



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### List of issues prior to submission of the combined fourth to seventh periodic reports of the Gambia\*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 February 2021. The replies should take into consideration the Committee's previous recommendations (CRC/C/GMB/CO/2-3) adopted on 20 February 2015. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography during the dialogue with the State party.

#### I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, significant for the implementation of the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography;

(b) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on opportunities and challenges faced.

3. The Committee also requests the State party to provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how such measures promote the realization of children's rights under the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography.

#### II. Rights under the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography

##### A. General measures of implementation (arts. 4, 42 and 44 (6))

###### Legislation

4. The Committee notes the enactment, in 2016, of amendments to the Children's Act, 2005 and the enactment of the Women's (Amendment) Act, 2015, which prohibit child

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\* Adopted by the pre-sessional working group on 14 February 2020.



marriage, establishing the age of marriage as 18 years, and criminalize certain forms of child labour. Further, please provide information on:

(a) Other measures taken to amend the Children's Act, 2005 to ensure that it covers all areas of the Convention, including issues relating to female genital mutilation and child labour, and for its effective enforcement and dissemination, including limitations of the impact of sharia law (personal law) on child issues;

(b) The existence of a child-rights impact assessment procedure for all new legislation adopted at the national and subnational levels.

### **Comprehensive policy and strategy**

5. Please provide information on:

(a) Measures taken to develop a comprehensive policy and strategy encompassing all areas of children's rights covered under the Convention and complementing the National Social Protection Policy 2015–2025, including mechanisms for monitoring and evaluation;

(b) Whether the National Plan of Action against the Sexual Abuse and Exploitation of Children 2011–2015 has been renewed; if so, please provide information about its main goals.

### **Coordination**

6. Please inform the Committee about the measures taken to ensure that the ministry responsible for children has a clear mandate, sufficient authority and the necessary human, technical and financial resources to effectively coordinate all activities relating to the implementation of the Convention in the State party at the cross-sectoral, national, regional and local levels.

### **Allocation of resources**

7. Please indicate the measures taken to establish a system aimed at identifying and increasing budget allocations to and expenditure on children by specific ministries and that allows for an objective assessment of the adequacy and effectiveness of public expenditure on children. Please also provide information on the mechanisms in place to ensure a transparent and participatory budgeting process, particularly involving children, and to effectively combat corruption.

### **Data collection**

8. Please inform the Committee about the efforts made to improve data collection to ensure that it covers all areas of the Convention. In particular, please provide information on measures taken to develop an integrated system for examining the situation of children through a comprehensive analysis of data, and to ensure that data is reported frequently, is of good quality, is timely and is disaggregated by, inter alia, age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic background.

### **Dissemination, awareness-raising and training**

9. Please provide information on awareness-raising programmes and campaigns for spreading the knowledge of the Children's Act in all areas of the country.

### **Child rights and the business sector**

10. Please provide information on the measures taken or envisaged to:

(a) Monitor efforts aimed at ensuring that businesses do not adversely affect children's rights, in particular in relation to child labour in family businesses and in the informal sector;

(b) Increase the engagement of the business sectors to promote and protect children's rights;

(c) Ensure that companies, in particular those in the agricultural, fishery and tourism sectors, including family businesses and in the informal sector, effectively implement and respect national and international environmental and health standards, and that they are appropriately sanctioned and provide remedies when violations occur.

## **B. Definition of the child (art. 1)**

### **Minimum age for marriage**

11. Please explain what measures, including awareness-raising activities among traditional and religious leaders and their communities, have been taken to ensure that customary and sharia laws are interpreted in accordance with the Children's Act and the Convention.

## **C. General principles (arts. 2, 3, 6 and 12)**

### **Non-discrimination**

12. Please provide information on the measures taken to prohibit discrimination against children on all grounds and in all aspects of life, including multiple and intersectional discrimination. Please also provide information on the measures taken to address discrimination against and stigmatization of children belonging to ethnic, religious, cultural, linguistic and minority groups, children born to unmarried parents, children living in poverty, working children, children in street situations, children living in rural areas, asylum-seeking, refugee and migrant children, children with disabilities, children with albinism, and lesbian, gay, bisexual, transgender and intersex children, including on whether steps have been taken to amend the Criminal Code to remove the provisions criminalizing same-sex relationships.

### **Best interests of the child**

13. Please provide information on:

(a) The efforts made to ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects concerning children;

(b) The steps taken to develop procedures and criteria to provide guidance and training to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration.

### **Respect for the views of the child**

14. Please provide information about the rules and procedures adopted by the judicial and administrative authorities to guarantee the right of the child to be heard in all proceedings affecting her or him, including in civil, family and criminal cases, migration and asylum-seeking processes and for decisions regarding placement in alternative care. Please also provide information on:

(a) The training provided to all relevant professionals, particularly teachers and persons representing children, on the right of the child to be heard;

(b) The measures to raise awareness of child participation in the family, in school and in the community;

(c) The function of and resources allocated to the Children's National Assembly;

(d) Child participation in the transitional justice processes.

**D. Civil rights and freedoms (arts. 7, 8 and 13–17)****Birth registration, nationality and statelessness**

15. Please provide information on what efforts have been taken to ensure universal registration at birth, including of children born to unmarried parents, and to facilitate the birth registration of children above 5 years of age, including information on the impact of those efforts, and please inform the Committee as to whether a reform of the Births, Deaths and Marriages Registration Act of 1990 is planned. Please also provide information on:

(a) The measures taken to ensure the provision of identification documents to child refugees born in the territory of the State party or arriving as children, to avoid the risk of statelessness;

(b) Any legislative, administrative and other measures taken in light of the ratification of the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

(c) The measures taken to ensure that stateless children and children with an unknown nationality can access free primary education, secondary education and health and social services.

**Freedom of expression**

16. Please inform the Committee about the steps taken to reform laws, including provisions of the Criminal Code and the Information and Communications Act, that unduly restrict the right to freedom of expression. Please also inform the Committee as to whether there have been cases of intimidation of journalists and child human rights defenders; if so, please provide information on the investigation of such cases and on the prosecution and punishment of perpetrators.

**Access to appropriate information and right to privacy**

17. Please provide information on measures taken to ensure the effective monitoring of the information accessible to children, including in online media; to ensure that quality television programmes are produced for children, including for children belonging to minority groups and children with visual and hearing impairments; to ensure that television programmes that are inappropriate for children are not aired at prime time; and to increase the number of libraries, particularly in rural areas. Please also explain what measures are in place to protect the privacy of children in the media, including social media.

**E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)****Freedom of the child from all forms of violence**

18. Please provide information on:

(a) Studies undertaken on the prevalence and nature of violence against children, including domestic violence, and the development and implementation of a comprehensive policy for prevention and intervention in cases of violence;

(b) The outcome of investigations of cases of all forms of violence against children, including maltreatment and sexual abuse, in and outside the home, and remedies provided to child victims, including therapeutic services;

(c) The availability of legal support and child-friendly and confidential complaint mechanisms in residential care, mental-health institutions and foster-care systems.

**Corporal punishment**

19. Please provide information on efforts, including legislative measures, taken to end the practice of corporal punishment in all settings, including within the family, in schools and other institutions, in childcare settings and in penal institutions, and to repeal all legal

defences for its use, including the application of the concept of “reasonable chastisement”. Please also provide information on specific programmes to promote positive, non-violent and participatory forms of child-rearing and discipline, including awareness-raising and public education programmes for parents, teachers, childcare professionals, communities and religious leaders.

### **Sexual exploitation and abuse**

20. Please provide information on:

(a) The mandate and composition of, and the human, technical and financial resources, as well as specialized training, available to, the Ministry of Justice unit on sexual and gender-based violence, in particular on whether the unit provides for an accessible, confidential, child-friendly and effective channel for children to report cases of sexual exploitation and abuse;

(b) Measures taken to ensure mandatory reporting of cases of sexual exploitation and abuse of child victims, including in travel and tourism;

(c) Measures taken to protect children from online sexual exploitation and abuse, including on online dating websites.

### **Harmful practices**

21. Please provide information on the measures taken to prevent, address and eventually eradicate the practice of female genital mutilation, in particular the results of the implementation of the National Plan of Action for Accelerated Abandonment of Female Genital Mutilation 2013–2017, and on whether a new plan is being implemented with a view to sustaining progress that has been made.

## **F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

### **Family environment**

22. Please provide information on measures taken to:

(a) Develop and implement strategies for providing parenting education and to establish social protection systems to support families in their child-rearing efforts;

(b) Address the concurrent jurisdiction of the Children’s Court and the Cadi courts in the area of maintenance, custody and inheritance to avoid discrimination that negatively affects children.

### **Children deprived of a family environment**

23. Please provide information on the progress made towards phasing out the institutionalization of children and on the measures taken to:

(a) Strengthen the State party’s alternative care system and the mechanisms to ensure and monitor the quality of care in institutions and in substitute-family homes;

(b) Provide support to enable children leaving care, including those with disabilities, to return to their families and reintegrate into society;

(c) Clarify the legal parental relationship with regard to the parents of children in alternative care.

### **Adoption**

24. Please inform the Committee about the steps taken to monitor potential abuses of children within the practice of informal adoption within the extended family, to encourage formal domestic adoption and to set up an effective mechanism to assess and monitor adoption.

## **G. Children with disabilities (art. 23)**

25. Please provide information on the measures taken to:

(a) Enact the Disability Bill and implement the Disability Advocacy Strategy in a child-friendly manner;

(b) Strengthen awareness-raising programmes, including campaigns, for the community at large, aimed at combating discrimination against, and stigmatization of, children with disabilities and children with albinism;

(c) Provide social assistance for children with disabilities and their families, including under the national social protection agenda, to improve the coherence and coordination of that assistance, and to avoid institutionalization;

(d) Ensure access to specialized health and rehabilitation services for children with disabilities and children with albinism.

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

26. Please provide information on measures taken to:

(a) Prevent and reduce infant and child mortality;

(b) Ensure that all children, including children in rural areas, undocumented children and children with low economic or social status, have equal access to free basic health care and to quality paediatric services, and that all mothers and pregnant women have access to maternal care services, including as regards mother-child transmission of HIV and under the National Health Policy for 2012–2020 and the Maternal and Child Nutrition and Health Results Project for 2014–2019;

(c) Ensure full vaccination coverage and achieve health coverage across the State party;

(d) Promote exclusive breastfeeding and ensure child-friendly practices in all hospitals;

(e) Prevent and reduce malnutrition, stunting and wasting, in particular in rural areas, and provide information on the impact of the Maternal and Child Nutrition and Health Results Project for 2014–2019 in this regard.

### **Adolescent health and HIV/AIDS**

27. Please provide information on efforts undertaken to:

(a) Strengthen family and parenting support and reproductive health education programmes, including under the national reproductive health policy for 2017–2026, by, inter alia, making such programmes part of school curricula, and improve knowledge of and the availability of relevant services with a view to preventing HIV/AIDS and other sexually transmitted infections and reducing the number of teenage pregnancies;

(b) Review the legislation of the State party that criminalizes abortion.

### **Environmental health**

28. Please provide information about the measures taken to improve access for children to clean water and sanitation, and to reduce air pollution levels, especially near schools and residential areas.

## **I. Education, leisure and cultural activities (arts. 28–31)**

### **Education, including vocational training and guidance**

29. Please provide information on the steps taken to:

- (a) Improve the accessibility and quality of education, including early childhood education, for all children, particularly in rural areas, including by eliminating hidden educational costs in the school system and promoting alternative learning programmes;
- (b) Ensure that children with disabilities and children with albinism have access to inclusive education, including early childhood education, and that adequate human, technical and financial resources are available, particularly in rural areas;
- (c) Reduce and eventually eliminate cases of girls dropping out of school due to child marriage and early pregnancy.

### **Rest, leisure, recreation and cultural and artistic activities**

30. Please provide information about the measures taken to promote the availability and accessibility of rest, leisure, recreation and cultural and artistic activities for children, and the existence of policies to promote free play in schools and at day-care centres.

## **J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), 38–40)**

### **Economic exploitation, including child labour, and children in street situations**

31. Please provide information on the implementation of the 2016 amendments to the Children's Act, which, inter alia, criminalize certain forms of child labour, including in family businesses and the informal sector; the implementation of other relevant legislation; and efforts to raise the compulsory age of education to the minimum age of work.

### **Sale, trafficking and abduction**

32. Please provide information on:

- (a) Investigations of cases of trafficking in children, on the prosecution of the perpetrators, and the punishment of perpetrators with penalties commensurate with the gravity of the crime;
- (b) Awareness-raising programmes, including campaigns, aimed at the general public, civil society and the business sector to improve the understanding of trafficking issues and of how to report cases;
- (c) The provision of support services and remedies to child victims of trafficking to support their recovery and reintegration.

### **Administration of child justice**

33. Please inform the Committee about:

- (a) Progress made in the establishment of four more children's courts as provided for in the Children's Act;
- (b) Steps taken to raise the minimum age of criminal responsibility to 14, to define a minimum age for deprivation of liberty and to amend article 213 of the Children's Act, which excludes criminal offences for which a child is jointly charged with an adult from the jurisdiction of children's courts;
- (c) The provision of adequate training for all persons involved in the administration of child justice, including specialized judges, prosecutors and defence lawyers, on the rights of the child;
- (d) Steps taken to promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences, to effectively implement non-

custodial measures and to ensure that children are not detained with adults and that children in detention maintain regular contact with their families;

- (e) Rehabilitation and reintegration programmes in the child justice system.

### **III. Statistical information and data**

34. The statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status.

35. The provision of tables presenting trends over the reporting period is recommended and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

#### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

36. Please provide information on the budget lines regarding children and social sectors by indicating the amount and the percentage allocated to each budget line in terms of the total national budget.

#### **B. Definition of the child (art. 1)**

37. Please provide data, disaggregated as described in paragraph 34 above, on the number and percentage of children under 18 years of age living in the State party, and the number and percentage of children who have been subjected to child marriage.

#### **C. General principles (arts. 2, 3, 6 and 12)**

38. Please provide data, disaggregated as described in paragraph 34 above, on the number of children who have attempted or committed suicide.

#### **D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

39. Please provide data, disaggregated as described in paragraph 34 above, on the number of stateless children, including those with an unknown nationality, and on undocumented children.

#### **E. Violence against children (arts. 19, 24 (3), 28(2), 34, 37 (a) and 39)**

40. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) The number of cases of violence against children, including sexual violence and abuse, domestic violence, corporal punishment and harmful practices, that have been reported to the authorities, investigated and prosecuted, and on the sanctions imposed on perpetrators, disaggregated by type of offence;

(b) The number and type of protective measures provided for child victims of violence.

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

41. Please provide data, disaggregated as described in paragraph 34 above, on the number and proportion of families and children receiving economic and other type of support services.

42. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) The number of children in institutional care and the average number of days of stay;
- (b) The number of children in family- and community-based care.

**G. Children with disabilities (art. 23)**

43. Please provide data, disaggregated as described in paragraph 34 above and by type of disability, on the number of:

- (a) Children with disabilities and children with albinism;
- (b) Children with disabilities living with their families or living in family- and community-based care;
- (c) Children with disabilities enrolled in inclusive education and in separate schools;
- (d) Reported cases of ill-treatment, abuse, neglect and sexual violence against children with disabilities placed in institutions, the number of investigations and prosecutions carried out, and sentences issued.

**H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

44. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) The number and percentage of children with health insurance;
- (b) The number of paediatric and mental health services and professionals specialized in young children and adolescents, disaggregated by region.

45. Please provide data, disaggregated as described in paragraph 34 above, on the number of:

- (a) Adolescent mothers;
- (b) Children who abuse drug and alcohol;
- (c) Sexual and reproductive health services available to adolescents, disaggregated by region.

46. Please provide data, disaggregated as described in paragraph 34 above, on the number and proportion of children living below the poverty line and in extreme poverty.

**I. Education, leisure and cultural activities (arts. 28–31)**

47. Please provide data, disaggregated as described in paragraph 34 above and by region, in respect of:

- (a) The number and percentage of children aged between 16 and 18 years who are not attending school;
- (b) The number and percentage of children dropping out of school;
- (c) The number of children with disabilities in segregated schools and in segregated classes in regular schools;

- (d) The number and percentage of children who attend early childhood education programmes and the average number of years of attendance;
- (e) The number of children enrolled in public and private, including religious, schools.

**J. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d), and 38–40)**

48. Please provide data, disaggregated as described in paragraph 34 above and by country of origin and accompanied or unaccompanied status, on the number of:

- (a) Asylum-seeking, refugee and migrant children;
- (b) Asylum-seeking, refugee and migrant children in situations of migration detention, including in transit centres;
- (c) Children expelled from the territory of the State party;
- (d) Asylum-seeking, refugee and migrant children who are attending school and who have access to health care.

49. Please provide data, disaggregated as described in paragraph 34 above and by type of violation reported, on:

- (a) The number of reported cases and the number of children involved in trafficking;
- (b) The number of such children who have been provided with access to shelters and to rehabilitation programmes;
- (c) The number and percentage of such cases that have resulted in sanctions, with information on the country of origin of the perpetrator and the nature of the penalties imposed.

50. Please provide data, disaggregated as described in paragraph 34 above and by type of crime, on the number of:

- (a) Children in detention facilities and the average period of stay, disaggregated by type of detention: administrative detention, detention in police cells, pretrial detention and detention in prison;
  - (b) Children referred to diversion and non-custodial sentencing options.
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