

QUICK GUIDE TO ADDRESSING SEXUAL RIGHTS ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON GAMBIA

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted-References in the National Report are *in Italics*.

Recommendations -including those from UN treaty-monitoring bodies, are at the end of the document.

All sexual rights issues that do not relate specifically to women are referred to in this Guide. Sexual rights' issues referring specifically to women -as well as other women's issues- are referred to in the Guide on Women's Issues

ISSUE	N Report	Compilation	Summary
Criminalization of same-sex consensual practices			Criminalization, imprisonment for up 14 years. Hatred incitement. Arbitrary arrests (8) Criminalization. President threatened to behead detained homosexuals (26)
HIV/AIDS	Social Welfare Department provides support (48)	Uncertain prospects of achieving MDG (49)	Poverty affects the increase of infections. Little information about prevalence rates (36)
Non-traditional families			See Recommendations, (26)
Trafficking Forced prostitution	Legislation (29)	National Plan, specific offence (10)	
Trafficking/sexual exploitation /violence against children	Legislation (29) Social Welfare Department providing support to victims (48) Wide range of offences included in legislation (75)	Child Trafficking Law (6) Increase of commercial sexual exploitation among street children (27)	

OP-CRC-SC (Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) not ratified

Criminalization of same-sex consensual practices

The International Gay and Lesbian Human Rights Commission (IGLHRC) reported that, in the Gambia, **homosexual conduct is criminalized** in the 1965 Criminal Code and that those found guilty of such acts **can be imprisoned for up to 14 years**. IGLHRC also reported that, in 2008 and 2009, the President of the Gambia called **for violence and discrimination and expulsion of**

"homosexuals", and called for them to be expelled from their dwellings. The Trade Union Congress (TUC) was disturbed by homophobic comments by the Gambian Head of State and strongly condemned arbitrary arrests of citizens alleged to have engaged in homosexual practices (Para 8, Summary). Fundación Mundial Déjame Vivir En Paz (FMDVEP) reported that homosexuality is criminalized in the Gambia and that its President stated that he intends to behead all homosexuals placed in detention.

See Recommendations, IGLHRC (8); FMDVEP (26)

HIV/AIDS

The Social Welfare Department operates as a service provider and an enabler aimed at improving access to quality social welfare services at the local, institutional and national level. The Department provides support and services to adults living with HIV/AIDS, and their families () (Para 48, NR)

UNICEF noted that the prospects of achieving the Millennium Development Goal (MDG) target of halting and reversing the incidence of HIV/AIDS in the Gambia were uncertain (Para 49, Compilation)

Sexual Rights Initiative (SRI) reported that, according to officials at the Gambian Department of State for Health, poverty has led to increased prostitution and also has contributed to the rise in HIV/AIDS infections. However, there is little information about prevalence rates amongst high risk groups, which could distort the true extent of the prevalence of the disease in the country (Para 36, Summary)

See Recommendations, CEDAW (49); SRI (36)

Non-traditional families

See Recommendations, FMDVEP (26)

Trafficking /Forced prostitution

29. In addition to the Constitution, other human rights legislation include () the Trafficking in Persons Act, 2007 - protection from human trafficking and protection of personal liberty (Para 29, NR)

A 2009 UNODC report indicated that, in 2007, a national action plan on trafficking in persons was adopted, and the specific offence for trafficking in persons was established. (Para 10, Compilation)

Trafficking/sexual exploitation/violence against children

In addition to the Constitution, other human rights legislation include () the Tourism Offences Act, 2003 - protection of children from sex tourism () (Para 29, NR). In addition to the Children's Act, the Trafficking in Persons Act 2007 and the Tourism Offences Act of 2003 create various offences dealing with child sex tourism, child trafficking and child sexual abuse and exploitation (Para 75, NR) The Social Welfare Department () provides support and services to () child victims of abuse and trafficking (Para 48, NR).

() UNICEF also noted the adoption of the Child Trafficking Law, in October 2007, which prevents, suppresses and punishes those engaged in the trafficking in persons including child trafficking, and rehabilitates and reintegrates victims of trafficking (Para 6, Compilation)

The 2005 Common Country Assessment (CCA) noted that children are subjected to abuse, neglect, violence and exploitation, including children living and working in the street. Children are also subjected to sexual abuse and exploitation, trafficking, () as well as been orphaned or made

vulnerable by HIV/AIDS. CRC was concerned about the increasing number of child victims of commercial sexual exploitation, especially among child laborers and street children (Para 27, Compilation)

See Recommendations, CRC (26)

Suggested Questions and Recommendations

CEDAW

§ The implementation of comprehensive policies and programmes to prevent and combat HIV/AIDS (Para 49, Compilation)

CRC

§ Taking legislative measures to prohibit all forms of physical and mental violence (). It also recommended undertaking studies on domestic violence, ill-treatment and abuse, including sexual abuse within the family (Para 26, Compilation)

IGLHRC

§ That the Gambia bring its legislation into conformity with its international human rights obligations by repealing all provisions criminalizing sexual activity between consenting adults, and by ensuring non-discrimination by ensuring access to adequate housing and freedom from or remedies for forced evictions, or the threat of forced evictions on the basis of sexual orientation (Para 8, Summary)

FMDVEP

§ That marriage of gay persons as well their right to adopt children be recognized and that all sentences against gay persons solely based on their sexual orientation be eliminated (Para 26, Summary)

SRI

§ That the government provide support to groups at higher risk of contracting HIV like sex workers () for behavioral change and implement community development programs to reduce the stigmatization affecting sex workers and women in general (Para 36, Summary)

§ To ensure enforcement of legislation to avoid impunity, carrying out investigations on violence, sexual exploitation and trafficking of children, training judiciary officers and security forces on how to receive, monitor and investigate cases; and prosecute and punish perpetrators.

§ To implement -in cooperation with NGOs and community groups- an open wide-range awareness-raising programme on issues of gender, identity, sexual rights, sexuality, sexual orientation, ITS/HIV/AIDS protection, introducing a human right's perspective, aimed at work through prejudices, stigmatization and homophobia.