of deaths in custody.<sup>56</sup>

40. The Special Rapporteur on summary executions had received reports of cases of excessive use of force and cases of denial of medical care by prison officials.<sup>57</sup> He urged the Gambia to improve the conditions of detention and investigate all allegations of torture and ill-treatment.<sup>58</sup>

## **2. Administration of justice, including impunity, and the rule of law<sup>59</sup>**

41. The Human Rights Committee noted that the independence of the judiciary had been seriously eroded. It stated that the Gambia should intensify its efforts to strengthen the independence of the judiciary and to prevent the executive and the legislature from interfering in its work.<sup>60</sup> The Working Group on Enforced or Involuntary Disappearances recommended strengthening the independence and impartiality of the judiciary.<sup>61</sup>

42. The Human Rights Committee expressed concern about the prevalence of excessively lengthy pretrial detention resulting from the inefficient justice system, and about the high number of detainees awaiting trial, the denial of bail applications and, where bail was granted, the exorbitant amounts set for bail.<sup>62</sup> It was also concerned about the large backlog of criminal cases, the limited availability of legal aid and the limited access to justice in rural areas. It stated that the Gambia should reduce the backlog of cases, ensure that trials took place within a reasonable time, expand the provision of legal aid in criminal cases by strengthening the financial and human capacity of the National Agency for Legal Aid, and take measures to facilitate people's access to justice in rural areas.<sup>63</sup>

43. The Committee on the Elimination of Discrimination against Women expressed concern that women had often had to resort to *cadi* courts and district tribunals, which were not sensitive to gender issues and applied discriminatory provisions.<sup>64</sup> It recommended that the Gambia design a comprehensive judicial policy to eliminate the barriers faced by women in gaining access to justice, provide them with adequate legal aid, and strengthen efforts to provide training for judges, *cadis*, prosecutors, police officers and the legal profession on women's rights and combating violence against women.<sup>65</sup>

44. While noting that the Gambia had a dualist legal system, the Human Rights Committee was concerned that the International Covenant on Civil and Political Rights had

never been invoked in domestic courts. It stated that the Gambia should take all measures necessary to ensure that all laws, including customary and sharia laws, were articulated, interpreted and applied in full compliance with the Covenant and should intensify its efforts to train all judicial and legal professionals, including judges, prosecutors and lawyers, public officials and the public on the rights enshrined in the Covenant and its Optional Protocols and their application.<sup>66</sup>

45. Noting the massive human rights violations that had occurred between July 1994 and January 2017, the Committee welcomed the establishment of the Truth, Reconciliation and Reparation Commission and called for the Gambia to ensure that all allegations of human rights violations were investigated and all alleged perpetrators prosecuted.<sup>67</sup>

46. The Working Group on Enforced or Involuntary Disappearances expressed concern that some of the provisions of the Truth, Reconciliation and Reparations Commission Act allowed amnesty to be granted in certain circumstances, which was not in line with international standards. It recommended that the Commission exclude the possibility of granting amnesty for acts of enforced disappearance, ensure that all persons who had or were alleged to have committed offences of enforced disappearances did not benefit from any special amnesty law, and develop, as a matter of urgency, a reparations policy considering the specific needs of women and children.<sup>68</sup>

47. The Working Group stressed that transitional justice mechanisms were not intended to and could not replace judicial investigations and prosecutions. Rather, transitional and criminal justice mechanisms were complementary, and the best results were achieved when they cooperated in the fulfilment of their respective mandates.<sup>69</sup> It noted that the Gambia should strengthen the capacity of investigative and prosecutorial authorities to pursue individual cases of enforced disappearance, and ensure that no one involved in past human rights violations could take part in the search, investigation or prosecution of the alleged perpetrators of enforced disappearances.<sup>70</sup> It recommended that the Gambia guarantee that criminal investigations of enforced disappearances were conducted, that prosecutions of identified suspects were carried out by a specialized and appropriately trained team of investigators, prosecutors and forensic experts, and that the authorities in charge of the investigation had the jurisdictional, logistic and scientific resources necessary to collect and process evidence.<sup>71</sup>

48. The Human Rights Committee was concerned about the absence of torture as a criminal offence in the Criminal Code, which inhibited the prosecution of perpetrators of torture under the transitional justice system.<sup>72</sup>

### **3. Fundamental freedoms and the right to participate in public and political life<sup>73</sup>**

49. The same Committee expressed concern about the overly restrictive legislation relating to freedom of expression, particularly laws criminalizing libel, sedition and false news, which had been used to intimidate journalists. It stated that the Gambia should amend or repeal all laws which unduly restricted freedom of expression, and finalize the legislative reform process led by the National Media Law Committee.<sup>74</sup>

50. The Committee was concerned by reports of intimidation, harassment, torture and murder of journalists and human rights defenders exercising their right to freedom of expression and the lack of investigation and prosecution of those cases. It stated that the Gambia should ensure that all cases of intimidation of journalists and human rights defenders were promptly, impartially and thoroughly investigated, that the perpetrators were prosecuted and punished and that victims were provided with effective remedies.<sup>75</sup>

51. The Committee expressed concern at section 5 of the Public Order Act, which provided that permission was required from the police to hold a peaceful assembly, and about the recent decision of the Supreme Court upholding the constitutionality of that provision. It called for a review of the Public Order Act.<sup>76</sup>

52. The Committee expressed concern at Decree No. 81 of 1996, which provided for cumbersome registration procedures for non-governmental organizations. It stated that the Gambia should repeal that decree.<sup>77</sup>

53. The Committee on the Elimination of Discrimination against Women expressed concern about reports that women human rights defenders, particularly those working on sexual and reproductive health and rights, faced harassment, attacks, threats and intimidation. It recommended that the Gambia create an enabling environment for them.<sup>78</sup>

54. The Human Rights Committee noted the very low level of women's representation in public life, particularly in the legislative and decision-making positions in the executive branch, and the lack of measures taken to address the situation.<sup>79</sup> The United Nations country team stated that women's participation was not limited by law, but by cultural constraints.<sup>80</sup> The Human Rights Committee called for the introduction of measures to ensure equal representation of women and men in all decision-making positions in both the public and private sectors.<sup>81</sup>

#### **4. Prohibition of all forms of slavery<sup>82</sup>**

55. The same Committee expressed concern about trafficking, particularly in women and children, for forced labour and sexual exploitation; the high number of boys and young men smuggled into Europe and the number who perished or went missing in the Mediterranean; and the situation of children who were sent to Qur'anic schools in neighbouring countries and might be subjected to forced begging by marabouts. It stated that the Gambia should strengthen the enforcement of relevant legislation, conduct training for judges, prosecutors and all enforcement officials, enhance the identification of victims and provide them with access to effective remedies.<sup>83</sup>

56. The Committee on the Elimination of Discrimination against Women recommended that the Gambia conduct a study to investigate the extent and root causes of trafficking in women and girls; implement the Trafficking in Persons Act effectively, including by allocating adequate resources, ensure early identification and referral of victims of trafficking, prosecute and adequately punish perpetrators, and provide free legal and psychological support and compensation to victims of trafficking; and adopt measures to address exploitation of women and girls in prostitution and child sex tourism, and provide assistance and rehabilitation to victims, as well as economic alternatives to prostitution.<sup>84</sup>

### **C. Economic, social and cultural rights**

#### **1. Right to work and to just and favourable conditions of work<sup>85</sup>**

57. Highlighting concerns in relation to women's employment, the same Committee recommended, inter alia, that the Gambia strengthen its efforts to eliminate horizontal and vertical segregation in the labour market and promote women's access to the formal sector; ensure that women in the formal and informal sectors were covered by social protection programmes; amend the Labour Act (2007) to explicitly include the principle of equal pay for work of equal value and adopt measures to implement that principle in order to narrow and close the gender wage gap, and establish a mechanism to conduct job evaluations with methods that were free from gender bias; criminalize sexual harassment in the workplace; and collect information on the number, nature and results of labour inspections conducted and the complaints registered, and strengthen mechanisms to monitor compliance with the Labour Act and the relevant provisions of the Women's Act by both public and private entities.<sup>86</sup>

58. The Committee on Economic, Social and Cultural Rights urged the Gambia to take the necessary measures to establish a national minimum wage that was periodically reviewed and set at a level sufficient to provide all workers and their families with a decent living.<sup>87</sup>

#### **2. Right to social security<sup>88</sup>**

59. The same Committee recommended that the Gambia take effective measures to increase social security coverage, set up a social protection floor, and increase and regularly review the amounts of pensions to allow for an adequate standard of living for recipients and their families.<sup>89</sup>

**3. Right to an adequate standard of living<sup>90</sup>**

60. The Committee expressed concern about the high levels of poverty, which disproportionately affected women and the population in rural areas.<sup>91</sup>

61. UN-Habitat stated that the provision of adequate housing continued to be challenge for the Gambia. The elements involved in housing, particularly social housing, were not at the forefront of the Government's priority in terms of policymaking. The availability and accessibility of building materials in terms of tax policies, and availability of land in optimal locations for social housing were not on the Government's radar.<sup>92</sup>

62. The Committee on Economic, Social and Cultural Rights expressed concern about the high levels of food insecurity and the prevalence of malnutrition. It recommended intensifying efforts to address chronic food insecurity, chronic malnutrition and the critical nutritional needs of children, and taking additional steps to improve agricultural production, including by ensuring that support to farmers was provided on a non-discriminatory basis, targeting small-scale farmers in particular.<sup>93</sup>

63. The Committee called upon the Gambia to intensify its efforts to ensure universal access to safe drinking water and to adequate sanitation facilities, particularly in rural areas.<sup>94</sup>

**4. Right to health<sup>95</sup>**

64. The same Committee expressed concern about the lack of universal health-care coverage, the low number of qualified health-care professionals and the critical shortage of medical equipment and supplies. It recommended, inter alia, intensifying efforts to improve health services, including through allocating increased resources to the health sector, and ensuring that particular attention was paid to the training of health extension workers and to the provision of adequate medical equipment and supplies to health facilities.<sup>96</sup>

65. Noting relevant concerns, the Committee on the Elimination of Discrimination against Women recommended that the Gambia, inter alia, increase efforts to reduce maternal mortality by ensuring adequate sexual and reproductive health services, including access to antenatal, delivery and postnatal services, and prevention and treatment of anaemia, taking into consideration the technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality, drawn up by the Office of the United Nations High Commissioner for Human Rights (A/HRC/21/22); and increase efforts to prevent and treat HIV/AIDS among women, as well as mother-to-child transmission of HIV, and ensure the availability of antiretroviral drugs for women living with HIV.<sup>97</sup>

66. The Human Rights Committee was concerned that the voluntary termination of pregnancy was criminalized, which led women to seek clandestine abortions and resulted in a high rate of maternal mortality. It was also concerned at the high maternal mortality rate owing to post-abortion complications. It called on the Gambia to revise its legislation to provide safe, legal and effective access to abortion and ensure the availability of, and effective access to, quality prenatal and post-abortion health care.<sup>98</sup>

67. The same Committee was concerned at the high rate of unintended pregnancy, particularly among adolescents, owing to limited access to sexual and reproductive health information and services, including contraceptives.<sup>99</sup> It stated that the Gambia should ensure access for women and men, and especially girls and boys, to quality and evidence-based information and education about sexual and reproductive health and to a wide range of affordable contraceptive methods.<sup>100</sup>

68. The Working Group on Enforced or Involuntary Disappearances recommended that the Gambia create a system of professional and victim-oriented psychosocial assistance for the relatives of the disappeared.<sup>101</sup>

**5. Right to education<sup>102</sup>**

69. The Committee on Economic, Social and Cultural Rights expressed concern about the disparities between rural and urban areas in access to education and the hampering of

access to education for refugee children; the hidden costs of education, mainly affecting children belonging to marginalized and disadvantaged groups; the poor school infrastructure, including limited access to water and sanitation facilities, the low quality of learning and teaching materials; and the high dropout rates, especially among girls, reportedly due to child marriage.<sup>103</sup>

70. The Committee on the Elimination of Discrimination against Women recommended that the Gambia strengthen efforts to improve the quality of education, particularly in rural areas, and the enrolment and retention of girls and women at all levels, including by adopting a new policy and strategy on education that mainstreamed gender effectively, allocating adequate resources, ensuring the adequacy of school infrastructure, particularly sanitary facilities, increasing the number of female teachers, and addressing the indirect costs of education and the high costs of tertiary education; strengthen the use of temporary special measures to promote access to education by girls and women living in poverty, rural women and girls and women with disabilities; promote the retention of pregnant girls in school and the reintegration of mothers after childbirth and ensure the effective implementation of section 28 of the Women's Act, which prohibited withdrawing girls from school for the purpose of marriage; implement comprehensive programmes on sexual and reproductive health and rights as a regular part of the school curriculum, providing girls and boys with adequate, age-appropriate information on responsible sexual choices; strengthen efforts to ensure access to inclusive education for girls and women with disabilities, including by allocating adequate resources; and adopt policies that addressed sexual abuse and harassment in school and ensuring that perpetrators were prosecuted and adequately punished.<sup>104</sup>

71. The Human Rights Committee noted the disproportionately low literacy rate among women and girls, which adversely affected them in enjoying their rights under the International Covenant on Civil and Political Rights. The Committee called for targeted measures to raise the literacy rates among women and girls.<sup>105</sup>

72. UNESCO encouraged the Gambia to increase efforts towards equal access to education for all, especially vulnerable groups; improve the quality of education, particularly in rural areas; and increase spending on education to reach the Education 2030 Framework for Action target of 4–6 per cent of gross domestic product or 15–20 per cent of total expenditure.<sup>106</sup>

## **D. Rights of specific persons or groups**

### **1. Women<sup>107</sup>**

73. Noting relevant supported recommendations from the previous universal periodic review, the United Nations country team stated that the empowerment of women had remained a priority for the Gambia, as indicated by the National Gender and Women's Empowerment Policy (2010–2020).<sup>108</sup>

74. The Committee on the Elimination of Discrimination against Women expressed concern that women's access to credit remained insufficient and that women's economic empowerment had not been sufficiently mainstreamed within the overall development strategies of the Gambia. The Committee was also concerned that rural women and girls had limited access to income-generating opportunities, credit, land and other productive resources, justice, health, education and participation in decision-making processes relating to issues that were of concern to them.<sup>109</sup>

75. The Human Rights Committee was concerned at the prevalence of violence against women and domestic violence and the ineffective enforcement of the Domestic Violence Act and the Sexual Offences Act. It was also concerned about the absence of effective reporting mechanisms, the low rate of prosecution of alleged perpetrators and the insufficient support for victims of violence, including legal assistance, shelters and rehabilitation services.<sup>110</sup>

76. The Committee on the Elimination of Discrimination against Women urged the Gambia to implement the Domestic Violence Act and the Sexual Offences Act effectively

throughout its territory by adopting the necessary regulations and guidelines, reinforcing reporting mechanisms, allocating adequate resources and strengthening the Victims of Violence Advisory Committee. It also urged the Gambia to ensure that the definition of “aggravated” domestic violence in the Domestic Violence Act was based on objective elements, in line with international standards, and explicitly covered all forms of violence, including psychological violence; and to strengthen psychosocial rehabilitation and reintegration programmes for women who were victims of violence.<sup>111</sup>

77. The Committee urged the Gambia amend its legislation to ensure that marital rape was explicitly criminalized and adequately sanctioned.<sup>112</sup>

## **2. Children<sup>113</sup>**

78. The Committee on Economic, Social and Cultural Rights recommended that the Gambia take effective measures to combat and prevent economic exploitation of children, especially child labour in family businesses and in the informal sector.<sup>114</sup>

79. The Committee on the Rights of the Child expressed concern that children born out of wedlock could not inherit from the estate of their fathers, as the “personal law” did not recognize their inheritance rights. It was also concerned about discrimination faced by girls, children with disabilities, children living in poverty, working children, children in street situations, children living in rural areas and refugee children, as well as lesbian, gay, bisexual, transgender and intersex children and children from lesbian, gay, bisexual, transgender and intersex families.<sup>115</sup>

80. The Committee was further concerned about the limited respect for the views of the child in the community and the family. It recommended that the Gambia conduct awareness-raising programmes to promote the participation of children in the community and the family.<sup>116</sup>

## **3. Persons with disabilities<sup>117</sup>**

81. Noting relevant concerns, the Committee on the Elimination of Discrimination against Women recommended that the Gambia adopt legislation to implement the Convention on the Rights of Persons with Disabilities with a view to ensuring that women and girls with disabilities had effective access to inclusive education, health, justice, employment and participation in political and public life, among other areas.<sup>118</sup>

## **4. Refugees and asylum seekers<sup>119</sup>**

82. The Human Rights Committee stated that the Gambia should allocate sufficient resources to the Gambia Commission for Refugees to ensure effective management and treatment of refugees and asylum seekers; increase the number of transit centres with adequate facilities and services; and ensure that child refugees born in the country or arriving as minors were provided with identification documents to avoid the risk of statelessness.<sup>120</sup>

## **5. Stateless persons<sup>121</sup>**

83. The Committee on the Rights of the Child expressed concern about, inter alia, the huge number of children who were not immediately registered at birth, the complicated procedure for children above 5 years to be registered and the reported lack of provision of identification documents to child refugees born in the Gambia or arriving as minors.<sup>122</sup>

84. The Human Rights Committee expressed concern about the obstacles to birth registration of children born outside of marriage owing to the stigmatization experienced by single mothers.<sup>123</sup>

### *Notes*

<sup>1</sup> Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Gambia will be available at

- www.ohchr.org/EN/HRBodies/UPR/Pages/ERIndex.aspx.
- <sup>2</sup> For the relevant recommendations, see A/HRC/28/6, paras. 109.1–109.21, 109.39–109.40, 109.88–109.95, 109.107–109.109, 109.127, 109.134, 109.141, 109.150, 109.158 and 109.170.
- <sup>3</sup> A/HRC/39/46/Add.1, para. 82 (c), and CCPR/C/GMB/CO/2, para. 26 (f). See also CEDAW/C/GMB/CO/4-5, para. 55.
- <sup>4</sup> CCPR/C/GMB/CO/2, paras. 34 (b), and A/HRC/39/46/Add.1, para. 82 (d). See also CEDAW/C/GMB/CO/4-5, para. 55.
- <sup>5</sup> CEDAW/C/GMB/CO/4-5, paras. 50 and 55.
- <sup>6</sup> UNESCO submission for the universal periodic review of the Gambia, para. 11 (1).
- <sup>7</sup> A/HRC/29/37/Add.2, para. 14.
- <sup>8</sup> *Ibid.*, para. 82.
- <sup>9</sup> United Nations country team submission for the universal periodic review of the Gambia, para. 7.
- <sup>10</sup> For the relevant recommendations, see A/HRC/28/6, paras. 109.41–109.79, 109.81–109.87, 109.96–109.100, 109.101–109.106, 109.113, 109.116–109.125, 109.129, 109.131–109.132, 109.137–109.138, 109.144, 109.146, 109.149, 109.151, 109.153–109.157, 109.159–109.163, 109.166–109.168 and 109.171.
- <sup>11</sup> A/HRC/39/46/Add.1, para. 80.
- <sup>12</sup> CCPR/C/GMB/CO/2, para. 20.
- <sup>13</sup> *Ibid.*, para. 7.
- <sup>14</sup> *Ibid.*, para. 8.
- <sup>15</sup> CEDAW/C/GMB/CO/4-5, para. 9 (b).
- <sup>16</sup> A/HRC/29/37/Add.2, para. 11.
- <sup>17</sup> *Ibid.*, para. 10.
- <sup>18</sup> *Ibid.*, para. 12.
- <sup>19</sup> *Ibid.*, para. 13.
- <sup>20</sup> *Ibid.*, paras. 87–88.
- <sup>21</sup> CRC/C/GMB/CO/2-3, para. 32.
- <sup>22</sup> *Ibid.*, para. 14 (b).
- <sup>23</sup> *Ibid.*, para. 8 (a) and (b).
- <sup>24</sup> *Ibid.*, paras. 25 and 26 (a).
- <sup>25</sup> A/HRC/39/46/Add.1, para. 82 (a) and (b).
- <sup>26</sup> CCPR/C/GMB/CO/2, para. 40 (d).
- <sup>27</sup> United Nations country team submission, para. 9.
- <sup>28</sup> CCPR/C/GMB/CO/2, paras. 9–10. See also A/HRC/39/46/Add.1, para. 82 (i).
- <sup>29</sup> CRC/C/GMB/CO/2-3, para. 12.
- <sup>30</sup> *Ibid.*, paras. 9–10.
- <sup>31</sup> CCPR/C/GMB/CO/2, paras. 23–24 (g).
- <sup>32</sup> For the relevant recommendations, see A/HRC/28/6, paras. 109.84, 109.98–109.100 and 109.121.
- <sup>33</sup> CCPR/C/GMB/CO/2, paras. 11–12.
- <sup>34</sup> *Ibid.*, para. 13. See also CEDAW/C/GMB/CO/4-5, para. 18.
- <sup>35</sup> CCPR/C/GMB/CO/2, para. 14 (a).
- <sup>36</sup> *Ibid.*, paras. 11–12. See also A/HRC/29/37/Add. 2, paras. 78–79 and 97, and CEDAW/C/GMB/CO/4-5, paras. 44–45.
- <sup>37</sup> For relevant recommendations, see A/HRC/28/6, paras. 109.150, 109.152 and 109.170.
- <sup>38</sup> UN-Habitat submission for the universal periodic review of the Gambia, pp. 1–2.
- <sup>39</sup> E/C.12/GMB/CO/1, para. 9.
- <sup>40</sup> CCPR/C/GMB/CO/2, paras. 21–22.
- <sup>41</sup> For relevant recommendations, see A/HRC/28/6, paras. 109.101–109.106, 109.110–109.112, 109.114–109.115 and 109.135.
- <sup>42</sup> CCPR/C/GMB/CO/2, paras. 27–28.
- <sup>43</sup> *Ibid.*, para. 33. See also A/HRC/29/37/Add.2, para. 46.
- <sup>44</sup> CCPR/C/GMB/CO/2, para. 25.
- <sup>45</sup> A/HRC/39/46/Add.1, paras. 16–18.
- <sup>46</sup> *Ibid.*, para. 83 (a).
- <sup>47</sup> *Ibid.*, para. 83 (f).
- <sup>48</sup> *Ibid.*, para. 71.
- <sup>49</sup> *Ibid.*, para. 72.
- <sup>50</sup> *Ibid.*, para. 73.
- <sup>51</sup> *Ibid.*, para. 79.
- <sup>52</sup> CCPR/C/GMB/CO/2, paras. 29–30.
- <sup>53</sup> A/HRC/29/37/Add.2, paras. 89–91.
- <sup>54</sup> CCPR/C/GMB/CO/2, para. 13 (b). See also United Nations country team submission, paras. 11–12, referring to A/HRC/28/6, paras. 109.43 (Slovenia), 109.44 (Germany), 109.45 (Ghana), 109.46

- (India), 109.47 (Canada) and 109.48 (Maldives). For the position of the Gambia on the recommendations, see A/HRC/28/6/Add.1.
- 55 CCPR/C/GMB/CO/2, para. 14 (b). See also CEDAW/C/GMB/CO/4-5, paras. 20–21.
- 56 CCPR/C/GMB/CO/2, para. 33 (c).
- 57 A/HRC/29/37/Add.2, para. 48.
- 58 *Ibid.*, paras. 98–99.
- 59 For relevant recommendations, see A/HRC/28/6, paras. 109.128–109.130, 109.132–109.133 and 109.136.
- 60 CCPR/C/GMB/CO/2, paras. 37–38.
- 61 A/HRC/39/46/Add.1, para. 85 (b). See also A/HRC/29/37/Add.2, para. 101.
- 62 CCPR/C/GMB/CO/2, para. 31.
- 63 *Ibid.*, paras. 37–38.
- 64 CEDAW/C/GMB/CO/4-5, para. 10.
- 65 *Ibid.*, para. 11 (a) and (d).
- 66 CCPR/C/GMB/CO/2, paras. 7–8.
- 67 *Ibid.*, paras. 23–24.
- 68 A/HRC/39/46/Add.1, paras. 77, 84 (g), 85 (d) and 86 (a).
- 69 *Ibid.*, para. 74. See also para. 85 (c).
- 70 *Ibid.*, paras. 75–76.
- 71 *Ibid.*, para. 85 (f) and (g).
- 72 CCPR/C/GMB/CO/2, para. 33.
- 73 For relevant recommendations, see A/HRC/28/6, paras. 109.140, 109.142–109.143, 109.145 and 109.147–109.148.
- 74 CCPR/C/GMB/CO/2, paras. 39 (a) and 40 (a).
- 75 *Ibid.*, paras. 39 (c) and 40 (c).
- 76 *Ibid.*, paras. 41–42.
- 77 *Ibid.*, paras. 43–44.
- 78 CEDAW/C/GMB/CO/4-5, paras. 28–29.
- 79 CCPR/C/GMB/CO/2, para. 13 (c).
- 80 United Nations country team submission, para. 14.
- 81 CCPR/C/GMB/CO/2, para. 14 (c). See also CEDAW/C/GMB/CO/4-5, para. 27 (a).
- 82 For the relevant recommendation, see A/HRC/28/6, para. 109.126.
- 83 CCPR/C/GMB/CO/2, paras. 35–36.
- 84 CEDAW/C/GMB/CO/4-5, para. 25.
- 85 For relevant recommendations, see A/HRC/28/6, paras. 109.62, 109.66 and 109.146.
- 86 CEDAW/C/GMB/CO/4-5, paras. 34–35.
- 87 E/C.12/GMB/CO/1, para. 16.
- 88 For relevant recommendations, see A/HRC/28/6, paras. 109.154–109.55.
- 89 E/C.12/GMB/CO/1, para. 19.
- 90 For relevant recommendations, see A/HRC/28/6, paras. 109.151–109.153.
- 91 E/C.12/GMB/CO/1, para. 23.
- 92 UN-Habitat submission, p. 1.
- 93 E/C.12/GMB/CO/1, para. 26.
- 94 *Ibid.*, para. 25.
- 95 For relevant recommendations, see A/HRC/28/6, paras. 109.159–109.161.
- 96 E/C.12/GMB/CO/1, para. 27.
- 97 CEDAW/C/GMB/CO/4-5, paras. 36–37.
- 98 CCPR/C/GMB/CO/2, paras. 17–18 (a)–(b).
- 99 *Ibid.*, para. 17.
- 100 *Ibid.*, para. 18 (c).
- 101 A/HRC/39/46/Add.1, para. 86 (b).
- 102 For relevant recommendations, see A/HRC/28/6, paras. 109.164–109.165 and 109.167–109.169.
- 103 E/C.12/GMB/CO/1, para. 28.
- 104 CEDAW/C/GMB/CO/4-5, para. 33.
- 105 CCPR/C/GMB/CO/2, paras. 13 (d) and 14 (d).
- 106 UNESCO submission, para. 11 (3), (5) and (6).
- 107 For relevant recommendations, see A/HRC/28/6, paras. 109.80–109.81.
- 108 United Nations country team submission, para. 13, referring to A/HRC/28/6, paras. 109.80 (Djibouti), 108.81 (Malaysia), 109.84 (Algeria) and 109.96 (Italy). For the position of the Gambia on the recommendations, see A/HRC/28/6/Add.1.
- 109 CEDAW/C/GMB/CO/4-5, paras. 38–41.
- 110 CCPR/C/GMB/CO/2, para. 15.
- 111 CEDAW/C/GMB/CO/4-5, para. 23.

<sup>112</sup> Ibid.

<sup>113</sup> For the relevant recommendation, see A/HRC/28/6, para. 109.139.

<sup>114</sup> E/C.12/GMB/CO/1, para. 21.

<sup>115</sup> CRC/C/GMB/CO/2-3, para. 29 (a)–(e).

<sup>116</sup> Ibid., paras. 33–34.

<sup>117</sup> For relevant recommendations, see A/HRC/28/6, paras. 109.37 and 109.169.

<sup>118</sup> CEDAW/C/GMB/CO/4-5, paras. 42–43.

<sup>119</sup> For relevant recommendations, see A/HRC/28/6, paras. 109.170–109.171.

<sup>120</sup> CCPR/C/GMB/CO/2, para. 46.

<sup>121</sup> For the relevant recommendation, see A/HRC/28/6, para. 109.170.

<sup>122</sup> CRC/C/GMB/CO/2-3, para. 35 (a)–(b) and (d).

<sup>123</sup> CCPR/C/GMB/CO/2, para. 46. See also CEDAW/C/GMB/CO/4-5, paras. 30–31, and CRC/C/GMB/CO/2-3, para. 35 (c).