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Gambia

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I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.[1] It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. In 2022, the Committee on the Elimination of Discrimination against Women recommended that the Gambia ratify the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization and ensure its incorporation into domestic law and effective implementation.[2]

3. The same Committee encouraged the Gambia to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[3]

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged the Gambia to ratify the Convention against Discrimination in Education.[4]

5. The United Nations country team noted the engagement of the Gambia with regional and international human rights bodies. Nevertheless, the country remained in transition, requiring support to ensure non-recurrence of human rights violations, combat impunity, strengthen democracy, tackle corruption and safeguard the rights of marginalized groups.[5]

6. The United Nations country team also noted that the Gambia had a low rate of reporting to the treaty bodies, which was exacerbated by the lack of a national mechanism for reporting and follow-up.[6]

III. National human rights framework

1. Constitutional and legislative framework

7. In 2020, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence recommended that the Gambia harmonize and domesticate all ratified international legal instruments to make the rights therein justiciable and enforceable, including by criminalizing torture and enforced disappearance, abolishing the death penalty, and decriminalizing same-sex relations in its domestic legal framework.[7]

8. The same Special Rapporteur recommended that the Gambia ensure that the existing reviews of the Constitution, the Criminal Code and the Criminal Procedure Code were undertaken in full compliance with international human rights standards.[8]

9. The Committee on the Elimination of Discrimination against Women recommended that the Gambia ensure that the provisions of the Convention on the Elimination of All Forms of Discrimination against Women were fully integrated into the national legal framework, including by amending or repealing legislative provisions that were incompatible with the principles of equality and non-discrimination.[9]

2. Institutional infrastructure and policy measures

10. The Committee on the Elimination of Discrimination against Women recommended that the Gambia increase the human, technical and financial resources allocated to the Ministry of Women, Children and Social Welfare and enhance the gender-specific expertise among its staff to enable it to coordinate efforts to promote gender equality, mainstream gender across policies and introduce gender-responsive budgeting.[10]

11. The same Committee recommended that the Gambia give effect to the recommendations of the National Human Rights Commission and strengthen its capacity to promote the rights of women.[11]

12. The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence recommended that the Gambia: (a) adopt a comprehensive reparations policy aimed at providing all categories of victims with effective and timely reparations, including compensation, rehabilitation, satisfaction, restitution and guarantees of non-recurrence, taking measures to ensure that the reparation programme was adopted in full consultation with victims, was fully compliant with international standards, and included a gender and disabilities perspective; and (b) provide immediate medical and psychosocial assistance to survivors.[12]

13. The same Special Rapporteur recommended that the Gambia: (a) reform the legal and procedural framework, including regulations, operational procedures and codes of conduct, of the security services, intelligence services and armed forces, in order to bring them into line with international standards, reinforce internal accountability mechanisms, and establish strong and independent civil oversight mechanisms; and (b) train security personnel on conditions for the use of force, public order management, sexual and gender-based violence, investigative interviewing and forensic investigations.[13]

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

14. The United Nations country team stated that there were significant gaps in the protection of the rights of women and girls, mainly due to patriarchal beliefs and attitudes, economic disparities and scarce resources.[14]

15. The Committee on the Elimination of Discrimination against Women expressed concern about the intersecting forms of discrimination faced by women at the lowest rank of

the complex caste system, some of whom were still considered "slaves", and the absence of legal prohibition of caste-based discrimination against women.[15]

16. The same Committee recommended that the Gambia conduct awareness-raising campaigns for politicians, community and religious leaders, the media and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life was a requirement for the full implementation of the human rights of women and for the achievement of political stability and economic development in the country.[16]

17. The United Nations country team stated that the HIV and AIDS Prevention and Control Act, 2015, had marked an important milestone in addressing the stigma and discrimination faced by persons living with HIV. However, key populations including female sex workers and men who had sex with men had continued to struggle to access healthcare, employment, education and housing due to discrimination.[17]

18. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families requested information on the measures taken to ensure that non-discrimination, the protection of labour rights and gender equality in all matters relating to migration policy prevailed in law and in practice. It also requested information on any cases of racism and xenophobia, discrimination, ill-treatment and violence, including gender-based violence, to which migrant workers and members of their families had been subjected.[18]

2. Right to life, liberty and security of person, and freedom from torture

19. The United Nations country team stated that in 2023, the President of the Gambia had commuted the death sentences of 22 convicted persons to life imprisonment. It noted that a moratorium on the use of the death penalty was in place and recommended that the Gambia continue with efforts to abolish the death penalty by amending relevant constitutional and legislative provisions.[19]

20. In their communication to the Gambia in 2022, the Working Group on Enforced or Involuntary Disappearances and three Special Rapporteurs stated that, based on information received, the authorities had not taken adequate measures to conduct forensic investigations in line with the international standards on determining the fate and whereabouts of persons forcibly disappeared between July 1994 and January 2017. They expressed concern at the seemingly persistent delay in the accountability process and the stalled efforts to investigate the circumstances of the unlawful killings, summary executions and enforced disappearances in accordance with international standards, and to determine the fate and whereabouts of all persons subjected to enforced disappearance.[20]

21. The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence recommended that the Gambia provide financial, material and human resources to accelerate the search for and identification of disappeared persons, including the required technological equipment, and engage with the international community to seek technical and financial assistance in that respect.[21]

22. The Committee on the Elimination of Discrimination against Women recommended that the Gambia adopt a strategy to detect and address hate speech, cyberbullying and other defamatory speech directed against women candidates for elected office, including by combating online violence against women, harassment, stalking and sexist hate speech.[22]

3. Administration of justice, including impunity, and the rule of law

23. The Committee on the Elimination of Discrimination against Women noted barriers faced by women in accessing justice. It recommended that the Gambia: (a) enhance women's awareness of their rights and the remedies available for them to claim those rights through, inter alia, legal literacy programmes, and raise awareness among traditional and religious leaders, police officers and the general public on women's rights and gender equality; (b) strengthen the network of free legal aid provision to women, in both criminal and civil proceedings, through increased allocation of human, technical and financial resources to the National Agency for Legal Aid and to civil society organizations providing legal assistance

to women; (c) strengthen capacity-building programmes for judges, prosecutors, lawyers and other legal professionals and the appointment of women to the judiciary and qadi courts; and (d) encourage and promote the appointment of women judges at all levels of the judiciary.[23]

24. The same Committee stated that discriminatory evidentiary rules continued to be applied, including the requirement of corroboration, despite its removal from the Sexual Offences Act. It recommended that the Gambia abolish the practice of requiring corroboration of evidence of sexual violence by repealing section 180 (2) (a) and (c) of the Evidence Act.[24]

25. The United Nations country team stated that the weak juvenile justice system affected children in contact with the law – victims, witnesses or alleged offenders – due to challenges in operationalizing children's courts and allocating resources.[25]

26. In 2021, the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, stated that the Gambia should: (a) increase efforts to detect, investigate, prosecute and convict the perpetrators of the sale and sexual exploitation of children; (b) ensure that investigations and prosecutions were carried out by specialized and appropriately trained investigators, prosecutors and forensic experts in a child-friendly manner; and (c) improve protection measures for witnesses and victims to ensure their confidentiality and privacy.[26]

27. The Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence recommended that the Gambia provide the judiciary with capacity-building and technical and human resources to undertake effective, prompt and adequate criminal investigations and prosecutions into the violations of the past regime, and consider developing a criminal accountability entity, such as a special court, to carry out criminal investigations and prosecution of those crimes.[27]

28. The same Special Rapporteur recommended that the Gambia: (a) investigate and prosecute officials and members of paramilitary groups implicated in human rights violations, in accordance with international standards, and consider adopting prosecutorial strategies that ensured the effective and timely prosecution of alleged perpetrators; and (b) refrain from recommending or granting amnesties or pardons for serious human rights violations, as prescribed by international law.[28]

29. During his visit, the same Special Rapporteur recognized the progress achieved through the impressive work of the Truth, Reconciliation and Reparations Commission, while recalling nonetheless the shortcomings in the reconciliation and reparations components of the work of the Commission. He urged the authorities to make swifter progress in the pending aspects of the transitional justice agenda, including accountability, reparations, and institutional and security sector reform.[29]

30. The same Special Rapporteur recommended that the Gambia: (a) take measures to ensure that the Truth, Reconciliation and Reparations Commission adopted all necessary measures to promote the universal registration of victims and to provide the victims with tailored reparations; (b) provide a safe environment for the testimonies of victims and witnesses and consult with victims about the adequacy of the existing procedures; and (c) develop witness and victim protection schemes for individuals at imminent risk of reprisals, stigma or revictimization.[30]

31. In their communication to the Gambia in 2022, several special procedures expressed concern at the alleged decision of the Amnesty Recommendation Committee of the Truth, Reparation and Reconciliation Commission to recommend the granting of amnesty to Sanna Sabally. He had been identified by the Commission itself as a perpetrator of serious human rights violations committed on 11 November 1994, which – as part of a wider pattern of violations committed by the regime – might constitute crimes against humanity. That decision appeared to be inconsistent with the Truth, Reconciliation and Reparations Commission Act, which precluded the granting of amnesties for crimes against humanity. It was also inconsistent with the statement issued by the Commission itself that amnesty could not be recommended for serious crimes or for violations amounting to crimes against humanity. In that regard, the special procedures recalled that international human rights law impeded the use of amnesties for offences that reached the threshold of crimes against

humanity, as established in the Truth, Reconciliation and Reparations Commission Act, and for all crimes under international law and gross human rights violations, such as torture, killings, enforced disappearance and sexual violence, even if owing to their scale and context they did not amount to crimes against humanity. The special procedures also expressed concern about the alleged lack of prior consultation with victims and their participation in and information about the assessment and development of the amnesty recommendation decision, and about the apparent disregard for the fact that the families of the victims of the November 1994 massacre had expressed their refusal to forgive the perpetrators.[31]

32. The United Nations country team stated that in February 2024, the Gambia and the Economic Community of West African States (ECOWAS) had launched a joint technical committee for the establishment of a hybrid court to hold to account those responsible for gross human rights violations committed in the country between July 1994 and January 2017. However, in July 2024, the Gambia had announced that the ECOWAS Parliament had declined to play a major role in establishing that court.[32]

4. Fundamental freedoms and the right to participate in public and political life

33. UNESCO stated that in 2018, the Supreme Court of the Gambia had ruled that several provisions of the Criminal Code relating to sedition, publication of false news and defamation were unconstitutional. It encouraged the Gambia to fully implement the Court's ruling in that regard, to revise existing legislation that might restrict the exercise of the freedom of expression in ways that were incompatible with international human rights law, to decriminalize defamation and to place it within a civil code, in line with international standards.[33]

34. The Committee on the Elimination of Discrimination against Women expressed concern about reports that women human rights defenders were subjected to threats, intimidation and harassment for their work on women's human rights. It recommended that the Gambia create an enabling environment for the engagement of women human rights defenders and civil society in the promotion and protection of women's rights.[34]

35. The same Committee recommended that the Gambia: (a) effectively implement section 15 (1) of the Women's Act requiring all public institutions, authorities and private enterprises to adopt temporary special measures to accelerate substantive equality between women and men; and (b) strengthen training and mentorship programmes to encourage women and girls to participate in political and public life.[35]

5. Right to marriage and family life

36. The same Committee recommended that the Gambia amend sections 27 and 33 (5) of the Constitution and section 45 of the Women's Act to include a guarantee of women's equal rights in marriage, family relations and their dissolution, inheritance, child maintenance and custody.[36]

37. The same Committee noted the continued social legitimization of polygamy as a culturally acceptable practice, and the lack of legislation explicitly prohibiting levirate marriage. It recommended that the Gambia adopt legislation explicitly prohibiting the practices of polygamy and levirate marriage, without exception.[37]

6. Prohibition of all forms of slavery, including trafficking in persons

38. The same Committee stated that the Gambia was a source, destination and transit country for human trafficking, particularly in women and children, for purposes of forced labour and sexual exploitation, including sex tourism. Trafficking in women and girls was underreported, due to, inter alia, the lack of confidence in the administration of justice, lengthy investigations and court proceedings, the lack of prosecutions and convictions and the lack of an effective national referral mechanism to appropriate support services for victims of trafficking, including protection from retaliation. It recommended that the Gambia: (a) strengthen the training of first responders on the early identification of victims and their referral to appropriate services for their protection and rehabilitation, ensuring that such protection was victim-centred and gender-responsive; and (b) raise awareness of the crime of trafficking in persons and how to report suspected cases.[38]

39. The Special Rapporteur on sale of children stated that the Gambia should ensure the effective implementation of the Tourism Offences Act, the Children's (Amendment) Act and the Trafficking in Persons Act (as amended in 2010).[39]

40. The same Special Rapporteur stated that the Gambia should intensify efforts to regularly monitor the activities of the entertainment and tourism industries to detect and report cases of sexual exploitation of children and ensure the compliance of the private sector with international guidelines. She also stated that the Gambia should take measures to prevent the economic exploitation of children, especially child labour in family businesses, in the context of Qur'anic schools and in the informal sector.[40]

7. Right to work and to just and favourable conditions of work

41. The Committee on the Elimination of Discrimination against Women noted with concern the high prevalence of sexual harassment in the workplace and the lack of support for victims. It recommended that the Gambia adopt a comprehensive law that addressed sexual harassment in the workplace, ensuring that victims had access to complaint procedures, in line with the relevant supported recommendation from the previous review and recommendations of the National Human Rights Commission.[41]

42. The same Committee expressed concern that unemployment among women remained persistently high and that women remained concentrated in low-paid jobs in the informal economy without labour and social protection. It drew attention to target 8.5 of the Sustainable Development Goals and recommended that the Gambia: (a) promote women's transition to the formal economy; (b) facilitate access to social protection schemes for disadvantaged women, in particular agricultural and domestic workers; (c) ensure that the national coronavirus disease (COVID-19) emergency response fund responded to the specific needs of women; and (d) amend legislation to incorporate the principle of equal pay for work of equal value and impose fines for non-compliance.[42]

8. Right to social security

43. The United Nations country team stated that the Recovery-focused National Development Plan 2023–2027, which mainstreamed the 2030 Agenda for Sustainable Development, the Agenda 2063 of the African Union and the ECOWAS Vision 2050, aimed to enhance household resilience by leveraging the existing social protection framework, including the Social Registry – a platform for social protection. It recommended that the Gambia expand and consolidate social protection and include vulnerable sectors.[43]

9. Right to an adequate standard of living

44. The United Nations country team stated that the Recovery-focused National Development Plan 2023–2027 had highlighted food insecurity, particularly among vulnerable groups, including female-headed households and persons with disabilities. Taking note of the relevant legislation and policies, it recommended that the Gambia review the existing legislative framework to ensure the realization of the right to food.[44]

45. In a communication to the Gambia in 2022, the Special Rapporteur on the human rights to safe drinking water and sanitation expressed his concern about the absence of policies prohibiting the disconnection of water services as a result of non-payment, and guaranteeing access to water services during the COVID-19 pandemic, especially for people in vulnerable situations. He stated that the disconnection of water services because of failure to pay due to lack of means constituted a violation of the human rights to safe drinking water and sanitation. In order to prohibit such disconnections, it was imperative that the human rights to safe drinking water and sanitation were explicitly recognized in the legal framework.[45]

10. Right to health

46. The United Nations country team noted that the Recovery-focused National Development Plan 2023–2027 included a commitment to providing quality, accessible and affordable healthcare services. Progress had been made, including a significant increase in the numbers of women receiving antenatal care from qualified clinicians and of children born

in medical facilities. Nevertheless, challenges remained including deteriorating primary healthcare, increasing rates of non-communicable diseases, inadequately skilled health professionals and limited mental health and psychosocial support.[46]

47. The Committee on the Elimination of Discrimination against Women noted the high maternal mortality rate and the prevalence of unsafe abortions, given the very limited circumstances in which abortion was legal, and the limited availability and accessibility of sexual and reproductive health services, including family planning services, for women and girls, especially in rural areas. It recommended that the Gambia: (a) increase its health expenditure and improve coverage of and access to health services throughout its territory by allocating sufficient budgetary resources for the establishment of adequately equipped hospitals, especially in rural and remote areas; (b) legalize abortion at least in cases of rape, incest, severe fetal impairment and risk to the health or life of the pregnant woman, and decriminalize it in all other cases, recognizing that the criminalization of abortion was a form of gender-based violence against women; and (c) ensure that women and girls had adequate access to information on sexual and reproductive health and rights, and that all women had access to adequate sexual and reproductive health services, including family planning, free or affordable safe contraceptive methods, prevention of early pregnancy and sexually transmitted infections, and safe abortion and post-abortion services.[47]

48. The World Health Organization stated that in July 2022, there had been a spike in the number of cases of acute kidney injury among children. Contaminated over-the-counter cough syrup had been identified as the root cause of the outbreak. Its impact had been mitigated by the swift and proactive approach taken by the Gambia and the World Health Organization. The United Nations country team had supported the investigations and the implementation of public health measures in that regard.[48]

11. Right to education

49. UNESCO noted that in 2022, government expenditure on education had amounted to 2.7 per cent of gross domestic product and 14.5 per cent of the total government expenditure. It encouraged the Gambia to allocate at least 4 to 6 per cent of gross domestic product, or at least 15 to 20 per cent of public expenditure, to education.[49]

50. UNESCO encouraged the Gambia to explicitly guarantee at least 12 years of free education, 9 of which were compulsory, and in addition, to guarantee at least 1 year of free and compulsory pre-primary education.[50]

51. The Committee on the Elimination of Discrimination against Women expressed concern about the high number of girls who were out of school, the related high illiteracy rates among women and girls, and incidents of sexual violence against girls in school. It recommended that the Gambia: (a) strengthen inclusive and targeted adult literacy programmes for women, prioritizing rural women, ensuring that the programmes were systematically evaluated for their impact and effectiveness; (b) adopt the basic and secondary education amendment bill, which was aimed at reviewing and repealing the discriminatory provisions of the Basic and Secondary Education Act; (c) implement article 27 of the Women's Act, which protected pregnant girls from expulsion and protected their right to return to school after giving birth; (d) strengthen the delivery of age-appropriate and scientifically based sexuality education for girls and boys, covering responsible sexual behaviour, under the comprehensive sexuality education curriculum framework; (e) establish effective procedures to investigate cases of sexual abuse and harassment of girls in school environments, prosecute perpetrators and provide victims with medical care, psychosocial counselling and rehabilitation; (f) establish mandatory capacity-building for teachers and all school administration personnel on criminal liability for any acts of rape and sexual harassment; and (g) enhance temporary special measures, including preferential admissions and scholarships, to promote the enrolment of women and girls in non-traditional fields of study, such as science, technology, engineering, mathematics and information and communications technology.[51]

12. Development, the environment, and business and human rights

52. The United Nations country team noted that the Gambia had launched its Recovery-focused National Development Plan 2023–2027, which was aimed at consolidating gains in democratic governance, accelerating green economic and social transformation and building resilience to shocks and crises.[52]

53. The Committee on the Elimination of Discrimination against Women urged the Gambia to recognize women as the driving force of its sustainable development and to adopt relevant policies and strategies to that effect.[53]

54. The same Committee recommended that the Gambia establish a monitoring and evaluation process for its efforts to mainstream gender in its development plans, support for women's economic empowerment and poverty reduction strategies, ensuring the full and meaningful participation of civil society in those processes.[54]

55. Noting that the National Climate Change Policy, 2016–2025, lacked a comprehensive focus on migration issues, the United Nations country team stated that it had supported an update of the national and regional contingency plans to include the mobility dimension of crises.[55]

B. Rights of specific persons or groups

1. Women

56. The Committee on the Elimination of Discrimination against Women was concerned that the Sexual Offences Act, 2013, did not specifically criminalize marital rape. It recommended that the Gambia amend section 3 (3) of the Act to specifically criminalize marital rape.[56]

57. The same Committee recommended that the Gambia encourage religious (qadi) and common law courts, law enforcement officers and imams to respect, in their decisions and actions, the State's commitments deriving from its ratification of the Convention on the Elimination of All Forms of Discrimination against Women to ensure that Muslim women and girls enjoyed equal rights in all aspects of family life, including in marriage, divorce, inheritance, marital property, adoption, burial and devolution of property on death, including through the Faith for Rights initiative of the Office of the United Nations High Commissioner for Human Rights.[57]

58. The same Committee, while welcoming, inter alia, the 2015 amendment to section 32 (a) and (b) of the Women's Act to criminalize female genital mutilation, expressed concern that the practice remained widespread. It recommended that the Gambia: (a) address the cultural beliefs underlying the harmful practice of female genital mutilation, including by educating parents and traditional and religious leaders on the lifelong devastating effects on both the physical and mental health of girls and women, and by raising awareness of the criminalization of female genital mutilation; (b) establish safe reporting mechanisms for health practitioners, teachers, social workers, and women and girls; and (c) improve access to support and rehabilitation services for women and girls who were victims of female genital mutilation.[58]

59. In a joint statement, several special procedures, together with the chair of a treaty body and a special rapporteur of the African Commission on Human and Peoples' Rights, welcomed the decision of the National Assembly of the Gambia on 15 July 2024 to uphold the national ban on female genital mutilation and to reject the Women's (Amendment) Bill 2024. The Bill had been tabled in March 2024 to repeal the provisions in the Women's Act that had been introduced by the Women's (Amendment) Act 2015 to explicitly prohibit female genital mutilation.[59]

60. The United Nations country team stated that the threat to decriminalize female genital mutilation by the tabling of the Women's (Amendment) Bill 2024 underscored the challenges faced in protecting the rights of women and girls.[60]

61. The Committee on the Elimination of Discrimination against Women expressed concern about the high prevalence of gender-based violence against women and girls and the low level of reporting of incidents, owing to a culture of silence and impunity. It recommended that the Gambia (a) raise awareness among women of their rights under the Domestic Violence Act and the Sexual Offences Act, and of the process for filing complaints about gender-based violence; (b) address the stigmatization of women who were victims of gender-based violence; and (c) ensure that women and girls who were victims of gender-based violence had access to effective remedies and protection.[61]

2. Children

62. The United Nations country team stated that children had not been adequately protected from physical and emotional violence, child marriage, commercial sexual exploitation, trafficking, abuse, the worst forms of child labour and neglect.[62]

63. The Committee on the Elimination of Discrimination against Women, while welcoming the criminalization of child marriage, noted its persistence. It recommended that the Gambia eliminate child marriage, including by raising awareness of the harmful effects and criminal nature of that practice, creating confidential and safe mechanisms for the reporting of child marriage, providing mandatory capacity-building for religious and faith-based leaders, the judiciary, law enforcement officials, health professionals and social workers, and providing adequate support to victims.[63]

64. The Special Rapporteur on sale of children stated that the Gambia should amend section 24 of the Children's Act on the prohibition of child marriage to ensure that it was not subject to sharia law.[64]

65. The same Special Rapporteur stated that the Gambia should ensure that the principle of the best interests of the child was sufficiently understood and applied by the children's courts and child welfare officers. She also stated that measures should be taken to strengthen respect for the views of the child within the community, in the family, at school and in the judicial system.[65]

66. UNESCO noted that corporal punishment was lawful in schools. It encouraged the Gambia to legally prohibit corporal punishment, irrespective of the circumstances.[66]

67. In 2023, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families requested clarification on the progress made in the implementation of the 2023 child labour policy, which was aimed at setting the pace for the implementation of the child labour provisions in the Children's Act.[67]

3. Older persons

68. The United Nations country team noted that older persons faced barriers, including social exclusion and limited access to services, and were vulnerable to abuse and discrimination. The Recovery-focused National Development Plan 2023–2027 acknowledged that older persons had been left behind and prioritized increased inclusion and care for them.[68]

4. Persons with disabilities

69. The Committee on the Elimination of Discrimination against Women, while welcoming the adoption of the Persons with Disabilities Act, was concerned that women and girls with disabilities continued to face discrimination, stigma, exclusion, prejudices, negative stereotypes and lack of accessibility in public and private spaces. It recommended that the Gambia ensure the implementation of the Act, including by: (a) providing the disability advisory council with adequate human, technical and financial resources and gender-awareness training; (b) implementing a strategy to increase the independence and employability of women with disabilities; and (c) increasing the accessibility of justice for women with disabilities.[69]

70. The United Nations country team stated that women and girls with disabilities were more vulnerable, had less access to support and services, and were at greater risk of gender-based violence.[70]

71. The United Nations country team noted that the Recovery-Focused National Development Plan 2023–2027 included a commitment to address the barriers to social inclusion and empowerment faced by persons with disabilities.[71]

5. Lesbian, gay, bisexual, transgender and intersex persons

72. The United Nations country team stated that the criminalization of homosexual acts, coupled with social stigma, left sexual minorities vulnerable to human rights violations and abuses and created a climate of fear, extortion, corruption and further abuse of lesbian, gay, bisexual and transgender persons.[72]

6. Migrants, refugees and asylum-seekers

73. The Special Rapporteur on sale of children stated that the Gambia should allocate adequate resources to the Gambia Commission for Refugees so as to ensure effective management and appropriate treatment of refugees and asylum-seekers, and increase the number of transit centres.[73]

74. The same Special Rapporteur stated that the Gambia should ensure that child refugees born in the country or arriving as minors: (a) were provided with identification documents to avoid the risk of statelessness; and (b) could access free education and social services.[74]

7. Stateless persons

75. The Committee on the Elimination of Discrimination against Women noted the existence of statelessness among women and girls in the Gambia due to gaps in the nationality laws, arbitrary deprivation of nationality and restrictive practices in relation to the issuance of documents to prove nationality. It recommended that the Gambia: (a) review its nationality laws to ensure that Gambian nationality was granted to children born in the country who would otherwise be stateless; (b) eliminate obstacles encountered in birth registration and inform registrars that all girls and boys must be registered and issued with a certificate aligned to either parent's name; and (c) remove any penalties for late registration and continue to facilitate procedures, including online, to encourage rural women in particular to register births and receive identification documentation.[75]

Notes

1 A/HRC/43/6 and A/HRC/43/2.
2 CEDAW/C/GMB/CO/6, para. 32 (f).
3 Ibid., paras. 47 and 51. See also A/HRC/46/31/Add.1, para. 82 (a).
4 UNESCO submission for the universal periodic review of the Gambia, para. 14.
5 United Nations country team submission for the universal periodic review of the Gambia, para. 3.
6 Ibid., para. 6.
7 A/HRC/45/45/Add.3, para. 101 (a).
8 Ibid., para. 101 (b).
9 CEDAW/C/GMB/CO/6, para. 10 (a).
10 Ibid., para. 14 (a).
11 Ibid., para. 16.
12 A/HRC/45/45/Add.3, para. 101 (i).
13 Ibid., para. 101 (o) and (r).
14 United Nations country team submission, para. 8.
15 CEDAW/C/GMB/CO/6, para. 41.
16 Ibid., para. 26 (d). See also United Nations country team submission, pp. 4 and 5.
17 United Nations country team submission, para. 19.
18 CMW/C/GMB/QPR/1, paras. 9 (b) and 10.
19 United Nations country team submission, para. 35.
20 See communication GMB 4/2022, pp. 1, 3 and 4, available from https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27640.
21 A/HRC/45/45/Add.3, para. 101 (f).
22 CEDAW/C/GMB/CO/6, para. 26 (c).
23 Ibid., paras. 11 and 12 (b) and (d)–(f).
24 Ibid., paras. 21 and 22 (g).

[25] United Nations country team submission, para. 17.
[26] A/HRC/46/31/Add.1, paras. 83 (a) and (c) and 85 (c).
[27] A/HRC/45/45/Add.3, para. 101 (c).
[28] Ibid., paras. 101 (d) and (e).
[29] Ibid., paras. 98 and 99. See also United Nations country team submission, pp. 14 and 15.
[30] A/HRC/45/45/Add.3, para. 101 (j), (l) and (m).
[31] See communication GNB 2/2022, available from https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27170.
[32] United Nations country team submission, para. 43.
[33] UNESCO submission, paras. 7, 23 and 24.
[34] CEDAW/C/GMB/CO/6, paras. 17 and 18.
[35] Ibid., para. 26 (a) and (b).
[36] Ibid., para. 44 (b).
[37] Ibid., paras. 43 (d) and 44 (c).
[38] Ibid., paras. 23 (a) and (b) and 24 (a) and (b).
[39] A/HRC/46/31/Add.1, para. 82 (b).
[40] Ibid., para. 84 (b) and (f).
[41] CEDAW/C/GMB/CO/6, paras. 31 and 32 (e), referring to A/HRC/43/6, para. 127.30 (Namibia).
[42] CEDAW/C/GMB/CO/6, paras. 31 and 32 (a)–(d).
[43] United Nations country team submission, paras. 27 and 29.
[44] Ibid., paras. 25 and 26.
[45] See communication GMB 1/2022, available from https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=27012.
[46] United Nations country team submission, paras. 23 and 24.
[47] CEDAW/C/GMB/CO/6, paras. 33 and 34.
[48] See https://www.who.int/about/accountability/results/who-results-report-2020-mtr/country-story/2023/who-s-swift-response-saves-lives--halting-acute-kidney-injury-outbreak-in-the-gambia, and United Nations country team submission, para. 24.
[49] UNESCO submission, paras. 5 and 18.
[50] Ibid., para. 15.
[51] CEDAW/C/GMB/CO/6, paras. 29 and 30 (a)–(c) and (e)–(h).
[52] United Nations country team submission, para. 4.
[53] CEDAW/C/GMB/CO/6, para. 7.
[54] Ibid., para. 36.
[55] United Nations country team submission, para. 22.
[56] CEDAW/C/GMB/CO/6, paras. 21 (a) and 22 (f).
[57] Ibid., para. 10 (c).
[58] Ibid., paras. 19 and 20.
[59] See https://www.ohchr.org/sites/default/files/documents/issues/women/sr/statements/20240717-joint-statement-gambia-sr-vaw.pdf. See also United Nations country team submission, paras. 10–14.
[60] United Nations country team submission, para. 12.
[61] CEDAW/C/GMB/CO/6, paras. 21 and 22 (a)–(c).
[62] United Nations country team submission, para. 17.
[63] CEDAW/C/GMB/CO/6, paras. 43 and 44 (a).
[64] A/HRC/46/31/Add.1, para. 82 (c).
[65] Ibid., para. 84 (r).
[66] UNESCO submission, paras. 3 and 17.
[67] CMW/C/GMB/QPR/1, para. 15 (a).
[68] United Nations country team submission, para. 21.
[69] CEDAW/C/GMB/CO/6, paras. 39 and 40.
[70] United Nations country team submission, para. 15.
[71] Ibid.
[72] Ibid., para. 20.
[73] A/HRC/46/31/Add.1, para. 82 (k).
[74] Ibid., para. 84 (h).
[75] CEDAW/C/GMB/CO/6, paras. 27 and 28. See also A/HRC/46/31/Add.1, paras. 82 (f) and 84 (i).