

**STATEMENT BY THE GAMBIA DELEGATION  
AT THE 20<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW WORKING GROUP**

**28<sup>th</sup> October 2014**

Your Excellency the President of the United Nations Human Rights Council  
Your Excellencies delegates from Member States  
Distinguished Ladies and Gentlemen.

The delegation of the Republic of The Gambia presents its felicitations to the United Nations Human Rights Council Working Group at the 20<sup>th</sup> Session of the Universal Periodic Review.

The Republic of The Gambia presented its first Report to the Human Rights Council Working Group at the 14<sup>th</sup> Session of the Universal Periodic Review in 2010.

Since then, The Gambia has made great efforts in strengthening human rights from education and health, to rights of women, children and the disabled and to fundamental freedoms, while maintaining a balance with security to ensure a stable environment for socio-economic development.

At this point, we would like to reiterate the peculiar circumstances of the Republic of The Gambia that must be borne in mind when considering human rights, notably its size which is barely 11,500 square kilometres with a population of less than 1.8 million people. The Gambia is a secular State with

different religions living together side by side in peace and harmony. The same applies to the several ethnic tribes throughout the country. The Gambia prides itself of its rich cultures and traditions and its peace and stability which has made it an attractive tourist destination over the past decades.

The Government recognises the importance of Access to Justice as a fundamental right and necessary for the maintenance of a stable environment for socio-economic development. To this end, several mechanisms have been introduced to improve access to justice:

- \* The National Agency for Legal Aid (NALA) established by an Act in 2008 and launched in 2010. NALA provides legal aid services to poor and vulnerable members of society and between 2011 and 2013 has represented 295 cases at the Superior Courts and 55 cases at the Children's Court.

- \* The Alternative Dispute Resolution Secretariat (ADRS) established by an Act in 2005 aims to settle disputes by mediation, negotiation and conciliation. Between 2008 and 2014, over 570 cases have been resolved by the ADRS.

- \* The Judiciary has continued its decentralisation program with the establishment of Magistrates Courts in all the Regions of the country. With the creation of the Gambia Law School graduating fully-fledged lawyers, the Magistrates Courts have benefitted greatly and most are now manned by qualified lawyers. The Judiciary is also in the process of establishing Cadi Courts and Children's Courts all over the country as well as more High Courts in addition to the ones in Banjul, Basse and Brikama. Continuous legal education is ongoing at the Judiciary.

On the right to Education, it is notable that The Gambia is one of the leading African countries that have met the Millennium Development Goals with respect to primary school enrolment free of charge as well as gender parity. The Government plans to expand the free education from primary schools to secondary schools by next year (2015) for both boys and girls.

The Government has constructed more schools with a proximity range of three kilometres to provide access to education to every Gambian child. Lower Basic Schools, Upper Basic Schools, Basic Cycle Schools and Senior Secondary Schools increased by nearly 20% between 2010 and 2014. The enrolment rate has also significantly increased.

The University of The Gambia also continues to register annual increases in the number of students desirable of pursuing post-secondary education. The University has recently opened a new building for its School of Law and has started a new program of undergraduate degree in Journalism. It is noteworthy that a great number of the students at the University are sponsored by the Government particularly in medicine.

On the right to Health, The Gambia is one of only a few countries to offer health services to the public at a very affordable flat fee for consultation and prescription medicine. There are several health centres with qualified nurses in every Region of the country with referral Hospitals manned by qualified doctors in each Region. Maternal and Antenatal health care is offered free of charge in all Government health facilities. There is also a vaccination campaign against Meningitis and Polio which is conducted country-wide. With the advent of the Ebola virus epidemic, The Gambia has taken strong preventative steps by

sensitisation of the public, increased surveillance at border points and provided protective clothing to all the exposed personnel as well as test kits for Ebola.

In the domain of the rights of Women, Children and Persons with Disabilities, The Gambia has taken great strides to reinforce their rights. In order to combat gender-based violence, two pieces of legislation were enacted in December 2013 namely the Domestic Violence Act and the Sexual Offences Act.

The Domestic Violence Act addresses domestic violence, provides protection for the victims of domestic violence particularly women and children. The Sexual Offences Act criminalises every form of sexual assault, exploitation and harassment. In consonance with the new laws, sensitisation campaigns were held, rehabilitation centres opened and a support fund created to support the victims of domestic violence.

On the rights of Children, The Gambia ratified the Convention on the Rights of the Child and the provisions of this Convention were domesticated in the Children's Act 2005. Apart from the 1997 Constitution of The Gambia and the Children's Act 2005 other legal instruments for child protection include the Tourism Offences Act 2003, Trafficking in Persons Act 2007, Labour Act 2007 and the Women's Act 2010. Law enforcement officers have been trained on the laws, police stations countrywide have Child Welfare Units manned by officers trained on issues relating to children and shelters for children have been established.

Further on the rights of children, The Gambia cognisant of unscrupulous individuals taking advantage of children, has launched campaigns to create awareness of the danger of child sexual abuse and exploitation. The Gambia Tourism Board in collaboration with Child Protection Alliance commissioned

an electronic signboard with messages on The Gambia's stance against child sex tourism at the arrival lounge of the Banjul International Airport. Sensitisation of stakeholders was also undertaken in the tourism industry to ensure greater protection of children from sexual exploitation in tourism.

In strengthening juvenile justice, two additional Children's Courts have been established and as mentioned previously, the State through the Agency for Legal Aid provides child offenders with free legal representation. Children in conflict with the law are always separated from adults as required by the Constitution, the Prisons Act and Children's Act from the pre-trial to trial stage. Young offenders are always separated from the adult convicts. There has been a separate juvenile wing at Old Jeshwang Prison since 2000.

On the rights of Persons with Disabilities, the Government ratified the UN Convention on the Rights of Persons with Disabilities and its optional protocol expressing political will to promote and protect the rights of persons with disabilities. There is also a draft Disability Bill under consultation which when enacted shall form part of the laws for the protection of the rights of persons with disabilities. Many people with disabilities are employed in both the public and private sector.

It is also noteworthy to point out the efforts made by The Gambia to combat trafficking in persons. The Gambia is one of only a few countries to have established an agency to tackle issues of human trafficking. The 2007 Trafficking in Persons Act created the National Agency Against Trafficking in Persons (NATTIP). The Agency started operations on 1st December 2011. Since the last reporting period, NATTIP has engaged in a country wide

sensitisation programme, enlightening the public on the dangers and legal consequences of trafficking in persons.

With regards to asylum, in 2013 the Government signed and ratified the United Nations Convention on the Status of Stateless Persons, 1954 and the United Nations Convention on the Reduction of Statelessness, 1961 respectively. The Gambia has also domesticated the provisions of the Convention relating to the status of Refugees.

The Gambia Commission for Refugee (GCR) which is responsible for the security and protection of the refugees in The Gambia has been in existence since 2008. The Commission in its bid to provide a good protection environment to refugees issues visitors pass (Laissez passé) to refugees which enables them to travel freely within the ECOWAS member states.

Concerning the Judiciary, in ensuring that independence of the Judiciary under the Constitution of The Gambia is further strengthened, the Judiciary of The Gambia has come up with a Judges (Remuneration Allowances And Other Benefits) Bill 2014 which is currently under consultation. As the title of the Bill indicates, the proposed legislation is to make provision for the terms and conditions of service of judges and for other matters connected therewith.

Such a piece of legislation would in no doubt enhance the security of tenure of judicial officers in the long run and contribute immensely to justice delivery services. A promotion policy has also been put in place to enhance justice delivery.

The Judiciary of The Gambia in its efforts to enhance access to justice and quality service delivery has re-structured the Judiciary. A second commercial court within the High Court has been established to deal with the ever mounting commercial cases filed in order to afford litigants more access to the courts.

A pre-trial court was established in 2013, tasked with dealing with all pre-trial matters in line with the new High Court (Amendment) Rules 2013. This procedure has created an expeditious settlement of issues to be determined at the trial and also gives the litigants the opportunity to settle their disputes at that stage. The resulting effect is that it allows the trial judges to concentrate on hearing of the substantive case and thereby enhancing the speedy conclusion of cases, resulting in speedy dispensation of justice.

Moving on to fundamental freedoms; the Constitution of The Gambia, Criminal Procedure Code, Police Act, among others provide safeguards for persons under investigation and detention. Persons suspected of having committed offences may be detained for up to 72 hours and thereafter they must be brought before a Court.

The Government has taken many measures to decongest prisons and to improve prison conditions and the social welfare of prisoners. In a bid to decongest the Mile 2 Prison, the Judiciary in 2013 organized special hearing dates for many prisoners in the remand wing. Their trials were conducted expeditiously and persons who had no sufficient evidence supporting their charges were acquitted and discharged.

The Ministry of Interior in collaboration with the Prison Services Department has made tremendous efforts in the renovation of the security wing and increase in size of cells and cells allocation. The expansion program has been extended

to Janjanbureh Prison which is in the Central River Region of the country. It has been estimated that it will cost the State the sum of D40 million upon completion. Over D1.9 Million has so far been spent on the renovation of the security wing which is now completed.

The Prison Services Department has also taken practical steps to promote the reformation and social rehabilitation of prisoners. This is done through education and vocational training. In 2013 a furnished library for prisoners was built.

The State Central Prison has a multi-purpose workshop, where prisoners are trained in different livelihood skills such as tailoring, carpentry and construction. The other establishments, like Janjanbureh, Jeshwang and the Juvenile Wing have facilities built for educational purposes.

A qualified teacher is provided by the Ministry of Basic and Secondary Education to teach children detained at the juvenile wing at Jeshwang on a daily basis.

A qualified Doctor visits the prisons on a daily basis to provide medical services to sick inmates. A modern standard clinic (LAB) was built in the State Central Prison and is currently in use. Well trained Community Health Nurses (CHN's), State Enrolled Nurses (SEN's) and Auxiliary nurses trained by the Government medical schools are also present to attend to inmates.

On the freedom of Speech, Expression and Assembly, the Constitution of The Gambia guarantees every person the right to these three freedoms. The Gambia is committed to creating a conducive environment for the media to operate freely and to ensure a free flow of information as provided for in the



Constitution. Consequently, the Information and Communications Act, 2009 was passed into law in May 2009 to provide for the re-structuring, development and regulation of the information and communications sectors in The Gambia. The right to freedom of expression is, however, not absolute. In addition to the limitations to the rights enshrined in the Constitution, the Criminal Code creates the offences of criminal libel and sedition. Civil libel is also regulated by the common law and is therefore applicable in The Gambia by virtue of section 3 of the Law of England Application Act and section 7 of the Constitution.

Since 1994, there has been a steady increase in the number of radio stations (15 privately owned and 8 Community owned) and newspapers (5 daily and 2 weekly) in The Gambia.

On Female Genital Mutilation, a National Plan of Action to Accelerate the Abandonment of FGM/C has been formulated. Although it is true that FGM/C is still being practiced in The Gambia, this harmful practice is being addressed by the Government and Civil Society Organisations through the Community Empowerment Programmes.

UNFPA/UNICEF has been supportive in both financing public awareness programmes and sensitisation of communities. The Community Empowerment Programme is based on certain experiences in Senegal and elsewhere, where basic education programme complemented by 'organized diffusion' in the communities, eventually led to the abandonment of FGM/C in numerous communities.

Civil Society Organizations such as The Foundation for Research on Women's Health, Productivity and the Environment (BAFROW), The Gambia Committee on Traditional Practices Affecting the Health of Women and Children

(GAMCOTRAP) and the Association for the Promotion of Women and Girls Advancement (APGWA) champion the fight against FGM/C with appreciable results.

To ensure that the fundamental human rights and freedoms guaranteed by the Constitution of The Gambia are further protected and allegations of violations are investigated by an independent institution, The Gambia is in the process of establishing a National Human Rights Institution. The validation of the draft National Human Rights Commission Bill, was conducted in 2013. The Bill is currently being revised to ensure that it complies with international standards before it is presented to the legislature for consideration.

While the Human Rights Commission is in the process of being established, the office of the Ombudsman has a wide mandate similar to that of a National Human Rights Institution. The functions of the Ombudsman, as stipulated in the 1997 Constitution of The Gambia, is to investigate allegations of maladministration, mismanagement or discrimination in any Government department, authority, or other public body. The discrimination that the Ombudsman is mandated to investigate is on any grounds set out in Chapter IV of the Constitution, which is about the Protection of Fundamental Rights and Freedoms.

The right to life is guaranteed in section 18 of the 1997 Constitution. However this right is not absolute. The Constitution provides circumstances for which the death penalty may be prescribed as a sentence.

The death penalty was abolished by the Death Penalty (Abolition) Act 1993 but reinstated by the Death Penalty (Restoration) Decree, 1995 Decree No. 52 which was accepted as the law when the Constitution was adopted by referendum in 1997.

The application of the death penalty is limited only to murder and treasonable offences. Even with that, it is only applied where the offence results in death, or the administration of any toxic substance, resulting in the death of another person. Thus, the fact that the death penalty is limited to these offences means it is quite an exceptional measure meant for “most serious crimes”.

Furthermore, Gambian law prescribes that the procedural guarantees, including the right to a fair hearing by an independent tribunal, the presumption of innocence, the minimum guarantees for the defence, and the right to review by a higher tribunal prescribed must be observed before the death penalty can be applied. These rights are applicable in addition to the particular right to seek pardon.

The issue of elections in The Gambia has caused some controversial decisions to be made by international organisations usually on the basis of boycotts by political parties. However, all Gambians eligible to vote have access to registration centres and campaign periods regulated by the Independent Electoral Commission give each parties equal airtime over the national television. Counting of votes is done in the presence of representatives from each political party.

Corresponding with the 1997 Constitutional provision for The Gambia Civic Education programme, The Gambia National Council for Civic Education Act, 1998 was passed. The NCCE was created as an independent non-partisan

Council under the Constitution, to design and co-ordinate Civic Education programmes and to serve as the advocacy component to the National Governance Programme. The Act thus places responsibility on the Council, for sensitising, informing and educating the public, particularly those at the grassroots, of their rights and responsibilities under the Constitution.

The state recognizes the relevance of the National Council for Civic Education and has so far increased its annual budget to D 2,775,969.44 in 2012 from D 2,074,389.00 in 2010.

The Government of The Gambia is committed to reducing poverty and has formulated a number of policies and strategies for this cause such as Vision 2020, The Development Strategy and Investment Programme for 2012 to 2015, called the Programme for Accelerated Growth and Employment (PAGE), which is the successor to the Poverty Reduction Strategy Programme II (PSRP II).

A recent ambitious programme for food self-sufficiency has been launched called Vision 2016 which seeks to encourage farmers to move from small scale farming to larger scale farming and produce the necessary volume for consumption by the population thus reducing reliance on importation of basic food commodities.

PAGE's main objective is to accelerate growth and employment, thereby reducing poverty and improving the well-being of the population. Key to overcoming these development challenges is the attainment of an accelerated growth rate of ten (10%) percent that is broad-based and creates employment.

In terms of food security and agriculture, The Gambian Government's priority is to transform the country into a major supplier of agricultural products to the local and international markets. A national experts committee and agricultural council have been formed to guide agricultural planning and policy.

On Treaty obligations, The Gambia since the last reporting period has made strides in fulfillment of its treaty reporting obligations. A National Treaty Reporting Taskforce was established in 2013. The UNDP has also been supportive of the State's desire of this cause. In 2012 it organized a workshop to train government officials on treaty reporting to the United Nations. A number of reports have been submitted for example in 2011, The Gambia's initial report on the International Covenant on Economic, Social and Cultural Rights to the Committee on Economic, Social and Cultural Rights.

In a bid to implement the UN working group's recommendations on the UPR 2010 for The Gambia, The Gambia constituted a multi- sectoral National Task Force constituting various Government Ministries and agencies, members of the civil society organizations to formulate a National Action Plan for implementation of the aforementioned recommendations. This demonstrates the Government's political will to protect and promote human rights and furthermore to fulfill its international treaty obligations.

On UN Special Procedures, the State has no objection to any Special Rapporteurs from the UN Human Rights Council visiting the Gambia in respect of the mandate of the Human Rights Council. In fact, as we speak, Special

Rapporteurs are preparing to visit The Gambia in the first week of November 2014.

Your Excellency Mr President, Your Excellencies delegates, Distinguished Ladies and Gentlemen, I shall stop here and listen to your contributions.

Thank you for your attention.