



Home Office

# **Country Policy and Information Note**

## **Gambia: Sexual orientation and gender identity or expression**

**Version 3.0**

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# Executive summary

Updated on 21 February 2023

The Gambia is a designated (safe) state under section 94 of the Nationality, Immigration and Asylum Act 2002 in respect of men meaning that there is in general in that state or part of it no serious risk of persecution of persons entitled to reside in that state or part of it.

Under former President Jammeh, LGBTI persons were likely to face discrimination and persecution. However, since President Adama Barrow took power in 2017 there have been some improvements in the general human rights environment. Although consensual same-sex activity for both men and women continues to be illegal, enforcement of the law is rare. Nevertheless, the Gambia continues to be a culturally and religiously conservative society where discriminatory attitudes and low tolerance of LGBTI persons persist.

LGBTI persons form a particular social group (PSG) in Gambia within the meaning of the Refugee Convention.

In general, the available evidence does not indicate that LGBTI persons face treatment which is sufficiently serious by its nature or repetition, or by an accumulation of measures, that amounts to persecution or serious harm from the state and/or non-state actors. The onus is on the person to demonstrate otherwise.

In general, the state is able but is unlikely to be willing to provide protection to a LGBTI person who does have a well-founded fear of persecution from the state.

Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk. Where the person has a well-founded fear of persecution from a non-state actor, internal relocation is likely to be viable depending on the facts of the case.

Certification is unlikely to be suitable.

Decision makers still need to read the assessment in full, and use relevant country information as the evidential basis for decisions.

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# Assessment

## About the assessment

This section considers the evidence relevant to this note – that is information in the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**:

- a person is reasonably likely to face a real risk of persecution/serious harm by state or non-state actors because of the person's actual or perceived sexual orientation and/or gender identity or expression.
- a person is able to obtain protection from the state (or quasi state bodies)
- a person is reasonably able to relocate within a country or territory
- a claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- if a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

In addition to the above, this note provides an assessment of the general situation for gay men, lesbians, bisexuals, trans and intersex (LGBTI) persons, as well as those perceived as such. They are referred to collectively as 'LGBTI persons', although the experiences of each group may differ.

For general guidance on considering claims made by LGBTI persons, decision makers should refer to the Asylum Instructions, [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).

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## 1. Material facts, credibility and other checks/referrals

### 1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 1.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 1.1.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).
- 1.1.4 For guidance on interviewing generally see the Asylum Instruction on [Conducting asylum interviews](#).

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## 1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention, Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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### Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use only.

### Official – sensitive: end of section

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## 2. Convention reason(s)

- 2.1.1 LGBTI persons in The Gambia form a particular social group (PSG) within the meaning of the Refugee Convention because they share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that they should not be forced to renounce it and have a distinct identity in The Gambia which is perceived as being different by the surrounding society.
- 2.1.2 Although LGBTI persons in The Gambia form a PSG, establishing such membership is not sufficient to be recognised as a refugee. The question is whether the particular person will face a real risk or a well-founded fear of persecution on account of their membership of such a group.
- 2.1.3 For further guidance on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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## 3. Risk

- 3.1.1 In general, the available evidence does not indicate that LGBTI persons face treatment which is sufficiently serious by its nature or repetition, or by an accumulation of measures, that amounts to persecution or serious harm from the state and/or non-state actors. The onus is on the person to demonstrate otherwise. Each case must be considered on its individual facts and merits.
- 3.1.2 Consensual same-sex sexual activity for both men and women is illegal in The Gambia and carries a sentence of between 5 and 14 years in prison. An April 2013 amendment to the Criminal Code also criminalised the act of men dressing as women, which is punishable by fines and up to 5 years in prison. The former president, Jammeh, introduced the offence of ‘aggravated

homosexuality' which criminalises same-sex sex – regardless of consent – with, on the face of it potentially vulnerable groups, including minors and persons with disabilities, as well as 'serial offenders' and is punishable by life imprisonment (see [Law](#), [State attitudes](#) and [State treatment](#)).

- 3.1.3 President Adama Barrow has stated that homosexuality is a 'non-issue' in The Gambia. However, a government statement from June 2020 said that there was no intention to decriminalise homosexuality or review its laws (See [State attitudes](#)).
- 3.1.4 While the criminalisation of same-sex sexual activity means that the arrest, detention and prosecution of LGBTI persons is a possibility, enforcement of the law is rare: the US State Department observed the government is not actively enforcing existing laws. Since President Adama Barrow formally took power in 2017 sources indicate a single case of prosecution and conviction of a Senegalese man for an 'attempted unnatural offence' in 2022. Although no conviction has been reported, in April 2022 a man was formally charged with "aggravated homosexuality" having been accused of sexual intercourse with a 12 year old boy (See [Law](#) and [State treatment](#)).
- 3.1.5 The Gambia is culturally and religiously conservative. While sources report low tolerance of, and discrimination in general against, LGBTI persons the available information is general and contains few details or examples of the nature or frequency of the discrimination experienced (see [Societal attitudes and treatment](#)).
- 3.1.6 There are no known LGBTI organisations operating in The Gambia (see [Civil society and support organisations](#)).
- 3.1.7 There is no information amongst the sources consulted which specifically relates to state or societal mistreatment of lesbian, bisexual, trans or intersex persons (see [State attitudes](#), [State treatment](#) and [Societal attitudes and treatment](#)).
- 3.1.8 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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#### **4. Protection**

- 4.1.1 In general, the state is able but is unlikely to be willing to provide protection to a LGBTI person who does have a well-founded fear of persecution from the state. However, decision makers must consider each case on its facts, with the onus is on the person to demonstrate why they would not be able to obtain protection.
- 4.1.2 As same-sex sexual acts are criminalised in The Gambia, it would generally be unreasonable to expect a person identifying as LGBTI, who fears persecution or serious harm by non-state actors, to seek protection from the authorities.
- 4.1.3 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 5. Internal relocation

- 5.1.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.
- 5.1.2 Where the person has a well-founded fear of persecution from a non-state actor, internal relocation is likely to be viable depending on the facts of the case.
- 5.1.3 The Gambia is a small country, a little larger than Wales, with a population estimated to be just over 2.4 million, almost 485,000 of whom live in the wider urban area of the capital Banjul and 340,000 in the city of Serekunda (see [Demography and Freedom of movement](#)).
- 5.1.4 Internal relocation will not be an option if it depends on the person concealing their sexual orientation and/or gender identity in the proposed new location for fear of persecution.
- 5.1.5 For further guidance on considering internal relocation and factors to be taken into account see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 6. Certification

- 6.1.1 Where a claim from an adult male is refused, it must be considered for certification under section 94(3) of the Nationality, Immigration and Asylum Act 2002 as Gambia is listed as a designated state in respect of men only. Such a claim must be certified under section 94(3) if you are satisfied it is clearly unfounded, in line with the Home Office Guidance on [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).
- 6.1.2 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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# Country information

## About the country information

This contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

The structure and content of this section follow a [terms of reference](#) which sets out the general and specific topics relevant to the scope of this note.

Decision makers must use relevant country information as the evidential basis for decisions.

Wherever possible this note has separated information to reflect the distinct experiences of different groups within the LGBTI community. However, most sources refer to LGBT persons collectively, without distinguishing between the groups. Where sources do specify individual groups, the focus is mainly on gay men.

Limited information about a particular group does not necessarily mean the group is treated more or less favourably than the other groups. Rather this may reflect the smaller size or profile of the group and/or a lower level of reporting.

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## 7. Demography and freedom of movement

7.1.1 The US Bureau of the Census estimated a population of 2.4 million (2022 est.)<sup>1</sup>. There are no published data on the numbers of LGBTI persons in The Gambia in the sources consulted (see [Bibliography](#)).

7.1.1 The Gambia is roughly 11,300 km<sup>2</sup>, just under half the size of Wales<sup>3</sup>. The largest communities are the cities of Banjul and Serekunda<sup>4</sup>. Over 63% of the population live in urban areas. The total urban area of the capital Banjul has a population of 481,000 (2023)<sup>5</sup> and the city of Serekunda over 340,000 (2022)<sup>6</sup>.

7.1.2 The USSD HR report 2021 stated:

'The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights... Police and immigration personnel frequently set up security checkpoints. Individuals found to be without proper identification documentation were subject to detention or forced to pay bribes.'<sup>7</sup>

7.1.3 No information specific to the freedom of movement of LGBTI persons was found in the sources consulted (see [Bibliography](#)).

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<sup>1</sup> CIA World Factbook, '[World Factbook – Gambia](#)' (People & society), updated 26 October 2022

<sup>2</sup> CIA World Factbook, '[World Factbook – Gambia](#)' (Geography), updated 26 October 2022

<sup>3</sup> CIA World Factbook, '[World Factbook – United Kingdom](#)', (Geography), updated 31 October 2022

<sup>4</sup> CIA World Factbook, '[World Factbook – Gambia](#)' (Geography), updated 26 October 2022

<sup>5</sup> CIA World Factbook, '[World Factbook – Gambia](#)' (People and society), updated 26 October 2022

<sup>6</sup> World Population Review, '[Population of cities in Gambia 2023](#)', no date

<sup>7</sup> USSD, '[2021 Country reports on human rights practices: Gambia](#)' (section 5), 12 April 2022

- 7.1.4 For more information on the demography of The Gambia see the Country background information note.

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## 8. Law

### 8.1 The Gambian Criminal Code

- 8.1.1 Under the Gambia's pre-existing criminal code (1934) consensual sexual activity between same-sex adults in private was criminalised under Article 144 (Unnatural offences). The criminal code was amended in 2005, 2013 and in 2014 with article 144A aggravated homosexuality being inserted into the act.
- 8.1.2 Human Dignity Trust (HDT), an international organisation who defend the human rights of LGBT people<sup>8</sup>, explained that: 'Section 144 criminalises carnal knowledge 'against the order of nature' with a penalty of up to 14 years imprisonment. Sexual acts are criminalised both between men and between women under this provision.'<sup>9</sup>
- 8.1.3 The Articles and amendments under the Gambian criminal code (1934) with amendments are as follows:

#### **Criminal Code 1934, Section 144 Unnatural Offences**

**'Article 144:** Unnatural offences.

'(1) Any person who:

'(a) has carnal knowledge of any person against the order of nature; or

'(b) ...;

'(c) permits any person to have carnal knowledge of him or her against the order of nature;

'is guilty of a felony and is liable to imprisonment for a term of 14 years.'<sup>10</sup>

**Article 144 (2)** (as amended by the Criminal Code (Amendment) Act, 2005).

'(2) In this section "carnal knowledge of any person against the order of nature" includes:

'(a) carnal knowledge of the person through the anus or the mouth of the person;

'(b) inserting any object or thing into the vulva or the anus of the person for the purpose of simulating sex; and

'(c) committing any other homosexual act with the person...'<sup>11</sup>

**'Article 145:** Attempts to commit unnatural offences.

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<sup>8</sup> Human Dignity Trust, '[Who we are](#)', no date

<sup>9</sup> Human Dignity Trust, '[Country profile: Gambia](#)', no date

<sup>10</sup> Government of the Gambia, '[Criminal Code \(1934\)](#)' (page 69), 1 October 1934

<sup>11</sup> Government of the Gambia, '[Criminal Code \(2005\)](#)' (page 3), 21 July 2005

‘Any person who attempts to commit any of the offences specified in the last preceding section is guilty of a felony and is liable to imprisonment for seven years.’<sup>12</sup>

‘**Article 147**: Indecent practices between males.

(1) ‘Any [[Article 147 \(3\) 2005](#)] male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, commits a felony and is liable to imprisonment for a term of five years.’<sup>13</sup>

‘[Article 147 \(2\)](#): (as amended by the Criminal Code (Amendment) Act, 2005) introduced:

(2) ‘Any female person who, whether in public or private, commits any act of gross indecency with another female person, or procures another female person to commit any act of gross indecency with her, or attempts to procure the commission of any such act by any female person with herself or with another female person, whether in public or private, is guilty of a felony and liable to imprisonment for a term of five years.’<sup>14</sup>

8.1.4 ILGA<sup>15</sup> and HDT make reference to an amendment in 2013 to [article 167, Rogues and vagabonds](#) of the 1934 Criminal code, with ILGA noting that Gambia is one of few countries to ‘maintain *de jure* criminalisation of diverse gender expressions’<sup>16</sup>:

‘[Article 167](#): Any male person who dresses or is attired in the fashion of a woman in a public place shall be punished with imprisonment for a term which may extend to five years or with a fine of D20,000 or with both’<sup>17</sup>.

8.1.5 The Criminal Code 1934, Section 144A (as amended by Section 4, Criminal code (Amendment) Act 2014) included:

“[Article 144A](#). Aggravated homosexuality

(1) ‘A person commits the offence of aggravated homosexuality where the

- (a) ‘person against whom the offence is committed is below the age of eighteen years;
- (b) ‘offender is a person living with HIV Aids;
- (c) ‘offender is a parent or guardian of the person against whom the offence is committed;
- (d) ‘offender is a person in authority over the person against whom the offence is committed;

<sup>12</sup> Government of the Gambia, ‘[Criminal Code \(1934\)](#)’ (page 69), 1 October 1934

<sup>13</sup> Government of the Gambia, ‘[Criminal Code \(1934\)](#)’ (page 69), 1 October 1934

<sup>14</sup> Government of the Gambia, ‘[Criminal Code \(2005\)](#)’ (page 4), 21 July 2005

<sup>15</sup> ILGA, [Our Identities under Arrest | ILGA](#) (page 67), 15 December 2021

<sup>16</sup> ILGA, [Our Identities under Arrest | ILGA](#) (page 68), 15 December 2021

<sup>17</sup> Government of the Gambia, ‘[Criminal Code \(2013\)](#)’ (page 4), 16 April 2013

- (e) 'victim of the offence is a person with disability;
  - (f) 'offender is a serial offender; or
  - (g) 'offender applies, administers or causes to be administered by any man or woman, any drug matter or substance with intent to stupefy or over power him or her, so as to enable any person to have unlawful carnal connection with any person of the same sex.
- (2) 'A person who commits the offence of aggravated homosexuality is liable on conviction to imprisonment for life.'<sup>18</sup>

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## 8.2 Anti discrimination laws and the constitution

8.2.1 The constitution of the republic of the Gambia 1996, Article 33, says:

'(1) All persons shall be equal before the law.

'(2) Subject to the provisions of subsection (5), no law shall make any provision which is discriminatory either of itself or in its effect.

'(3) Subject to the provisions of subsection (5), no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the functions of any public office or any public authority.

'(4) In this section, the expression "discrimination" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject, or are accorded privileges or advantages which are not accorded to persons of another such description.'<sup>19</sup>

8.2.2 The constitution does not explicitly outlaw discrimination against lesbian, gay, bisexual, transgender, or intersex persons or persons of diverse gender expression within Article 33 section (4) (see above).

8.2.3 CPIT noted neither the [NSPP](#) or NDP, which are referenced in the following paragraphs, make specific reference to sexual orientation or gender identity and at the time of writing any amendments to the constitution and criminal code had yet to be delivered.

8.2.4 The Government of the Gambia, UNICEF Gambia and UNDP Gambia in their 2015 'National Social Protection Policy' (NSPP) explained: 'The NSPP defines a comprehensive and crosscutting social protection agenda and proposes a set of priority actions to guide the gradual establishment of an integrated and inclusive social protection system in The Gambia.'<sup>20</sup> The NSPP described those intended to benefit from the policy as: 'Priority target groups have been identified through the policy consultations and include extremely poor individuals and households, vulnerable children, the elderly, people with disabilities, the chronically ill, individuals and families affected by

<sup>18</sup> Gov of the Gambia, '[Criminal Code \(Amendment\) Act, 2014](#)', 16 October 2014

<sup>19</sup> Gov of the Gambia, '[Constitution of the Republic of the Gambia 1997](#)', as amended 2018

<sup>20</sup> Gov of the Gambia, '[...National Social Protection Policy 2015-2025](#)' (page 7), January 2015

HIV, vulnerable women and youth, refugees and migrants, and prison inmates and their families.’<sup>21</sup>

8.2.5 Policy priority area (4) of the NSPP stated that the government of the Gambia aim to:

‘Reduce people’s exposure to social risks and vulnerabilities, including discrimination and exclusion’

‘The Government will continue to develop social services and legislative measures that protect people against social risks (such as discrimination and exclusion) and assist them in managing protection-violation risks (such as violence, neglect and abuse)...’<sup>22</sup>

8.2.6 The NSPP provides a review of the social protection sector over the previous five years [pre 2015] and gave examples of good practice social assistance measures:

‘The Gambia has invested in efforts to develop robust anti-discrimination policy and legislation, as well as awareness-raising and social development campaigns to address discriminatory norms and practices and protect people from the risk of social exclusion. After years of policy campaigns, the Government has recently adopted a much-needed bill to counter gender-based violence. However the legislative framework still has gaps, which have consequence for social protection efforts.’<sup>23</sup>

8.2.7 The 2018 Gambia National Development Plan (NDP), set out strategic priorities which included ‘Restoring good governance, respect for human rights, the rule of law, and empowering citizens through decentralization and local governance’, this encompassed a number of outcomes:

- ‘Enhanced good governance and freedom of expression...
- ‘Human Rights and Democratic Institutions and mechanisms established and strengthened...’

and key results:

- ‘A revised Constitution by 2021
- ‘An amended Criminal Code and Public Order Act by 2021...’<sup>24</sup>

8.2.8 A joint submission [only partially footnoted and so CPIT has not been able to evaluate the evidential basis for statements made] to the Universal Periodic review of the Gambia, 34th session, November 2019, by Women in Liberation and Leadership (WILL Joint submission to the UPR 2019), an NGO who work ‘to empower Gambian women and girls, address violence against them, and protect their sexual and reproductive health<sup>25</sup>’, written in support from African Men for Sexual Rights and Health (AMShER) and Sexual Health Initiative (SRI) explained with regard the Criminal Code Amendment that was passed in 2014:

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<sup>21</sup> Gov of the Gambia, ‘[...National Social Protection Policy 2015-2025](#)’ (page 7), January 2015

<sup>22</sup> Gov of the Gambia, ‘[...National Social Protection Policy 2015-2025](#)’ (page 18), January 2015

<sup>23</sup> Gov of the Gambia, ‘[...National Social Protection Policy 2015-2025](#)’ (page 30), January 2015

<sup>24</sup> Government of the Gambia, ‘[The Gambia National Development Plan 2018-2021](#)’, December 2017

<sup>25</sup> WILL, ‘[About](#)’, no date

‘Under this law, a person living with HIV or AIDS who engages in homosexual acts is deemed to have committed the offence of aggravated homosexuality regardless of whether consent is given. The “offender” is liable to the increased sanction of life imprisonment merely due to his or her HIV status... The Act further diminishes the standing of people living with HIV/AIDS in Gambian society and increases their vulnerability. “Serial offenders” are also liable to this increased sanction merely for maintaining their LGBTI identity.’<sup>26</sup>

#### 8.2.9 The same report continued:

‘Disabled persons who engage in homosexual acts are automatically deemed ‘victims’ regardless of whether they have consented, undermining disabled persons rights to bodily autonomy and sexual and reproductive rights. This increases the stigma and discrimination against disabled persons generally, and LGBTI disabled persons in particular.’<sup>27</sup>

#### 8.2.10 In a summary of stakeholder information provided as part of the Universal Periodic Review, it was noted that:

‘JS6 stated that the impact of the legislation criminalizing same-sex relations and the social stigma created a climate of fear that translated into persons being forced to stay in the closet, and breed a climate of extortion, corruption and further abuse of LGBTI persons.’<sup>28</sup>

#### 8.2.11 Freedom House annual report on political rights and civil liberties in 2021 (Freedom in the World 2022 – to see how information is gathered see methodology)<sup>29</sup>, USSD<sup>30</sup> (to see how information is gathered see [methodology](#)) and Amnesty international<sup>31</sup> all note that LGBT people face discrimination in The Gambia.’<sup>32</sup> Neither source provided specific incidents of ‘discrimination.

#### 8.2.12 The USSD HR 2021 report stated: ‘The law does not address discrimination against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons regarding essential goods and services such as housing, employment, and access to government services, including health care.’<sup>33</sup>

#### 8.2.13 However, the Canadian SOGIE organisation, Destination Pride, ‘...a data-driven search platform that reimagines the Pride flag as a dynamic bar graph, then uses it to visualize the world's LGBTQ+ laws, rights and social sentiment.’<sup>34</sup> stated on their website that: ‘[In] General, housing, and employment discrimination protections are equal.’<sup>35</sup> There are no footnotes or citations used and no methodology available on Destination Pride’s

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<sup>26</sup> WILL, ‘Universal Periodic Review: Gambia, Joint submission’, November 2019

<sup>27</sup> WILL, ‘Universal Periodic Review: Gambia, Joint submission’, November 2019

<sup>28</sup> UNHRC, Universal Periodic Review, [Summary of Stakeholders information](#), 16 August 2019

<sup>29</sup> Freedom House, ‘[Freedom in the World 2022 – Gambia](#)’ (Section Overview), 24 February 2022

<sup>30</sup> USSD, ‘[2021 Country reports on human rights practices: Gambia](#)’ (Section 6), 12 April 2022

<sup>31</sup> AI – ‘[The State of the World's Human Rights: Gambia 2021](#)’, 29 March 2022

<sup>32</sup> Freedom House, ‘[Freedom in the World 2022 – Gambia](#)’ (Section Overview), 24 February 2022

<sup>33</sup> USSD, ‘[2021 Country reports on human rights practices: Gambia](#)’ (section 6), 12 April 2022

<sup>34</sup> Destination Pride, ‘[About](#)’, No date

<sup>35</sup> Destination Pride, ‘[Gambia](#)’, No date

website. It is therefore unclear upon which information this statement is based.

- 8.2.14 CPIT was not able to find any further information to support these statements (see [Bibliography](#)).
- 8.2.15 In relation to the legal framework, the FCDO observed in its travel advice for British nationals that: 'There is a zero tolerance towards lesbian, gay, bisexual and transgender people in The Gambia.'<sup>36</sup>
- 8.2.16 The US Overseas Security Advisory Council (OSAC) in its Country Security Report 2022 stated: 'Antidiscrimination laws do not protect LGBTI+ individuals...'<sup>37</sup>

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## 9. State attitudes

### 9.1 Government attitude (and political leaders)

- 9.1.1 Freedom House annual report on political rights and civil liberties in 2021 (Freedom in the World 2022) stated:

'The Gambia was ruled for over two decades by former president Yahya Jammeh, who first seized power in a military coup and consistently violated political rights and civil liberties. The 2016 election resulted in a surprise victory for opposition candidate Adama Barrow. Respect for fundamental freedoms including the rights to free assembly, association, and expression initially improved under the Barrow administration, but it has faced criticism for continued corruption. Among other ongoing concerns, LGBT+ people face severe discrimination...'<sup>38</sup>

- 9.1.2 Following a human rights committee meeting on 6<sup>th</sup> July 2018, of the implementation of the International Covenant on Civil and Political Rights in the Gambia, in the absence of a report, and attended by a delegation consisting of representatives from the Ministry of Justice, Office of the President, Ministry of Health and Social Welfare, Ministry of Interior, Ministry of Basic and Secondary Education, and the Women's Bureau, the OHCHR issued a press release, in which it was reported that the Gambian delegation had replied on the issue of LGBT persons:

'There had not been any prosecutions or convictions of lesbian, gay, bisexual, transgender and intersex persons, the delegation confirmed, and explained that this community was not at risk in the Gambia. The law against homosexuality was still in place, but the Government had committed to not using it to prosecute. People had to have a say in the repeal of this law, the delegate said; it was a delicate process that had to be carefully managed as the State wished to avoid any harm to the lesbian, gay, bisexual, transgender and intersex community. There were religious and cultural

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<sup>36</sup> FCDO, '[Foreign Travel Advice – Local Laws and Customs - The Gambia](#)', 15 December 2022

<sup>37</sup> OSAC, '[Country Security Report – 2022: Gambia](#)', 10 May 2022

<sup>38</sup> Freedom House, '[Freedom in the World 2022 – Gambia](#)' (Section Overview), 24 February 2022

aspects in the Gambia that made decriminalization of homosexuality a difficult issue.<sup>39</sup>

- 9.1.3 Subsequently the UN Human Rights Committee observed in their ‘Concluding observations on the Gambia in the absence of its second periodic report’ dated 30 August 2018 following a meeting held on 19 July 2018, the following principle matters of concern [and list of issues](#) from December 2017, and recommendations in regard non-discrimination:

‘The Committee is concerned at the absence of comprehensive anti-discrimination legislation in the State party. It is also concerned that consensual same-sex relationships are criminalized in the State party and that lesbian, gay, bisexual, transgender and intersex persons reportedly continue to be subject to arbitrary arrest and violence.

‘The State party should adopt anti-discrimination legislation which (a) provides full and effective protection against discrimination in all spheres, including the private sphere, and prohibits direct, indirect and multiple discrimination; (b) contains a comprehensive list of grounds for discrimination in line with the Covenant, including sexual orientation and gender identity; and (c) provides for access to effective and appropriate remedies for victims of discrimination. It should also decriminalize same sex relationships between consenting adults and take measures to change societal perception of lesbian, gay, bisexual, transgender and intersex persons and protect them from arbitrary arrests and violence.’<sup>40</sup>

- 9.1.4 Africa News, a pan-African news media organisation in an article from 24 June 2020 reporting on a statement issued by Ebrima G Sankareh, a Gambia Government Spokesperson:

‘The Gambia said on Tuesday that it would neither decriminalise homosexuality nor review its laws, following weeks of controversy over the issue in the tiny West African state.

In a statement, the government denied widely circulated rumours of plans to soften homosexuality laws in exchange for aid funds.

‘‘This is false political propaganda orchestrated to score cheap political points,’’ said government spokesman Ebrima Sankareh.

‘He said the government continues to be guided by ‘‘the norms of its people’’ and ‘‘has no plans to either decriminalise or even entertain a review of laws on homosexuality’’.’<sup>41</sup>

- 9.1.5 The Government of The Gambia in its Sixth periodic report, published in October 2021 by CEDAW – UN Committee on the Elimination of Discrimination Against Women – stated:

‘The issue of LGBT is not considered to be a problem in The Gambia because even though it is criminalised the LGBT community are not subjected to any form of discrimination and harassment. At this point of our nation`s history, The Gambian people have not accepted homosexuality as a

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<sup>39</sup> OHCHR, ‘[HR Committee examines the State of civil and political rights...](#)’, 6 July 2018

<sup>40</sup> OHCHR – ‘[Human Rights Committee - Concluding observations – Gambia](#)’, 30 August 2018

<sup>41</sup> AfricaNews, ‘[Gambia denies plans to relax homosexuality laws](#)’, 24 June 2020

lifestyle and so the government as the representative of the people does not plan to decriminalise the practice of homosexuality.<sup>142</sup>

9.1.6 The ILGA December 2021 report stated, citing various sources:

‘Despite being the smallest sovereign State on the African mainland, there is an outsized body of evidence for the brutal targeting of people of diverse SOGIE by local authorities. As such ILGA World has identified at least seven major examples of enforcement between 2012 and 2021—though several of those cases took place in the context of widespread “hunts” by authorities, and so the number of individual cases is undoubtedly higher.

‘Under the authoritarian presidency of Yahya Jammeh, “dissidents” such as human rights defenders and queer individuals were all regular targets of the paramilitary “Jungler” forces and the National Intelligence Agency - the latter of which reportedly compiled a list of 200 “homosexuals” to be arrested... Though Jammeh went into exile in 2017, no change in the status quo seems to have happened for LGBTI+ Gambians. Activists have criticised Jammeh’s successor, Adama Barrow, for not making his stance on the issue clear enough, and while several members of the new government have spoken out in favour of decriminalisation and non-discrimination, no steps have been taken to repeal criminalising provisions...’<sup>143</sup>

9.1.7 The US State Department 2021 Human Rights Practices Report (USSD HR report 2021) covering events in 2021 stated: ‘Citing more “pressing” priorities, the president in 2018 dismissed homosexuality as a nonissue in the country.’<sup>144</sup>

9.1.8 The WILL joint submission to the UPR 2019, in its conclusions, and without referring to specific incidents, opined: ‘The impact of the laws and social stigma creates a climate of fear that translates into persons being forced to stay in the closet, breeds a climate of extortion, corruption and further abuse of LGBTI persons.’<sup>145</sup>

9.1.9 The US Overseas Security Advisory Council (OSAC) in its Country Security Report 2022 stated: ‘...Gambian authorities have called on landlords and owners of bars, restaurants, and hotels to monitor activities that happen in their environments.’<sup>146</sup> CPIT was not able to find further information to support this statement in the sources consulted (see bibliography)

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Section updated: 26 January 2023

## 10. State treatment

10.1.1 The WILL joint submission to the UPR 2019 noted that:

‘In a recent discussion with LGBTI persons organized by OHCHR 2019 to prepare a stakeholder report for The Gambia’s third UPR (‘UPR SOGIE consultation’), participants reported the continuous stigma, harassment and

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<sup>142</sup> Gov of the Gambia ‘[Sixth periodic report submitted by The Gambia...](#)’ (Page 45), 6 October 2021

<sup>143</sup> ILGA, [Our Identities under Arrest | ILGA](#) (Page 68), 15 December 2021

<sup>144</sup> USSD, ‘[2021 Country reports on human rights practices: Gambia](#)’ (Section 6), 12 April 2022

<sup>145</sup> WILL, ‘Universal Periodic Review: Gambia, Joint submission’, November 2019

<sup>146</sup> OSAC, ‘[Country Security Report – 2022: Gambia](#)’, 10 May 2022

arrest of LGBTI persons by the police. Participants reported incidents where police have arrived in their houses and arrested them on suspicion of engaging in homosexual behaviours. Some reported being held in detention for over 5 days without access to a legal representative.<sup>47</sup>

10.1.2 The USSD HR report 2021 covering events in 2021 stated with regard the criminalisation of consensual same-sexual conduct that: ‘the law was rarely enforced;...’<sup>48</sup>, and that: ‘The government did not actively enforce these [anti-LGBTI] laws.’<sup>49</sup> Similarly, the USSD’s Overseas Security Advisory Council in its report for Gambia of 10 May 2022 noted ‘... the Barrow government has not actively enforced existing laws against homosexuality, [but] it has not taken any steps to change discriminatory laws.’<sup>50</sup> While the German Federal Office for Migration and Refugees (BAMF), in a Briefing Note from April 2022 [despite reporting on the Senegalese national in May 2021<sup>51</sup> – see below] stated: ‘... Since President Adama Barrow formally took power in 2017, there has been no evidence of prosecutions and criminal convictions for homosexuality.’<sup>52</sup>

10.1.3 Sources consulted document 2 incidents since Jammeh’s exile in 2017 of state action against LGBTI persons:

- local media and the USSD report for 2020 noted that one Senegalese person was arrested in Kotu in July 2020 for engaging in same-sex relations with another adult in July 2020<sup>53 54</sup>.
- The Voice, a Gambian news website reporting on the same case, noted on 30 April 2021 that a Senegalese national, Mustapha Jai, was found guilty on 26 April 2021 by the Kanifing Magistrate Court of an ‘attempted unnatural offence’ under Article 145 of the Criminal Code 1965 (as amended in 2005). He was sentenced to the maximum prison term of seven years or a fine of 100,000 Dalasi (£1409<sup>55</sup>). He was also ordered to pay the damages to the complainant of 50,000 Dalasi (£704<sup>56</sup>).<sup>57</sup>
- The Standard, a Gambian news website, reported on 6 April 2022 that a man had been formally charged with “aggravated homosexuality” under Article 144A(1)a) of the criminal law amendment act of 2014. The defendant is accused of having had sexual intercourse with a 12 year old boy in 2021, (an act that would, in contrast to being prosecuted under laws related to homosexuality, be considered a sexual offence in the UK<sup>58</sup>)<sup>59</sup>.

<sup>47</sup> WILL, ‘Universal Periodic Review: Gambia, Joint submission’, November 2019

<sup>48</sup> USSD, ‘[2021 Country reports on human rights practices: Gambia](#)’ (Exec Summary 6), 12 April 2022

<sup>49</sup> USSD, ‘[2021 Country reports on human rights practices: Gambia](#)’ (section 6), 12 April 2022

<sup>50</sup> OSAC, ‘[Country Security Report – 2022: Gambia](#)’, 10 May 2022

<sup>51</sup> BAMF – ‘[Federal Office for Migration and Refugees \(Germany\): Briefing Notes](#)’, 3 May 2021

<sup>52</sup> BAMF – ‘[Federal Office for Migration and Refugees \(Germany\): Briefing Notes](#)’, 11 April 2022

<sup>53</sup> The Voice, ‘[Court Pushes Trial Of Alleged Gay To November 11](#)’, 5 November 2020

<sup>54</sup> USSD, ‘[2020 Country reports on human rights practices: Gambia](#)’ (Section 6), 3 March 2021

<sup>55</sup> Xe, ‘[Currency converter](#)’, 10 November 2022

<sup>56</sup> Xe, ‘[Currency converter](#)’, 10 November 2022

<sup>57</sup> The Voice, ‘[Man Convicted For Unnatural Offences](#)’, 30 April 2021

<sup>58</sup> CPS, [Sexual offences | The Crown Prosecution Service \(cps.gov.uk\)](#), no date

<sup>59</sup> The Standard, ‘[Man charged with homosexuality](#)’, 6 April 2022

- 10.1.4 ILGA in its December 2020 update to their State sponsored homophobia report stated, citing various sources, stated: ‘In 2019, media outlets reported that up to 16 Gambians were arrested for "alleged homosexuality" and while most were released, a small number have faced incarceration into 2020 and alleged torture, before being acquitted...’<sup>60</sup> However, this appears to actually refer to the arrest of up to 16 LGBT persons in 2014, prior the Barrow government<sup>61</sup>.
- 10.1.5 The USSD HR reports from 2017<sup>62</sup>, 2018<sup>63</sup>, 2019<sup>64</sup> and 2021<sup>65</sup> made no reference to arrests of LGBT persons.
- 10.1.6 CPIT was not able to find further information on state treatment in general or any further details of specific arrests and detention of LGBTI persons or prosecutions since the official change of government in 2017 in the sources consulted (see [Bibliography](#)).

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## 11. Societal attitudes and treatment

- 11.1.1 WILL in their partially footnoted joint submission to the UPR 2019 stated:

‘The Gambia has very strong conservative social, traditional and religious beliefs that people uphold. Children are raised either as boys or girls. The society has fixed rules on how boys and girls behave and this continues into adulthood. These behaviours and set of rules are strictly applied and reinforced in people’s minds from a young age and they are strongly nurtured and guarded by the society. Any behaviour outside of these norms comes with serious consequences from the society. Hence failing to conform to heterosexual norms is seen as ‘deviant’, ‘taboo’ and fuels strong societal intolerance of LGBTI persons...

‘The media plays an important role in reinforcing the dominant and heteronormative and patriarchal ideas about gender and sexuality. Instead of playing a constructive role in human rights education, they often serve as a platform to social and political leaders – including their own journalists - to spread misinformation, reinforce harmful stereotypes and even incite violence. In January 2019, a radio talk show on Al-Falaah radio revealed the secret locations of safe houses for the LGBTI persons in The Gambia [CPIT was unable to find a recording of this interview]. The host of the programme asked the listeners to attack the places and destroy them.’<sup>66</sup>

- 11.1.2 The UCLA Williams Institute, was founded by academics at UCLA School of Law where they conduct independent research on sexual orientation and gender identity law and public policy<sup>67</sup>. Their November 2021 report analyses data from ‘...175 different countries and locations to produce the

<sup>60</sup> ILGA, [‘State-Sponsored Homophobia report | Gambia’](#) (Page 116), 15 December 2020

<sup>61</sup> BuzzFeed news, [‘This Gay Man Survived Torture In One Of Africa's Most...’](#), 25 August 2015

<sup>62</sup> USSD, [‘2017 Country reports on human rights practices: Gambia’](#) (Section 6), 20 April 2018

<sup>63</sup> USSD, [‘2018 Country report on human rights practices: Gambia’](#) (Section 6), 13 March 2019

<sup>64</sup> USSD, [‘2019 Country report on human rights Practices: Gambia’](#) (Section 6), 11 March 2020

<sup>65</sup> USSD, [‘2021 Country reports on human rights practices: Gambia’](#) (Section 6), 12 April 2022

<sup>66</sup> WILL, ‘Universal Periodic Review: Gambia, Joint submission’, November 2019

<sup>67</sup> UCLA Williams Institute, [‘About – Who we are’](#), no date

Global Acceptance Index (GAI), a measure of the relative level of social acceptance of LGBTI people and rights in each country. The report was conducted as part of the Multi-Donor LGBTI Global Human Rights Initiative and ranked Gambia 160 out of 175 countries.<sup>68</sup> A ranking of 1 indicates that a country is the most accepting, while a ranking of 175 indicates that a country is the least accepting of LGBTI people.

#### 11.1.3 Explaining the methodology used the report stated

‘...The Williams Institute created a data archive, where we consolidated the results from cross-national global and regional surveys that measure attitudes toward LGBTI people and rights. These surveys include: the AfroBarometer (2014-2018), the America’s Barometer (2004-2019), the Eurobarometer (1993-2019), the European Social Survey (2002-2018), the European Values Survey (1981-2018), the Gallup World Poll (2006-2020), the International Social Survey Programme (1988-2018), Ipsos International (2013-2017), the Latinobarómetro (2002-2015), the Pew Global surveys (2002-2019), and the World Values Surveys (1981-2020). Most of the questions contained in these surveys are subject-matter specific to homosexuality, but more recent surveys collected information pertaining specifically to transgender people, intersex people, and rights related to transgender and intersex people.’<sup>69</sup>

#### 11.1.4 The USSD HR 2021 report stated: ‘There was strong societal discrimination against LGBTQI+ persons.’<sup>70</sup> The Freedom in the world 2022 report echoed this and stated: ‘...LGBT+ people face severe societal discrimination...’ Neither sources provides examples or details of the nature or frequency of such discrimination<sup>71</sup>.

#### 11.1.5 Bertelsmann Stiftung (BTI), in their 2022 Country Report Gambia, 23 February 2022 covering the period from 1 February 2019 to 31 January 2021 stated:

‘The Gambia is around 95% Muslim and Muslim groups do have a considerable influence on Gambian laws and politics. The Gambia Supreme Islamic Council (GSIC) has been criticized for its disproportionate influence on Gambian public affairs, particularly under the previous government... Islamic groups are generally outspoken on issues concerning sexuality and other issues deemed central to public morality, including homosexuality, which is illegal in the Gambia.’<sup>72</sup>

#### 11.1.6 Freedom House, Freedom on the Net report 2022, with regard whether ordinary users practice self-censorship online stated: ‘... some topics, including ... issues affecting LGBT+ people, are still considered by many to be taboo and are often discussed online only by pseudonymous users. Social media has seen a proliferation of hate speech in recent years.’<sup>73</sup>

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<sup>68</sup> UCLA Williams Institute, ‘[Global Acceptance Index - webpage](#)’ (page 12) , November 2021

<sup>69</sup> UCLA Williams Institute, ‘[Global Acceptance Index](#)’ (page 12) , November 2021

<sup>70</sup> USSD, ‘[2021 Country reports on human rights practices: Gambia](#)’ (section 6), 12 April 2022

<sup>71</sup> Freedom House, ‘[Freedom in the World 2022 – Gambia](#)’ (Section F4), 24 February 2022

<sup>72</sup> BTI, ‘[Bertelsmann Stiftung: BTI 2022 Country Report Gambia](#)’ (Page 7), 23 February 2022

<sup>73</sup> Freedom House, ‘[Freedom on the Net 2022 – Gambia](#)’, (Section B4), 18 October 2022

- 11.1.7 The same Freedom on the Net report noted: ‘LGBT+ people do not regularly identify as such openly online, in part because same-gender sexual activity remains criminalized in The Gambia.’<sup>74</sup>

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## 12. Access to services

- 12.1.1 WILL in their joint submission to the UPR 2019 and citing other sources stated: ‘Due to the legal and societal discrimination of LGBTI persons in the Gambia, access to sexual and reproductive health services and information is limited and there are no dedicated services for LGBTI persons.’<sup>75</sup>
- 12.1.2 The USSD HR 2021 report stated ‘...LGBTQI+ persons experienced discrimination in employment.’<sup>76</sup> However, no further information was provided and USSD were the only source to report this.

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## 13. LGBTI community

### 13.1 Support organisations

- 13.1.1 WILL in their joint submission to the UPR 2019 and citing other sources stated: ‘... there are no openly known LGBT organizations in the country, leaving LGBTI persons without any support services or access to human rights information.’<sup>77</sup>
- 13.1.2 In a working paper based on the findings of a fact finding mission conducted by law students at the University of Pennsylvania, the following observations were made:
- ‘During our meeting with the youth group New Nation, it became clear that they did not do any work on LGBTQ rights although their members have fearlessly spoken out about LGBTQ rights on social media platforms (and faced intense backlash). Members of New Nation held the perspective that they first wanted to put down their roots before committing social suicide by publicly supporting LGBTQ rights...
- ‘While the youth and non-government stakeholders were more willing to speak with us on the issue of LGBTQ rights, the possible social repercussions of being too outspoken were apparent...
- ‘The lack of engagement by civil society on LGBTQ issues in The Gambia distinguishes it from other nations where same-sex conduct is criminalized but queer organizations and activism still exist.’<sup>78</sup>
- 13.1.3 The Global Initiative for Truth, Justice and Reconciliation published a case study on the Gambia, focusing on the extent of inclusion and marginalisation of forced migrants, particularly returnees to the Gambia. The case study is

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<sup>74</sup> Freedom House, ‘[Freedom on the Net 2022 – Gambia](#)’, (Section C7), 18 October 2022

<sup>75</sup> WILL, ‘Universal Periodic Review: Gambia, Joint submission’, November 2019

<sup>76</sup> USSD, ‘[2021 Country reports on human rights practices: Gambia](#)’ (section 7), 12 April 2022

<sup>77</sup> WILL, ‘Universal Periodic Review: Gambia, Joint submission’, November 2019

<sup>78</sup> Holman and others. ‘[Access To Justice In The Gambia...](#)’ (page 67), September 2019

based on focus groups and interviews with returnees and stakeholders in July, August and September 2021. A Program Manager from the International Organization for Migration working on assisted and voluntary return stated in an interview that: “We have not interacted with any openly LGBTQA+ persons during the course of our work. But I strongly believe that it might be as a result of the stiff legal environment in The Gambia and more so fearing for their lives”<sup>79</sup>

- 13.1.4 In its concluding observations on its sixth periodic review of The Gambia, the UN Committee for the Elimination of Discrimination Against Women noted that ‘The Committee is concerned about reports that women human rights defenders are subject to serious online and other threats, intimidation and harassment for their work on women’s human rights, noting in particular those advocating on behalf of lesbian, bisexual, transgender and intersex women, who face criminalization and intersecting forms of discrimination in the State party.’<sup>80</sup>
- 13.1.5 In a book available online, published in 2022 by Pretoria University Law Press, entitled ‘Queer lawfare in Africa: Legal strategies in contexts of LGBTIQ+ criminalisation and politicisation’, it was noted that: ‘...anti-LGBT rhetoric by the former president, prior to his ousting from power in December 2016, played on and has magnified existing societal homophobia. The resultant effects are that there is no pro-LGBT movement in The Gambia.<sup>117</sup> The majority of mainstream human rights organisations do not address sexual minority issues. Being openly pro-LGBT has social repercussions.<sup>118</sup> Given the risks involved, including arbitrary detention and arrest, social stigma, and violence, there are no formally registered public organisations. Hence, lawfare is not entrenched as a strategy for the community. Although informal support groups provide safe spaces when individuals are rejected by their family, experience violence, or lose housing or employment due to their sexual orientation. This underground community exists and has been able to tap into the resources of human rights activists that are usually present during the sessions of the African Commission on Human Rights and other international organisations in providing safe passage to safe countries.’<sup>81</sup>
- 13.1.6 The USSD HR report 2021 does not comment on whether there are any LGBTI organisations in The Gambia, it does however include general information about human rights groups: ‘Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views.’<sup>82</sup>

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<sup>79</sup> GIJTR, ‘[Forced Migration And Transitional Justice In The Gambia](#)’, October 2021

<sup>80</sup> CEDAW: [Concluding observations on the sixth periodic report of The Gambia](#), 1 November 2022

<sup>81</sup> Nabaneh S. ‘[From a ‘crusade to root out homosexuality like malaria’ to a ‘non-issue’: The absence of sexual minority lawfare in The Gambia](#)’ (page 365). 2022

<sup>82</sup> USSD, ‘[2021 Country reports on human rights practices: Gambia](#)’ (section 5), 12 April 2022

## 13.2 Pride events

- 13.2.1 CPIT was not able to find specific evidence of any planned or historic pro-LGBTI or gay pride marches within The Gambia in the sources consulted (see [Bibliography](#)).

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## 13.3 Gay 'scene' or 'community'

- 13.3.1 In a book available online, published in 2022 by Pretoria University Law Press, entitled 'Queer lawfare in Africa: Legal strategies in contexts of LGBTIQ+ criminalisation and politicisation', it was noted that:

'Information on the status of sexual and gender orientation and sexual behaviour is sparse in The Gambia. Sexual minorities, specifically lesbians, gays, bisexuals, and transgender people (LGBT) in The Gambia keep their orientation hidden from their families and the public. Those in the 'open' are primarily found in the urban area, while openly identifying queer persons live in the diaspora... Given the increasing risk of HIV and other sexually transmitted infections (STIs), men who have sex with men (MSM) have been identified as a vulnerable group... However, most MSM in The Gambia identify as heterosexual rather than as gay.'<sup>83</sup>

- 13.3.2 In an article in Jamaanoo, an online Gambian news outlet, published in October 2022, a Gambian media worker was quoted:

'One gay person works in the media in the country who asked for protection of his identity for fear of reprisal told Jamaanoo: "Living in this country as a gay person is dangerous. You can be attacked and killed if you are even only suspected of being gay. Why should love be a crime?"'<sup>84</sup>

- 13.3.3 CPIT was not able to find specific information on LGBTI communities or known 'scene' in the sources consulted (see [Bibliography](#)).

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<sup>83</sup> Nabaneh S. '[From a 'crusade to root out homosexuality like malaria' to a 'non-issue': The absence of sexual minority lawfare in The Gambia](#)' (page 365). 2022

<sup>84</sup> Jamaanoo, '[Gays in Gambia come under increased attack](#)', 6 October 2022

# Research methodology

The country of origin information (COI) in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2013. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

All the COI included in the note was published or made publicly available on or before the 'cut-off' date(s). Any event taking place or report/article published after these date(s) is not included.

Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information
- whether the COI is consistent with and/or corroborated by other sources

Wherever possible, multiple sourcing is used and the COI compared and contrasted to ensure that it is accurate and balanced, and it provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The Home Office uses some standardised ToR, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal context
  - Constitution
  - Legislation
  - Criminal/Penal code
- State attitudes and treatment, incl. the law in practice
  - Arrests and detention of LGBTI persons and prosecutions for same sex acts and other offences
  - Police violence
  - Police responses to reports of anti- LGBTI violence
- Societal attitudes and treatment
  - Societal norms
  - Violence and discrimination
  - Anti-LGBTI protests
  - Pro-LGBTI marches/gay pride
  - Gay 'scene' or 'community'
  - LGBTI websites
- Access to services
  - Healthcare
  - Accommodation
  - Employment and Education
  - LGBTI groups, civil society and human rights NGO's

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# Bibliography

## Sources cited

AfricaNews, '[Gambia denies plans to relax homosexuality laws](#)', 24 June 2020. Last accessed: 9 November 2022

Amnesty International, AI – '[The State of the World's Human Rights; Gambia 2021](#)', 29 March 2022. Last accessed: 9 November 2022

Bertelsmann Stiftung, BTI, '[Bertelsmann Stiftung: BTI 2022 Country Report Gambia](#)', 23 February 2022. Last accessed: 9 November 2022

BuzzFeed news, '[This Gay Man Survived Torture In One Of Africa's Most Horrific Dictatorships](#)', 25 August 2015. Last accessed: 14 November 2022

Destination Pride, '[Gambia](#)', No date. Last accessed: 11 January 2023

Freedom House,

['Freedom in the World 2022 – Gambia'](#), 24 February 2022. Last accessed: 9 November 2022

['Freedom on the Net 2022 – Gambia'](#), 18 October 2022. Last accessed: 14 November 2022

German Federal Office for Migration and Refugees - BAMF – ‘

[Federal Office for Migration and Refugees \(Germany\): Briefing Notes](#)’, 11 April 2022. Last accessed: 15 November 2022

[Federal Office for Migration and Refugees \(Germany\): Briefing Notes](#)’, 3 May 2021. Last accessed: 11 January 2023

Global Initiative for Truth, Justice and Reconciliation, '[Forced Migration And Transitional Justice In The Gambia](#)', October 2021. Last accessed: 24 January 2023

Government of The Gambia,

published by CEDAW – UN Committee on the Elimination of Discrimination Against Women: '[Sixth periodic report submitted by The Gambia under article 18 of the Convention](#)', due in 2019 [2 December 2020] [CEDAW/C/GMB/6] (Page 45), 6 October 2021. Last accessed: 10 November 2022

['Criminal Code \(1934\)'](#), 1 October 1934. Last accessed: 11 January 2023

['Criminal Code \(2005\)'](#), 21 July 2005. Last accessed: 11 January 2023

['Criminal Code \(Amendment\) Act, 2014'](#), 16 October 2014. Last accessed: 11 January 2023

['Criminal Code \(2013\)'](#) (page 4), 16 April 2013. Last accessed: 26 January 2023

['Constitution of the Republic of the Gambia 1997'](#), as amended 2018. Last accessed: 11 January 2023

['The Gambia National Social Protection Policy 2015-2025'](#), January 2015. Last accessed: 11 January 2023

[‘The Gambia National Development Plan 2018-2021’](#), December 2017. Last accessed: 11 January 2023

Holman.B, Kanodia.K, Moussako.A, Plesh. R, Waggeh.F, Zouai.M. [‘Access To Justice In The Gambia’ Preliminary Working Report Presented to the International Development and Law Organization](#), September 2019. Last accessed: 25 January 2023

Human Dignity Trust, [‘Country profile: Gambia’](#), no date. Last accessed: 11 January 2023

Jamaanoo,

[‘About Us’](#), undated. Last accessed: 25 January 2023

[‘Gays in Gambia come under increased attack’](#), 6 October 2022. Last accessed: 25 January 2023

Nabaneh. S. 2022. [‘From a ‘crusade to root out homosexuality like malaria’ to a ‘non-issue’: The absence of sexual minority lawfare in The Gambia’](#), In Jjukko. A, Gloppen. S, Msosa. A, Viljoen, F. (eds) Queer lawfare in Africa: Legal strategies in contexts of LGBTIQ+ criminalisation and politicisation. Pretoria University Law Press (PULP). Last accessed: 24 January 2023

The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), [‘State Sponsored Homophobia’](#), March 2019. Last accessed: 15 November 2022

[‘State-Sponsored Homophobia report | ILGA’](#), Global legislation overview update, 15 December 2020. Last accessed 9 November 2022

[‘Our Identities under Arrest | ILGA’](#), 15 December 2021. Last accessed: 8 November 2022

[‘About us | ILGA’](#), no date. Last accessed: 9 November 2022

The Standard, [‘Man charged with homosexuality’](#), 6 April 2022. Last accessed: 15 November 2022

UCLA Williams Institutes, [Global Acceptance Index’](#), November 2021. Last accessed: 11 January 2023

UK Crown Prosecution Service, CPS, [Sexual offences | The Crown Prosecution Service \(cps.gov.uk\)](#), no date. Last accessed: 10 November 2022

UK Foreign, Commonwealth and Development Office, [‘Foreign Travel Advice – Local Laws and Customs - The Gambia’](#), 15 December 2022. Last accessed: 9 November 2022

US Central Intelligence Agency,

[‘World Factbook Gambia’](#), ‘updated 20 December 2021. Last accessed: 14 November 2022

[‘World Factbook – United Kingdom’](#), (Geography), updated 31 October 2022

United States State Department, USSD,

[2017 Country reports on human rights practices: Gambia’](#) (Section 6), 20 April 2018. Last accessed: : 14 November 2022

[2018 Country report on human rights practices: Gambia](#)' (Section 6), 13 March 2019. Last accessed: : 14 November 2022

[2019 Country report on human rights Practices: Gambia](#)'(Section 6), 11 March 2020. Last accessed: : 14 November 2022

['2021 Country reports on human rights practices: Gambia'](#), 12 April 2022. Last accessed: 9 November 2022

Overseas Security Advisory Council, OSAC, ['Country Security Report – 2022: Gambia'](#), 10 May 2022. Last accessed: 14 November 2022

UN Committee on the Elimination of Discrimination Against Women: [Concluding observations on the sixth periodic report of The Gambia \[CEDAW/C/GMB/CO/6\]](#), 1 November 2022. Last accessed: 24 January 2023

UN Human Rights Council, Universal Periodic Review of the Gambia, Third Cycle, [Summary of Stakeholders information](#), 16 August 2019. Last accessed: 25 January 2023

UN Security Council, ['Report of the Secretary-General on the activities of the United Nations Office for West Africa and the Sahel'](#) [S/2021/1091] (Page 2)], 15 December 2021. Last accessed: 9 November 2022

United Nations Human Rights Office of the High Commissioner (OHCHR),

['Human Rights Committee - Concluding observations – Gambia'](#), 30 August 2018. Last accessed: 9 November 2022

['Press release - Human Rights Committee examines the State of civil and political rights in the Gambia in absence of report'](#), 6 July 2018. Last accessed: 9 January 2023

The Voice, ['Man Convicted For Unnatural Offences'](#), 30 April 2021. Last accessed: 10 November 2022

Women in Liberation and Leadership – WILL, written in support from African Men for Sexual Rights and Health (AMSHer) and Sexual Health Initiative (SRI) 'Universal Periodic Review: Gambia, Joint submission', November 2019

World Population Review, ['Population of cities in Gambia 2023'](#), no date. Last accessed: 4 January 2023

Xe, ['Currency converter'](#), 10 November 2022. Last accessed: 15 November 2022

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### **Sources consulted but not cited**

Amnesty International, [Amnesty International Report 2017/18 - The State of the World's Human Rights](#), 22 February 2018. Last accessed: 15 November 2022

Erasing 76 Crimes, [Gambia – Erasing 76 Crimes](#), no date. Last accessed: 14 November 2022

Congressional Research Service, ['In Focus - The Gambia'](#), last updated 10 June 2019. Last accessed: 15 November 2022

Erasing 76 Crimes, Colin Stewart - ['A gathering of LGBT friendly faithful from 10 West African Nations'](#), 11 September 2017. Last accessed: 15 November 2022

European Union (Author), EEAS - European External Action Service (Author): '[EU Annual Report on Human Rights and Democracy in the World](#)'; 2021 Country Updates, 30 March 2022. Last accessed: 15 November 2022

Gayles TV, '[PARENTS CUT THEIR SON'S HALF EAR FOR BEING GAY IN GAMBIA](#)', 28 July 2019. Last accessed: 24 January 2023

Human Rights Watch,

Country Profiles: '[Sexual Orientation and Gender Identity](#)', 23 June 2017. Last accessed: 15 November 2022

'[State of Fear: Arbitrary arrests, torture and killings](#)', September 2015. Last accessed: 15 November 2022

'World Report 2018 - Gambia', 18 January 2018. Last accessed: 15 November 2022

ILGA World: Zhan Chiam, Sandra Duffy, Matilda González Gil, Lara Goodwin, and Nigel Timothy Mpemba Patel, '[Trans Legal Mapping Report 2019: Recognition before the law](#)', 2020. Last accessed: 10 November 2022

Mail & Guardian, '[No truth for Gambia's queer people](#)', 15 March 2019. Last accessed: 24 January 2023

Pink News, '[You searched for gambia – PinkNews | Latest lesbian, gay, bi and trans news | LGBTQ+ news](#)' no date. Last accessed: 15 November 2022

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# Version control and feedback

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **21 February 2023**

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### Official – sensitive: start of section

The information in this section has been removed as it is restricted for internal Home Office use only.

### Official – sensitive: end of section

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## Changes from last version of this note

Updated country of origin information, assessment and executive summary.

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## Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the Country Policy and Information Team.

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## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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