



Name of Country and Jurisdiction:

The Gambia



What forms of legally recognized relationships are available?



LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Christian marriage	The Gambia	<ul style="list-style-type: none"> • Christian Marriage Act of 1862, last amended in 1957. • Section 2(1) recognizes “marriages of persons not being under any canonical disqualification to contract matrimony.” 	No
Civil marriage	The Gambia	<ul style="list-style-type: none"> • Civil Marriage Act of 1938, last amended in 2003. • According to Section 7(c), the Registrar cannot issue a marriage certificate until one of the two parties to the marriage affirms that “there is no impediment of consanguinity or affinity or other lawful hindrance to the marriage according to the law in force in England immediately before the 18th of February, 1965.”¹. • In addition, the legislation contains the Registrar’s address, which refers to the parties to be married as “man and wife.” <i>Id.</i> at Section 15. 	No

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¹ Same-sex marriage did not become legal in England until 2014. See *Same-sex marriage now legal as first couples wed*, 29 Mar. 2014, <http://www.bbc.com/news/uk-26793127>.

LEGAL RECOGNITION FOR OPPOSITE-SEX COUPLE	GEOGRAPHY	LAW	AVAILABLE TO SAME-SEX COUPLE?
Mohammedan marriage	The Gambia	<ul style="list-style-type: none"> • Muslim Marriage and Divorce Act of 1941. • According to Section 5(1)(a) of the Muslim Marriage and Divorce (Registration) Rules, the Act governs Muslim marriages between a husband and wife.² 	No
Customary marriage/ Shari'a law	The Gambia	<ul style="list-style-type: none"> • The Constitution of the Second Republic of the Gambia recognizes civil legislation, the common law and principles of equity, customary law, and Shari'a law. See Section 7. • According to Section 7(f), Shari'a law governs matters related to Muslim marriages.³ • According to Section 27, "Men and women of full age and capacity shall have the right to marry and found a family." • Section 137(4) establishes <i>Cadi</i> courts that deal with Shari'a law issues involving Muslim marriages. 	No

■ **Sources:**

- Constitution of the Second Republic of the Gambia, available at <http://www.accessgambia.com/information/constitution.html>.
- Muslim Marriage and Divorce Act of 1941, <http://blogs.loc.gov/law/files/2013/12/Gambia-Muslim-Marriage-and-Divorce-Act.pdf>.
- Muslim Marriage and Divorce (Registration) Rules, available at <http://blogs.loc.gov/law/files/2013/12/Gambia-Muslim-Marriage-and-Divorce-Act.pdf>.
- Christian Marriage Act of 1862.
- Civil Marriage Act of 1938.

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² This legislation is mainly of a regulatory nature.

³ Approximately 90 percent of the Gambian population is Muslim and thus governed by Shari'a and customary law. Social Institutions & Gender Index—OECD Development Centre, Gender Equality in Gambia, http://genderindex.org/country/gambia#_ftn7.



- Flora Ogbuitepu, GlobaLex, Guide to Gambian Legal Information (May 2012), <http://www.nyulawglobal.org/globalex/Gambia.htm>.
- U.N. Economic Commission for Africa, African Women's Rights Observatory—Gambia, <http://www1.uneca.org/awro/CountrySpecificInformationGambia.aspx>.
- Richard Frimpong Oppong, *Private International Law in Commonwealth Africa* 181–82 (2013 ed.), https://books.google.com/books?id=6VBsAAAAQBAJ&pg=PA181&lpg=PA181&dq=gambia+christian+marriage+act+1862&source=bl&ots=IEUKW20Y0__&sig=Z5iZdDAPYgB1cOG-G-RJSXYMZml&hl=en&sa=X&ei=i0FzVNikBYqnyQTm_YHoAQ&ved=0CDEQ6AEwBQ#v=onepage&q=gambiagambia%20christian%20marriage%20act%201862&f=false.
- Social Institutions & Gender Index—OECD Development Centre, Gender Equality in Gambia, http://genderindex.org/country/gambia#_ftn7.
- *Same-sex marriage now legal as first couples wed*, 29 Mar. 2014, <http://www.bbc.com/news/uk-26793127>.