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## **Report of the Working Group on the Universal Periodic Review\***

### **Gambia**

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## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–4	3
I. Summary of the proceedings of the review process.....	5–96	3
A. Presentation by the State under review.....	5–22	3
B. Interactive dialogue and responses by the State under review.....	23–96	5
II. Conclusions and/or recommendations.....	97–101	14
Annex		
Composition of the delegation.....		24

## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventh session from 8 February to 19 February 2010. The review of the Gambia was held at the 6th meeting, on 10 February 2010. The Attorney General and Minister of Justice, Marie Saine-Firdaus, headed the delegation of the Gambia. At its 9th meeting, held on 12 February 2010, the Working Group adopted the report on the Gambia.

2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of the Gambia: Cameroon, Jordan and Ukraine.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of the Gambia:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/7/GMB/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/7/GMB/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/GMB/3).

4. A list of questions prepared in advance by Argentina, the Czech Republic, Denmark, Germany, Hungary, Latvia, Norway, Sweden, the Netherlands and the United Kingdom of Great Britain and Northern Ireland was transmitted to Gambia through the troika. Those questions are available on the extranet of the universal periodic review.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. In preparing the national report, a broad-based national task force composed of all Government institutions and civil society organizations addressing the issue of human rights was established. In addition, the draft report was discussed and approved by the Cabinet before being submitted to the Working Group. This broad-based consultative process will also be used in the follow-up process of the review.

6. The 1997 Constitution devoted an entire chapter to fundamental rights and freedoms and, for the first time in the history of the Gambia, it guaranteed civil and political rights as well as socio-economic and cultural rights. It also provides for the separation of powers, the rule of law and the independence of the judiciary. In that regard, the constitutional head of the judiciary is the Chief Justice, appointed by the President after consultation with the Judicial Service Commission. Judges are also appointed by the President on the recommendation of the Commission. In the exercise of their functions, they are subject only to the Constitution and other laws of the Gambia. Moreover, security of tenure is guaranteed, because a judge can be removed by the President only in consultation with the Commission.

7. The right to life, for which no derogation is permitted, is guaranteed even during times of public emergency. The death penalty, an exceptional punishment intended only for the most serious crimes, is applicable but is limited to murder and treasonable offences resulting in death. Furthermore, Gambian law prescribes that procedural guarantees, including the right to a fair hearing by an independent tribunal, the presumption of

innocence, the right to defence and the right to review by a higher tribunal, must be observed before the death penalty can be imposed and carried out. In addition, the right to seek presidential pardon or commutation of sentence is guaranteed under the Constitution. Since the reintroduction of the death penalty in 1995, many accused persons have been convicted and sentenced to death, but no executions have taken place. Instead, all of those persons are serving life sentences.

8. Freedom from torture and inhuman or degrading punishment or other treatment is guaranteed under the Constitution. This provision is also non-derogable in situations of public emergency. However, there is as yet no specific legislation criminalizing torture. The perpetrators of such violations are prosecuted under the criminal code for such offences as threatening violence, common assault and assault causing bodily harm. In addition, victims can petition the High Court for compensation. Similarly, protection from unlawful arrest and detention is provided for in the Constitution, and persons who fall victim to such arrest and detention are entitled to petition the Court for redress and compensation.

9. The Gambian Constitution also guarantees every person “the right to freedom of speech and expression, which shall include freedom of the press and other media”. However, those rights are not absolute; they are to be exercised subject to respect for the rights and freedoms of others and to other laws of the Gambia promulgated in the interest of the sovereignty and integrity of the country, including national security, public order, decency and morality.

10. In an illustration of the Government’s commitment to creating an environment that ensures free operation of the media and a free flow of information, as provided for in the Constitution, the Information Act of 2009 was adopted to provide for the restructuring, development and regulation of the information and communications sectors.

11. Media practitioners are therefore protected under the Constitution, subject to reasonable restrictions. For the past 15 years, the growth of privately owned print, radio and electronic media has been unprecedented. However, most practitioners have not had basic training in media reporting and hence do not carry out their functions responsibly.

12. In the case of Chief Ebrima Manneh, the Government has investigated his whereabouts, but to no avail. In 2009, the Attorney General and Minister of Justice conducted an unannounced visit to prisons and detention centres of the National Intelligence Agency, together with the leader of the leading opposition party (UDP) and the Minority Leader of the National Assembly, to search for missing persons such as Kanyiba Kanyi and Chief Ebrima Manneh, but they were not found in these institutions. In addition, the case of Deyda Hydara is still being investigated, but there are challenges because the two key witnesses are outside the jurisdiction and several attempts to reach them have been unsuccessful.

13. Over the years, the Gambia has established the Office of the Ombudsman, the National Council for Civic Education, the National Women’s Bureau and Council, the Independent Electoral Commission, the National Assembly and an independent judiciary.

14. The Ombudsman is empowered to investigate allegations of maladministration, mismanagement or discriminatory practices in any public body. The Gambia is in the process of reviewing the mandate of the Ombudsman to see if it can be expanded to address broader human rights issues in accordance with the Paris Principles.

15. The National Women’s Council advises the Government on policies and plans aimed at promoting women’s rights and works closely with the Ministry of Women Affairs. The 10-year National Women Policy (1999-2009) has just expired, and the Government is working on a new policy. The Women’s Bill will be considered for enactment at the next session of the National Assembly, in March 2010. In addition, a bill on gender-based

violence, including protection against the commercial sexual exploitation of women, will soon be drafted.

16. The Government, with the collaboration of civil society, has embarked on an awareness-raising campaign aimed at discouraging female genital mutilation, and it is also providing alternative livelihood skills and assistance to circumcisers. A national coordinating committee and a coalition of non-governmental organizations have been established to address this issue. It requires huge financial and material resources which have posed a great challenge to Gambia.

17. The trafficking in women is addressed in the Trafficking in Persons Act of 2007, which seeks to prevent, suppress and punish those engaged in the trafficking in persons and to rehabilitate and reintegrate victims of trafficking. The National Action Plan is the blueprint for the effective implementation of the Act. Furthermore, the Government has provided resources for the establishment of an agency on the trafficking in persons, and the office will be operational by April 2010.

18. The 2005 Children's Act prohibits child marriage. In addition, the Government uses community child protection committees to educate communities about this issue and encourage them to abandon harmful practices such as early and forced marriage and female genital mutilation. The Government has successfully intervened in several cases of early and forced marriage.

19. The Independent Electoral Commission is responsible for the conduct and supervision of the registration of voters for all public elections and the conduct and supervision of all public elections and referendums. It also ensures that candidates make a full declaration of their assets at the time of nomination and that they have equal access to the media and equal opportunity to campaign throughout the country.

20. With respect to the education of children, concrete steps have been taken to ensure that all schools are accessible to students within a radius of 3 km. The school system, including lower basic schools, upper basic schools and senior secondary schools, has increased fourfold over the past 14 years. The Government has invested much in the health sector. Policies and programmes have led to, inter alia, an increase in the number of State hospitals, satisfactory access to reproductive health services, a significant drop in HIV 1 prevalence and a decline in the infant mortality rate.

21. The Gambia is committed to considering requests from the special procedures of the Human Rights Council.

22. The lack of adequate human, financial and material resources, training and infrastructure has had a negative impact on the Gambia's ability to effectively promote and protect human rights, as well as meet its reporting obligations under various human rights treaties. Institutions such as the police, prisons, the judiciary, the justice department and the education and health sectors are in need of technical and financial assistance.

## **B. Interactive dialogue and responses by the State under review**

23. During the interactive dialogue, 55 delegations made statements.

24. Senegal noted that the Gambia was party to several international human rights instruments, demonstrating its commitment to human rights, and also noted that the country hosted the African Commission on Human and Peoples' Rights. Citing constitutional provisions and various initiatives on the rights of persons with disabilities, Senegal asked when the Gambia would ratify the Convention on the Rights of Persons with Disabilities. It called upon the Human Rights Council to support the Gambia in facing the challenges it had identified.

25. The Bolivarian Republic of Venezuela underlined the Gambia's efforts relating to the rights of women, including its accession to the Convention on the Elimination of All Forms of Discrimination against Women, whose principles, such as the right to equal treatment and opportunities in all areas of national life, were recognized in the Constitution. Venezuela underlined the presence of women in positions of high responsibility and the establishment of the Ministry for Women Affairs, the Women's Bureau and the National Women's Council. All those efforts had been made despite the economic situation. Venezuela made a recommendation.

26. The Sudan noted that the Gambia's ratification or accession to various international and regional treaties reflected its commitment to the promotion and protection of human rights. The Sudan commended the Gambia's efforts to develop the legislative framework necessary to protect the rights of women and children. Sudan made recommendations.

27. The Libyan Arab Jamahiriya commended Gambia's ratification of most core human rights instruments and noted that the Constitution guaranteed fundamental rights to, *inter alia*, life, privacy, expression, a fair trial, marriage, freedom from slavery and freedom of movement, and provided for an Ombudsman to investigate allegations of human rights violations. It also noted Gambia's efforts to protect the rights of women and children, and to provide welfare services to all on an equal basis. It made recommendations.

28. Cuba cited the Gambian report, which described the exemplary activities undertaken to promote human rights in the context of a deep worldwide crisis. Cuba congratulated the Gambia on its actions relating to the rights of children and persons with disabilities. Cuba mentioned the 2015 goal aimed at universal basic education and access to health for all as a guideline for national policies and requested the international community to step up its efforts to support the country. Cuba made recommendations.

29. Kuwait welcomed initiatives consolidating the provisions of the 1997 Constitution, which already contained safeguards with regard to the right to expression, assembly and protection from discrimination. Kuwait noted the constraints faced by the Gambia, especially in the protection of women, the fight against trafficking and the development of the judiciary. Kuwait noted the Gambia's efforts to achieve education for all. Kuwait made recommendations.

30. Algeria commended the Government's commitment to human rights despite the lack of resources, as well as other challenges to socio-economic development. It expressed appreciation for the Gambia's hosting of the African Commission and praised the Gambian Constitution because it enshrined respect for human rights in the country, which was rich in religious, social and cultural diversity. It commended the adoption of the national plan of action on human trafficking, the law on children and the poverty reduction strategy. Algeria made recommendations.

31. Nigeria emphasized the Gambia's commitment to the promotion of human rights, particularly through the ratification of core human rights instruments and through its national legislation. Nigeria recognized the challenges faced by the Gambia, including inadequate resources and a lack of capacity. Nigeria encouraged the country to continue to seek assistance from the international community and to continue its laudable policies and programmes aimed at the promotion of human rights. Nigeria made recommendations.

32. Kazakhstan acknowledged the ratification by the Gambia of many human rights conventions and welcomed its ongoing legislative work, particularly bills on women, asylum and elections. While noting the work of relevant institutions, Kazakhstan noted with concern stereotyping of and discrimination against women. It commended the adoption of the national action plan on the trafficking in persons and the Poverty Reduction and Growth Strategy. Kazakhstan made recommendations.

33. Pakistan noted that the Gambia was party to a number of human rights instruments and mechanisms. It welcomed the fact that the Constitution stipulated that the enjoyment of rights should not be at the expense of the rights of others. Pakistan commended steps taken to promote and protect women's rights. It noted efforts to ensure that schools were accessible to learners, but cited challenges that had led to limited accessibility at higher education levels. Pakistan made recommendations.

34. Brazil cited the Gambian report, which indicated efforts undertaken to promote human rights and address the challenges faced by the country, in particular poverty. Brazil noted that the Gambia faced difficulties in fulfilling its reporting obligations related to human rights instruments and encouraged it to seek assistance from OHCHR. Brazil asked the Gambia in which areas the international community could better assist it, and made recommendations.

35. Hungary commended the Gambia's involvement of civil society in the preparation of its national report. Hungary expressed concern at the Gambia's non-compliance with its treaty body reporting obligations and its lack of full cooperation with special procedures. With regard to the reintroduction of the death penalty, Hungary inquired about policy guidelines and plans concerning its application. It asked about planned legislation against female genital mutilation, in accordance with requests from the Committee on the Elimination of Discrimination against Women and the United Nations Children's Fund (UNICEF). Hungary made a recommendation.

36. The Islamic Republic of Iran noted that, while the Gambia lacked a national human rights commission, the Ombudsman was constitutionally empowered to investigate allegations of maladministration, mismanagement or discriminatory practices in Government departments and public bodies, as well as complaints of injustice, corruption, abuse of power and unfair treatment by a public officer in the exercise of official duties. Iran made recommendations.

37. Egypt acknowledged the Gambian commitment to reducing poverty, providing free and compulsory education and ensuring access to health services, despite a lack of adequate resources. Egypt commended the Gambia for its legislative efforts relating to children's rights and for the attention given to women's rights, including the strengthening of the national institutional and legal infrastructure. Egypt welcomed the Gambia's announcement regarding the ongoing review of the Ombudsman's mandate and made recommendations.

38. Slovakia referred to the excessive use of force by law enforcement officials, including unlawful arrests and detentions, torture of detainees, enforced disappearances and extrajudicial executions. Slovakia expressed concern at persistent intimidation, attacks and arrests with regard to human rights defenders. It underlined the deplorable conditions in detention centres and recalled allegations of ill treatment reported by the Human Rights Committee. Slovakia noted that the Gambia was not party to a number of principal international human rights instruments. Slovakia made recommendations.

39. Canada welcomed the positive steps taken regarding women's and children's rights, including the Women's Bill, the Children's Act and the Child Trafficking Law. It commended the Gambia's campaign against female genital mutilation, but noted that the practice remained widespread and that there was no legislation banning it or domestic violence. Canada deplored severe legislative restrictions on freedom of expression and reports concerning the unlawful arrest and detention of journalists, human rights defenders and opposition members. It was alarmed at threats made by the President to kill human rights defenders. Canada made recommendations.

40. Australia commended the Gambia for measures taken to promote human rights, particularly children's rights, notably through the Children's Act and the Child Trafficking Law. Australia expressed concern at allegations of extrajudicial executions, torture in

custody, arbitrary detention, media restrictions and the criminalization of media-related offences. Australia also noted with concern reports concerning the widespread practice of female genital mutilation, domestic violence and sexual abuse. Australia made recommendations.

41. India appreciated the Gambia's progress in the area of human rights and welcomed bills on women and elections. India praised the establishment of the National Planning Commission and the adoption of the Poverty Reduction and Growth Strategy. It encouraged ratification of the Convention on the Rights of Persons with Disabilities and of the two Optional Protocols to the Convention of the Rights of the Child. India requested information about the achievement of the Millennium Development Goals and the strengthening of the administration of justice. India urged the establishment of a national human rights institution in conformity with the Paris Principles.

42. Turkey hoped that the full implementation of the Poverty Reduction and Growth Strategy would enable the Gambia to make significant progress in achieving the Millennium Development Goals. Turkey suggested the establishment of an independent human rights commission. It also suggested expanding the Ombudsman's mandate or establishing a separate mechanism to address complaints involving violations of children's rights. It commended the adoption of the Children's Act, the Child Trafficking Law and the national plan of action on the trafficking in persons. It encouraged the Gambia to consider abolishing the death penalty. Turkey made recommendations.

43. Belarus noted that the Gambian constitution was a strong basis for the legal protection of human rights. It noted with satisfaction the various legislative developments relating to children's rights. Belarus noted that the socio-economic situation and poverty were challenges and underlined that the Gambia should request technical assistance from the United Nations. Belarus shared the concerns of treaty bodies and UNICEF relating to children's and women's rights, and made recommendations.

44. While commending the 2005 Children's Act, Slovenia noted with concern that social and cultural norms hindered its implementation, as corporal punishment, female genital mutilation, early and forced marriage and domestic violence remained widespread. Slovenia expressed concern at violence against girls, children born out of wedlock, children with disabilities, child labourers, street children, violence against women and gender inequality. Slovenia made recommendations.

45. Germany expressed concern about reports of unlawful arrests and the detention of Government critics. It cited the concerns of the Special Rapporteur on torture regarding several journalists and other persons detained in connection with the assumed coup d'état in 2006. Germany asked how that issue had evolved and about steps to avoid unlawful arrests and detention. It asked how the Government was guaranteeing independence of the judiciary, citing concerns in that regard. Germany made recommendations.

46. France inquired about measures considered to prevent and punish abusive restrictions on freedom of opinion, expression and peaceful assembly and to guarantee free and transparent elections. France expressed concerns at the situation of lesbian, gay, bisexual and transgender persons, and asked whether the Gambia intended to modify the Penal Code in that regard. France referred to the freedom of expression, to the protection of human rights defenders and to disappearance cases and made recommendations in that regard.

47. Spain welcomed the Gambia's progress, particularly with regard to gender policy and the adoption of relevant legislation. Spain recognized the significant efforts made by the authorities in the fight against trafficking in persons. Spain made recommendations.



48. The United Kingdom of Great Britain and Northern Ireland welcomed efforts to combat female genital mutilation and to promote the empowerment of women, as well as the Government's stated commitment to ensuring free, fair and transparent elections. It expressed concern about the lack of freedom of expression and assembly, given the recent arrest of the opposition leader Femi Peters. It was concerned about reports of Government comments allegedly threatening to kill homosexuals. The United Kingdom made recommendations.

49. Azerbaijan took note of the implementation of Poverty Reduction Strategy Paper II and welcomed measures aimed at enhancing women's rights. Azerbaijan understood the difficulties faced by the Gambia in ensuring the full enjoyment of human rights. Azerbaijan made recommendations.

50. Norway underscored the importance of effective cooperation with the United Nations and highlighted that active participation by civil society was essential in the universal periodic review process, including in the follow-up to recommendations. Norway recalled the concern of the Committee on the Elimination of Discrimination against Women at the persistence of patriarchal attitudes and stereotypes, and the concern of the Human Rights Committee at systemic discrimination against women. Norway was concerned about the situation of human rights defenders, including journalists. Norway made recommendations.

51. Djibouti noted that the Gambia hosted the African Commission, and made a number of recommendations.

52. The United States of America commended Gambia for having increased its law enforcement efforts against the trafficking in persons. It was deeply saddened and disappointed at the arrest and the harsh sentencing in 2009 of seven Gambian journalists, who had been subsequently pardoned, and added that libel laws should never be used to suppress the right of people to criticize Government actions. The United States made recommendations.

53. Replying to a question concerning disability, the head of the delegation said that the Minister for Health and Social Welfare was currently in the process of reviewing the possible ratification of the Convention.

54. With regard to international assistance, Gambia stated that all the areas highlighted in the national report, priority areas in which assistance was needed.

55. The 2005 Children Act had raised the age of criminal responsibility from 7 to 12 years.

56. Regarding the death penalty, the Gambia stated that it was an exceptional measure, applied in cases involving murder and treason, that had been reintroduced in 1995 to combat the spate of criminality and was likely to remain in force for some time. However, the country was exercising a self-moratorium, and no execution had been carried out during the current Administration.

57. With regard to the alleged call by the President for the killing of human rights defenders, the delegation stated that that reported information did not reflect what had actually happened or what had been said at a meeting between the President and religious leaders. The President had never made a statement castigating human rights defenders, who were free to come to Gambia under the protection of the law. The Government was committed to respecting the treaties it had ratified, and the hosting of the African Commission on Human and Peoples' Rights demonstrated the Gambia's attachment to human rights.

58. The Gambia noted that any foreigner who had been arrested was afforded the opportunity to gain access to consular services, but that only a limited number of countries had diplomatic representation in the country. The Ministry for Foreign Affairs positively considered the requests by international human rights organizations to visit detention facilities.

59. With regard to children's rights, the Gambia observed that it had established a Ministry for Children; that the child justice system had been reinforced and that separate sections for the detention of minors were available.

60. Concerning the arrest of assumed coup plotters in 2006 including journalists, the head of the delegation stated that only two journalists had been arrested and were later released. All those charged have been prosecuted and only one case still pending before the Court.

61. The Constitution guaranteed the independence of judges, established the Office of the Chief Justice and provided that judges could be removed only on specific grounds. The judiciary had financial autonomy, and conditions of service for judges had been improved. In 2009, the Government had adopted the Code of Conduct of Judges.

62. The Electoral Commission worked impartially and independently, and elections were conducted in a fair and free manner. Equal access was provided to the media and to political candidates.

63. With regard to homosexuality and sexual orientation in general, Gambia emphasised that the President had never said that homosexuals should be killed. The Gambia had cultural values, norms and practices that were different from those of other countries, and it did not recognize sexual orientation as a universal human right. The law punishes sexual activity between persons of the same sex.

64. The Gambia stated that the arrest of Femi Peters had been neither a result of his political activity nor a violation of freedom of assembly, but had resulted from his violation of the Public Order Act.

65. Kyrgyzstan welcomed the Gambia's efforts to strengthen its national human rights protection system. It praised the establishment of the National Commission on Planning and efforts to improve the national education system, including the training of teachers. Kyrgyzstan noted the national policy on HIV/AIDS and commended the upholding of women's rights and of access to the Convention on the Elimination of All Forms of Discrimination against Women. Kyrgyzstan made recommendations.

66. Mexico recognized the Gambia's efforts to reduce poverty and to achieve the Millennium Development Goals. It commended efforts to prevent and eradicate the trafficking in persons and was pleased to hear that the Gambia would ratify the Convention on the Rights of Persons with Disabilities. It urged the Gambia to continue to implement international standards concerning women's rights, to establish a national human rights commission in keeping with the Paris Principles and to train the police force in the area of human rights, benefiting from the technical assistance of OHCHR. Mexico made recommendations.

67. Chile noted that the Gambian report described measures that had been adopted to improve the protection and the promotion of human rights in a complex context. Chile made recommendations.

68. Italy expressed concern at the lack of protection of women and girls from violence, including sexual violence, noting that female genital mutilation continued to be widespread. Italy was concerned about reported cases involving arrests of and threats against journalists and about the risks of excessive control over media. Italy described as worrisome

discriminatory comments made by Gambian authorities concerning homosexuals. Italy made recommendations.

69. Sweden expressed concern that consensual sexual activity between persons of the same sex was forbidden by law in the Gambia and punishable by 14 years of imprisonment, and that Government representatives had publicly called for violence and discrimination against homosexuals. It noted that laws had restricted freedom of expression and of the media, citing reports that journalists faced difficulties in their work, that media outlets had been shut down or banned and that journalists had disappeared or had left the country to seek asylum elsewhere. Sweden made recommendations.

70. The Netherlands welcomed the fact that Gambia was party to most core human rights instruments and asked for further information about witchcraft and the independence of judges. While welcoming the constitutional prohibition of gender discrimination, it noted that it did not apply to personal laws. The Netherlands echoed concerns relating to freedom of expression. It also noted the criminalization of same-sex activities and asked for further information about the operations of the National Intelligence Agency. The Netherlands made recommendations.

71. While noting challenges faced by the Gambia, Thailand commended progress made in the field of human rights, particularly in the country's human rights legislation. While welcoming the Women's Bill, Thailand noted the ongoing challenges related to discrimination against women, domestic violence, female genital mutilation, forced marriage and maternal mortality. Thailand made recommendations.

72. The Congo noted with appreciation the Government's efforts to promote and protect human rights in a difficult financial and socio-economic context and encouraged the continuation of those efforts. It cited the adoption of laws concerning children and the trafficking in children, in keeping with international instruments. It called for particular attention concerning the practice of female genital mutilation, noting that social, educational and legal measures were required for its elimination. The Congo made a recommendation.

73. The Democratic Republic of the Congo highlighted the fact that the Gambia had a legal and institutional framework to protect human rights and congratulated it on being party to core human rights and International Labour Organization (ILO) instruments. Poverty reduction remained the main challenge faced by the Gambia. It inquired about measures taken to ensure harmonization among common, customary and Shari'ah laws and those aimed at enhancing the general conditions of women. It made recommendations.

74. Iraq noted that the Gambia's voluntary commitments constituted an important step towards spreading a culture of human rights. Iraq requested information about national mechanisms aimed at ensuring the right to freedom of religion and belief, non-discrimination and the role of the judiciary in protecting those rights.

75. Ukraine commended the Gambia's efforts and achievements in the field of human rights, particularly in developing national legislation. It asked if there were plans to draft legislation on domestic violence and forced marriage. It also asked what additional measures were being taken to protect children's rights and ensure the quality of education. Ukraine made a recommendation.

76. Bahrain noted that the Gambia had adopted policies and programmes to protect all human rights and had established the institutional framework for formulating policies and programmes to promote gender equality. Bahrain asked for further information about the steps taken to ensure their effectiveness. Bahrain appreciated the efforts made in the area of civic education and asked for further details about the measures taken in that regard through the National Council for Civic Education.

77. Angola stressed the importance of the fact that the Gambia had become party to several international human rights instruments. Angola welcomed initiatives aimed at the promotion of women's rights, in particular the demographic policy and education and health programmes. Angola noted with satisfaction the peaceful coexistence among various ethnic groups and respect for the rights of minorities. Angola inquired about policies aimed at ensuring equal opportunities for all and highlighted the importance of civic education. Angola made recommendations.

78. Chad noted that the Gambia was party to the principal international human rights instruments. It asked the country to continue along that path in order to improve the human rights situation. Chad also asked the international community to assist the Government in facing the obstacles along that path.

79. Burkina Faso noted that the Gambia was party to many human rights instruments but that their introduction into domestic law had not been completed and encouraged the country to continue its efforts in that regard, in particular with respect to the rights of children, women and persons with disabilities. Burkina Faso made recommendations.

80. China noted the recent improvements in the Gambia's domestic law, in particular with regard to children's rights and the 2005 Children's Act. China noted that the birth registration of children under the age of 5 had considerably increased. China recalled the adoption by the Gambia of a comprehensive Poverty Reduction and Growth Strategy. It inquired about the implementation of the Child Trafficking Law.

81. Morocco commended the gradual progress being made in the Gambia, noting in particular its efforts to modernize, inter alia, the police, prisons and justice sectors. It also noted that the women's bill was being promulgated, incorporating aspects of the Convention on the Elimination of All Forms of Discrimination against Women. Morocco commended the Ombudsman's efforts to investigate alleged discriminatory practices in the public sector and encouraged the authorities to improve public understanding of its important role. Morocco pledged its support for and assistance to Gambia and appealed to the international community to respond to Gambia's needs and support its human rights efforts. Morocco made a recommendation.

82. The Niger welcomed the fact that the Gambia had taken various measures, including the national action plan to combat the trafficking in persons, the Poverty Reduction and Growth Strategy aimed at the achievement of the Millennium Development Goals and the Strategic National Programme to combat AIDS. Niger called upon the international community to support the Gambia in implementing the provisions of the international instruments to which it is party. The Niger made recommendations.

83. Cote d'Ivoire noted that the Gambian Constitution contained several provisions aimed at the promotion and protection of human rights. Cote d'Ivoire congratulated Gambia on the efforts it had made since 1994 to consolidate peace and stability, and urged the establishment of a national human rights commission. Cote d'Ivoire made recommendations.

84. Latvia noted that several requests by special procedures mandate-holders to visit Gambia had not yet been accepted. It made a recommendation in that regard.

85. Mauritius understood the economic challenges faced by the Gambia and acknowledged the policies adopted, notably the Poverty Reduction and Growth Strategy, and the commitment to mainstreaming the Millennium Development Goals in all national plans. Mauritius took note of the enactment of important legislation, notably relating to children and to the trafficking in persons. Mauritius made recommendations.

86. While recognizing the many constraints faced by the Gambia, Malaysia was encouraged by its national human rights priorities, including the improvements made in the

police force and in conditions in detention centres, the enactment of the Women's Bill and efforts to address issues in the areas of justice, education and poverty reduction. Malaysia also made recommendations.

87. Cameroon commended the Government for its achievements in the areas of education, health and social security, given the particularly difficult circumstances. It noted the legislative and regulatory measures taken and challenges faced in promoting civil, political, economic, social and cultural rights. It encouraged the Gambia to implement all the rights recognized in the Constitution and to ensure respect for the rights of women, children and other vulnerable sectors of the population. It appealed to the Human Rights Council and the international community to lend their assistance.

88. Argentina highlighted the signing of the agreement between the Gambia and the International Committee of the Red Cross aimed at the incorporation of international humanitarian law into military training. Argentina made recommendations.

89. Recognizing the challenges faced by the Gambia, Ghana encouraged it to continue to honour its international obligations with available resources and, where necessary, to seek technical and other assistance in building its capacities. Ghana applauded the training of more police officers, especially on human rights issues, and the updating of the police force training manual. Ghana made recommendations.

90. Lebanon commended the Gambia's efforts to actively combat poverty through the adoption of a comprehensive strategy and its implementation of the objectives set out in the Millennium Declaration. It encouraged the country to continue those efforts despite the challenges faced. It also noted concrete legislative efforts to promote human rights. Lebanon made recommendations.

91. Mali commended the Gambia for the facilities provided to all the members of the African Commission on Human and Peoples' Rights and applauded the country's efforts to promote human rights. Mali encouraged the Gambia to persevere despite the lack of resources, and asked the international community to support the efforts aimed at improved human rights protection.

92. In its concluding remarks, the delegation of the Gambia reaffirmed its commitment to protecting the freedom of expression, but added that that right was subject to restrictions necessary for the promotion of national security, morality and the rights of other persons. Cases of the perceived infringement of press freedom had occurred in which the persons involved had provided malicious or false information, in breach of Gambian laws. The delegation stressed the need to consider the issue within the socio-cultural context of the Gambia.

93. With regard to questions about religious freedom, the delegation stated that that right was expressly protected by law and the Constitution. There had been no incidents of religious intolerance in the history of the Gambia, and various religious, cultural and ethnic groups coexisted in peace and harmony. Those who believed that their freedom of religion had been violated could petition the court for redress.

94. Regarding children's rights, the delegation stated that, in addition to the legislation cited above, the Gambia had special courts to hear cases involving children and was working to expand them across the country. The Department of Social Welfare and the police were also active in promoting and protecting the rights of children.

95. Concerning the National Intelligence Agency, the delegation stated that it was governed by law and that efforts were under way to conduct training to ensure that officers were familiar with human rights instruments. It acknowledged challenges in that regard, but, by the next universal periodic review, it would be able to provide information about improvements to the situation.

96. The Gambian delegation thanked all States for their comments and questions and for their recognition of its efforts. It acknowledged the recommendations of some States asking the international community to assist it, thanking the delegation of Morocco in particular for having pledged its support.

## **II. Conclusions and/or recommendations**

97. The recommendations formulated during the interactive dialogue have been examined by Gambia and the recommendations listed below enjoy the support of Gambia:

1. Continue making legislative and concrete efforts to promote human rights (Lebanon);
2. Continue the process of strengthening and adapting the national normative framework, particularly by finalizing the texts being prepared with regards to women, asylum and elections (Algeria);
3. Rigorously enforce legislative instruments that protect and strengthen the rights of the child (Australia);
4. Enact legislation on violence against women, including domestic violence (Belarus);
5. Accelerate efforts to review the scope and mandate of Ombudsman's institution (Malaysia);
6. Maintain and strengthen the measures undertaken to date to ensure the effective promotion and protection of women rights, which obviously requires the provision of the necessary minimum resources for this purposes, as well as the financial support from the international community (Venezuela);
7. Take appropriate measures, as possible, to make up for the delay accumulated over the past years in presenting its reports to various human rights bodies (Algeria);
8. Take concrete steps to address reporting delays to United Nations treaty bodies, in particular the Human Rights Committee (United Kingdom);
9. Take practical steps to fulfil its reporting obligations to the different United Nations treaty bodies and to seek technical assistance from OHCHR in this regard (Azerbaijan);
10. Take the necessary measures to bring itself up to date with the reporting obligations to treaty bodies (Djibouti);
11. Provide, with the support of the international community, the various initial and periodic reports (Niger);
12. To the extent possible, and taking into account the human resources constraints, fulfil its reporting obligations to the relevant treaty bodies and to seek assistance from OHCHR in this regard (Mauritius);
13. Cooperate more with the special procedures mandate holders, in order to allow the international community to provide the best possible support in guaranteeing human rights (Burkina Faso);

14. Favourably consider the requests for country visits of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the right to education (Belarus);
15. Take additional measures to ensure non-discrimination, in particular against women (Cote d'Ivoire);
16. Continue work in areas of discrimination against women and children (Kyrgyzstan);
17. Adopt national measures in order to promote access to more women to positions of responsibility (Niger);
18. Enhance efforts, both in law and practice, to protect the rights of women, promote gender equality and eliminate discrimination and violence against women (Thailand);
19. Continue efforts to put an end to all negative cultural practices and stereotypes that discriminate against women (Azerbaijan);
20. Continue strengthening efforts to ensure a more active role of women in all spheres of society (Pakistan);
21. Give particular attention to human rights protection of people with disabilities in order to secure their rights (Ukraine);
22. Continue to fight resolutely against the practice of arbitrary or summary executions and against impunity (Cote d'Ivoire);
23. Take all necessary measures to avoid unlawful arrests and detentions (Germany);
24. Ensure that reports of human rights violations by the police, the army and the National Intelligence Agency relating to unlawful arrest, detention, and torture of journalists, human rights defenders and opposition members are investigated and those responsible are brought to justice (Canada);<sup>1</sup>
25. Allow access to its detention centers by independent organizations and to arrested foreigners by their diplomatic representatives in accordance with its international human rights obligations (Canada);<sup>2</sup>
26. Ensure all detainees be properly charged and brought to trial without delay, or released, and that an independent body in Gambia investigate allegations of ill-treatment, torture and extra-judicial executions (Australia);
27. Address appropriately the issue of overcrowding as one of the major problems faced by the prisons which seriously affects the lives of the inmates in maintaining a good health standard (Iran);
28. Intensify efforts to improve the existing conditions in detention centres and prisons (Slovakia);

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<sup>1</sup> The original recommendation read as follows: "Instruct the police, the army and the National Intelligence Agency to cease unlawfully arresting, detaining, and torturing journalists, human rights defenders and opposition members and ensure that reports of such human rights violations are investigated and those responsible are brought to justice" (Canada).

<sup>2</sup> The original recommendation read as follows: "Comply with its international human rights obligations by allowing access to its detention centers by independent organizations and to arrested foreigners by their diplomatic representatives" (Canada).

29. Continue to promote efforts to fight FGM (Angola);
30. Step up measures to comprehensively address the problem of violence against women, including FGM, by expediting the enactment of the Women's Bill, and by implementing social, educational and legal safeguards and increasing public awareness campaigns to sensitize the community on the issue (Malaysia);
31. Intensify measures to effectively combat child sexual abuse and exploitation (Azerbaijan);
32. Continue to intensify law enforcement efforts against traffickers, incorporate anti-trafficking training into standard police curriculum, increase efforts to rescue trafficking victims, and provide appropriate care to those individuals (United States);
33. Continue efforts, despite constraints, with the assistance and cooperation of the international community to improve the situation of the justice sector, the police and prisons (Sudan);
34. Focus on the development of law enforcement capacities in order to fight impunity (Germany);
35. Strengthen work with international organizations to cooperate in supporting and improving the country's health system (Kyrgyzstan);
36. Continue using the ongoing programmes to ensure universal access for its population to health services (Cuba);
37. Take measures to reduce infant mortality rates (Libyan Arab Jamahiriya);
38. In line with CEDAW recommendations, address the problem of maternal and infant mortality and make every effort to increase women's access to health services (Kazakhstan);
39. Seek to obtain financial assistance in order to implement poverty reduction plans (Kuwait);
40. Continue to give absolute priority to programmes to combat poverty (Algeria);
41. Further strengthen its efforts to reduce poverty in the country (Azerbaijan);
42. Take adequate measures to combat illiteracy and poverty (Djibouti);
43. Continue efforts to reduce poverty and promote development, with a view to enhancing the effective enjoyment of all human rights for its people, especially economic and social rights (Thailand);
44. Redouble efforts in the area of poverty eradication, including by allocating adequate human and financial resources and providing support and material assistance to the disadvantaged groups in the country (Malaysia)<sup>3</sup>;
45. Continue to promote the rights of women and children (Djibouti);

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<sup>3</sup> The original recommendation read as follows: Redouble efforts in the area of poverty eradication, including by allocating adequate human and financial resources and providing support and material assistance to the marginalized and disadvantaged groups in the country (Malaysia).



46. Give more attention to improving the status of women and children (Algeria);
47. Multiply efforts to expand the coverage of education and expand services to include the disabled (Libyan Arab Jamahiriya);
48. Increase level of education to cover disabled children (Kyrgyzstan);
49. Continue applying the measures adopted with a view to achieving the proposed goals relating to education (Cuba);
50. Continue efforts to promote education for the good of all (Kuwait);
51. Strengthen national education programmes in favour of girls and persons with disabilities (Niger);
52. Seek, as necessary, international assistance in the elaboration and implementation of programmes for the promotion of human rights (Algeria);
53. Promote human rights education and training in all types of education, as well as for public officials in order to generate a greater understanding about human rights and help cultivate a human rights culture within the society (Thailand);
54. Request technical assistance from the various United Nations bodies, responsible in particular for the protection of children's rights and of persons with disabilities so that in order to ensure the effectiveness of the rights of these vulnerable persons (Burkina Faso);
55. Define expectations from relevant United Nations organizations and agencies with regards to technical and financial assistance and to solicit, therefore, the necessary international assistance to overcome material and infrastructural constraints mentioned in its national report (Morocco);
56. Engage members of the international community with a view to building capacity, particularly with regard to securing improvements in the human rights situation of its population (Malaysia);
57. Use international technical and financial assistance to try to strengthen the institutional framework for the protection of human rights (Lebanon);
58. Continue and intensify efforts for further promotion of economic, social and cultural rights with a view to better realize the Millennium Development Goals. In this context we recommend Gambia to benefit from technical and financial assistance by the international community, which is vital to this crucial endeavor (Iran);<sup>4</sup>
59. Continue an inclusive process in the follow-up on UPR recommendations (Norway);
60. Seek the assistance of the international community in its efforts to combat poverty and to providing the necessary social services to its population

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<sup>4</sup> The original recommendation read as follows: "Continue and intensify efforts for further promotion of economic, social and cultural rights and particularly the right to development with a view to better realization of the Millennium Development Goals. Needless to say that providing technical and financial assistance by the international community is vital for contributing to this crucial endeavor and therefore we would like to recommend that."

based on the national priorities determined by the Government of Gambia (Egypt);

61. Seek the assistance of the international community to reduce poverty (Republic of Congo);

98. Gambia considers that recommendations listed below are either already implemented or in the process of implementation:

1. Consolidate efforts to improve educational infrastructure at secondary, tertiary and higher education levels to ensure equitable access and quality education for all (Pakistan);

2. To consider ratifying the two Optional Protocols to the Convention on the Rights of the Child (Brazil);

3. To raise the minimum age of criminal responsibility (Brazil);

4. Ratify both optional protocols to the Convention on the Rights of the Child (Turkey);

5. To toughen liability for sexual abuse, exploitation and child trafficking (Belarus);

6. To harmonize its national laws in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in accordance with relevant guidelines by Treaty bodies (DRC);

7. Elaborate a development plan with a view, inter alia, to eradicate extreme poverty and hunger as the most daunting challenge of the country, and to provide access to education, health care for all its citizens, particularly women and children (Iran).

99. The following recommendations will be examined by Gambia that will provide responses in due time. The response of Gambia to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its 14th session:

1. Consider taking the necessary steps to ratify or accede to the outstanding main international human rights instruments and treaties (Nigeria);

2. Accede to the various international conventions to which Gambia is not yet party to (Niger);

3. Consider an early ratification of the CAT and OP-CAT, ICCPR- OP2, OP-CEDAW, OP-ICESCR, OPs to CRC; improve its cooperation with Special Procedures and other Human Rights mechanisms (Slovakia);

4. Consider being party to the International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the rights of Persons with Disabilities and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Argentina);

5. Recognizing the commitment of the Gambia to different international human rights instruments, ratify and sign CAT and OP-CAT, CRPD and OP-CRPD, CED, OP-CEDAW, CRC and ICESCR (Spain);
6. Ratify the CAT, OP-CAT, ICCPR-OP2 (Chile);
7. Consider the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (DRC);
8. Consider signing and ratifying the Convention on the Protection of All Persons from Enforced Disappearance (Argentina);
9. Integrate the legislative and legal provisions of the international human rights treaties ratified by the Gambia in its own legislation (Kazakhstan);
10. Fulfil obligation under the Convention on the Elimination of All Forms of Discrimination against Women, by adopting and implementing legislation prohibiting female genital mutilation (Australia);
11. Enact legislation on violence, including domestic violence against women; to take appropriate measures to ensure that domestic laws and customary law, and certain aspects of the Sharia, are applied in ways compatible with the provisions of ICCPR (Norway);
12. In line with the recommendations of the Human Rights Committee with regards to discrimination against women, take measures to ensure that national laws, customary laws and some aspects of Sharia law be interpreted and implemented in accordance with the principle of what most favors the individual (Mexico);
13. Adopt measures and programmes aimed at eliminating discrimination against women (Chile);
14. Adopt and implement legislation prohibiting Female Genital Mutilation (FGM), and ensure that offenders are prosecuted and punished, and take legal and education measures to combat this practice (Slovenia);
15. Take legal measures to prohibit all forms of physical and mental violence against children in all settings and to arrange an adequate juvenile justice system (Slovenia);
16. Establish a national human rights institution according to the Paris Principles (Libyan Arab Jamahiriya), (Spain), (France), (Niger);
17. Strengthen the institutional human rights framework, including by establishing a national human rights institution (Algeria);
18. Consider establishing a national human rights institution in accordance with the Paris Principles (Nigeria), (Egypt);
19. Consider the establishment of a national human rights institution accredited by the International Coordinating Committee of the National Institutions for the Promotion and Protection of Human Rights (Mauritius);
20. Allocate the necessary resources to ensure the appropriate functioning of the National Council on Civic Education (Angola);
21. Improve cooperation with the United Nations Treaty Bodies, by agreeing on the timeliness for submitting overdue reports, and to consider the need for external assistance to that end (Norway);

22. Meet all reporting obligations under the core universal human rights treaties and comply fully with the Special Procedures' requests, in the spirit of good faith and cooperation with all relevant mechanisms (Hungary);
23. Issue an open and standing invitation to United Nations human rights special procedures mandate holders (Chile), (Argentina);
24. Step up cooperation with the special procedures and eventually consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
25. Issue a standing invitation to Special Procedures and seek technical assistance through the OHCHR to submit outstanding reports on the implementation of human rights treaties (Canada);
26. Extend an open and standing invitation to Special Procedures of the Human Rights Council and respond positively to visits requests issued by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on the right to education (Spain);
27. Accept a visit to the country from the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (Mexico);
28. Step up efforts to combat all forms of discrimination towards women, in particular, by adopting legislation prohibiting traditional harmful practices, such as (FGM), (Brazil);
29. Following the recommendations of CEDAW, introduce measures to eliminate negative harmful cultural practices and stereotypes that discriminate women (Slovenia);
30. Follow-up on the recommendations by CEDAW and HRC with regard to discrimination against women; introduce measures to eliminate cultural practices that discriminate against women (Norway);
31. Adopt measures to protect the rights of certain vulnerable groups of children, in particular, girls, children born out of wedlock, and children with disabilities (Chile);
32. Consider establishing a moratorium on executions with a view to abolishing the death penalty (Brazil);
33. Abolish the death penalty; sign and ratify ICCPR-OP2 (Spain);
34. Implement the constitutional review of the death penalty and to confirm commitment to a moratorium with a view to abolishing death penalty (Italy);
35. Not carry out public execution and to work towards the abolition of the death penalty, considering as a first measure the imposition of a moratorium (Argentina);
36. Investigate at earliest cases of forced disappearances and to proceed to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);
37. Prevent, investigate and punish cases of torture and other ill-treatment, such as extra-judicial executions and enforced disappearances; to this end, establish a national mechanism for the prevention of torture and ill-treatment (Spain);

38. In line with the observations by the Human Rights Committee, address the issues of unlawful arrest and detention by the security agencies, and any allegations of torture and ill-treatment of persons in their custody (Ghana);
  39. Implement efficient policies and programmes to eliminate the phenomenon of excessive use of force by law enforcement officials, such as unlawful arrests and detentions, torture of detainees, enforced disappearances or extra-judicial executions; to investigate allegations of torture and ill-treatment and duly punish the perpetrators in accordance to international standards; law enforcement officials should undergo a due human rights training (Slovakia);
  40. Introduce legislation criminalizing FGM and domestic violence and launch an awareness and education campaign as part of implementing the legislation (Canada);
  41. Strengthen its laws to effectively combat FGM (Cote d'Ivoire);
  42. Take all necessary social, educational and legal measures to eliminate the practise of FGM (Italy);
  43. Take further steps to address human rights abuses against women and children, especially domestic violence, forced and early marriages (Sudan);
  44. Enforce Gambia's Children's Act of 2005 on issues such as corporal punishment, early marriages, FGM and sexual exploitation of children, as well as the Child Trafficking Law of 2007 (Norway);
  45. Strengthen efforts to guarantee the independence of the judiciary according to international human rights standards (Netherlands);
  46. Government's efforts to ensure quality service delivery in the justice sector also include measures to strengthen the independence of the judiciary in line with the United Nations Basic Principles on the Independence of the Judiciary (Ghana);
  47. Allow independent investigations into the death of Deyda Hydera and the disappearance of Chief Ebrima Manneh, including publication of findings (United Kingdom);
  48. Guarantee the full legitimacy and protection for human rights defenders in accordance with the United Nations Declaration on Human Rights Defenders. Those arrested should be with no delays brought to fair and proper trials, or released (Slovakia);
  49. Guarantee the free exercise of activities of human rights defenders (France);
  50. Take effective measures to make primary education free, enhance the quality of education, improve the literacy rate and increase enrolment in schools by abolishing or rationalizing tuition fees at all levels of the educational system as recommended by the Committee on the Rights of the Child (Turkey).
100. The following recommendations did not enjoy the support of Gambia:
1. Guarantee equal treatment and non discrimination of women also with regard to areas concerning personal status, particularly, adoption, marriage, divorce and inheritance according to international human rights standards (Netherlands);

2. Take firm measures to prevent and stop the recurrence of ‘witch hunts’ (Italy);
3. Amend the Women’s Bill as well as laws related to marriage, divorce and inheritance to comply with its obligations under the Convention on the Elimination of Discrimination Against Women (Canada);
4. Modify the current legislation to eliminate discrimination based on sexual orientation (Chile);
5. Ensure that no forced evictions or restrictions on access to adequate housing are imposed on the basis of sexual orientation (Canada);
6. Ensure non-discrimination in access to adequate housing, and prevent forced evictions, as well as the threat of forced evictions, on the basis of sexual orientation or gender identity (United States);
7. Take action to combat violence based on sexual orientation and gender identity and repeal all provisions criminalizing sexual activity between consenting adults; ensure non-discrimination in access to adequate housing and remedies for forced evictions on the basis of sexual orientation (United Kingdom);
8. Repeal all provisions criminalizing sexual activity between consenting adults (Canada);
9. Decriminalize homosexuality, and take action to combat violence based on sexual orientation and gender identity (Norway);
10. Repeal all provisions of law criminalising sexual activity between consenting adults (United States);
11. Withdraw legislation that criminalizes homosexuality between consenting adults and to prosecute violence directed against persons because of their sexual orientation (Italy);
12. Ensure that all LGBT persons fully and equally enjoy their human rights, in conformity with Gambia’s international obligations, and as an immediate step, to repeal the provisions in the Criminal Code that criminalize sexual activity among persons of the same sex (Sweden);
13. Decriminalise same-sex activities in accordance with international human rights standards (Netherlands);
14. With regard to the criminalisation of relations between adults of the same sex, consider harmonising domestic standards with international ones so as to ensure the full exercise of all human rights (Argentina);
15. Cease the harassment and intimidation of media institutions (Australia);
16. Promote and guarantee the right to freedom of expression (Italy);
17. Amend legislation to comply with international obligations to guarantee freedom of expression (Canada);
18. Carry out concrete and effective measures, including legislative action to ensure respect for the freedom of expression, association and the press, in conformity with international standards (Mexico);
19. Adopt measures to guarantee freedom of the press and of expression (Chile);

20. Take all necessary steps to strengthen the freedom of expression (Germany);
  21. Take all necessary steps to ensure freedom of speech as guaranteed by international conventions to which the Gambia is a signatory (United States);
  22. Replace criminal defamation laws with civil laws that are more narrowly defined, thus ensuring greater compliance with international obligations under the International Covenant on Civil and Political Rights, including a defence for the accused (United Kingdom);
  23. Improve efforts to guarantee the freedom of the press, and take all necessary steps to protect everyone individually or in association with others against any violence, retaliation, adverse discrimination or pressure as a consequence of his or her legitimate exercise of freedom of expression according to international human rights standards (Netherlands);
  24. Amend legislation infringing freedom of expression, in accordance with the Gambia's international human rights obligations (Australia);
  25. Take steps to promote free and independent media and continue work to ensure the safety of journalists, including Ndey Tapha Sossey, Sarata Jabbi-Dibba, Pa Modou Faal, Pap Saine, Sam Sarr, Ebrima Sawaneh, Emil Touray, and Augustine Kanja (United Kingdom);
  26. Develop a specific normative framework to guarantee the freedom of opinion and expression, as well as the security of journalists, members of the opposition and civil society (Spain);
  27. Take all necessary steps to ensure the protection of human rights defenders, including journalists, against any violence, retaliation, or adverse discrimination as a consequence of their legitimate exercise of the rights according to the Declaration on Human Rights Defenders (Norway),
  28. Ensure free access to information (Germany);
  29. Immediately cease the harassment and intimidation of independent media and to proceed to a reform of the legislation applicable to ensure full respect of freedom of expression (France);
  30. Bring an immediate end to harassment and intimidation of independent journalists and media institutions and amend the legislation that restricts press freedom and freedom of expression (Sweden).
101. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Gambia was headed by Her Excellency Marie Saine-Firdaus, Attorney General and Minister of Justice and composed of 15 members:

- His Excellency Mr. Ousman Jammeh, Minister of Foreign Affairs, International Cooperation and Gambians Abroad;
  - His Excellency Mr. Ousman Sonko, Minister of the Interior;
  - H. E. Ambassador Moses Benjamin Jallow, Permanent Representative of the Republic of the Gambia to the United Nations Office at Geneva;
  - Mr. Ebrima O. Camara, Secretary to the Cabinet, Office of the President;
  - Ms. Ida Faye-Hydar, Executive Director, Women's Bureau;
  - Mr. Momodu Lamin Ceesay, Deputy Permanent Secretary, Ministry of Finance and Economic Affairs;
  - Dr. Pap Sey, Deputy Permanent Secretary, Ministry of Basic and Secondary Education.
  - Mr. Sulayman Njie, Principal Assistant Secretary, Ministry of Foreign Affairs, International Cooperation and Gambians Abroad;
  - Mr. Yankuba Sonko, Deputy Inspector General of Police;
  - Mr. Ansumana Manneh, Chief Superintendant, Prisons Department;
  - Mr. Ousman Jarjue, Health Planner, Ministry of Health and Social Welfare;
  - Mr. Fallou Sowe, Deputy Director, Department of Social Welfare;
  - Mr. Yankuba Ceesay, Senior Assistant Secretary, Ministry of the Interior;
  - Ms. Anna Dibba, State Counsel, Ministry of Justice.
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