



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
26 October 2022

Original: English

Committee on the Elimination of Discrimination against Women Eighty-third session

Summary record of the 1926th meeting

Held at the Palais des Nations, Geneva, on Thursday, 20 October 2022, at 3 p.m.

Chair: Ms. Acosta Vargas

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Sixth periodic report of the Gambia (continued) (CEDAW/C/GMB/6; CEDAW/C/GMB/Q/6; CEDAW/C/GMB/RQ/6)

1. *At the invitation of the Chair, the delegation of the Gambia joined the meeting.*
2. **Ms. Kinteh** (Gambia), resuming her delegation's replies to the questions raised at the previous meeting, said that the Ministry of Interior was analysing the draft bill on migrant smuggling, with assistance from the United Nations Office on Drugs and Crime, and working on a related Cabinet paper. Once those processes had been completed, the bill would be submitted to the National Assembly. All of the bills that she had cited in her opening remarks had become law in 2021.
3. **A representative of the Gambia** said that a special division was being set up that would have investigative and prosecutorial authority over all offences recommended for prosecution by the Truth, Reconciliation and Reparations Commission. The Government also intended to create a special judicial framework within the domestic court system for the prosecution of perpetrators identified by the Commission and to assign to that entity jurisdiction over the offence of torture and other international crimes. As a key component of the transitional justice process, accountability was a top priority for the Government, which had retained an international adviser to guide it in establishing the requisite legal and judicial structures. In addition, the Government wished to invest more in research, awareness-raising, training, behavioural change and psychosocial support to address issues relating to sexual and gender-based violence and thus promote reconciliation.
4. The Sexual Offences Act 2013 had been reviewed under a United Nations Development Programme rule of law project with a view to replacing the common law offence of rape with a new, expanded statutory offence of rape applicable to all forms of sexual penetration without consent irrespective of gender, introducing protections for persons with mental disabilities, establishing a national sex offender registry and requiring annual reporting on cases of sexual offences and the State's response. The amendment bill was undergoing final revision prior to being submitted to the National Assembly.
5. **Ms. Kinteh** (Gambia) said that, under the Women Enterprise Fund, women were granted loans at an interest rate of 5 per cent, with a six-month grace period before repayments were due. They also received training in entrepreneurship and financial literacy, as well as coaching. The Government had created secure jobs for women working in the informal sector and had nearly quadrupled the target number of beneficiaries of the flagship project set by the United Nations Development Programme. The Central Bank of the Gambia had increased its contribution to the Fund to 60 million dalasis.
6. **A representative of the Gambia** said that 427 cases of sexual or gender-based violence had been recorded between 2021 and June 2022; sexual violence accounted for 50.8 per cent of those cases, financial violence 26.5 per cent, physical violence 11.9 per cent and emotional violence 9.9 per cent. There had been only four cases of child marriage during that period.
7. **Ms. Xia** said that the Committee would appreciate clear data on women's employment in the State party. Noting that the threat of prosecution had a deterrent effect, she wished to know whether any cases of sexual violence had been brought before the courts.
8. **Ms. Kinteh** (Gambia) said that, while it was true that an example should be set through prosecution, in order for offences to be tried, they first had to be reported.
9. **Ms. Al-Rammah**, commending the State party for its efforts to improve the health-care system for girls and women and for the resulting drop in maternal mortality, said that she wished to learn more about measures taken to ensure rural women's access to good quality sexual and reproductive health services. Despite a ban on the practice, female genital mutilation remained highly prevalent. Accordingly, she would appreciate hearing about any serious steps the State party intended to take to end the practice, such as the introduction of

screening, the training of health practitioners to identify victims and the establishment of reporting mechanisms for health practitioners. She would also welcome details of any programmes to educate parents, teachers, social workers, religious leaders and the police and provide them with ways of reporting cases. She wished to emphasize that, even though female genital mutilation was not an Islamic practice, religious leaders remained key to changing society's perception of it.

10. She was curious to know what steps were being taken to ensure access to modern contraceptives for all women, including rural women, whether contraception and family planning services were free for women on low incomes, whether girls and women could receive medical care for complications from an unsafe abortion without fear of prosecution, how the State party guaranteed women's fundamental right to reproductive autonomy and whether it planned to decriminalize abortion at least where pregnancy resulted from rape or incest and in the event of severe fetal abnormality.

11. It would be useful to hear whether the comprehensive sex education curriculum had been implemented and, if so, what its impact had been; whether women with mental health problems or drug addictions had access to treatment and good quality support; whether girls and women with disabilities had access to good quality health services, including sexual and reproductive health services; and whether health practitioners were trained to respect the dignity of persons with disabilities.

12. **Ms. Kinteh** (Gambia) said that State-funded health-care services were free of charge and available to anyone, including women with disabilities, regardless of where they lived. The new comprehensive sex education curriculum, which covered a range of topics such as gender-based violence, female genital mutilation and child marriage, had been rolled out using funding from the United Nations Population Fund. Consideration was also being given to how to involve parents in discussions about sex education. The Ministry of Education had developed the relevant materials together with teachers and non-governmental organizations.

13. Nurses counselled women on the various contraceptive methods, which were available free of charge. Much work had been carried out to improve rural women's access to sexual and reproductive health services. The first step in a pilot project run in 14 communities had been to provide training in reproductive health issues to both women and men nominated by their community. In addition, agreements had been reached with local taxi drivers on the provision of transportation to health facilities and the population had been given information about their blood type. Consequently, women no longer had to delay or forego treatment due to lack of transportation or money, and blood was more quickly available where a transfusion was necessary. Within a few months of implementing the project, there had been no maternal or infant deaths. The pilot was being replicated elsewhere in the country.

14. As medical ethics barred health practitioners from examining a girl for signs of female genital mutilation without parental consent, the Government was looking at how victims were identified in other countries. Female genital mutilation was a deeply entrenched cultural practice so, although information and training on the issue had been provided to religious leaders, the police and judges, and the topic was widely discussed, the challenge of increasing the reporting of cases remained. There were two hotlines through which to report cases, including anonymously.

15. **Ms. Al-Rammah** said that where there were channels for reporting acts that were criminalized, there was no need to obtain consent.

16. **Ms. Kinteh** (Gambia) said that additional information about the hotlines would be disseminated, including among health practitioners and the police.

17. **Ms. Akizuki** said that she wished to know whether the recommendations of the Truth, Reconciliation and Reparations Commission regarding sexual violence against women would be implemented, how the draft constitution to be brought before the National Assembly in 2023 differed from the previous draft, which had been rejected in 2021, and whether the discriminatory provisions of the 1997 Constitution had been removed from the new draft. She wished to know whether statistics on indicators relating to women's rights beyond sexual and gender-based violence would be collected systematically.

18. She would welcome information on how the National Development Plan addressed the sociocultural and traditional barriers that prevented women from escaping poverty. In particular she wondered whether the Plan contained programmes to alleviate poverty, promote financial inclusion and stimulate enterprise, and whether the National Gender Policy 2023–2032 included a strategy to enhance women’s access to credit, markets, land and other productive resources.

19. The Committee would be grateful to know what measures had been adopted to increase women’s financial literacy, employment skills and access to credit, the lack of which might hinder the implementation of the Women Enterprise Development Fund. The delegation might describe how the State party evaluated the Fund’s impact on poverty reduction, economic well-being and the creation of employment opportunities for women. It would be useful to have the results of the social protection mapping project and to understand how the National Social Protection Policy (2015–2025) provided safety nets and social buffers for women, including women belonging to minority groups. Lastly, she wished to know whether the Policy ensured equal access to social benefits and pensions for women, including women owners of small businesses and microenterprises.

20. **Ms. Kinteh** (Gambia) said that the social protection mapping project had revealed that the most vulnerable groups resided in the most remote areas of the country and mainly comprised older adults and women with children. Those findings had informed social protection criteria and programmes. Social protection measures did not include pensions, although consideration would be given to the matter while drawing on best practices from other countries.

21. Around 1,300 women had received financial literacy training in 2021, and efforts to provide such training were ongoing. However, a lack of funding meant that the skills training planned as part of the Women Enterprise Development Fund could not currently be delivered. The impact of the Fund would be assessed. Gender-based violence and female genital mutilation were addressed in training for nurses and other health professionals and, along with child marriage, were discussed with communities to promote behavioural changes. That approach was more sustainable than legislation, although the relevant laws would continue to be enforced.

22. The Government had accepted the majority of the recommendations of the Truth, Reconciliation and Reparations Commission, which were the subject of a white paper. The new draft constitution to be submitted to the National Assembly in 2023 did not differ from the version rejected in 2021; it was hoped that advocacy and the election of new members would facilitate its adoption. Women in rural areas could farm land, but they could not own it, and work was being undertaken with communities and religious and traditional leaders to examine how that matter could be addressed. Some women in urban areas had received government grants allowing them to purchase land.

23. **Ms. Reddock**, noting the significant disparities between the lives of rural and urban women and girls, said that she wished to know whether the Ministry of Women, Children and Social Welfare planned to establish a department dedicated to rural women and establish mobile services that informed them of women’s rights, relevant legislation and other matters related to gender.

24. Although more women than men were involved in agriculture, which represented a significant proportion of the State party’s economy, their contribution did not benefit them; they had limited control and ownership of land, and their domestic work meant that their overall workload was greater than that of men. That situation was largely caused by the patriarchal nature of the customary land tenure system, which, along with limited access to credit, excluded women from commercial farming. Access to land was particularly limited for single, divorced and widowed women. In view of that situation, she wished to know what mechanisms were in place to implement the provisions of the Women’s Act that recognized their right to inherit, acquire, own and manage property, and widows’ right to inherit an equitable share of their husbands’ property. She also wondered whether ongoing efforts were being made to increase women’s involvement in the national land authority and their leadership in rural areas, and whether, as recommended by the National Human Rights Commission, a study would be carried out into best practices relating to non-discriminatory

personal status laws in other predominantly Muslim countries with a view to implementing such practices in the State party.

25. The Government and the Food and Agriculture Organization of the United Nations were to be commended for developing a plan to promote gender mainstreaming in agriculture, which should serve as a model for gender mainstreaming in other sectors. In that connection, she would like to know how the mechanisms provided for in the plan would be implemented and assessed while it was in force and once it had been completed. It would be useful to know whether extension services would be strengthened and whether women extension workers would receive training in gender issues, enhanced transportation and access to information technology and skills.

26. Noting that discrimination constituting slavery persisted under the State party's complex caste system, she asked whether the recommendations contained in the National Human Rights Commission's report on the caste system would be implemented, including the recommendation to conduct a survey on descent- and caste-based discrimination, with particular consideration being given to its impact on women and girls. She wondered whether an explicit reference to caste as a prohibited ground for discrimination would be incorporated into the relevant legislation and the Constitution.

27. The Committee would be grateful to know how the Persons with Disabilities Act would be implemented and enforced, whether the Ministry of Women, Children and Social Welfare would receive sufficient resources to promote the independence and employability of women and girls with disabilities and whether the police and other stakeholders would receive training on supporting woman and girls with disabilities who were victims of gender-based violence, particularly child sexual abuse.

28. **Ms. Kinteh** (Gambia) said that an advisory council on disability had recently been established. Police officers were trained to protect all citizens, including persons with disabilities, from sexual and gender-based violence. Under the Persons with Disabilities Act, police officers, prosecutors and judges would receive training on the protection of women with disabilities. The Government would implement the recommendations relating to the caste system, which was deeply engrained in some ethnic groups and would take time to eradicate.

29. The courts had upheld women's right to inherit land and property from their husbands and women and their children were entitled to inherit the entirety of their late husbands' estates, unless the husband's mother was alive, in which case she received one quarter of the estate. Funding was being sought to resume numeracy and literacy programmes for women. Radio and television broadcasts were used in awareness-raising activities and groups were organized to enable women to listen to or watch those broadcasts together and discuss the matters addressed.

30. The workload of women in the Gambia was indeed high. Efforts had been made to provide them with labour-saving devices for household tasks in order to improve their health and free up time for resting and engaging in development activities, such as growing vegetables. Rather than drawing water from wells, women had access to piped water and irrigation systems. Women were restricted to subsistence farming because they lacked access to the machinery required for commercial farming. The Ministry of Women, Children and Social Welfare had requested the Ministry of Agriculture to make such machinery available to women.

31. **Ms. Reddock** said that reports had highlighted that access to land was a major issue for rural women, with one source having suggested that women produced only short-term crops because they did not have continued access to the land. She would therefore welcome a stronger commitment from the State party in that regard, and she encouraged it to implement the recommendation to investigate measures undertaken by other countries in similar circumstances.

32. She wondered whether the advisory council on disability would address the issue of accessibility, including the availability of Braille reading materials, sign-language interpretation services and accessibility ramps, as the empowerment of persons with disabilities was largely dependent on their ability to participate in all activities. The

delegation might describe any measures being taken to encourage men to carry out their fair share of childcare and housework in order to reduce women's workload and provide good role models for future generations.

33. **Ms. Kinteh** (Gambia) said that men were encouraged to take part in childcare. Measures would be taken to implement the Persons with Disabilities Act with a view to ensuring accessibility for persons with disabilities. However, support was needed to establish a fund in order to implement the Act successfully. Assistance would be provided to homeless people in order to improve their status in society.

34. The interests of rural women were protected under a special section of the Women's Act. The Women Enterprise Fund and the Building Resilience through Social Transfers for Nutrition Security Project also provided financial support to women. Efforts were being made to involve women in extension services. It was important for women to be represented in that area alongside men as they might be better placed to provide training to women farmers.

35. **Ms. Toé-Bouda** said that the State party's legal system did not facilitate the implementation of the Convention or allow women to benefit from Convention rights. In view of that situation, she wished to know whether the State party had implemented specific measures to bring national legislation, including the Constitution and the Women's Act, into line with the Convention and other internationally binding instruments. In particular, she wondered whether the State party had removed all gender-discriminatory provisions from national law, guaranteeing women the same rights as men in the areas of marriage, divorce, inheritance, marital assets, adoption and devolution of property upon death, and taking into account the experience of countries with similar sociocultural and religious backgrounds and legal systems.

36. She wondered whether the State party planned to ban polygamy with a view to minimising the economic effects of divorce and protecting women already in polygamous marriages. She would be interested to know whether women had the same legal capacity as men to sign contracts and administer assets and how the State party would guarantee the de facto legal capacity of women.

37. The Women's Act sought to protect women's rights in the event of separation, divorce or annulment of marriage, as well as widows' rights and inheritance rights. Under Sharia law, however, a widow could inherit only one-third of her deceased husband's assets and her financial contribution to the household was not taken into account. In the light of that situation, it would be useful to have a timeline for the implementation of the legislative changes required to ensure the equal distribution of assets in the event of divorce, taking into consideration women's contribution to the household. It would also be interesting to know whether women had the same child custody rights as men in the event of divorce and whether the Women's Act would be amended to make it mandatory for couples to register their marriage in an official registry.

38. The Committee was curious to know what measures had been taken to implement the Children's Amendment Act 2016 prohibiting child marriage, whether statistics were available on the number of cases of child marriage that had been reported and investigated, whether all exceptions to the minimum age for marriage would be removed and what programmes were in place to raise awareness of the criminal nature and negative consequences of child marriage for girls' education, human rights and development. She would also like to know whether the State party intended to ban marital rape.

39. **Ms. Kinteh** (Gambia) said that, although men could not have a second wife under civil law, polygamy was not prohibited as it was part of the culture and religion of the Gambia. It would be necessary to learn from other Muslim countries in Africa that had prohibited polygamy and implement awareness-raising measures.

40. In terms of child custody, the primary concern was to protect the best interests of the child; consequently, the parent most able to provide for the child was granted custody. Custody of very young children was usually granted to the mother. However, it was granted to the father if the mother did not have the necessary financial resources.

41. **A representative of the Gambia** said that, under section 27 of the Constitution, men and women of full legal age had the right to marry and found a family. Under the Children's

Act 2005, the full legal age was established at 18 years. In the Gambia, customary law co-existed alongside Islamic law in the areas of traditional marriage, divorce, family matters, inheritance, land tenure, travel and clan leadership. In order to protect women's rights, the Women's Act provided that women and men were equal in marriage and that women had the right to seek separation, divorce or annulment of marriage and enjoy equal rights to the marital assets. In 2012, a court had ruled that one particular woman was entitled to an equal share of the marital property as she had made a substantial contribution to it, despite its being in her ex-husband's name. Under section 39 of the Women's Act, women also had equal rights with respect to the nationality of their children.

42. **Ms. Kinteh** (Gambia) said that polygamy was a choice and that the Government was trying to encourage women to work in order to have greater social and economic independence.

43. **A representative of the Gambia** said that the Government was looking at gender in a holistic manner and that the progress achieved in the last six years had been encouraging.

The meeting rose at 4.50 p.m.