



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixty-eighth session

12–30 January 2015

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined second and third periodic reports of the Gambia

The State party is requested to submit in writing additional, updated information, if possible before 15 October 2014 (10,700 words maximum).

The Committee may take up any aspects of the children's rights set out in the Convention during the dialogue with the State party.

Part I

In this section, the State party is requested to submit its responses to the following questions.

1. Please provide information on the measures taken to bring Gambian law into conformity with the principles and provisions of the Convention, taking into account the plural legal system in the State party consisting of common, customary and sharia law.
2. Please indicate whether the State party intends to formulate a comprehensive policy and strategy for children and, if so, please provide information on its contents, implementation budget and monitoring and evaluation process.
3. Please indicate whether the Ministry of Children's Affairs is operational in the State party and, if so, please provide detailed information on its status, mandate and capacity, in terms of its human, financial and technical resources, to coordinate the implementation of children's rights across relevant sectors and from national to local levels.
4. Please inform the Committee about the measures taken to implement its previous recommendation (CRC/C/15/Add.165, para. 18) to expand the mandate of the Office of the Ombudsman or establish a separate and independent monitoring mechanism, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), which is accessible to children, to deal with complaints of violations of children's rights and to provide remedies for such violations.

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5. With reference to the Committee's previous recommendations (CRC/C/15/Add.165, para. 24), please provide detailed information on the necessary legislative measures taken by the State party to: (a) establish a clear definition of the child in accordance with article 1 and other related principles and provisions of the Convention; and (b) set the legal minimum age for marriage of girls and boys at 18 years. In that regard, please also inform the Committee of the measures taken to: (a) amend section 33 (5) of the Constitution, which stipulates that marriage, divorce and inheritance are subject to customary law; and (b) reform the provisions of the Children's Act of 2005 to ensure that it covers matters such as marriage, divorce and inheritance and that it criminalizes child marriages.
6. Please indicate what measures have been taken to reform traditional attitudes, perceived gender roles and existing laws and regulations that discriminate against girls in the family and in public life. Please inform the Committee of the measures adopted by the State party to prevent, investigate and punish violence against girls and to provide redress to victims.
7. With reference to the information provided in paragraphs 92 and 95 of the report of the State party (CRC/C/GMB/2-3) that corporal punishment continues to be practiced in the Gambia, please provide information on the steps taken to ensure that all forms of corporal punishment, without exception, are explicitly prohibited in school, in the home and in other settings.
8. In the light of the Committee's previous recommendations (CRC/C/15/Add.165, para. 65), please indicate the steps taken to prevent and eliminate sexual exploitation of children, especially those living in poverty and in street situations. Please also provide information on the programmes undertaken by the State party to increase the awareness of sexual exploitation among children, especially among girls, and to encourage the reporting of sexual violence and abuse in schools, in the home and in other settings.
9. In the light of the fact that the prevalence of female genital mutilation and cutting in the State party remains high, especially in certain regions and among ethnic communities, please provide detailed information on: (a) the efforts taken to strengthen legislative measures, including through the reform of the Children's Act of 2005, to clearly prohibit such practice and provide support to child victims; (b) the criminal sanctions against practitioners and religious leaders either carrying out female genital mutilation and cutting or assisting with and advocating for such practice; (c) the government policy and programmes, including details of funding for such programmes, to combat and eradicate female genital mutilation and cutting; and (d) the provision of sensitization programmes for practitioners, religious leaders, including the Supreme Islamic Council, and the general public to encourage change in traditional attitudes and to discourage female genital mutilation and cutting.
10. In the light of the Committee's previous recommendations (CRC/C/15/Add.165, para. 51), please indicate the steps taken to eliminate discrimination and social stigma against children with disabilities and to facilitate their full inclusion into society. Please provide information on the measures implemented by the State party to ensure effective access for children with disabilities, including for children with mental disabilities, to education, health and social services.
11. Please provide detailed information on the progress made by the State party in strengthening access to good quality health services, including primary health-care services. In the light of article 24, paragraph 2 (c), of the Convention, please elaborate on the measures taken to combat disease and malnutrition, including within the framework of primary health care and through the provision of adequate nutritious foods and clean drinking water.

12. Please inform the Committee of the measures taken to implement its previous recommendation (CRC/C/15/Add.165, para. 55) to take effective measures, including the allocation and distribution of adequate financial, human and technical resources, to make primary education completely free, without any hidden costs; to train teachers, including female teachers; and to enhance the quality of education. Please also inform the Committee of the steps taken to reduce school dropout and to increase the retention and completion rates of girls in the school system, both at the primary and secondary levels, and particularly in rural areas, where child marriage remains a major problem.

13. Please provide updated information on the measures taken and progress made on the implementation of the holistic early childhood development policy in the State party.

14. Please describe how the Children's Act of 2005 promotes restorative justice and alternatives to detention. Please also explain the mandate and function of the national rehabilitation centre for children and whether it is operational, as provided for in the Children's Act. In addition, please provide information on the measures taken by the State party to ensure the full implementation of the child justice provisions of the Children's Act and to guarantee the right of children to free legal assistance in both civil and criminal cases.

15. In the light of the fact that the State party still carries out the death penalty, please explain how the best interests of the children are taken into account in criminal proceedings concerning their parents, specifically in cases involving the death penalty and life sentencing. Please also describe the measures taken to ensure that the children of incarcerated parents are not discriminated against in any way.

Part II

In this section the Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report regarding:

- (a) New bills and laws, and their respective regulations;
- (b) New institutions, and their mandates, and institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

1. Please provide consolidated budget information for the past three years on resources allocated to children and the social sectors, indicating the percentage of each budget line in terms of the total national budget and gross national product in the State party.

2. Please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, covering the past three years, on the number/prevalence of:

- (a) Cases of abuse and violence against children, including all forms of corporal punishment, with additional information on the type of assistance given to child victims and the follow-up provided, including prosecution of the perpetrators and the sentences handed down in the State party;

(b) Investigations of cases of sexual violence and rape, and the outcome of trials, including information on the penalties for perpetrators, and redress and compensation offered to the victims;

(c) Cases of female genital mutilation and cutting in the State party, including information on the follow-up provided, the penalties for perpetrators, and redress and compensation offered to the victims;

(d) Cases of child marriage, including information on the follow-up provided;

(e) Underweight/stunting in infants and children under 5 years of age and under-5 mortality;

(f) Children infected with or affected by HIV/AIDS.

3. Please provide data on the reported cases of infanticide and abandonment of children in the State party.

4. Please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, on the situation of children deprived of a family environment, covering the past three years, with regard to the number of children:

(a) Separated from their parents;

(b) Living in street situations;

(c) Placed in institutions;

(d) Placed with foster families;

(e) Placed informally in other families;

(f) Adopted domestically or through intercountry adoptions.

5. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, for the past three years, on the number of children with disabilities:

(a) Living with their families;

(b) In institutions;

(c) Attending regular primary schools;

(d) Attending regular secondary schools;

(e) Attending special schools;

(f) Out of school;

(g) Abandoned by their families.

6. Please provide data, disaggregated by, inter alia, age, sex, socioeconomic background and ethnic origin, for the past three years, on:

(a) The enrolment and completion rates, disaggregated by sex and in percentages, of the relevant age groups in pre-primary schools, in primary schools and in secondary schools;

(b) The number and percentage of dropouts and repetitions;

(c) The teacher-pupil ratio.

7. Please provide data on social protection measures, disaggregated by age, sex, socioeconomic background and ethnic group, for the past three years, with regard to the number of children:

- (a) Involved in child labour;
 - (b) Performing domestic work and working in the street and in the agriculture sector;
 - (c) Involved in hazardous work.
8. Please provide data, disaggregated by, inter alia, age, sex, ethnic origin and type of crime, for the past three years, on the number of:
- (a) Children who have allegedly committed a crime and who have been reported to the police;
 - (b) Children who have been sentenced, and on the types of punishment or sanctions handed down for the offences they have committed, and on the length of deprivation of liberty;
 - (c) Detention facilities for children in conflict with the law and the capacity of those facilities;
 - (d) Children detained in those facilities and children detained in adult facilities;
 - (e) Children kept in pretrial detention and the average length of their detention;
 - (f) Reported cases of ill-treatment and torture of children during their arrest and detention.
9. Please provide the Committee with an update of any data in the report which may have been superseded by more recent data collected or affected by new developments.
10. In addition, the State party may list issues affecting children that it considers to be of priority with regard to the implementation of the Convention.
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