



UNITED NATIONS
HUMAN RIGHTS
WEST AFRICA REGIONAL OFFICE



United Nations Human Rights Mechanisms The Gambia 2014/2015



PRESIDENT DU CONSEIL

DIRECTEUR DE DIVISION

BRANCHE
CDH

At its core, the Attorney General's Chamber in The Gambia exists to entrench political and abiding respect for the rule of law and a constant observance of human rights.

Its mission is to ensure equal access to justice and treatment for all citizens before the law, to promote social justice by law, to facilitate the operation of a fair, efficient and transparent legal system, and to propagate a culture of due process and legality for these purposes.

The Ministry acts as a defender of the constitutional order, a guarantor of the rights and liberties of citizens, a protector of the state's legal interest, an enforcer of criminal laws, a developer of human resources of the legal sector and a champion of the rule of law.

Content

4 I Foreword

Honourable Justice Aboubacarr Tambadou, Attorney General and Minister of Justice

6 II Foreword

Andrea Ori, Regional Representative, Office of the High Commissioner for Human Rights - West Africa Regional Office (OHCHR-WARO)

9 III Universal Periodic Review

11 A. List of recommendations accepted by The Gambia

25 B. List of recommendations noted by The Gambia

37 IV Treaty Bodies

41 A. Concluding observations of the Committee on the Rights of the Child

69 B. Concluding observations of the Committee on Economic, Social and Cultural Rights

81 C. Concluding observations of the Committee on the Elimination of Discrimination against Women

97 **Map**

98 **Image credits**

99 **Imprint**

I Foreword

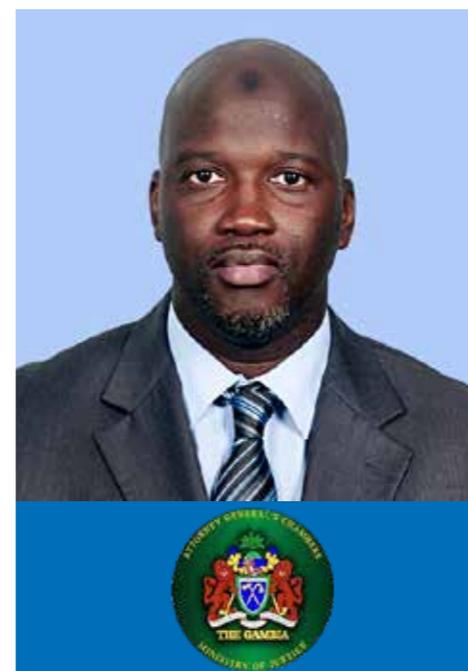
Honourable Justice Aboubacarr Tambadou, Attorney General and Minister of Justice

Respect for the protection and promotion of fundamental freedoms of all citizens anywhere and at all times are the basis for the rule of law in a democratic country where peace and security are guaranteed.

In continuing its pledge to sign and ratify all UN human Rights core treaties, The Gambia is making the choice of a pluralistic, free, secular and democratic society. The Gambia is now, more than ever, attached to the UN Charter and to the interlinkages of its three pillars of Peace and Security, Human Rights and Development.

The Government of The Gambia is convinced that a stronger engagement with the United Nations and Regional Human Rights Mechanisms is the way forward to ensure that the people of The Gambia have access to the full set of human rights that are enshrined in each person living in The Gambia. The importance is for each and everyone to know the rights they enjoy and be aware that, through Gambia's engagement with those UN Human Rights mechanisms, a number of recommendations have been made that now need to be turned into reality for all.

It is in this regard that the Government of The Gambia has decided to issue this publication, with the support of the UN Regional Office of the High Commissioner for Human Rights in West Africa, so that all recommendations stemming from UN Treaty Bodies and the Universal Periodic Review since 2014 are available in one single document.



It is the Government's pledge that the publication will be made accessible to all. It is also a pledge for the Government to set up a permanent national mechanism that is able to report to the mechanisms on the progress made to implement their recommendations to The Gambia.

II Foreword

Andrea Ori, Regional Representative, Office of the High Commissioner for Human Rights - West Africa Regional Office (OHCHR - WARO)

The United Nations human rights system is at the heart of the human rights protection architecture. The bodies based on the UN Charter such as the UN Human Rights Council and its Universal Periodic Review are unique peer-to-peer mechanisms for reviewing the human rights situation in all countries of the world. The UN Human Rights Treaty Bodies offer unique independence, legal analysis of treaty provisions and expert review of implementation by States parties to allow them to fulfill their role in the promotion and protection of human rights around the world.

In this context, the Office of the High Commissioner for Human Rights (OHCHR) works to offer its expertise and assistance to States and other stakeholders to increase their knowledge and raise awareness about human rights. In this regard, the Regional Office for West-Africa of the High Commissioner for Human Rights, based in Dakar, is working in full cooperation with all States of the Sub-region, including The Gambia, to promote and protect human rights.

Since December 2014, the human rights situation of The Gambia has been reviewed for the second time in the context of the Universal Periodic Review as well as by the following UN Treaty bodies: The Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women. After thorough analysis of the human rights situation in the country, all the different mechanisms issued specific recommendations. The present publication compiles



all these recommendations made to The Gambia and the Regional Office of OHCHR has been actively supporting the Government's engagement, the civil society with the UPR and the treaty bodies as well as is now supporting the Government in its efforts to widely disseminate UPR and treaty body recommendations. By doing so, the Government of The Gambia will fulfil its obligation to disseminate the recommendations and make aware all Gambians of the recommendations that were issued to the Government.

Once the recommendations are shared with the people the next challenge will be their implementation, full respect and to ensure that the human rights and fundamental freedoms become a reality. The Regional Office of the High Commissioner for Human Rights renews its commitment and readiness to support The Government in all its endeavors towards the achievement of this goal. The Office stands ready to support the Government in the establishment of a permanent inter-ministerial committee to coordinate the reporting to all human rights mechanisms (international and regional human rights mechanisms) and to follow-up on the implementation of the recommendations and to make it a reality for all.



III Universal Periodic Review

**Second Review
28 October 2014**

**Adoption of outcome
26 March 2015**

List of recommendations

What is the Universal Periodic Review?

The Universal Periodic Review “has great potential to promote and protect human rights in the darkest corners of the world.”

– Ban Ki-moon, former UN Secretary-General

The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all UN Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for every country when their human rights situations are assessed.

The UPR was created through the UN General Assembly on 15 March 2006 by resolution 60/251, which established the Human Rights Council itself. It is a cooperative process which, by October 2011, has reviewed the human rights records of all 193 UN Member States. Currently, no other universal mechanism of this kind exists. The UPR is one of the key elements of the Council which reminds States of their responsibility to fully respect and implement all human rights and fundamental freedoms. The ultimate aim of this mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur.

The present publication compiles the recommendations addressed to The Gambia in the framework of the Universal Periodic Review which took place in December 2014. The Government of The Gambia has indicated which recommendations enjoy its support, whilst all others have been noted. 171 recommendations were made to The Gambia, which in turn supported 93, and noted 78.

A. List of recommendations accepted by The Gambia

The name of the countries mentioned below correspond to the Member State that issued the recommendation to The Gambia.

The numbering refers to the number of the recommendation as referred to in the outcome document dated 26 March 2015.



Acceptance of international norms

Slovakia

109.39. Ratify or accede to the Agreement on Privileges and Immunities of the International Criminal Court and implement it fully at national level.

Portugal

109.40. Ratify the UNESCO Convention against Discrimination in Education.

Mali

109.22. Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Thailand

109.23. Consider acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

Uruguay

109.24. Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Thailand

109.25. Consider acceding to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Portugal

109.26. Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Maldives

109.37. 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.

Cooperation with treaty bodies

Niger

109.88. Improve its cooperation with treaty bodies.

Burkina Faso

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

Sierra Leone

109.89. Submit the long outstanding reports to the Human Rights Committee and to the Committee on the Elimination of Racial Discrimination.

Cooperation with other international mechanisms and institutions

South Africa

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 person.

Sweden

109.141. Cooperate with international and regional human rights bodies to improve the situation of freedom of expression and human rights generally in The Gambia.

Inter-state cooperation & development assistance

Cuba

109.158. Take further steps, with the support of the international community, to continue ameliorating access of the population to health.

Sierra Leone

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

Nicaragua

109.150. Continue making efforts to seek the necessary resources to lead The Gambia towards development.

Constitutional & legislative framework

Mauritania

109.41. Incorporate into its national legislation most of the international legal human rights instruments that The Gambia has acceded to.

Italy

109.96. Take all necessary measures, both legislative and educational, to eradicate negative stereotypes and attitudes towards women.

Democratic Republic of the Congo

109.171. Provide additional resources to the National Commission for Refugees in order to facilitate their reintegration and better organize their legal protection.

Congo

109.66. Incorporate into national legislation provisions to ensure the effective implementation of the rights of men and women to equal pay for equal work.

Ireland

109.144. Create and maintain, in law and in practice, a safe and enabling environment, in which human rights defenders can operate free from hindrance and insecurity, in accordance with Human Rights Council resolution 22/6.

Kuwait

109.131. Work towards strengthening the independence of the judiciary through the adoption of the Judges Bill of 2014.

Central African Republic

109.65. Enact laws prohibiting forced and early marriage of girls.

Chile

109.118. Further progress in the eradication of the female genital mutilation and reaffirm its prohibition.

Italy

109.113. Adopt and implement effective legislation aimed at banning female genital mutilation and punishing the perpetrators.

Kuwait

109.67. Conclude the ongoing consultations concerning the Disability Bill to be adopted at the nearest time possible.

Venezuela (Bolivarian Republic of)

109.68. Promptly adopt the law in the area of the protection and promotion of the rights of persons with disabilities to enable the requisite legal framework to apply the Convention on the Rights of Persons with Disabilities.

India

109.69. Accelerate the progress of consultations and ensure that the national human rights institution functions in accordance with the Paris Principles.

Tunisia

109.70. Accelerate the process of the establishment of a national human rights commission in accordance with the Paris Principles.

Niger

109.71. Accelerate the establishment of the national commission for human rights in accordance with the Paris Principles.

Gabon

109.72. Accelerate the establishment of the national human rights institution in accordance with the Paris Principles.

Chile

109.73. Accelerate efforts for the establishment of a national human rights institution in conformity with the Paris Principles.

Nicaragua

109.74. Consider establishing the national human rights institution in accordance with the Paris Principles.

Portugal

109.75. Finalize the creation of a national human rights institution and the establishment of an NHRI in full compliance with the Paris Principles (A status).

Rwanda

109.76. Intensify its efforts to establish a national human rights institution fully in accordance with the Paris Principles.

Burkina Faso

109.77. Work towards the effective establishment of the national human rights institution.

Egypt

109.78. Seek to expedite the current process of establishing a national human rights institution, with a view to further improving the general situation of human rights in The Gambia.

Sudan

109.79. Continue its efforts in establishing a national human rights institution.

Azerbaijan

109.85. Continue further improvement of the protection and promotion of human rights in the country.

Egypt

109.87. Continue efforts aimed at promoting awareness of the culture of human rights in The Gambian society.

India

109.129. Actively pursue further reforms to ensure judicial independence.

Mexico

109.132. Take measure to ensure the independence of the judiciary, including by means of eradicating the system of presidential decisions on the appointment of judges.

Bangladesh

109.86. Continue its national efforts with the support and assistance of the international community in the promotion and protection of human rights, particularly in the realization of economic, social and cultural rights of the people of The Gambia.

Philippines

109.151. Give more focus to building the capacity of institutions responsible for poverty eradication programmes of the Government.

South Africa

109.153. Strengthen efforts on the eradication of extreme poverty and hunger through the full implementation of the Programme on Accelerated Growth and Employment.

Malaysia

109.149. Continue its positive approach in combating poverty by providing the necessary support in rural infrastructure and its national employment policy to reduce unemployment.

Sudan

109.154. Continue its efforts in increasing the financial resources allocated to provide welfare services to vulnerable members of the society.

Venezuela (Bolivarian Republic of)

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.

Venezuela (Bolivarian Republic of)

109.156. Further strengthen driven policies in the area of health, in order to achieve the objective of universal access to health.

Algeria

109.157. Pursue the implementation of the national health policy for the period 2012 to 2020.

Ethiopia

109.159. Enhance the existing effort in health service delivery system particularly to vulnerable groups.

Libya

109.160. Step-up further efforts to strengthen health care facilities and improve health care services provided to women and children and equipping health facilities with the necessary equipment and medicine.

Singapore

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

Ireland

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 preventable mortality and morbidity of children under 5 years of age.

Djibouti

109.163. Continue to invest in education and training.

Venezuela (Bolivarian Republic of)

109.166. Further strengthen its sound educational policies, in particular in the secondary school.

Cuba

109.167. Continue education reforms in order to reduce the illiteracy rate in the country.

Algeria

109.84. Pursue efforts carried out by The Gambian Government in the framework of the national policy for gender equality and promotion of women for the period 2010 to 2020.

Malaysia

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.

Rwanda

109.121. Intensify efforts to ensure gender equality and eliminate sexual and gender-based violence.

Portugal

109.82. Adopt a national action plan on Security Council resolution 1325 on women peace and security.

Spain

109.83. Follow up effectively the national plan of action to accelerate the eradication of female genital mutilation and the implementation of preventative measures.

Australia

109.116. Take all necessary measures to prohibit and eliminate the practice of female genital mutilation.

Brazil

109.117. Enhance its initiatives designed to halt female genital mutilation and related harmful practices.

Ethiopia

109.119. Intensify efforts to strengthen the fight against female genital mutilation.

Rwanda

109.120. Continue efforts to eliminate harmful tradition practices and female genital mutilation.

Montenegro

109.122. Ensure the full implementation of the adopted law on sexual and gender-based offences against women.

Botswana

109.123. Ensure the full implementation of the recently adopted law on sexual and gender-based violence against women and pursue efforts aimed at eradicating these vices.

Chile

109.124. Continue to expand plans and measures to eliminate all forms of physical, sexual and gender-based violence in the country.

Democratic Republic of the Congo

109.168. Intensify the policy of social reintegration of abandoned children and school dropouts.

Central African Republic

109.125. Enforce laws relating to child labour.

Right to physical and moral integrity

France

109.143. Ensure human rights defenders the free exercise of their activities and refrain from harassment and intimidation against them.

Prohibition of torture and cruel, inhuman or degrading treatment

Spain

09.110. Investigate all complaints of torture and adopt necessary preventative measures to eliminate this practice.

Conditions of detention

Djibouti

109.111. Continue to improve the conditions of prisoners.

Slovakia

109.112. Improve the conditions of detention in all places of detention and ensure that prisoners and detainees have access to medical care, adequate and appropriate food, hygiene and exercise.

Prohibition of slavery, trafficking

Philippines

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

Freedom of opinion and expression

United Kingdom of Great Britain and Northern Ireland

109.145. Fully protect and promote freedom of expression, association and peaceful assembly for all, without fear of arbitrary detention, intimidation or harassment, and investigate all allegations of torture or ill-treatment and hold the perpetrators to account.

Slovenia

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.

United States of America

109.135. Investigate the disappearance of U.S. citizens Alhaji Ceesay and Ebrima Jobe.

Tunisia

109.142. Intensify efforts to ensure a favourable environment for the activities of journalists, human rights defenders and other civil society actors.

Italy

109.140. Promote and guarantee freedom of expression in compliance with international standards, as recommended previously.

Administration of justice & fair trial

Central African Republic

109.128. Ensure the independence of the judiciary.

Egypt

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 Gambian economy.

Thailand

109.130. Continue working to ensure the independence and transparency of its judicial system as well as to improve the conditions of its penitentiaries .

Sweden

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

Rights related to marriage & family

Canada

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

Right to education

Libya

109.164. 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.

Singapore

109.165. Continue to place emphasis on promoting access to education and improving the quality of its education system.

South Sudan

109.169. Continue efforts to provide more education to persons with disabilities.

Djibouti

109.80. Continue to promote and protect the rights of women and children.

Gender-based violence

Montenegro

109.114. Pursue efforts aimed at eradicating the practice of female genital mutilation.

Angola

109.115. Strengthen and accelerate mechanisms aiming at eradicating the harmful practice of female genital mutilation.

Right to development – general measures of implementation

China

109.152. Continue to focus on developing its economy, escalating employment, increasing efforts on poverty reduction, and improving the living standards of its people.



B. List of recommendations noted by The Gambia

The name of the countries mentioned below correspond to the Member State that issued the recommendation to The Gambia.

The numbering refers to the number of the recommendation as referred to in the outcome document dated 26 March 2015.

Acceptance of international norms

Portugal

109.8. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Tunisia

109.38. Ratify the Rome Statute.

Chad

109.2. Ratify the conventions on human rights not yet ratified and proceed to the harmonization of those already ratified with domestic legislation.

Spain

109.107. Establish a standing moratorium on executions with a view to the abolition of the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Uruguay

109.108. Abolish de jure the death penalty and proceed to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Australia

109.109. Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Montenegro

109.3. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Rwanda

109.5. Consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Angola

109.6. Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Germany

109.7. Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Indonesia

109.9. Consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Gabon

109.10. Consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

Portugal

109.11. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

Tunisia

109.12. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

Ghana

109.13. Consider the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Mali

109.14. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Sierra Leone

109.15. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Denmark

109.16. Ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Togo

109.17. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

France

109.18. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and harmonize the convention with the national legislation.

Botswana

109.21. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure its full implementation in law and practice.

Australia

109.20. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure that allegations of ill-treatment are investigated thoroughly and independently and that the individuals responsible are held to account.

Uruguay

109.19. Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, recalling the commitment undertaken by the Government of The Gambia during the first cycle of the UPR.

Uruguay

109.31. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Portugal

109.32. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Tunisia

109.33. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Argentina

109.35. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Ghana

109.36. Consider the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance.

France

109.34. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and harmonize the convention with the national legislation.

Thailand

109.27. Consider acceding to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

Portugal

109.28. Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

Indonesia

109.29. Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Ghana

109.30. Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Niger

109.1. Ratify the conventions to which it is not yet a party, in keeping with the recommendations accepted during the first cycle of the review.

Cooperation with special procedures

Rwanda

109.91. Consider issuing a standing invitation to the United Nations Human Rights Council special procedures.

Uruguay

109.92. Accept the visit of the special procedures of the Human Rights Council and allow them access without restriction.

Costa Rica

109.93. Extend a standing invitation to all United Nations human rights mechanisms.

Denmark

109.95. Respond favourably to the request of the Special Rapporteur on torture to visit the country.

Mexico

109.94. Facilitate, without further ado, the visit of the Special Rapporteur on summary executions and the Special Rapporteur on torture.

Cooperation with other international mechanisms and institutions

Netherlands

109.134. Implement swiftly and without preconditions the verdict of the ECOWAS Court of 10 June 2014 on the need for a thorough investigation into the disappearances of journalists Manneh and Hydara.

Constitutional & legislative framework

Germany

109.42. Comply with its existing international and regional human rights obligations.

Canada

109.55. Immediately decriminalize homosexuality and amend legislation to promote and protect human rights for all individuals, regardless of race, ethnic origin, religion, personal beliefs and opinions, disability, age, gender and sexual orientation, in

accordance with The Gambia's obligations, including as a signatory to the African Charter on Human and Peoples' rights.

United Kingdom of Great Britain and Northern Ireland

109.54. Ensure that the Criminal Code is applied in a non-discriminatory manner, in full compliance with articles 2, 17 and 26 of the International Covenant on Civil and Political Rights, as interpreted by the Human Rights Committee.

Germany

109.56. Refrain from introducing and/or repeal any legislation that criminalizes sexual activities between consenting adults and take all necessary measures to prevent discrimination on the basis of sexual orientation and/or gender identity or expression.

Netherlands

109.49. That the President of The Gambia will use his executive power by refraining from signing the Bill amending section 144a of the Criminal Code into law, and that the Government of The Gambia eliminates all existing legislation penalizing sexual orientation or gender identity.

Sweden

109.50. That the President of The Gambia reject provisions in the proposed Criminal Code on aggravated homosexuality and absconding State officials.

Sweden

109.51. That the President of The Gambia repeal provisions in the Criminal Code which criminalize consensual same-sex sexual conduct.

Australia

109.52. Repeal all provisions in laws that criminalize same sex relations between consenting adults and ensure the rights of those persons are protected.

France

109.53. Repeal laws that provide for the criminalization of LGBT persons, in accordance of the principle of non-discrimination.

Italy

109.97. Withdraw the criminal laws sanctioning homosexuality and take action to combat violence based on sexual orientation and gender identity.

Portugal

109.57. 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.

Slovakia

109.58. Repeal legislation that does not comply with international human rights law, in particular the amendment to the Information and Communication Act, enacted in 2013 and the amendment to the Criminal Code, enacted in 2013.

Australia

109.60. Amend legislation that infringes on freedom of expression and decriminalize press-related offences such as defamation.

Canada

109.61. Amend the Criminal Code to ensure respect of the right to freedom of expression and establish guidelines for criminal defamation prosecution to ensure the exercise of the right to freedom of expression without fear of intimidation or harassment.

France

109.63. Take all necessary measures to guarantee, in all circumstances, full respect of freedom of expression and freedom of the press; reform, in that regard, the provisions of the Information and Communication Act in order to bring the national legislation in line with international standards.

Mexico

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.

Spain

109.59. Amend legislation to remove restrictions on freedom of expression, which has a major impact on human rights defenders, journalists and members of the political opposition.

Germany

109.62. Abolish all legal provisions limiting the freedom of expression and freedom of the press, and take all necessary measures to facilitate the work of human rights defenders, journalists and civil society.

Sierra Leone

109.137. Consider drawing up legislation to raise the legal age of marriage to 18 years.

Togo

109.138. Set 18 years as the minimum legal age of marriage.

Slovenia

109.43. Enact legislation prohibiting female genital mutilation.

Germany

109.44. Enact and enforce effective legislation prohibiting the practice of female genital mutilation.

Ghana

109.45. Take urgent steps to incorporate the prohibition of female genital mutilation in its law and enforce it.

India

109.46. Consider enacting a comprehensive law prohibiting the practice of female genital mutilation.

Canada

109.47. Introduce legislation to criminalize the practice of female genital mutilation.

Maldives

109.48. Enact domestic violence legislation with the aim of eliminating domestic violence, and enact specific legislation criminalizing acts such as female genital mutilation.

Institutions & policies

Italy

109.101. Maintain the moratorium on executions with a view to abolishing the death penalty.

Mexico

109.102. Reinstate and respect the moratorium on the death penalty with a view to preparing a referendum on its possible abolition in accordance with the stipulations of the national Constitution.

Brazil

109.103. Consider establishing a new moratorium on executions, with a view to abolishing the death penalty in the future.

Costa Rica

109.104. Adopt a permanent moratorium on the death penalty with the view of its future abolition.

France

109.105. Abolish the death penalty for all crimes.

Togo

109.106. Establish a moratorium on the death penalty with a view to its abolition.

Spain

109.98. Take on board policies to promote human rights regardless of the sexual orientation of persons.

United States of America

109.99. Ensure that the human rights of all Gambian citizens are respected, regardless of sexual orientation or gender identity, by repealing discriminatory laws that are inconsistent with international human rights principles.

Argentina

109.100. Guarantee to LGBTI persons the full and equal enjoyment of their human rights, and protection from criminalization and stigmatization.

Freedom of opinion and expression

United States of America

109.148. Demonstrate its commitment to freedom of expression, including by members of the press, by allowing the United Nations unfettered access to complete its investigation of the death of journalist Deyda Hydar in 2004 and the disappearance of journalist Ebrima Manneh in 2006.



IV

Treaty Bodies

What are Treaty Bodies?

This other important mechanism consists of the review of the human rights situation of States based on their compliance with the human rights treaties they are parties to.

As of January 2016, The Gambia is a party to the following core human rights treaties:

- The International Covenant on Civil and Political Rights, acceded to by The Gambia on 22 March 1979;
- The Convention on the Elimination of All Forms of Discrimination against Women ratified on 16 April 1993;
- The International Convention on the Elimination of All Forms of Racial Discrimination, acceded to on 29 December 1978;
- The International Covenant on Economic, Social and Cultural Rights acceded to on 29 December 1978;
- The Convention on the Rights of the Child, ratified on 08 August 1990 and its Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, ratified on 08 April 2010;
- The Convention on the Rights of Persons with Disabilities, acceded to on 07 June 2015.

International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment

of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights.

All the above mentioned treaties have established a system of review of the reports submitted by the State party with regard to that particular treaty. This review which is performed on a periodic basis is performed by a UN body of independent expert named "Committee".

Each core treaty has its own Committee. The present publication which covers the period from January 2014 to December 2015 compiles the recommendations issued to The Gambia by The Committee on the Rights of the Child (monitoring the compliance by The Gambia of the Convention on the Rights of the Child), the Committee on Economic, Social and Cultural Rights (monitoring the compliance by The Gambia of the International Covenant on Economic, Social and Cultural Rights) and the Committee on the Elimination of Discrimination of Women (monitoring the compliance by The Gambia of the Convention on the Elimination of Discrimination against Women).



A. Committee on the Rights of the Child

**Concluding observations on the combined
second and third periodic reports of The Gambia
30 January 2015**

List of recommendations

The numbering of the recommendations refers to the number of the paragraph in the Concluding Observations dated 30 January 2015.

Status of the covenant

6. The Committee recommends that the State party take all necessary measures to address its previous recommendations (CRC/C/15/Add.165) that have not been implemented or not sufficiently implemented.

Legislation

8. The Committee recommends that the State party amend the Children's Act 2005 to:

A. Ensure that it covers all areas of the Convention, including issues relating to child marriages, female genital mutilation and child labour;

B. Ensure the effective enforcement of the Children's Act, including by providing adequate human, financial and administrative capacity for its implementation and establishing a monitoring mechanism;

C. Strengthen the dissemination of the Children's Act among law enforcement agencies, religious and community leaders, local government authorities and the general public.

Comprehensive policy and strategy

10. The Committee encourages the State party to accelerate the development and adoption of the national child protection strategy. The Committee also recommends that the State party develop, on the basis of this strategy and in partnership with civil society organizations, appropriate plans for its implementation, and that it allocate sufficient human, technical and financial resources to this end.

Coordination

12. The Committee recommends that the State party:

A. Render operational the Ministry of Children's Affairs and provide it with a clear mandate and sufficient authority to coordinate all activities relating to the implementation of the Convention at cross-sectoral, national, regional and local levels;

B. Ensure that the existing institutions for the protection and promotion of the rights of the child, including the Department of Social Welfare and the Ministry of Justice, as well as the future Ministry of Children's Affairs, are provided with the necessary human, technical and financial resources for their effective operation;

C. Ensure effective coordination of the implementation of the Convention.

Allocation of resources

14. In the light of its day of general discussion in 2007 on "Resources for the rights of the child — responsibility of States" and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the State party:

A. Increase substantially the allocations in the areas of health and social welfare to adequate levels;

B. 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. The State party should also use this tracking system for impact assessments on how investments in any sector may serve "the best interests of the child",

ensuring that the different impact of such investment on girls and boys is measured;

C. Take immediate measures to combat corruption and strengthen institutional capacities to detect, investigate and prosecute corruption effectively.

Data collection

16. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee reiterates its recommendation that the State party set up a comprehensive data collection system with the support of its partners (CRC/C/15/Add.165, para. 16). The data should cover all areas of the Convention, including child labour, child trafficking, child mortality, sexual abuse and exploitation of children, and domestic violence against children, and should be disaggregated by, inter alia, age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability.

Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF), regional mechanisms and non-governmental organizations (NGOs).

Independent monitoring

18. In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions, the Committee

recommends that the State party take measures to establish an independent institution for monitoring human rights, including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner. Furthermore, the Committee recommends that the State party ensure the independence of such a monitoring mechanism, including with regard to its funding, mandate and immunities, so as to ensure full compliance with the Paris Principles. To that end, the Committee recommends that the State party seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNICEF and the United Nations Development Programme (UNDP).

Dissemination and awareness-raising

20. The Committee urges the State party to take more active measures to systematically disseminate and promote the Convention, taking into account the high level of illiteracy, through oral, written or artistic awareness-raising programmes, including campaigns, across the State party, in particular in rural areas.

Training

22. The Committee recommends that the State party strengthen its efforts to ensure that professionals working with or for children are adequately and systematically trained on children's rights, in particular judges, lawyers, law enforcement officials, teachers, school administrators, health workers including psychologists, social workers, personnel working in all forms of alternative care, and traditional or community leaders.

Cooperation with civil society

24. The Committee urges the State party to respect the independence

of NGOs. It also recommends that the State party take concrete steps to facilitate the work of human rights defenders to ensure that NGOs can safely carry out their functions in a manner consistent with the principles of a democratic society.

Children's rights and the business sector

26. The Committee recommends that the State party:

- A. Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of business enterprises and their subsidiaries operating in the State party's territory, especially in the tourism industry;
- B. Establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency;
- C. Strengthen its awareness-raising programmes, including campaigns, in the tourism industry and among the public at large on the prevention of child sex tourism, and widely disseminate the Charter of Honour for Tourism and the World Tourism Organization Global Code of Ethics for Tourism among travel agents and in the tourism industry;
- D. Strengthen its international cooperation against child sex tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

Child marriage

28. In the light of the State party's obligations under the Convention and the African Charter on the Rights and Welfare of the Child, the Committee recommends that the State party:

A. Harmonize legislation to ensure that child marriage is not permitted before the age of 18. In this regard, the Committee invites the State party to take measures, including awareness-raising activities among traditional and religious leaders and their communities, to ensure that domestic laws and customary law, as well as relevant aspects of the sharia, are interpreted and applied in ways compatible with the provisions of the Convention;

B. Seek effective measures to prevent and combat the practice of child marriage, such as awareness-raising and information programmes, including campaigns, on the harm and dangers resulting from child marriage;

C. Put in place effective monitoring systems to assess progress towards the eradication of child marriage.

Non-discrimination

30. The Committee urges the State party to:

- A. Ensure that no legal provisions that discriminate against girls and women are applied, in particular those relating to inheritance;
- B. Ensure that children born out of wedlock can inherit from the estate of their fathers;
- C. Invite local, religious and other leaders to take a more active role in supporting efforts to prevent and eliminate discrimination against the girl child, and to provide guidance to communities in that regard;
- D. Take all necessary measures to ensure equal access of children with disabilities to all public services, in particular health care and education;

E. Ensure that children who belong to LGBTI groups and children from LGBTI families are not subjected to any form of discrimination, and repeal the legal provisions criminalizing homosexuality;

F. Address as a matter of priority the situation of children in the most marginalized or disadvantaged situations, and especially the various types of discrimination suffered by children born out of wedlock, children living in poverty, working children, children in street situations, children living in rural areas and refugee children;

G. Include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.

Best interests of the child

32. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to, and have an impact on, children.

In this regard, the State party is encouraged to develop procedures and criteria to provide guidance and training to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration.

Respect for the views of the child

34. In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen this right in accordance with article 12 of the Convention. To that end, it recommends that the State party conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children in the family, the community, including the traditional community, schools, and the care and judicial systems, including the Children's Court, the Cadi courts and the community child protection committees, with particular attention to girls and children in vulnerable situations. The Committee also encourages the State party to consider establishing a children's parliament.

Birth registration/name and nationality

36. The Committee recommends that the State party:

A. Take all necessary measures to ensure complete and immediate birth registration of all children and allocate resources accordingly;

B. Launch extensive awareness-raising programmes, including campaigns, on the importance of birth registration, on the benefits thereof and on the registration process;

C. Ensure that all children, including children born out of wedlock, are properly registered at birth, including by raising awareness among the population to eliminate the stigmatization faced by children born out of wedlock and their mothers;

D. Provide identification documents to child refugees born in The Gambia or arriving as minors, to avoid the risk of statelessness;

E. Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF, among others, for the implementation of these recommendations.

Freedom of expression

38. The Committee recommends that the State party provide opportunities and platforms for children to express themselves, especially on issues affecting them.

Access to appropriate information

40. The Committee recommends that the State party:

A. Ensure the effective monitoring of the information accessible to children in Internet cafes and video showrooms, develop guidelines to regulate information accessible to children in those places, and conduct awareness-raising in cooperation with the cafes and showrooms in that regard;

B. Increase the number of libraries, in particular in rural areas;

C. Ensure that television programmes that are inappropriate for children are not aired at prime time.

Corporal punishment

42. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8), the Committee recommends that the State party:

A. Repeal all provisions that authorize corporal punishment, including the provisions of the Children's Act concerning the right of parents,

guardians and others in loco parentis to "reasonably chastise" their child, and explicitly prohibit corporal punishment of children in all settings, including within the family, in schools and other institutions and in childcare settings;

B. Strengthen public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice, and promote positive, nonviolent and participatory forms of child-rearing and discipline as an alternative to corporal punishment in the family, schools, alternative care and penal institutions;

C. Ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies with regard to the corporal punishment of children.

Sexual abuse and exploitation

44. The Committee recommends that the State party:

A. Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of sexual abuse and exploitation of children;

B. Ensure that legislation relating to the sexual abuse and exploitation of children is effectively enforced, and that perpetrators of such crimes are brought to justice and punished with sanctions proportionate to their crimes;

C. Strengthen its actions to respond to the health, legal and psychosocial needs of child victims of sexual exploitation and violence, among other things providing them with shelters;

D. Strengthen awareness-raising activities to combat sexual exploitation of children; conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest; and ensure accessible, confidential, child-friendly and effective reporting channels for such violations;

E. Ensure the development of programmes and policies for the prevention, recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;

F. Strengthen coordination between all actors of the protection system and allocate sufficient human, technical and financial resources to that end.

Harmful practices

46. In the light of the joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee urges the State party:

A. To adopt legal provisions fully criminalizing the practice of female genital mutilation;

B. To ensure the effective implementation of the National Plan of Action for Accelerated Abandonment of Female Genital Mutilation 2013–2017;

C. To provide physical and psychological recovery programmes for victims of female genital mutilation, and establish reporting and complaints mechanisms accessible to girls who have been victims, or fear becoming victims, of the practice;

D. To strengthen efforts to raise the awareness of women, men and children, government officials, extended families, chiefs and other traditional, religious and community leaders of the harmful impact of female genital mutilation on the psychological and physical health and welfare of the girl child, and of the need to prevent it, while promoting positive cultural practices in childhood; and, in particular, to support and empower the media and NGOs working on combating female genital mutilation and ensure free access of NGOs to the media; (e) Take measures to help practitioners of female genital mutilation find alternative sources of income.

Freedom of the child from all forms of violence

48. Recalling the recommendations of the 2006 United Nations study on violence against children (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee also recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:

A. Ensure the effective enforcement of the Domestic Violence Act 2013, including by providing adequate budget and administrative structures as well as trained professional and policy decision makers for its implementation;

B. Undertake a study on domestic violence and develop a comprehensive national strategy to prevent and address all forms of violence against children which will help to change attitudes and improve the prevention and treatment of cases of violence against children;

C. Pay particular attention to and address the gender dimension of violence against children;

Helplines

50. The Committee recommends that the State party provide the child helpline with adequate financial, human and technical resources, including trained staff, in order to ensure the provision of a 24-hour high-quality child protection service throughout the State party. The Committee also recommends that the State party promote awareness of the existence of the helpline and engage with network providers to make it free.

Family environment

52. The Committee recommends that the State party:

A. Identify and elaborate strategies for providing parent education, strengthening parenting capacities and improving the overall climate of child-rearing, and establish social protection systems to support poor families in their child-rearing and nurturing efforts;

B. Repeal legal provisions, such as provisions authorizing polygamy, that discriminate against women and ultimately have a negative impact on their children;

C. Review the law to remove the confusion created by the concurrent jurisdiction of the Cadi courts and the Children's Court and to ensure that the Children's Act covers the fields of maintenance, custody and inheritance;

D. Ratify the Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations, the Convention on the Law Applicable to Maintenance Obligations, and the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children.

Children deprived of a family environment

54. The Committee recommends that the State party:

A. Strengthen the family and parenting support programmes and the programmes on reproductive health education, and review its legislation concerning abortion, in order to prevent the abandonment and neglect of babies;

B. Ensure that adequate human, technical and financial resources are allocated to alternative care centres and the Department of Social Welfare, in order to facilitate the rehabilitation and social reintegration of children resident in the centres to the greatest extent possible;

C. Ensure that trained professionals are employed in alternative care centres;

D. Establish independent complaint and monitoring mechanisms for alternative care institutions;

E. Ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;

F. Provide adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining whether a child should be placed in alternative care;

G. Take into account the Guidelines for the Alternative Care of Children annexed to General Assembly resolution 64/142 of 18 December 2009.

Adoption

56. The Committee recommends that the State party take the necessary action to regulate the practice of informal adoption within the extended family, encourage formal domestic adoptions, and set up an effective mechanism to assess and monitor adoption, in order to ensure that the principle of the best interests of the child is always taken into consideration.

57. The Committee reiterates its previous recommendation that the State party ratify the 1993 Hague Convention No. 33 on Protection of Children and Co-operation in respect of Inter-country Adoption.

Children with disabilities

59. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and specifically recommends that the State party:

A. Strengthen awareness-raising programmes, including campaigns, for the community at large, aimed at combating the high level of discrimination against, and stigmatization of, children with disabilities;

B. Increase the human and financial resources of the Special Needs Education Unit with a view to achieving inclusive education as far as possible for all children concerned and to eliminating all barriers that lead to educational disparities for children with disabilities;

C. Ensure the effective implementation of the recommendations of the Special Needs Education and Inclusive Policy Framework 2009-2015 and the National Disability Study Report 2013;

D. Improve health-care services for persons with disabilities by

ensuring that the necessary professional and financial resources as well as adequate infrastructure are available; Further encourage the inclusion of children with disabilities in society and in the mainstream educational system, including by making schools more accessible;

E. Expedite the adoption of the Integrated National Disability Policy and the ratification of the Convention on the Rights of Persons with Disabilities.

Health and health services

61. The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:

A. Ensure that sufficient resources are allocated to the health sector and are used effectively; and develop and implement comprehensive policies and programmes for improving the health situation of children and facilitating greater and equal access to high-quality primary health services for mothers and children in all areas of the country;

B. Take all effective measures to increase the number of trained medical and other health personnel, including traditional healers, and facilitate cooperation between trained medical personnel and traditional healers, especially midwives;

C. Improve access to maternal care services by improving health infrastructure and increasing the availability and accessibility of emergency obstetric and neonatal care and skilled birth attendants at lower- and district-level health facilities;

D. Strengthen efforts to address malnutrition and diseases of children, including by strengthening educational programmes, campaigns to

inform parents about basic child health and nutrition, hygiene and environmental sanitation and reproductive health, and by providing sufficient drugs, including rapid diagnostic tests and malaria, pneumonia and diarrhoeal rehydration drugs;

E. Strengthen its efforts to increase access to safe drinking water and sanitation;

F. Ensure the effective implementation of the Food Act to regulate the importation and utilization of micronutrients such as vitamin A and the consumption of iodized salt;

G. Develop a comprehensive strategy on health, including environmental, water and sanitation issues;

H. Implement and apply the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

I. Seek financial and technical assistance from UNICEF and the World Health Organization (WHO), among others, in this regard.

Adolescent health

63. In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:

A. Strengthen reproductive health education by, inter alia, making it part of school curricula, and improve knowledge and availability of relevant services with a view to preventing HIV/AIDS and other

sexually transmitted infections and reducing teenage pregnancies; to that end, the Committee recommends that the State party seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF;

B. Decriminalize abortion, ensure that the best interests of pregnant teenagers are guaranteed, and ensure by law and in practice that the views of the pregnant child are always heard and given due consideration in abortion decisions.

Breastfeeding

65. The Committee recommends that the State party ensure the effective implementation of the National Nutrition Policy (2010-2020), strengthen its awareness-raising efforts regarding the importance of breastfeeding and promote the exclusive breastfeeding of children up to the age of six months. The Committee also recommends that the State party establish a national breastfeeding committee, systematically collect data on breastfeeding practices, ensure the enforcement of the International Code of Marketing of Breast-milk Substitutes, include breastfeeding in the training of nurses, and provide maternity leave to all working mothers, including domestic workers.

Standard of living

67. The Committee recommends that the State party expedite the adoption and launching of the Social Protection Policy and ensure its effective implementation. It also recommends that the State party consider holding targeted consultations with families, children and children's rights civil society organizations on the issue of child poverty.

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31).

Education, including vocational training and guidance

69. In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:

- A. Strengthen its focus on improving the accessibility and quality of education, and provide high-quality training for teachers;
- B. Strengthen its efforts to reduce disparities between urban and rural areas in access to and full enjoyment of the right to education;
- C. Continue its efforts to eliminate all types of hidden educational costs in the school system in order to ensure unhindered and equal access to education for all children;
- D. Strengthen its focus on the retention of children, and in particular girls, in school and ensure the effective implementation of section 28 of the Women's Act 2010, which prohibits the withdrawal of girls from school for the purpose of marriage.

Early childhood development

71. Referring to its general comment No. 7 (2005) on implementing child rights in early childhood, the Committee recommends that the State party promote, develop and ensure access to early childhood development and education, and improve its coverage, in particular in rural areas.

Rest, leisure, recreation and cultural and artistic activities

73. Referring to its general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and

the arts, the Committee recommends that the State party ensure the right of children to enjoy adequate leisure, recreational and cultural activities, in compliance with article 31 of the Convention, including by raising the awareness of teachers and social workers on these rights and by ensuring that schools provide sport, leisure and cultural activities to children.

Asylum-seeking and refugee children

75. The Committee recommends that the State party ensure the provision of adequate protection measures for child refugees born in the State party or arriving as minors, including by providing them with identification documents to avoid the risk of statelessness, and with equitable access to free primary education, secondary education, and health and social services at the community level.

Economic exploitation, including child labour

77. The Committee urges the State party to:

- A. Generate the necessary political will to prevent and bring to an end all forms of child labour under the age of 16 in accordance with the legislation;
- B. Undertake research on the extent, nature, root causes and impact of child labour in the State party in order to develop effective preventive and remedial strategies; pay particular attention to: (i) child labour on family farms, family-owned businesses and in the informal sector; (ii) cases of children undertaking petty trading or long hours of domestic work at home; and (iii) cases of almudos receiving inadequate food and working for long hours on the farm of the marabout;

C. Collect reliable data in order to understand the dynamics of child labour and to address the root causes and the dangers of child labour throughout the country; Ensure that the legal provisions on child labour are effectively enforced, and that individuals who exploit children are duly sanctioned, and strengthen labour inspections to monitor respect for the legal provisions on child labour effectively;

D. Ratify International Labour Organization (ILO) Convention No. 189 (2011) concerning decent work for domestic workers;

E. Seek technical assistance from the ILO International Programme on the Elimination of Child Labour in this regard.

Children in street situations

79. The Committee recommends that the State party:

A. Undertake an in-depth study and statistical analysis of the causes and scope of the issue of children in street situations;

B. Develop and implement a comprehensive policy to address the root causes of the phenomenon of children in street situations, in order to prevent and reduce it;

C. Ensure that children in street situations are provided with adequate means of living in order to support their full development and their return and reconciliation with their families and community;

D. Develop prevention programmes to ensure that children, including almudos children, are not forced to work or beg in the street, and involve Islamic religious education teachers or marabouts in the development of these programmes, when deemed relevant.

Sale, trafficking and abduction

81. The Committee recommends that the State party:

A. Ensure the effective implementation of the Trafficking in Persons Act 2007 and of the provisions of the Children's Act 2005 prohibiting trafficking in children;

B. Prosecute and convict child traffickers and punish them with penalties commensurate with the gravity of the crime;

C. Conduct nationwide awareness-raising programmes, including campaigns, among the population to improve its understanding of trafficking issues, with a focus on the issue of internal trafficking of children;

D. Provide more training for personnel dealing with child trafficking in order to update their knowledge and skills, and establish and strengthen rehabilitation and reintegration programmes and facilities;

E. Strengthen international cooperation with neighbouring and other countries to combat the illicit transfer and trafficking of children.

Administration of juvenile justice

83. In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:

A. Expediently establish specialized juvenile court facilities in each of the five regions of the country, as provided for in the Children's

Act 2005, and provide them with adequate human, technical and financial resources;

B. Ensure that specialized judges receive appropriate education and training;

C. Ensure the effective implementation of the legal provisions on alternative measures to detention; promote alternative measures such as possibilities for restorative justice, diversion, probation, mediation, counselling or community service, wherever possible; and ensure that detention is used as a last resort and for the shortest possible time and that it is reviewed on a regular basis with a view to withdrawing it;

D. In cases where detention is unavoidable, ensure that children are not detained together with adults, and that girls are separated from boys;

E. Strengthen the human resources of the National Agency for Legal Aid in order to provide prompt, qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings, and raise awareness among the population of the existence of legal aid, including for civil cases;

F. Continue and strengthen awareness-raising of magistrates, the police and social workers in order to strengthen their technical capacity and knowledge on: (i) juvenile justice systems and alternatives to detention; (ii) the provisions of the Children's Act; and (iii) international standards regarding the administration of juvenile justice;

G. Ensure that children in detention maintain regular contact with their families;

H. Strengthen the rehabilitation and reintegration programmes of the

Juvenile Wing, and ensure that children are successfully reintegrated back into their communities after release;

I. To that end, the Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.

84. The Committee welcomes the delegation's statement that the State party is working on ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee encourages the State party to ratify that Protocol, in order to further strengthen the fulfilment of children's rights.

85. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance.

86. The Committee welcomes the readiness of the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encourages the State party to expedite its ratification.

87. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child

prostitution and child pornography, the report on which has been overdue since 8 April 2012.

88. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of children's rights, both in the State party and in other African Union member States.

89. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second and third periodic reports, the written replies of the State party to the list of issues, and the present concluding observations be made widely available in the languages of the country.

90. The Committee invites the State party to submit its combined fourth to seventh periodic reports by 6 March 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16).

In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

91. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized

guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I), and in General Assembly resolution 68/268 (para. 16).



B. Committee on Economic, Social and Cultural Rights

**Concluding observations on
the initial report of The Gambia
6 March 2015**

List of recommendations

The numbering of the recommendations refers to the number of the paragraph in the Concluding Observations dated 6 March 2015.

Status of the Covenant

7. The Committee recommends that the State party take appropriate steps to give full effect to the Covenant in the domestic legal order, and to raise the awareness of the general public and members of the judiciary of economic, social and cultural rights and the justiciability of those rights. The Committee draws the State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant.

Data collection

8. The Committee recommends that the State party collect data and produce and use statistics for human rights indicators, including for economic, social and cultural rights. In this respect, the Committee refers the State party to the conceptual and methodological framework for human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3). The State party is also requested to include in its next periodic report statistical data on the enjoyment of each Covenant right, disaggregated by age, sex and urban/rural population on an annual basis.

Corruption

9. The Committee recommends that the State party intensify its efforts to combat corruption and related impunity and ensure that public affairs, in law and in practice, are conducted in a transparent manner. It also recommends that the State party make politicians, members of parliament and government officials aware of the economic and social costs of corruption, and make judges, prosecutors and the police aware of the need for strict enforcement of the law.

National human rights institution

11. In the light of its general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights, the Committee recommends that the State party adopt the draft bill for the establishment of a national human rights commission without further delay and establish a national human rights institution that is provided with the necessary resources, in compliance with the principles relating to the status of national institutions (the Paris Principles).

Non-discrimination

12. The Committee recommends that the State party adopt comprehensive anti-discrimination legislation in line with article 2, paragraph 2, of the Covenant, taking into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights. It also recommends that the State party repeal or amend all legislation that results or could result in discrimination, prosecution and punishment of people because of their sexual orientation or gender identity. The Committee further recommends that the State party take all the necessary steps to combat and prevent discrimination against lesbian, gay, bisexual and transgender persons, and ensure their enjoyment of all the rights enshrined in the Covenant.

Equality between women and men

13. The Committee calls upon the State party to intensify its efforts, including through the media, the launching of awareness-raising campaigns and the use of temporary special measures, so that equality between men and women is attained in law and in practice. In this respect the Committee recommends that the State party effectively implement the Women's Act 2010 and report in its next

periodic report on progress achieved thereon. The Committee also urges the State party to abolish laws and customs which discriminate against women, particularly in marital matters, and ensure the consistency of personal status laws with the relevant human rights standards under the Covenant and other international instruments.

Harmful practices

14. The Committee urges the State party to introduce a legal provision criminalizing female genital mutilation and ensure its strict implementation. The State party should also intensify its efforts to prevent and combat all practices that are harmful to women and girls, including polygamy and domestic violence. It is further called upon to introduce in its legislation a harmonized minimum age of marriage for girls and boys that is in line with international standards.

Unemployment

15. The Committee urges the State party to include, in its next periodic report, updated statistical data on unemployment, disaggregated by sex, age and urban/rural population. It should also report on the concrete measures taken to create employment, including the adoption of a new Employment Programme, and on their effectiveness. The State party is further requested to step up its efforts to reduce unemployment among women and youth. The Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work.

Minimum wage

16. The Committee urges the State party to take the necessary measures under the Labour Act to establish a national minimum wage that is periodically reviewed and set at a level sufficient to provide all workers and their families with a decent living.

Workers in the informal sector

17. The Committee recommends that the State party adopt measures aimed at reducing the proportion of workers in the informal sector by taking steps to regularize it gradually. The State party is also requested to guarantee that such workers are able to exercise their labour rights, including the right to social security.

Sexual harassment in the workplace

18. The Committee requests the State party to include in its next periodic report information on the incidence of sexual harassment in the workplace as well as data on cases of sexual harassment brought to the courts, and their outcome. It also recommends that the State party redouble its efforts to raise public awareness of sexual harassment.

Social security

19. Recalling its general comment No. 19 (2008) on the right to social security, the Committee recommends that the State party take effective measures to increase social security coverage, and provide detailed information in its next periodic report on progress made thereon. The Committee encourages the State party to consider setting up a social protection floor, in line with recommendation No. 202 (2012) of the International Labour Organization. The Committee also recommends that the State party increase and regularly review the amounts of pensions to allow for an adequate standard of living for recipients and their families.

Trafficking of women and children

20. The Committee urges the State party to intensify its efforts to combat trafficking in persons for labour and sexual exploitation

purposes, and to implement vigorously its anti-trafficking legislation and national action plan. The Committee also urges the State party to provide protection and rehabilitation services to victims and to prosecute offenders.

Economic exploitation of children

21. The Committee recommends that the State party take effective measures to combat and prevent economic exploitation of children, especially child labour in family businesses and in the informal sector. To this end, the State party should ensure that the legal provisions on child labour are effectively enforced, that individuals who exploit children are duly sanctioned, and that the labour inspectorate is strengthened to enable it to monitor effectively compliance with the legal provisions on child labour.

Street children

22. The Committee calls upon the State party to address the root causes of the phenomenon of street children. The Committee requests the State party to provide in its next periodic report information, including statistical data, on street children and measures to provide protection and assistance to them, as well as on the prosecution of child labour offences.

Poverty

23. The Committee requests the State party to provide updated information on the prevalence of poverty in the State party in its next periodic report, identifying the groups and individuals most vulnerable to poverty, and concrete measures taken to assist them. The State party is also urged to update the Committee on the impact of the previous poverty reduction strategies, and to ensure that the Programme for Accelerated Growth and Employment is implemented

with a rights-based approach and is supported by an effective, participatory and transparent monitoring mechanism. The Committee draws the attention of the State party to its 2001 statement on poverty and the International Covenant on Economic, Social and Cultural Rights.

Adequate housing and social housing

24. Recalling its general comment No. 4 (1991) on the right to adequate housing, the Committee urges the State party to:

A. Provide updated information in its next periodic report on access to adequate housing and on homelessness, as well as on the existence of social housing, and in this respect clarify the legal status and mandate of the Social Security and Housing Finance Corporation;

B. Adopt effective measures to address the adverse impact of changes in rainfall patterns on the right to adequate housing;

C. Provide statistics, disaggregated by sex and age, on population movement from rural to urban areas, and take steps to improve the living conditions of the population in informal settlements, including by facilitating access to safe drinking water and improved sanitation, while seeking long-term solutions and ensuring that this population is guaranteed security of tenure.

Water and sanitation in rural areas

25. The Committee calls upon the State party to intensify its efforts to ensure universal access to safe drinking water and to adequate sanitation facilities, particularly in rural areas, and draws the State party's attention to the Committee's general comment No. 15 (2002) on the right to water and to its 2010 statement on the right to sanitation.

Right to food

26. The Committee recommends that the State party intensify its efforts, including under the National Nutrition Policy, to address chronic food insecurity, chronic malnutrition and the critical nutritional needs of children. The State party should take additional steps to improve agricultural production, including by ensuring that support to farmers is provided on a non-discriminatory basis, targeting small-scale farmers in particular. The Committee draws the State party's attention to its general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the Food and Agriculture Organization of the United Nations in 2004.

Access to health services and mortality rates

27. In line with its general comment No. 14 (2000) on the right to the highest attainable standard of health, the Committee recommends that the State party:

A. Intensify its efforts to improve health services, including through allocating increased resources to the health sector, and ensure that particular attention is paid to the training of health extension workers and to the provision of adequate medical equipment and supplies to health facilities;

B. Take urgent steps to reduce the high rate of maternal and infant mortality and to ensure that births are assisted by a skilled attendant;

C. Take into consideration 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

(A/HRC/21/22); Step up its efforts to improve access by women to basic obstetric and neonatal care, sexual and reproductive health services, and basic health-care facilities, in particular in rural areas.

D. Step up its efforts to improve access by women to basic obstetric and neonatal care, sexual and reproductive health services, and basic health-care facilities, in particular in rural areas.

Access to education and dropout rates

28. The Committee recommends that the State party continue to increase spending on the education sector and to use it effectively with a view to reaching full primary school enrolment, attendance and completion by all children. In line with its general comment No. 13 (1999) on the right to education, the Committee also urges the State party to:

A. Strengthen various measures and programmes in order to address the problem of access to schools for children living in rural areas, and ensure that refugee children are issued with identity cards so as to facilitate their access to education;

B. Address indirect and hidden costs of school education effectively;

C. Intensify its efforts to improve school infrastructure and learning and teaching materials, in particular in rural areas;

D. Take appropriate measures to reduce the dropout rate of children, in particular girls.

Internet access

29. The Committee urges the State party to redouble its efforts to increase affordable access to the Internet in all areas, in particular for

disadvantaged and marginalized individuals and groups.

30. The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

31. The Committee invites the State party to continue and strengthen its collaboration on issues relating to economic, social and cultural rights with the Office of the United Nations High Commissioner for Human Rights, specialized agencies and relevant United Nations programmes. Regarding in particular paragraphs 19 and 26 of the present concluding observations, the Committee recalls the undertaking of States parties under the Covenant to take steps, individually and through international assistance and cooperation, to achieve progressively the full realization of the Covenant rights.

32. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, particularly among parliamentarians, public officials and judicial authorities, and to inform the Committee in its next periodic report on the steps taken to implement them. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of implementing the present concluding observations, prior to the submission of its next periodic report. The Committee requests the State party to submit its second periodic report by 30 March 2017, in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2).

**The Universal Periodic Review
“has great potential to promote
and protect human rights in the
darkest corners of the world.”**

**Ban Ki-moon,
former UN Secretary-General**



C. Committee on the Elimination of Discrimination against Women

**Concluding observations on the combined
fourth and fifth periodic reports of The Gambia
9 July 2015**

List of recommendations

*The numbering of the recommendations refers to the number of the
paragraph in the Concluding Observations dated 9 July 2015.*

National Assembly

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Assembly, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Legislative framework

9. The Committee recommends that the State party:

(a) Harmonize legislation, including the Constitution, the Women's Act and personal laws (Sharia and customary law) with the Convention, by repealing all discriminatory provisions to ensure that women and girls enjoy equal rights as men in all areas of life;

(b) Urgently repeal Article 33(5) of the 1997 Constitution which provides that the prohibition of discrimination does not apply in respect of adoption, marriage, divorce, burial and devolution of property on death.

Access to Justice

11. The Committee recommends that the State party:

(a) Design a comprehensive judicial policy to eliminate barriers faced by women and girls in accessing to justice, including legal aid, and provide adequate resources and a monitoring mechanism for its implementation;

(b) Promote the appointment of women judges at all levels of the

judiciary, including in Cadi courts and District Tribunals, and adopt special temporary measures in line with article 4 (1) of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures;

(c) Enhance women's awareness of their rights and legal literacy in all areas of the law and the Convention, to enable women to avail themselves of procedures and remedies to claim their rights under the Convention;

(d) Strengthen efforts to provide training on women's rights and violence against women to judges, Cadis, prosecutors, police officers and the legal profession.

National machinery for the advancement of women

13. The Committee recommends that the State party:

(a) Expeditiously review the national machinery for the advancement of women with a view to ensuring the overall coordination among relevant institutions and that each institution has clearly defined responsibilities as well as adequate capacity, resources, autonomy and/or authority to effectively operate;

(b) Conduct a mid-term evaluation of the Gender Policy 2010-2020 and ensure that it addresses all areas covered by the Convention, includes measurable indicators, a timeframe and an effective monitoring mechanism, and that adequate resources are allocated for its implementation.

National Human Rights Institution

5. The Committee urges the State Party to establish, within a clear

time frame, an independent national human rights institution, in accordance with the Paris Principles, with a mandate on women's issues, strong linkages with the women's machinery and authority to consider and issue opinions on complaints submitted by women alleging violations of their rights.

Temporary special measures

17. The Committee recommends that the State party effectively implement Article 15 (1) of the Women's Act and significantly increase the use of temporary special measures in education, health, employment or any other relevant areas, including quotas, with specific targets and time frames, in accordance with article 4 (1) of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men in all areas covered by the Convention where women are underrepresented or disadvantaged.

Stereotypes and harmful practices

19. The Committee urges the State party to:

(a) Adopt legal provisions explicitly prohibiting harmful practices such as polygamy, child marriages, female genital mutilation, levirate, and unequal inheritance rights for women, provide for adequate sanctions and ensure the effective implementation of these provisions;

(b) Expeditiously adopt a comprehensive strategy to eliminate stereotypes and harmful practices that discriminate against women;

(c) Reinforce awareness-raising programmes, targeting children, men and women, officials at all levels, teachers, parents and traditional and religious leaders, on the negative effects of harmful practices and

discriminatory stereotypes on women's enjoyment of their rights;

(d) Cooperate with the media to enhance understanding of the concept of equality of women and men in public and private life and, convey positive images of women.

Female genital mutilation

20. The Committee urges the State party:

(a) Expedite the adoption of legislation criminalizing female genital mutilation and prosecute and adequately punish those responsible, and compensate victims;

(b) Raise awareness of health practitioners regarding female genital mutilation and the remedies and assistance available to victims, including psychological counselling;

(c) Provide alternative means of livelihood for practitioners of female genital mutilation.

Violence against women

22. The Committee urges the State party to:

(a) Amend its legislation to ensure that marital rape is explicitly criminalized and adequately sanctioned; that the definition of "aggravated" domestic violence is based on objective elements, in line with international standards, and explicitly covers all forms of violence including psychological violence; that provisions allowing for out of court settlements are repealed or accompanied by adequate legal safeguards to ensure that mediation is not imposed on the victim;

(b) Effectively implement the Domestic Violence Act and the Sexual

Offences Act throughout the territory of the State party, by adopting the necessary regulations and guidelines, reinforcing reporting mechanisms, allocating adequate resources and strengthening the Victims of Violence Advisory Committee;

(c) Ensure women's effective access to justice, including to refugee women, by ensuring confidential and gender-sensitive complaint mechanisms, reinforcing the legal aid programmes, duly prosecuting alleged perpetrators of violence by a competent criminal court, and protecting and compensating victims;

(d) Strengthen psychosocial rehabilitation and reintegration programmes for women victims of violence;

(e) Establish a reliable system for the collection of statistical data on violence against women, disaggregated by age, forms of violence and the relationship between victims and perpetrators, and on the number of complaints, out of court settlements, prosecutions, convictions and sentences imposed on perpetrators as well as on reparations provided to victims.

Trafficking and exploitation of prostitution

24. The Committee recommends that the State party:

(a) Conduct a study to investigate the extent and root causes of trafficking in women and girls and exploitation of prostitution;

(b) Effectively implement the Trafficking in Persons Act, 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;

(c) Adopt measures to address exploitation of women and girls in prostitution and child sex tourism, provide assistance and rehabilitation to victims, as well as economic alternatives to prostitution.

Participation in political and public life

26. In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:

(a) Strengthen efforts to promote women's representation in decision-making positions including at high levels in the Government, the National Assembly, the judiciary, the decentralized bodies and in the civil service at the national, regional and local levels;

(b) Expeditiously implement article 15.1 of the Women's Act by adopting temporary special measures for women's equal representation in political and public life, including statutory quotas, with sanctions for non-compliance, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004).

Women human rights defenders

28. The Committee recommends that the State party create an enabling environment for participation of women human rights defenders, including those working on sexual and reproductive health and rights, in public life, in accordance with international standards, and protect them from harassment, intimidation and violence.

Nationality

30. The Committee recommends that the State party ensure that

all children born in the State party, including children born out of wedlock or in rural areas, are immediately registered at birth to enable them to access citizenship, education and health, and destigmatize children born out of wedlock and their mothers.

Education

32. The Committee recommends that the State party:

(a) Strengthen efforts to improve the quality of education, in particular 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 effectively mainstreams gender; allocating adequate resources; ensuring the adequacy of school infrastructures, in particular sanitary facilities; increasing the number of female teachers; and addressing the indirect costs of education and the high costs of tertiary education;

(b) 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;

(c) 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 2010 which prohibits taking girls out of school for marriage;

(d) 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;

(e) Strengthen efforts to ensure access to inclusive education for

girls and women with disabilities, including by allocating adequate resources;

(f) Adopt policies that address sexual abuse and harassment in school and ensure that perpetrators are prosecuted and adequately punished.

Employment

34. The Committee recommends that the State party:

(a) Strengthen its efforts to eliminate horizontal and vertical segregation in the labour market and promote women's access to the formal sector, including through the use of temporary special measures;

(b) Ensure that women in the formal and informal sectors are covered by social protection programmes;

(c) Amend the Labour Act to explicitly include the principle of equal pay for work of equal value and adopt measures to implement this principle in order to narrow and close the gender wage gap; Establish a mechanism to conduct job evaluations with methods that are free from gender bias;

(d) Criminalize sexual harassment in the workplace, include in the legislation a broad definition of sexual harassment in the workplace which covers conduct that creates a hostile working environment, in accordance with General Recommendation No. 19 (1992) on violence against women, and adopt effective measures to prevent, monitor and adequately punish sexual harassment in the workplace;

(e) 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 relevant provisions of the Women's Act by both public and private entities.

Health

36. The Committee recommends that the State party:

(a) 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.

(b) In that regard, consider the OHCHR 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 (A/HRC/21/22);

(c) Reduce adolescent pregnancies by ensuring access to age-appropriate information and education on sexual and reproductive health rights for girls and boys, and in particular for out-of-school children and adolescents;

(d) Provide adequate access to affordable modern methods of contraception, including emergency contraception, to all women and girls;

(e) Expeditiously amend its legislation to decriminalize abortion, removing all punitive measures particularly for women undergoing abortion, expand the grounds of legal abortion to cases of rape, incest, and severe foetal impairment, and ensure the availability of safe abortion and post-abortion services;

(f) Increase efforts to prevent and treat HIV/AIDS among women as well as mother-to-child transmission of HIV, and ensure the availability

of anti-retroviral drugs for women living with HIV/AIDS.

(g) Expeditiously amend Article 29.1 of the Women's Act to abolish the reference to "personal law" so as to ensure women's access to health care services, including those related to family planning, independently of their personal status, and ensure that, in practice, women can access health care without inhibition;

Economic empowerment of women

38. The Committee recommends that the State party evaluate the results achieved with the initiatives taken so far to promote the economic empowerment of women, and based on the results adopt a coherent strategy on women's economic empowerment which feeds into the overall development strategies of the State party. It also recommends that the State party develop adequate indicators and a monitoring mechanism for the strategy and include as key elements access to credit, markets, land and other productive resources.

Rural women

40. The Committee recommends that the State party adopt a comprehensive strategy, which includes temporary special measures and feeds into rural development plans, to ensure rural women's access to education, health, justice, employment, economic opportunities, markets, productive land, agricultural training and extension services, credit, seeds, tools, and political participation, in particular as regards rural development.

The State party should also ensure that rural women are aware of their rights and can effectively participate in decision making processes relating to issues that are of concern to them.

Women with disabilities

42. The Committee recommends that the State party expeditiously adopt legislation to implement the Convention on the Rights of Persons with Disabilities with a view to ensuring that women and girls with disabilities have effective access to inclusive education, health, justice, employment and participation in political and public life, among others. The law should provide for the use of temporary special measures.

Lesbian, bisexual and transgender women

44. The Committee urges the State party to repeal the provisions of the Criminal Code on “unnatural offences” and “aggravated homosexuality”; end the arbitrary detention of lesbians; and provide them with effective protection from violence and discrimination and provide appropriate training to law enforcement officials.

Women in detention

46. The Committee urges the State party to ensure that living conditions in detention centres are compliant with the United Nations Rules for the Treatment of Women Prisoners (the Bangkok Rules); that women are under the supervision of female guards and that gender-sensitive complaint mechanisms are available to them; and that all cases of violence against women in detention are effectively investigated and prosecuted.

The Committee also urges the State party to conduct a study on the phenomenon of infanticide and ensure that women charged with infanticide have access to psychological assessment and care.

Marriage and family relations

48. In line with article 16 (2) of the Convention, the Committee’s General Recommendation No. 21 (1994) on equality in marriage and family relations, and Joint General Recommendation/General Comment No. 31 of the Committee and No. 18 of the Committee on the Right of the Child (2014) on harmful practices, the Committee recommends that the State party:

(a) Undertake a study on the good practices of other countries with Muslim populations which have non-discriminatory personal status laws in line with the Convention and organize an expert meeting on the issue which also includes religious and traditional leaders of the State party;

(b) Harmonize the legislation, including the Constitution, the Women’s Act and personal laws (Sharia and customary law) with the Convention, repealing all discriminatory provisions, to ensure that women enjoy equal rights as men in marriage, divorce, inheritance, marital property, adoption, burial and devolution of property on death, in line with the General Recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution;

(c) Replace the term “equitable” by “equal” as regards women’s access to property in the Women’s Act and ensure that judges interpret it accordingly in their judgments;

(d) Ensure that the minimum age of marriage is set at 18 years of age for both girls and boys, that child marriage is criminalized and adequately sanctioned and that polygamous marriages and levirate are prohibited without exception;

(e) Strengthen efforts to register all marriages, particularly in rural areas.

Optional Protocol and amendment to article 20, paragraph 1, of the Convention

49. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

50. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

Millennium Development Goals and the post-2015 development framework

51. The Committee calls for the integration of a gender perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.

Dissemination

52. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government,

the ministries, the National Assembly and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organisations, universities and research institutions, media, etc. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the CEDAW Convention, its Optional Protocol and jurisprudence, and the Committee's General Recommendations to all stakeholders.

Technical Assistance

53. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

54. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to concluding observations

55. The Committee requests the State party to provide, within two

years, written information on the steps undertaken to implement the recommendations contained in paragraphs 11 (b), 21 (a), (b) and (c) and 27 (b) above.

Preparation of the next report

56. The Committee invites the State party to submit its sixth periodic report in July 2019.

57. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).

Map OHCHR West Africa field presence

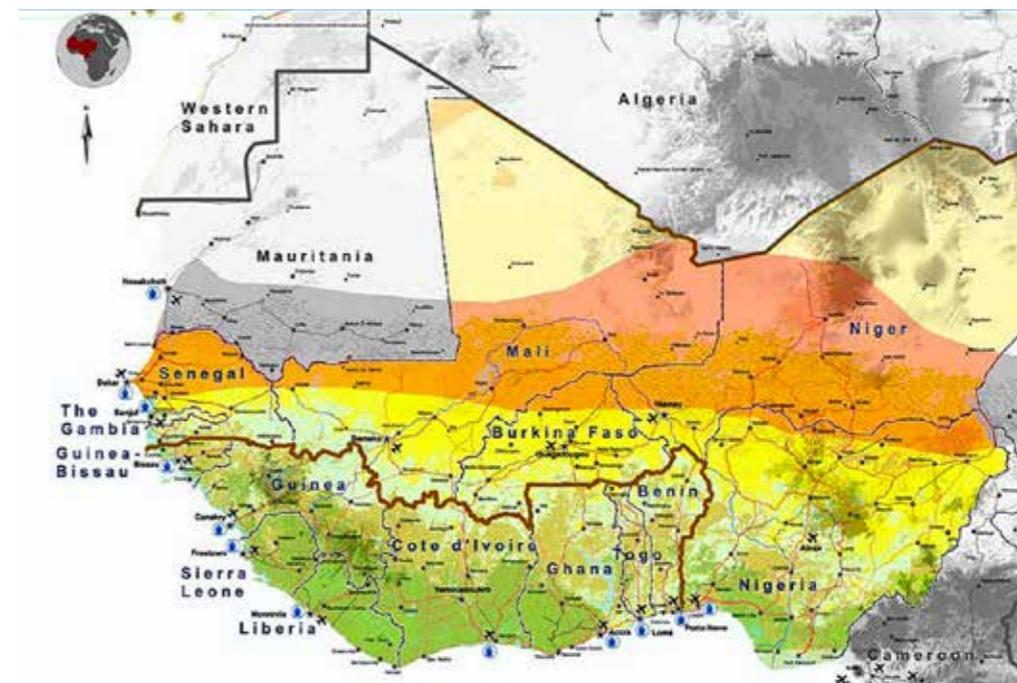


Image credits

- 1** Human Rights Council Chamber, Geneva © OHCHR
- 5** Aboubacarr Tambadou © Attorney General's Chamber, Ministry of Justice, The Gambia
- 7** Andrea Ori, Regional representative, OHCHR - WARO © OHCHR - WARO
- 8** MINUSMA Observes Peacekeepers Day © UN Photo/Marco Dormino
- 24** Young girl during Human Rights Day, December 2015 © Guillaume Bassinet, Lens On Life
- 36** Women during the campaign for the "16 days of activism against gender based violence", November 2015 © Guillaume Bassinet, Lens On Life
- 40** Child during the campaign for the "16 days of activism against gender based violence", November 2015 © Guillaume Bassinet, Lens On Life
- 68** People waiting to vote (during elections in Burkina), November 2015 © OHCHR - WARO
- 80** MINUSMA Supports Agricultural Development Projects near Timbuktu © UN Photo/Marco Dormino
- 97** Map, OHCHR West Africa field presence © OHCHR

Imprint

Editorial team OHCHR WARO
Address Route du King Fahd Palace, Parcelle n°20,
BP 154, Almadies, Dakar, Senegal
Web www.westafrica.ohchr.org

Social media

 <https://fr-fr.facebook.com/OHCHR.BRAO/>
 https://twitter.com/onu_droits_brao
 <https://www.youtube.com/channel/UC4gnj-xyL4AZjupncQGny5Q>

Attorney General Chambers, Ministry of Justice

Address Marina Parade, Banjul, The Gambia
Email info@moj.gov.gm
Telephone +220 4227 238
Fax +220 422 5352

Design Yvonne Nelson Brand Design,
Amsterdam, the Netherlands,
UN Online Volunteer mobilized through
<https://www.onlinevolunteering.org>

Publication date December 2017
© OHCHR All rights reserved



UNITED NATIONS
HUMAN RIGHTS
WEST AFRICA REGIONAL OFFICE



CHEF DE BRANCHE

HCDH