

**Civil Society Joint Submission  
Communities Discriminated on Work and Descent in The Gambia**

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## Introduction and Organization Profile

1. This report is a submission by Global Forum of Communities Discriminated on Work and Descent (GFoD) and The Gambana International.
2. GFoD works with community partners and organisations to amplify the voices of Communities Discriminated on Work and Descent (CDWD) that includes communities discriminated on the basis of caste and other analogous forms of discrimination. GFoD's vision is for the full realisation of the rights of CDWD across the globe.
3. GFoD, acting under The Inclusivity Project is a key Stakeholder Group in the Major Groups and Other Stakeholders Coordinating Mechanism (MGoS - CM), a key stakeholder group recognised by the UN Resolution 67/290.
4. The Gambana International is an organisation based in The Gambia involved in the fight against human trafficking, modern day slavery and sexual exploitation.

## Methodology

5. This submission evaluates The Gambia's implementation of recommendations from the previous UPR cycle (3rd cycle) concerning the current human rights situation. It reflects recommendations made by Member States to The Gambia during that cycle.
6. The submission is also informed by a landmark Study<sup>i</sup> conducted by The Gambian National Human Rights Commission (NHRC) on caste and descent-based discrimination.
7. The Study notes the continued prevalence of Caste and Descent based Discrimination in The Gambia where, *victims face structural discrimination, locking them in a persistent and vicious cycle of poverty and marginalisation.*<sup>ii</sup>
8. Caste and Descent based discrimination is not officially recognised in The Gambia. There are no specific constitutional safeguards, demographic data or indicators of how these communities are faring in terms of human development indicators.
9. Indeed, a key recommendation by the Study is for the Gambian government to identify caste or descent-based communities facing discrimination. Criteria for recognition include restrictions on inherited status alteration, marriage, segregation in education and public spaces, and limited freedom to choose occupations.<sup>iii</sup>
10. Given the paucity of information available on cases of Discrimination based on Work and Descent in the Gambia, the Submission relies on Rights Experts with lived experience of the communities where practices of Discrimination based on Work and Descent occur and fieldwork conducted on ground. The evidence produced in this submission is first-hand information documented by Rights Experts and secondary research drawn from desktop review as well as evidence produced by NHRC, The Gambia.

## **Discrimination based on Work and Descent - key concepts**

11. This submission uses the term "Discrimination based on Work and Descent" to include caste-based discriminatory practices, as stated in CERD General Recommendation 29, which held that "descent" in ICERD Article 1(1) covers caste-based discrimination. CERD affirmed that discrimination based on "descent" includes caste and analogous systems of inherited status, impairing human rights.<sup>iv</sup>
12. The term "work" is included because caste and descent discrimination are intrinsically tied to occupation status, forcing communities into specific work associated with their social identity based on lineage and descent.
13. CDWD communities historically are forced into work rejected by others, deemed dirty and indecent, often imposed through force. They are cleaners, washers, leather workers, undertakers, animal carcass removers, sanitation workers, manual scavengers, butchers, and waste pickers.
14. Although this report focuses on CDWD in The Gambia, Discrimination based on Work and Descent is a global phenomenon, affecting 270 million people. CDWD are known by various names: Dalits in Asia, Quilombola in Brazil, Roma in Europe, and Haratin in West Africa.
15. This discrimination is practiced through hierarchical systems that are graded, fixed, and permanent, with no possibilities of change or mobility.
16. Discriminatory practices by the upper castes or 'nobles' take the form of violence, social marginalisation, restrictions on access to health, education, employment resulting in poor outcomes across all developmental outcomes such as health, education and access to decent work. Communities are often forced into bonded labour and modern forms of slavery.
17. Women and girls from CDWD face multiple and intersectional forms of discrimination based on their gender and perceived status as low caste.

## **Caste and Descent Based Discrimination in The Gambia**

18. On 7 February 2022, the National Human Rights Commission in The Gambia (NHRC) validated its Study Report on Caste and Descent-based Discrimination in The Gambia. The Study revealed the magnitude of caste and descent-based discrimination in the country, the drivers of the discrimination, communities in which such forms of discrimination are prevalent, the challenges being faced by those enduring the discrimination, and strategies the State should have in place to protect all persons against discrimination.<sup>v</sup>
19. The Study<sup>vi</sup>, noted that in The Gambia both distinctions (caste-based and descent-based) can be found in all major ethnic groups, villages, and towns. 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. The 'nobles' are usually

considered to be of the highest social status while the 'slaves' are relegated to the bottom of the social ladder and often face stigma and discrimination.

20. Caste systems have been recognized as a characteristic of the major ethnic groups in The Gambia, including the Mandinka, the Fula, the Wolof, the Sarahule, and the Serer tribes.
21. For example, Mandinka communities still recognize nobles (foroo), black smiths (numoo), griots (jali), and slaves (jongoo) caste in the societal hierarchy. The division between nobles (rimbeh) and caste people (nyeenyo) still exists in some Fula societies in The Gambia. Similarly, in Wolof societies, the distinctions between nobles (geer), artisans (nyeenyo), griots (gewels), and slaves (jam) continue to be observed.
22. In some of the communities where the caste system is pervasive, those who belong to the 'lower caste' are sometimes subject to dehumanising and degrading treatment, devalued as people, and considered "impure" and "unworthy"<sup>vii</sup>.

### **Gambia's national framework for protecting human rights and gaps with relevance to CDWD**

23. The revised 1997 Constitution of The Republic of The Gambia provides a basic framework for protecting fundamental rights and freedoms. Section 20 protects against slavery and Section 33 recognizes the right to non-discrimination, providing for equality before the law and prohibiting discriminatory treatment by public functionaries and public authorities.
24. The Constitution defines discrimination as differential treatment based on race, colour, gender, language, religion, national or social origin, birth, property, or other status. However, 'caste' is not explicitly mentioned.
25. Provisions related to slavery are found in the Constitution at article 20(1), which prohibits slavery, and articles 230A, 230B, 237, 240, and 241 of the Criminal Code. Slavery may also form an element of an offense of trafficking under article 28 of the 2007 Trafficking in Persons Act. Article 20(1) provides that no person shall be held in slavery or servitude.
26. In pursuit of gender equality, The Gambia has ratified the Convention on the Elimination of All Forms of Discrimination Against Women and the Maputo Protocol and adopted the United Nations' 2030 Agenda for Sustainable Development, whose Goal No. 5 is to achieve gender equality and empower women and girls.

27. Article 28(1) of the Constitution provides that women will have full and equal dignity of person with men. Additionally, Art 28(2) provides the right of equal treatment with men, including equal opportunities in political, economic and social activities.
28. Positive initiatives included the 2015 ban on female genital mutilation and child marriage, the 2017 judicial reform, and the establishment of the Ministry of Women's Rights in 2019.<sup>viii</sup>
29. The Gambia has ratified key international treaties to protect the wellbeing of children and safeguard their rights; these Optional Protocols are on the Sale of Children, Child Prostitution and Child Pornography (ratified on 8 April 2010) and on the Involvement of Children in Armed Conflicts (ratified on 27 September 2019).
30. However, the Gambia, like the majority of the states, is yet to ratify the Optional Protocol Communication Procedure 2011 (United Nations Treaty Collection, 2020). The Optional Protocols complement and add to existing treaties.

## Issues

### Constitutional and Legislative Framework

#### Reference to the previous UPR cycle (3rd cycle)

*Recommendation 127.18 Prioritise completion of the constitutional review process, taking into account the need for inclusive consultations (Uganda)*

31. The Constitution of The Gambia (1997) ensures equality and protection from discrimination under Articles 28 and 33, prohibiting discrimination based on various grounds and allowing affirmative action. Article 20 prohibits slavery and forced labour, ensuring no person is held in servitude, with exceptions for legal or military obligations.<sup>ix</sup>
32. Despite these protections, the NHRC Study noted that it investigated several complaints of human rights violations and abuses, including caste-based discrimination and allegations of police brutality.<sup>x</sup>
33. In March, 2024, Members of the Rights Expert Group (GFoD) along with members of The Gambana International visited the Upper River Region (URR) to document a case of violence perpetrated by members of the upper caste (Nobles) against a member from the community labelled as 'Slaves'.
34. In their fight against being labelled as "Slaves" and being forced to live in a caste based social order, the members of this social group in the URR had

written to the Governor of the region and Former President Yahya Jammeh in 2016 seeking action on the violation of their human rights.

35. The "slave" class alleges rampant discrimination at social events like funerals, weddings, and mosque prayers. "Nobles" deny them graveyard use and announce their status at funerals. "Nobles" exclude the "slave" community from village executive positions, barring their political participation and authority. Asserting rights leads to increased discrimination, with "Nobles" preventing mosque construction and burning houses.
36. The Gambian court ruled caste-based social discrimination persists, linked to labour hierarchy, and labelling applicants as "Slaves" is unlawful.<sup>xi</sup>
37. Despite existing laws on non-discrimination caste discrimination persists. On the 7th of March 2022, six people from Sotuma Sare in the Upper River Region (URR) were arraigned at the Basse Magistrates' Court for allegedly assaulting another member of the community over a caste system dispute. The six persons were charged with conspiracy to commit a felony, going armed in public, and assault causing actual bodily harm.<sup>xii</sup>
38. The 1997 Gambian Constitution defines discrimination; however, 'caste' is not explicitly mentioned as one of the prohibited grounds for discrimination.
39. NHRC study notes that no specific legislation addresses caste discrimination. Moreover, existing human rights instruments offer limited protection.<sup>xiii</sup>
40. A Constitutional Review Commission (CRC) appointed by President Barrow was established to draft and assist in instituting a new constitution. The draft Constitution<sup>xiv</sup> which was published in 2020 does not include any reference to addressing caste and descent-based discrimination.
41. During CERD's consideration of Gambia's sixth periodic report in 2002, Fatou S Kinteh, Minister for Women's Affairs (The Gambia) pledged to implement NHRC's caste study recommendations. A key recommendation in that report was for The Gambian government to consider the incorporation of an explicit prohibition of caste and descent-based discrimination in the Constitution and other laws.

## Recommendations

In line with the recommendations made to The Gambia in the UPR 3rd Cycle and the by Uganda, NHRC Study on Caste and Descent based Discrimination in The Gambia

- Prioritise completion of the constitutional review process and inclusive consultations
- Commit to implementing all the recommendations made in the National Human Rights Study on Caste and Descent based Discrimination and effectively implement a comprehensive national strategy to eliminate caste-based discrimination
- Consider an explicit prohibition of caste and descent-based discrimination in

the Constitution and other laws.

## Equality and non-discrimination

### Reference to the previous UPR cycle (3rd cycle)

127.48 *Enact anti-discrimination legislation containing a comprehensive list of grounds for discrimination in line with the International Covenant on Civil and Political Rights and providing for access to remedy for victims of discrimination (Belgium);*

127.51 *Adopt comprehensive anti-discrimination legislation in line with international human rights law (Brazil).*

42. CDWD continue to face discriminatory behaviour, attitudes and stereotypes towards the CDWD by the 'noble caste' underpinned by the concept of 'purity' and 'pollution' These include:
43. **Expectation of menial jobs to be done by the CDWD:** The enslaved castes are obligated to perform menial tasks during noble ceremonies like christenings, weddings, and funerals. This includes slaughtering animals and announcing events, tasks that maintain traditional caste dominance in many villages today.
44. **Stereotypes and beliefs:** There are stereotypes against CDWD that marrying a high-born person to a so-called lower caste person will bring misfortune. Traditionally, despite Griots' close association with the noble class, they were considered impure. They were often denied earth burial, and their remains were placed under Baobab trees instead due to fears of soil impurity and fertility loss. Today, such discrimination is illegal, but segregation in CDWD burials persists.
45. **Segregation in Housing, Schooling and other services:** In some villages, particularly in the Upper River Region, caste-based divisions persist in housing, schooling, and access to services. These villages are often split into upper and lower parts: the upper part for the noble caste and free-born, and the lower part for CDWD. Social interaction is minimal, except for service provided by CDWD to the noble caste. Segregation in schools due to caste discrimination has led to the exclusion of children from accessing education.
46. **Political Discrimination:** Traditionally, village governance was led by the Alkalo, a position held by the founding family, with the Alimamo overseeing spiritual matters. Today, the Alkalo is elected, yet it remains dominated by the traditional noble class. The CDWD community, including artisan and formerly enslaved castes, are barred from election participation and village activities if they reject the label of "slaves." The community is also prohibited from talking during village meetings or raising their developmental concerns.
47. **Religious Discrimination:** In the Upper River Region, the CDWD face restrictions when trying to enter mosques and Arabic schools reserved for the



noble caste. As a result, the CDWD have their own separate mosque. Similarly, in Baddibu Kerewan, North Bank Region of The Gambia, there are two distinct cemeteries—one designated for the so-called higher caste and the other for the so-called lower caste.

48. **Marital Restrictions (Forced Endogamy):** Although less pronounced, caste divisions remain pronounced, especially in marriage. Marriages between castes or between nobles and others are contentious. Among the Wolof, children from such unions are labelled "neeno ben tank" (one foot in caste system) and inherit the lower-caste status from one parent.
49. **Social boycott of the lower-caste partners** in an inter-caste marriage, along with that of the entire family, is known to take place, while the high-caste partners are known to be disowned. Other forms of reprisal may include conflicts, physical attacks, etc.
50. **Reprisals:** Failure to comply with the social norms and restrictions often result in social ostracization of the CDWD as a group or/and physical harm and injury, at times fatal; barring entry into meetings, social functions, etc.

## Recommendations

In line with the recommendations made to The Gambia in the UPR 3rd Cycle and by Belgium and Brazil and NHRC Study on Caste and Descent based Discrimination in The Gambia

- Review and enact or amend legislation to outlaw all forms of discrimination based on caste or descent in accordance with the Convention on the Elimination of Racial Discrimination.
- Formulate and put into action a comprehensive national strategy with the participation of members of affected communities, including special measures in accordance with articles 1 and 2 of the Convention on Elimination of Racial Discrimination, to eliminate discrimination against members of descent-based groups;
- Amend existing anti-discrimination laws to explicitly include protections for CDWD, ensuring they are in line with international human rights standards.
- Improve data collection mechanisms to capture accurate information on the socio-economic conditions of CDWD.

## Slavery and Trafficking

### Reference to the previous UPR cycle (3rd cycle)

*127.145 Ensure effective implementation of anti-trafficking legislation, including the timely and just prosecution of perpetrators of human trafficking (United Kingdom of Great Britain and Northern Ireland);*

*127.149 Implement the Trafficking in Persons Act effectively, including by allocating adequate resources, and provide free legal and psychological support and compensation to victims of trafficking (Angola)*

51. Despite constitutional protections against slavery, the formerly enslaved-caste people continue to experience persistent discrimination and exclusion and modern forms of slavery.
52. The Global Slavery Index 2023 estimates that over 16000 people of the 2.4 million population are Victims of modern slavery in Gambia-with 6.5 out of every 1000 persons living in slavery or slavery-Like practices.<sup>xv</sup>
53. The Global Report on Trafficking (2022) noted: Women, girls, and boys are trafficked for sex work and forced labour in street vending and domestic work. Child trafficking for sex tourism has been reported in Banjul, where children have been hosted in private residences in Banjul, primarily for UK clientele. In 2019, all identified Gambian trafficking victims were women trafficked for sexual exploitation, primarily in Lebanon, Kuwait, Egypt, and Oman for domestic servitude.<sup>xvi</sup>
54. There are no exact estimates on the numbers of people affected by traditional slavery, and descent and work-based discrimination within Gambia. Given the general profile of trafficked victims as “individuals from impoverished families” the probability of CDWD being trapped in trafficking for various forms of modern slavery can be assumed.
55. In addition to the enslaved-caste groups across all ethnic groups, the artisan-caste groups were also subjected to discrimination and exclusion owing to their occupation, which in turn was descent-based. Though considered “free-born” unlike the enslaved-caste people, the artisan-caste groups were also considered as so-called “lower-caste”.

## **Recommendations**

In line with the recommendations made to The Gambia in the UPR 3rd Cycle by United Kingdom, Northern Ireland and Angola and the NHRC Study on Caste and Descent based Discrimination in The Gambia

- Ensure effective implementation of anti-trafficking legislation, specifically address the issues faced by Communities Discriminated on Work and Descent
- Conduct research and collect disaggregated data on the prevalence and forms of slavery and trafficking to inform policy and program development.
- Involve CDWD community leaders and CSOs closely working on the issues of Modern Slavery in the development and implementation of anti-slavery and anti-trafficking strategies.

## Access to Education

### Reference to the previous UPR cycle (3rd cycle)

*127.191 Ensure the effective enforcement of article 28 of the Women's Act of 2010, which prohibits girls from being withdrawn from school for marriage (Congo);*

*127.178 Increase as far as possible the resources allocated to education so as to improve school infrastructure and ensure that children remain in school, especially girls, and the inclusion of children with disabilities (Mexico)*

56. Field observation indicates that access to education is a significant problem for children from CDWD. Due to their status as 'low caste' and 'polluted' they often live in fringe areas or in rural areas with limited availability and access to good schools. The lack of transport means they have to walk many miles to get to the school which leads to a significant drop out rate.
57. Most of the schools in these areas are poorly staffed, and lack the basic resources such as desks, chairs etc.
58. Despite the ban on child marriage, it has been found that most of the girls are married off by their parents before they complete primary education.
59. The Upper River Region (URR) of the Gambia (villages of Garawol, Koina and others) are inhabited by Sarahullehs who are restricted from entering the same mosque as the Dominant caste (the Horos). The people in these communities referred to as slaves are frequently persecuted for their refusal to be treated or called slaves. Their children cannot access Arabic schools used by the Dominant Caste (Horos).

## Recommendations

In line with the recommendations made to The Gambia in the UPR 3rd Cycle and by Mexico and Congo and the NHRC Study on Caste and Descent based Discrimination in The Gambia

- Ensure the effective enforcement of Article 28 of the Women's Act of 2010, which prohibits girls from being withdrawn from school for marriage (Congo)
- Increase as far as possible the resources allocated to education so as to improve school infrastructure and ensure that children remain in school, especially girls;
- Ensure that public and private education systems include children of all communities and do not exclude any child based on caste or descent;
- Combat discrimination by public or private bodies and any harassment of students who are members of caste or descent-based communities;
- Take necessary measures in cooperation with civil society to educate the population as a whole to inculcate a spirit of non-discrimination and respect for the communities subject to caste or descent-based discrimination;

## Women's Rights

### Reference to the previous UPR cycle (3rd cycle)

*127.109 Strengthen the measures to effectively address violence against women and girls and eliminate harmful traditional practices, such as female genital mutilation and child, early and forced marriage (Slovenia);*

*127.188 Continue its efforts in promoting women's rights and take measures to ensure equal representation in decision-making positions in the public and private sectors (State of Palestine)*

60. Gambia ranks 153 among 191 countries in the Gender Inequality Index. The extremely low representation of women in parliament (8.6%) indicates low female participation in policy-making.<sup>xvii</sup> Patriarchal family laws, polygamy, and widespread Gender-based violence (GBV), including child marriage and female genital mutilation (FGM), are prevalent. Reporting of GBV is low due to victim blaming, stigmatization, and a culture of impunity. Rape is not defined in line with international standards. Women human rights defenders face serious online threats and intimidation for their commitment to women's rights.<sup>xviii</sup>
61. **Gender-based Violence:** Women and children among the CDWD are victims of various forms of gender-based violence and discrimination, including sexual abuse and violence, gender gap in pay or unpaid work, trafficking for sex work and forced labour, among other violations.<sup>xix</sup> Their position in the caste hierarchy as "lower" and their identity seen as "weaker" makes them more vulnerable to various forms of violence.<sup>xx</sup> Moreover, strict social norms associated with caste dictate that men and women cannot marry outside their communities to maintain the social hierarchy.<sup>xxi</sup> Women often bear the brunt of such strict social norms as their lives are controlled by the male members to maintain the status quo.
62. **Poverty:** Girls from The CDWD Communities are among the Gambia's poorest households, they are more likely to marry as children (49%), compared to girls in the richest households (19%).<sup>xxii</sup> Prospective husbands often give their parents money or jewellery or make promises, such as sending them to Mecca, in order to secure marriages.
63. **Social norms:** 26% of girls in The Gambia including children from the communities discriminated on work and descent are married before the age of 18 and 7% are married before their 15th birthday.<sup>xxiii</sup> Child marriage is generally considered a positive part of life and tradition in society, which is perceived to prepare girls for life.<sup>xxiv</sup>
64. **Political participation:** The low political participation of CDWD women intersects with caste or descent issues, particularly in the Upper River Region of Gambia. The dominant "Nobles" in this region exclude individuals from the

"slave" caste from holding executive positions in village associations, thus preventing their political involvement and leadership.<sup>xxv</sup> Gambian society's hierarchical and patriarchal structure further marginalizes women from affected communities, excluding them not only from decision-making roles but also from broader public and political processes addressing human rights violations.<sup>xxvi</sup>

65. Women from descent communities in Gambia experience unique socio-cultural challenges due to their location at the intersection of descent, class and gender. Yet, there are no provisions of targeted laws and policies that are directed towards addressing the issues faced by CDWD women. There is no disaggregated data or studies focusing on the issues of CWDW women.

## Recommendations

In line with the recommendations made to The Gambia in the 3rd UPR cycle by Slovenia Canada, The State of Palestine and the NHRC Study on Caste and Descent Based Discrimination

- All programmes and projects take into account the situation of women and persons with disabilities belonging to caste or descent-based communities, as victims of multiple discrimination;
- Enact legislation recognizing intersectional forms of violence against women and promote legal literacy among CDWD women;
- Take necessary measures to eliminate multiple discrimination, including caste and descent-based discrimination against women and persons with disabilities, particularly in the areas of personal security, employment, and education;
- Provide disaggregated data for the situation of women and persons with disabilities affected by caste or descent-based discrimination.

## Child Rights

### Reference to the previous UPR cycle (3rd cycle)

*127.67 Adopt the child protection strategy with appropriate action plans (Montenegro);*  
*127.45 Amend the Children's Act of 2005 to ensure that it covers all areas of the Convention on the Rights of the Child, including child marriage, female genital mutilation and child labour, and ensure its effective enforcement (Zambia)*

66. NGOs identified Gambian children in forced labour in neighbouring West African countries and Mauritania. Individuals without birth registrations, especially children of single mothers and those in rural areas are at a heightened risk of exploitation. There are reports of an increased number of child labourers, including domestic servants.<sup>xxvii</sup>

67. The *talibé* children studying in Quranic schools have been reported to be exploited by the Marabouts (spiritual guides, teachers). The children are exploited into forced begging, street vending, and agricultural work.<sup>xxviii</sup>

68. Children across The Gambia continues to be at risk of violence and harm due to deeply-rooted traditions, the number of children subjected to child labour also remains high at 27.4 per cent.
69. According to the World Bank, children in Gambia achieve only 40 per cent of their full potential and this particularly covers the CDWD children.
70. This situation is mainly due to the high level of poverty, leading to inadequate access to basic health and educational services. The Gambia is ranked 130th out of 157 countries in the 2018 World Bank Human Capital Index.
71. Children from the DWD communities, who attend Quranic boarding schools in The Gambia, and Senegal referred to “Almudos”, are sometimes subjected to street begging, street vending, and agricultural work. Children in the discriminated communities, especially those in rural areas, are vulnerable to exploitation.
72. The “Almudos” child beggars are found wandering the streets of Farafenni and other border villages between Senegal and Gambia, dressed in rags with no shoes, begging for food and money from dawn to dusk.

## Recommendations

In line with recommendations made by Zambia, Honduras and Montenegro

- Take measures win the Child Protection Strategy (The Gambia) to address the special vulnerability of children of caste and descent-based communities to exploitative child labour; and Amend the Children’s Act of 2005 to ensure that it covers all areas of the Convention on the Rights of the Child, including child marriage, female genital mutilation and child labour

## Economic, Social and Cultural Rights

### Reference to the previous UPR cycle (3rd cycle)

*127.89 Continue to implement the national development plan 2018–2021, strengthen efforts in poverty alleviation and promote sustainable economic and social development (China);*

*127.164 Continue consolidating its social protection programmes in favour of its population, with special emphasis on the most vulnerable sectors (Bolivarian Republic of Venezuela)*

73. Over 48.6% of Gambia’s population lives below the poverty line, with 18.8% living in severe multidimensional poverty.<sup>xxix</sup> Given vulnerabilities from slavery and discrimination, many CDWD face multi-dimensional poverty. Formerly enslaved families live in extreme poverty, continuing passive slavery. Ownership reflects income. CDWD live in poor conditions in segregated 'slave-hamlets'. Gov lacks data on CDWD assets, housing.

74. In the Sarahulleh community in the villages of Garawol and Koina in the Upper River Region (URR) the prevalence of caste and descent-based discrimination means the 'slaves' are restricted from entering the same mosque as the Dominant caste (the Horos).
75. The people in these communities referred to as slaves are frequently persecuted for their refusal to be treated or called slaves. Their children cannot access Arabic schools used by the Dominant Caste (Horos). The 'Slave' communities fight against this age-old tradition that goes against their dignity as human beings. They are banned from holding meetings, using village vehicles or buying meat from the village butchers.
76. Recently their houses were burnt and they received no help from the Government or the National Disaster Management Agency. It was the Gambana International, a movement fighting against caste-based slavery that contributed money and repaired the damages.
77. Likewise, In Baddibu Kerewan (NBR) and URR, separate cemeteries show entrenched discrimination.
78. Access to water, electricity, and sanitation is a crisis in Gambia. The government provides water and electricity for all. The Rural Electricity Project has brought electricity to most rural areas, with connections available for those who can afford meters. However, water shortages and access to clean drinking water are challenges, especially in rural CDWD areas. Most communities use pit latrines, reducing open defecation. There are no estimates of households with access to water, electricity, sewage, and toilets.
79. CDWD live in extreme poverty, unable to afford adequate food, nutritional security, basic services, and social protection, which should promote human rights as per The Gambia's constitution. They struggle to meet daily food needs and face barriers to social services and social protection.
80. Three out of ten households (29 percent) are food insecure, a 3 percent increase from 2022. CDWD regions like Basse, Janjanbureh, and Kuntaur LGAs have the highest prevalence of food insecurity (41 percent, 44 percent, and 61 percent, respectively).<sup>xxx</sup>

## **Recommendations**

In line with the recommendations made to The Gambia in the 3rd UPR cycle and the NHRC Study on Caste and Descent Based Discrimination:

- Work with international organizations and financial institutions to integrate economic and social considerations for caste and descent-based communities into supported development projects;

- Promote employment opportunities for affected community members in both public and private sectors;
- Develop or enhance legislation to explicitly prohibit descent-based discrimination in employment and labour markets;
- Combat inquiries into applicants' descent backgrounds by public bodies, private companies, and other organizations;
- Address discriminatory practices by local authorities and private owners regarding housing access for affected communities;
- Ensure equitable healthcare and social security access for caste and descent-based communities;
- Take decisive actions to eradicate debt bondage and degrading labour conditions linked to descent-based discrimination.

## Health and Well-being

### Reference to the previous UPR cycle (3rd cycle)

*127.166 Improve the health-care system, particularly by improving infrastructure and providing more resources for maternal health, including midwife training, with a focus on health care for mothers and their children through pregnancy and childbirth (Holy See);*

*127.171 Continue effective implementation of the National Health Policy framework (2012–2020) especially by targeting the most vulnerable groups (India)*

81. There's no specific health data for CDWD, but overall health indicators in Gambia are poor. Despite some improvements, over half lack adequate sanitation and a third lack safe drinking water. Malaria is the major health concern, alongside parasitic diseases and tuberculosis.
82. During field visit, the head teacher at Kusalang in the Central River Region, pointed out that oppressed caste groups in the Upper River region have to travel many miles to access health services. Pregnant women face difficulties in getting antenatal care and women in labour sometimes give birth on their way to the hospital.
83. Field experiences in Garawol and Koina village in the Upper River Region; Kusalang Lower Basis, Central River Region, and Misera village in the Lower River Region show that CDWD have limited access to clean water and sanitation. Moreover, their houses are poorly constructed and they are mostly likely to be affected by flooding during the rainy season, also making them more vulnerable to loss during natural disasters.
84. Again, field experience shows that access to healthcare is a significant setback in achieving positive health outcomes. The CDWD, who primarily reside in the rural areas of Upper River Region, North Bank Region, Lower River Region and Central River Region, are far away from the major hospitals in town centres. Lack of regular or reliable transport is a problem for the communities. Some rely on donkey carts. Moreover, experience shows that hospitals lack medication and adequate personnel. This is one of the contributors to maternal and infant mortality.



85. Lack of water and electricity also affects treatment at hospitals. Affordability of medication and treatment is another factor, which owing to high poverty rates, makes health care further inaccessible. An instance to quote would be – the maternity ward at Kuntaur (Central River Region) furnished by UNFPA where the hospital remained without a doctor for long because most practitioners did not want to be posted in rural areas.

## **Recommendations**

In line with the recommendations made by The Holy See, Libya and India and the NHRC Study:

- Invest in the construction and refurbishment of public healthcare facilities in rural areas, particularly in regions where CDWD communities reside, ensure necessary medical equipment.
- Implement policies to subsidise the cost of essential medications and treatments, particularly for low-income populations.
- Expand accessibility and awareness regarding maternal health services, including prenatal and postnatal care - especially among rural women through mobile clinics and community outreach program.

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- <sup>i</sup> NHRC The Gambia: 2020, Caste and Descent Based Discrimination in The Gambia, <https://www.gm-nhrc.org/reports>
- <sup>ii</sup> *ibid*
- <sup>iii</sup> *ibid*
- <sup>iv</sup> CERD General Recommendation XXIX on Article 1, Paragraph 1, of the Convention (Descent), <https://www.refworld.org/legal/general/cerd/2002/en/11409>, accessed 14 July 2024
- <sup>v</sup> NHRC The Gambia: 2020, Caste and Descent Based Discrimination in The Gambia
- <sup>vi</sup> *ibid*
- <sup>vii</sup> *ibid*
- <sup>viii</sup> <https://www.ohchr.org/en/news/2022/10/experts-committee-elimination-discrimination-against-women-command-gambia-priority>
- <sup>ix</sup> <https://www.assembly.gm/wp-content/uploads/2021/12/constitution-of-the-gambia-1997.pdf>
- <sup>x</sup> NHRC The Gambia: 2020, Caste and Descent Based Discrimination in The Gambia
- <sup>xi</sup> Gambia High Court Ruling in the case of Allegae Modi Trawally vs. Governor of Upper River Region: [https://drive.google.com/file/d/1-fKC70gbLyiW\\_un2AZ0ZnN3RpY3UvH83/view?usp=sharing](https://drive.google.com/file/d/1-fKC70gbLyiW_un2AZ0ZnN3RpY3UvH83/view?usp=sharing)
- <sup>xii</sup> *ibid*
- <sup>xiii</sup> *ibid*
- <sup>xiv</sup> Constitution Net, Report of the constitutional review commission on the draft constitution for the third republic of the gambia, <https://constitutionnet.org/sites/default/files/2022-12/CRC-FINAL-REPORT-ON-THE-DRAFT-CONSTITUTION.pdf%20%28002%29.pdf>, accessed 1 July 2024
- <sup>xv</sup> The Global Slavery Index 2023, <https://cdn.walkfree.org/content/uploads/2023/05/17114737/Global-Slavery-Index-2023.pdf>
- <sup>xvi</sup> GLoTIP: 2022, Global Report on Trafficking in Persons 2022, Country Profiles, Sub-Saharan Africa, UNODC, 2022
- <sup>xvii</sup> GFoD: 2024, Communities Discriminated on Work and Descent in Gambia and Status of Modern Slavery <https://globalforumcdwd.org/gfod-report-highlights-status-of-cdwds-in-gambia-see-full-report/>
- <sup>xviii</sup> *ibid*
- <sup>xix</sup> *ibid*
- <sup>xx</sup> Attacks on the lower caste community in Gambia are common. For instance, see: <https://www.facebook.com/WhatsOnGambia/photos/a.324846747630106/2201564103291685/?type=3>
- <sup>xxi</sup> <https://whatson-gambia.com/haja-bai-sillah-s-death-brings-focus-to-caste-polarisation-in-the-gambia/>
- <sup>xxii</sup> *ibid*
- <sup>xxiii</sup> *ibid*
- <sup>xxiv</sup> Satang Nabaneh: 2018, [https://www.researchgate.net/publication/331260673\\_'Child\\_marriage\\_in\\_The\\_Gambia'\\_as\\_part\\_of\\_the\\_Child\\_Marriage\\_in\\_Africa\\_study](https://www.researchgate.net/publication/331260673_'Child_marriage_in_The_Gambia'_as_part_of_the_Child_Marriage_in_Africa_study)
- <sup>xxv</sup> Gambia High Court Ruling in the case of Allegae Modi Trawally vs. Governor of Upper River Region: [https://drive.google.com/file/d/1-fKC70gbLyiW\\_un2AZ0ZnN3RpY3UvH83/view?usp=sharing](https://drive.google.com/file/d/1-fKC70gbLyiW_un2AZ0ZnN3RpY3UvH83/view?usp=sharing)
- <sup>xxvi</sup> NHRC The Gambia: 2020, Caste and Descent Based Discrimination in The Gambia
- <sup>xxvii</sup> TIP 2022, Trafficking in Persons Report July 2022, US Department of State, 2023, [accessed June 13, 2023]
- <sup>xxviii</sup> *ibid*
- <sup>xxix</sup> HDR 2022; Uncertain Times, Unsettled Lives: Shaping our Future in a Transforming World, Human Development Report, 2021/2022, [https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf\\_1.pdf](https://hdr.undp.org/system/files/documents/global-report-document/hdr2021-22pdf_1.pdf) [accessed June 18, 2023]
- <sup>xxx</sup> The Gambia National Food Security Survey Report December: 2023, <https://reliefweb.int/report/gambia/gambia-national-food-security-survey-report-december-2023>