

# STATEMENT

## UPR Pre-session on The Gambia, Geneva, 21 November 2024, 10 am

Delivered by: Alima Taal, Senior Rights Expert, on behalf of the Global Forum of Communities Discriminated on Work and Descent and The Gambana International

### **(Slide 1 : title side) Presentation of the Organisation**

**(start from here)**

- Good morning, I make this statement on behalf of the Global Forum of Communities Discriminated on Work and Descent and The Gambana International.
- Together we work to amplify the voices of communities in The Gambia and across the globe, who face discrimination based on work and descent such as caste.

## **(Slide 2: Plan of the Statement)**

- I will provide a short background on caste and descent-based discrimination in The Gambia.
- I will focus on three themes:
  - (1) Strengthening civil and political rights
  - (2) Women's Rights
  - (3) Right to Education

Our recommendations to address caste and descent-based discrimination are supported by the National Human Rights Commission of Gambia.

### **(Slide 3)**

- Discrimination based on “descent” includes discrimination against members of communities based on forms of social stratification such as caste and similar systems of inherited status, which **nullify or impair their equal enjoyment of human rights.**
- Caste systems have been recognized as a characteristic of all the major ethnic groups in The Gambia, including the Mandinka, the Fula, the Wollof, the Sarahule, and the Serer tribes.
- The predominant castes in The Gambia are the ‘nobles’, ‘griots’, ‘smiths’, ‘leatherworkers’, and ‘slaves’. While the ‘nobles’ are considered freeborn, the ‘slaves’ are regarded as descendants of captive slaves.

- Caste and descent based discrimination can be recognised by various factors including:
  - inability or restricted ability to alter inherited status,
  - socially enforced restrictions on marriage outside the community,
  - private and public segregation including in education,
  - Limited access to public spaces
  - limitation of freedom to renounce inherited occupations or degrading or hazardous work,
  - subjection to dehumanising discourses

The NRHC, Gambia has strongly condemned the discrimination of so-called slaves by so-called Nobles stating that is illegal and unlawful under the laws of the Gambia and all the international treaties and conventions that the Gambia has ratified.

I. **Strengthening civil and political rights through constitutional and legal frameworks (Slide 4-5)**

A. Follow-up to the previous Review  
(*Slide 4*)

- In its previous review, Gambia received recommendations from Belgium, Brazil and Togo to enact anti-discrimination legislation in line with other international human rights law.
- These recommendations were supported by Gambia.
- There were no recommendations to address caste and descent-based discrimination.

B. New developments since the first review  
(*Slide 4*)

- The National Human Rights Commission noted that it investigated several complaints of human rights violations and abuses, including caste-based discrimination and allegations of police brutality.
- Despite Gambian constitutional protection measures for equality and protection under Articles 28 and 33, 'caste' is not explicitly mentioned as one of the prohibited grounds for discrimination.
- The NHRC study notes that existing human rights instruments offer limited protection to address caste and descent-based discrimination.

### C. Recommendations (*Slide 5*)

- In line with the National Human Rights Commission Study. We urge Gambia to:
  - Include within anti-discrimination legislation, an **explicit prohibition of**

## **caste and descent-based discrimination** in the Constitution and other laws

- Conduct periodic surveys of descent-based discrimination and provide disaggregated information on their socio-economic condition to the Committee on the Elimination of Racial Discrimination in its next report.

## II. **Women's rights (Slide 6-7)**

### A. Follow-up to the first review (*slide 6*)

In the previous cycle, Gambia received recommendations to:

- address discrimination against women,
- improve women's participation in political and public life and
- address violence against women.

There were no explicit recommendations made to address discrimination based on caste and descent.

## B. New developments since the last review (*slide 6*)

- Gender inequality in The Gambia remains among the highest in Sub-Saharan Africa.
- Discrimination based on caste and descent reinforces existing gender inequalities and disproportionately affects women and children.
- They are victims of gender-based violence, sexual abuse, trafficking for sex work and forced labour.
- CEDAW has recommended that Gambia implement the recommendations of the NHRC report to address caste and descent based discrimination.



## B. Recommendations (*slide 7*)

To eliminate caste and descent-based discrimination, we urge Gambia to:

- Ensure the equal and inclusive representation of women from descent-based communities in all decision-making bodies in line with CEDAW General Recommendation 40.
- Carry out a national survey including disaggregated data to understand the impact of caste and descent-based discrimination on women and girls
- Include explicit prohibitions against caste and descent-based discrimination in all anti-discrimination legislation

## II. Right to Education (**Slide 8-9**)

### A. Follow-up to the first review (slide 8)

In the previous cycle Gambia received recommendations to improve education quality and strengthen access to education for all, especially girls, children in rural areas and children with disabilities.

## B. New developments since the last review (slide 8)

In its previous report in 2019, Gambia noted that the Government has constructed more schools with a proximity range of 2 kilometres and that there has been a progressive increase in general enrolment at both the primary and secondary schools.

We welcome Gambia's increased education budget allocation from 14% in 2022 to 17.4 % in 2023.

However, not all of Gambian society is fully benefiting from these advances.

- Due to their status as 'low caste' and 'polluted' caste and descent communities

live in fringe areas or in rural areas with limited availability and access to good schools.

- Girls from caste and descent based communities experience gender and descent based discrimination leading to increased dropout rates.

### C. Recommendations

- **Increase the education budget to meet the global minimum target of 20%.**

**To Prevent school dropout rates for girls and children from descent-based communities by:**

- **Improving school infrastructure and resources to access schools**
- Conducting periodic surveys on access to basic education and **provide disaggregated information on descent-based communities** in periodic reports to CERD.

- Conduct an **education curriculum review** to ensure the basic education syllabus does not contribute to the perpetuation of caste divisions and discrimination