



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Item 4 of the provisional agenda*

**Consideration of reports submitted by States parties under
article 18 of the Convention on the Elimination of All Forms
of Discrimination against Women**

List of issues and questions in relation to the combined fourth and fifth periodic reports of the Gambia

General context

1. Please provide detailed information on the process of drafting the combined fourth and fifth periodic reports (CEDAW/C/GMB/4-5), including whether civil society and women's rights organizations were actively involved in the preparation. Please provide information on specific measures taken to disseminate the Convention within the country, including its translation into minority languages, so as to promote understanding by women, the general public and policymakers of women's rights under the Convention. Please also indicate the measures taken to protect the rights of all women's rights defenders, including their freedom from reprisals, violence, harassment or intimidation, as well as measures taken to protect the right of women's human rights organizations to gain access to resources, including foreign funding, without undue restrictions and to operate without State interference.

Constitutional, legislative and institutional framework

2. The Committee notes that the Convention has been incorporated into national law through the adoption of the Women's Act in 2010 (para. 3 of the report¹ and para. 122 of the common core document (HRI/CORE/GMB/2012)). Please provide information on the direct applicability of the Convention and indicate whether its provisions have been invoked or referred to in the national courts. Please provide more detailed information on the hierarchy and purview of the common law,

* CEDAW/C/61/1.

¹ Unless otherwise indicated, paragraph numbers refer to the combined fourth and fifth periodic reports of the Gambia.



customary law and Sharia law and on the provisions regarding their coexistence (HRI/CORE/GMB/2012, para. 46).

Access to justice

3. The State party mentions the persisting impunity, due in part to the culture of silence and the continuing lack of knowledge by women of the available avenues for them to seek redress (para. 37). The Committee notes the launch of the alternative dispute resolution system in January 2008 as a more cost-effective system of restorative justice, particularly for women, but also notes the limitations in relation to the system which can be of special disadvantage to women in the highly patriarchal society (para. 5). Please provide information on the measures envisaged to address those limitations, as well as other impediments faced by women in gaining access to justice. Please indicate whether the State party is considering developing a policy, including legal aid schemes, to enhance women's access to courts and tribunals, in particular for cases of gender-based violence and other forms of discrimination against women. Please also indicate the measures taken to raise awareness among women about criminal law provisions on sexual violence and to encourage them to opt for criminal complaints rather than mediation, whenever justified, and indicate whether measures are in place to monitor the use of mediation, with a view to ensuring that it is implemented in a way that respects women's rights and does not lead to impunity for perpetrators of violence against women.

National machinery for the advancement of women

4. The State party has indicated that the mandate of the National Women's Council and its administrative Bureau has been significantly extended under the Women's Act and that together with the National Women's Federation they constitute the national machinery for the advancement of women, giving legal effect to the provisions of the Convention and the national policy for the advancement of Gambian women and girls (HRI/CORE/GMB/2012, paras. 130-131 and 148). Please provide information on the capacity, authority, visibility and human and budgetary resources of the national machinery for the advancement of women and elaborate on the measures in place to ensure that the three institutions coordinate effectively among themselves and with relevant ministries and departments. Please explain what mechanisms are in place to coordinate the implementation of national policies between the national and local levels. A study on gender budgeting in key government ministries conducted in 2007 with funding from the United Nations Children's Fund revealed a major gap, as most of the institutions lacked the knowledge, capacity and technical expertise to practise gender budgeting (para. 64). Please indicate the steps that have been taken to close the gap in gender budgeting in key government ministries.

National human rights institutions

5. The State party has indicated that the Office of the Ombudsman has established a human rights unit to specifically address human rights issues (HRI/CORE/GMB/2012, para. 147). Please indicate whether the State party is considering the establishment of a well-resourced and adequately staffed independent human rights institution, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights

(the Paris Principles), with a broad human rights mandate and a specific focus on addressing all forms of discrimination against women. If that is the case, please provide the Committee with a clear time frame in relation to the establishment of such an institution.

Temporary special measures

6. Please provide detailed information on temporary special measures that are in place or envisaged, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on temporary special measures, to promote and accelerate de facto equality between men and women in all areas covered by the Convention, in particular in education, employment and the participation of women in economic, political and public life.

Stereotypes and harmful practices

7. The Committee has previously expressed its concerns at the high incidence of female genital mutilation in the country and the lack of legislation, policies and programmes aimed at eradicating this harmful practice (A/60/38, part two, paras. 195-196). Information available to the Committee indicates that a national plan of action to accelerate the abandonment of female genital mutilation/cutting has been developed with the support of the United Nations Population Fund and the United Nations Children's Fund, which led to the development of several measures, including the Community Empowerment Programme (2006-2009). Please provide information on the implementation and impact of the programme and the plan of action on the negative attitudes and beliefs and on the prevalence of female genital mutilation/cutting in the State party. Please indicate other measures taken or envisaged to change social and cultural patterns and eliminate gender-based stereotypes and harmful practices, including female genital mutilation and child and/or forced marriage. The State party indicates the need for sustained awareness-raising, awareness creation and behaviour change communication for people to give up the practice of female genital mutilation/cutting (para. 13). Please provide information on measures in place to target women and men at all levels of society, traditional and religious leaders, the school system and the media with awareness-raising and behaviour change communication and indicate whether the State party intends to adopt and adequately implement legislation criminalizing female genital mutilation and to ensure that offenders are adequately prosecuted and punished, as previously recommended (A/60/38, part two, para. 196).

Violence against women

8. Information available to the Committee shows that the National Assembly passed the Domestic Violence Act in 2013. The Sexual Offences Act, which amends the law relating to trials for rape and other sexual offences, was also adopted in 2013. Please provide information on measures taken to ensure their full implementation, including through prevention, protection and access to effective remedies and rehabilitation for the victims, as well as punishment of offenders. The State party indicated that a national study had revealed a number of constraints that served as barriers to the eradication of violence against women, including the culture of silence, fear, shame, lack of knowledge of existing legislation and lack of data (para. 36). Please indicate measures put in place to address those constraints. Please indicate the steps taken to ensure the collection of disaggregated data with a

view to providing empirical evidence of the extent to which violence against women exists in the State party, the level of implementation of the new laws, the number of prosecutions and convictions and the number of shelters.

Trafficking and exploitation of prostitution

9. It is indicated that trafficking in women is criminalized, following the promulgation of the Trafficking in Persons Act (2007), by which the National Agency against Trafficking in Persons was established (paras. 40-41). Please provide more detailed information on progress in the implementation of the Act, including on the number of prosecutions and convictions of traffickers since its promulgation; the resources allocated to the National Agency; the number of and funding for shelters for victims of trafficking; training provided to law enforcement personnel to proactively identify victims among vulnerable populations and improve data collection relating to victim identification and law enforcement statistics; and the provision of rehabilitation and reintegration services to victims. Please indicate measures taken to ensure the proper investigation of trafficking cases and adequate sentencing for convicted offenders.

10. No mention is made of the prevalence of prostitution in the State party, although information is provided on measures aimed at tackling the phenomenon of sex tourism, which is a concern in the Gambia (para. 42). Please provide information on the prevalence of prostitution in the State party and the applicable legal framework, as well as what programmes, if any, are available to women wishing to leave prostitution. Please provide updated information on measures taken to address the phenomenon of sex tourism in the country, including towards ensuring the effective implementation of the Tourism Offences Act (2003), the Tourism Code of Conduct of 2005 and the Commercial Sexual Exploitation Plan of Action. Please also indicate the measures in place to ensure that the Child Sex Tourism Task Force under the Gambia Tourism Authority and the Tourism Security Unit within the Police Department are adequately resourced to ensure their effectiveness.

Participation in political and public life

11. It is indicated that affirmative action by the top leadership has resulted in a Cabinet with 33 per cent of ministerial positions held by women and that the second and third highest positions in the Government (i.e. the Vice-President and Minister for Women's Affairs and the Speaker of the National Assembly) are held by women (para. 45). It is conceded, however, that, notwithstanding the Local Government Act (2002), which provides for equal male and female representation in village development committees and ward development committees, women's participation in local government remains very limited. Please provide information on measures taken or envisaged to increase the number of women elected and/or appointed to decision-making positions and on efforts to achieve equal representation of women in political and public life at all levels, including through the adoption of temporary special measures in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25.

Education

12. It is indicated that there has been progress in expanding access to education for girls at all levels as a result of different projects and programmes that have been implemented since the consideration of the previous combined periodic reports of the State party (CEDAW/C/GMB/1-3), including through the implementation of the National Education Policy 2004-2015 and gender mainstreaming strategies contained in the Education Sector Strategic Plan 2006-2015 (paras. 14-15). Please provide updated data on the percentage of the national budget allocated to education and on the measures in place or envisaged to increase the enrolment rate of girls at all levels of education, in particular at the tertiary level, which remains low (para. 25); reduce the school dropout rate among girls; eliminate economic, social and cultural obstacles to girls' access to education, including the direct and indirect costs of education, child and/or forced marriage and adolescent pregnancy; eliminate stereotypical attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training; and eradicate female illiteracy, particularly in rural areas, including through comprehensive education programmes, both formal and non-formal, as well as programmes specifically targeting adult women.

Employment

13. It is indicated that employment in the formal sector is gender-biased in favour of men, as education is a prerequisite for participation and women are generally excluded owing to their low levels of literacy (para. 58). The Committee was informed that women represented the majority of the workforce in the informal sector, where they typically lacked social protection, such as workers' benefits and health insurance, as recognized in the State party's report, although the scarcity of data disaggregated by sex and other factors in that regard was acknowledged (para. 61). Please indicate the measures taken to close the education/training gap with a view to ensuring that more women achieve the level of qualification necessary to secure work in the formal sector (paras. 58-60). Please also provide information on measures being put in place to address the scarcity of gender-disaggregated data on the representation of women in the informal, public and private sectors and in decision-making positions. Please provide information on the protection of women in the informal sector and the types of social or other services available to or envisaged for them, particularly the provision of social benefits, including maternity leave provisions, and their integration into the formal labour force.

Health

14. The Committee was informed that abortion was an offence in all cases, except when the health or life of the mother was at risk. Abortion is punishable by imprisonment for three years to life in the State party. Please indicate whether the State party is considering the decriminalization of abortion and whether there are plans to expand the grounds under which abortion will be available to women, for example instances where pregnancy has resulted from rape or incest or where there is a likelihood of severe foetal impairment. Please also provide information on the impact of unsafe abortion on women's health, including the maternal mortality ratio, which was 360 deaths per 100,000 live births in 2010. Please provide information on the prevalence of early pregnancies and on the measures envisaged to further increase the availability and accessibility of age-appropriate comprehensive sexual and reproductive health and rights education and family planning services, as well

as on the rate of contraceptive use. Please indicate the measures envisaged to further address the persistently high rates of maternal and infant mortality, especially among certain ethnic groups, despite some progress made in this regard, and the persisting lack of access to basic health-care services, including essential obstetric care, trained, skilled and motivated personnel and adequate, modern medical equipment.

15. It is indicated that there are more women (54 per cent) than men (46 per cent) living with HIV in the country. It is also specified that the overall low prevalence rate of HIV has resulted in its invisibility for many Gambians, as they have not been directly affected by the disease, creating a challenge for the reduction and reversal of the trend. Please provide updated information on the programmes that have been developed to support women living with HIV/AIDS and to provide them with antiretroviral therapy, as well as on awareness-raising campaigns that have been planned and implemented and their impact on the ground.

Rural women

16. It is indicated that women constitute the majority (65.5 per cent) of the agricultural sector workforce, compared with their male counterparts (47.5 per cent), out of 56 per cent of the working population who are engaged in agriculture. Please provide updated disaggregated data on the situation of rural women in all areas covered by the Convention. Please also indicate the measures taken and/or envisaged to ensure that rural women have equal access to basic services, including health, education, safe water and sanitation facilities, as well as access to land ownership and management, agricultural support and economic opportunities, including income-generating projects and credit facilities, on an equal and equitable basis with men and with their urban counterparts.

Marriage and family relations

17. The State party has indicated that customary and personal laws affect the lives of more than 90 per cent of women in the Gambia, placing limitations on the application of some of the provisions of the Convention ([HRI/CORE/GMB/2012](#), para. 95) and that, for most Gambians, 95 per cent of whom are Muslims, matters relating to marriage, divorce and inheritance are governed by personal or customary law, Sharia law for Muslims or customary law for a relatively few traditionalists (*ibid.*, para. 96). In addition to the information provided in paragraph 6 of the report, please indicate the measures taken, if any, with a view to addressing previous concerns and implementing the recommendations of the Committee ([A/60/38](#), part two, paras. 189-190), including whether the State party envisages amending section 33 (5) of its 1997 Constitution, under which the prohibition of discrimination does not apply in respect of adoption, marriage, divorce, burial and devolution of property on death. Considering that the State party did not enter any reservations upon its ratification of the Convention, please detail the progress made towards ensuring that national laws and customary law, as well as relevant aspects of Sharia law, are interpreted and applied in ways compatible with the provisions of the Convention, including through training of traditional and religious leaders. Please also indicate the measures taken to combat the practice of child and/or forced marriage, which still persists despite the fact that child marriage is prohibited under the Children's Act (2005) (paras. 103-104), and to amend the laws that permit the marriage of boys and girls at different ages.

Data collection

18. Please indicate any progress in the development of a specific system for the collection and analysis of data disaggregated by sex and other factors pertaining to all areas of the Convention, as well as coordination for purposes of gender mainstreaming.

Optional Protocol and amendment to article 20 (1) of the Convention

19. Please indicate what progress has been made towards the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.
