



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of the Gambia*

1. The Committee considered the sixth periodic report of the Gambia (CEDAW/C/GMB/6) at its 1925th and 1926th meetings (CEDAW/C/SR.1925 and CEDAW/C/SR.1926), held on 20 October 2022. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/GMB/Q/6, and the responses of the Gambia are contained in CEDAW/C/GMB/RQ/6.

A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Women, Children and Social Welfare, Fatou Kinteh, and included representatives of the Ministry of Health, the Ministry of Women, Children and Social Welfare and the Permanent Mission of the Gambia to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2015 of the State party's combined fourth and fifth periodic reports (CEDAW/C/GMB/4-5) in undertaking legislative reforms, in particular the adoption of the following:

(a) Persons with Disabilities Act, in 2021, setting out provisions to ensure that, specifically, women and girls with disabilities have access to justice, participation in political and public life, inclusive education, employment and health services;

(b) Children's (Amendment) Act, in 2016, prohibiting and punishing child marriages;

(c) Women's (Amendment) Act, in 2015, prohibiting and punishing female genital mutilation.

* Adopted by the Committee at its eighty-third session (10–28 October 2022).



5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the establishment of the following:

- (a) Ministry of Women, Children and Social Welfare, in 2019;
- (b) Truth, Reconciliation and Reparations Commission, in 2018;
- (c) Constitutional Review Commission, in 2017;
- (d) National Human Rights Commission, in 2017.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified the following international and regional instruments:

- (a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2019;
- (b) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2018;
- (c) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2018;
- (d) International Convention for the Protection of All Persons from Enforced Disappearance, in 2018;
- (e) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 2018.

C. Sustainable Development Goals

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Legal status of the Convention and harmonization of laws

9. The Committee acknowledges the constitutional review process under way in the State party and the commendable efforts made to review, amend and enact legislation to promote and protect the rights of women and girls. It notes with concern, however, that:

(a) The provisions of the Convention have not yet been fully incorporated into national legislation, a required step to ensure the implementation of the Convention given the dualist legal system of the State party;

(b) Remaining discriminatory provisions against women in the Constitution and in national legislation, in particular concerning women's rights in marriage and family relations, are justified by the State party on customary and religious grounds;

(c) There has been a lack of implementation of laws on women's rights at the national, regional and local levels.

10. Recalling that the Convention covers women's rights in both the private and public spheres and that discrimination against women cannot be justified on the grounds of religion, customs and/or practices, the Committee recommends that the State party:

(a) **Within a set timeline and in consultation with women's civil society organizations and traditional and religious leaders, ensure that the provisions of the Convention are fully integrated into the national legal framework, including by amending or repealing all legislative provisions that are incompatible with the principles of equality and non-discrimination, such as sections 7 and 33 (5) (c) and (d) of the 1997 Constitution, as replicated in the Women's Act, establishing the primacy of customary and sharia law over ordinary laws;**

(b) **Mobilize support to facilitate the adoption of the constitution promulgation bill by the National Assembly and the numerous draft bills promoting women's rights, as committed to by the State party during the constructive dialogue;**

(c) **Encourage religious (qadi) and common law courts, law enforcement officers and imams to respect, in their decisions and actions, the State party's commitments deriving from its ratification of the Convention to ensure that Muslim women and girls enjoy equal rights in all aspects of family life, including in marriage, divorce, inheritance, marital property, adoption, burial and devolution of property on death, including through the Faith for Rights initiative of the Office of the United Nations High Commissioner for Human Rights;**

(d) **Undertake a review of legislative provisions in countries with similar sociocultural and religious backgrounds and legal systems for integration into its legislative harmonization process and development of strategies to ensure the implementation of legislation promoting and protecting women's rights.**

Women's access to justice

11. The Committee commends the progress made in appointing women judges in both the common law and qadi courts. It notes with concern the persistent barriers faced by women in accessing justice, as highlighted in the 2021 report of the Truth, Reconciliation and Reparations Commission on sexual and gender-based violence in its findings on institutional failures. These barriers include women's limited knowledge of their rights and how to claim them, insufficient safe spaces for women to report violations of their rights, a deep mistrust of law enforcement authorities, including the judiciary and the public prosecutor's office, and the insufficient national coverage of assistance provided by the National Agency for Legal Aid.

12. In line with its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) **Adopt a strategy for the implementation of the recommendations emanating from the 2021 report of the Truth, Reconciliation and Reparations Commission on sexual and gender-based violence;**

(b) **Enhance women’s awareness of their rights and the remedies available for them to claim those rights through, inter alia, legal literacy programmes, and raise awareness among traditional and religious leaders, police officers and the general public on women’s rights and gender equality;**

(c) **Establish safe spaces for women to report violations of their rights to independent bodies, if necessary, confidentially;**

(d) **Strengthen the network of free legal aid provision to women, in both criminal and civil proceedings, through increased allocation of human, technical and financial resources to the National Agency for Legal Aid and to civil society organizations providing legal assistance to women, including the Female Lawyers Association – Gambia, the Gambia Bar Association and the Network against Gender Based Violence;**

(e) **Strengthen capacity-building programmes for judges, prosecutors, lawyers and other legal professionals and the appointment of women to the judiciary and qadi courts, and ensure that the Convention and the Committee’s general recommendations are made an integral part of their professional training so as to enable them to apply, invoke and/or refer to the provisions of the Convention directly and to interpret national legislation in line with the Convention;**

(f) **Encourage and promote the appointment of women judges at all levels of the judiciary, including the qadi courts, the qadi appeals panel and district tribunals, and build the capacity of qadis to recognize and distinguish discriminatory traditions from Islam in decisions regarding personal status laws for women.**

National machinery for the advancement of women

13. The Committee welcomes the establishment, in 2019, of the Ministry of Women, Children and Social Welfare, noting that a stated goal of its strategic plan for the period 2021–2025 is to mainstream gender in key sector policies and programmes and to ensure gender-responsive programming and budgeting across all sectors. The Committee is concerned, however, that the Ministry is restrained in implementing its mandate owing to resource constraints, given that, in 2022, the total share of the national budget invested in the Government’s programming on women, children and social welfare was 0.3 per cent.

14. **Recalling the guidance provided in the Beijing Declaration and Platform for Action, in particular regarding the conditions necessary for the effective functioning of national machineries, the Committee recommends that the State party:**

(a) **Increase the human, technical and financial resources allocated to the Ministry of Women, Children and Social Welfare and enhance the gender-specific expertise among its staff in order to enable it to coordinate efforts to promote gender equality, mainstream gender across Government policies and introduce gender-responsive budgeting;**

(b) **Endorse the gender mainstreaming concept document submitted by the Ministry, including its proposals to establish a cabinet gender committee, technical gender committee, gender focal point network and parliamentary gender caucus;**

(c) **Define indicators for all gender equality objectives, including those of the national gender policy for the period 2021–2030 and its action plan; strengthen the national capacity to systematically collect data, disaggregated by sex, age, disability, ethnicity, region and socioeconomic background, in order to evaluate progress towards realizing those objectives; and provide an assessment of progress made in its next periodic report;**

(d) **Seek regional and international technical assistance, including from relevant United Nations entities, in order to strengthen the national machinery in line with the Convention.**

National human rights institution

15. The Committee welcomes the establishment of the National Human Rights Commission in 2017, noting its “A” status accreditation in 2022 by the Global Alliance of National Human Rights Institutions, and the establishment of a thematic committee on women’s rights within the Commission. It notes with concern, however, that the Commission received very few complaints from women claiming violations of their rights during the reporting period.

16. The Committee recommends that the State party give effect to the recommendations of the National Human Rights Commission and strengthen its capacity to promote the rights of women through its research and advocacy and to assist women in claiming their rights under the Convention, inter alia, by increasing its efforts to raise awareness about the existence of its complaints mechanism.

Women human rights defenders and civil society

17. 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.

18. The Committee recommends that the State party create an enabling environment for the engagement of women human rights defenders and civil society in the promotion and protection of women’s rights, including by partnering with them in all aspects of planning and implementation of the national gender policy and by ensuring their protection from gender-based violence and intimidation, including by investigating, prosecuting and adequately punishing all abuses against them.

Discriminatory stereotypes and harmful practices

Female genital mutilation

19. The Committee welcomes the 2015 amendment to section 32 (a) and (b) of the Women’s Act to criminalize female genital mutilation, and the project funded by the United Nations Educational, Scientific and Cultural Organization to assist female traditional circumcisers in finding alternative sources of livelihood. It further notes the national strategy and policy on female genital mutilation for the period 2021–2030. Nevertheless, the Committee remains concerned that this harmful practice remains widespread, affecting 73 per cent of all women between 15 and 49 years of age in the State party (according to the 2019/20 demographic and health survey) and that only a single case of female genital mutilation has been brought before the courts since the practice was banned in 2015.

20. In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee recommends that the State party:

(a) Address the cultural beliefs underlying the harmful practice of female genital mutilation, including by educating parents and traditional and religious leaders on the lifelong devastating effects on both the physical and mental health of girls and women, and by raising awareness of the criminalization of female genital mutilation;

(b) **Establish safe reporting mechanisms for health practitioners, teachers, social workers, and women and girls, and ensure that all reports are duly investigated and prosecuted and perpetrators are adequately punished, including when the act is committed across the border;**

(c) **Improve access to support and rehabilitation services, as well as to reparation, including financial compensation, for women and girls who are victims of female genital mutilation, ensuring that they are protected from retaliation.**

Gender-based violence against women

21. The Committee welcomes the amendment of the Domestic Violence Act, 2013, to protect victims from default out-of-court settlements and the establishment of the gender unit by the Attorney General's Chambers to train prosecutors, police officers and other law enforcement agents on investigating and prosecuting incidents of sexual and gender-based violence. The Committee is concerned, however, about the high prevalence of gender-based violence against women and girls and the low level of reporting of incidents in the State party, owing to a culture of silence and impunity, and inadequate protection from retaliation and protection of witnesses. It notes with concern the limited victim protection and support services in the State party, including the inadequacy of the one-stop centres, and regrets the lack of data on the number of reported cases of gender-based violence against women, investigations, prosecutions and sentences imposed on perpetrators. The Committee is further concerned that:

(a) The Sexual Offences Act, 2013, does not specifically criminalize marital rape;

(b) In section 3 of the Sexual Offences Act, the definition of rape is based on coercive circumstances, rather than on lack of consent;

(c) Discriminatory evidentiary rules continue to be applied, including the requirement of corroboration, despite its removal from the Sexual Offences Act.

22. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Raise awareness among women of their rights under the Domestic Violence Act and the Sexual Offences Act, the process for filing complaints about incidents of gender-based violence, and the sexual and gender-based violence hotline;**

(b) **Address stigmatization of women who are victims of gender-based violence, including sexual violence, which deters them from reporting cases, by strengthening mandatory capacity-building programmes for judges, prosecutors, police, social workers, psychologists and health-care workers on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women, and on the strict application of legislation criminalizing such violence;**

(c) **Ensure that women and girls who are victims of gender-based violence have access to effective remedies and protection, including emergency protection orders and support services, immediate issuance of medical examination certificates free of charge, adequate and accessible shelters, specialized assistance and rehabilitation;**

(d) **Provide financial support to non-governmental organizations providing victim support services and operating shelters;**

(e) **Ensure that complaints are effectively investigated and that the sentences imposed on perpetrators are commensurate with the gravity of the offence in order to address the culture of impunity;**

(f) **Amend section 3 (3) of the Sexual Offences Act to specifically criminalize marital rape;**

(g) **Abolish the practice of requiring corroboration of the evidence of complainants in sexual violence cases, punish miscarriage of justice in that regard and repeal section 180 (2) (a) and (c) of the Evidence Act;**

(h) **Invest in the pilot scheme launched by the Women's Bureau to establish a gender management information system portal in several police stations in order to track cases and generate statistical data on gender-based violence, disaggregated by sex, age and relationship between the victim and the perpetrator.**

Trafficking and exploitation of prostitution

23. The Committee acknowledges the efforts made by the State party to combat trafficking in women and girls, including through initiating bilateral cooperation between the National Agency Against Trafficking in Persons and its counterpart in Nigeria. It is nevertheless concerned that:

(a) The State party remains a source, destination and transit country for human trafficking, in particular in women and children, for purposes of forced labour and sexual exploitation, including sex tourism;

(b) Trafficking in women and girls is drastically underreported, owing to, inter alia, the lack of confidence in the administration of justice, lengthy investigations and court proceedings, the lack of prosecutions and convictions and the lack of an effective national referral mechanism to appropriate support services for victims of trafficking, including protection from retaliation;

(c) The Trafficking in Persons Act, 2007 (sect. 49), does not provide an explicit exemption from detention and prosecution for victims of trafficking in respect of violations of laws committed as trafficked persons.

24. **In line with its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:**

(a) **Strengthen the training of first responders, including law enforcement officers, border control personnel and health-care providers, on the early identification of victims and their referral to appropriate services for their protection and rehabilitation, ensuring that such protection is victim-centred and gender-responsive;**

(b) **Raise awareness of the crime of trafficking in persons and how to report suspected cases, focusing on women and girls, teachers, parents and community leaders, in particular those who are living in poverty and in remote areas of the country;**

(c) **Revise the Trafficking in Persons Act to bring it into conformity with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and build the capacity of the judiciary, prosecutors and law enforcement officers on the integration of a gender perspective into the enforcement of laws and the implementation of policies to address trafficking in women and girls;**

(d) **Collect data on the number of reports, investigations, prosecutions, convictions and sentences of perpetrators of trafficking in women and girls, including in cases in which authorities may be complicit.**

Equal participation in political and public life

25. The Committee acknowledges the high number of women registered as voters in the 2021 legislative and presidential elections. However, it is concerned that few women were nominated as candidates by political parties and that only 6.3 per cent of elected members of the National Assembly are women. Women also remain underrepresented in decision-making positions at the local government and international levels. The Committee regrets the failure of the National Assembly to adopt the private member's bill to amend the 1997 Constitution, which would have introduced a 30 per cent quota system for national elections.

26. Recalling its general recommendation No. 23 (1997) on women in political and public life and general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party, in accordance with article 4 (1) of the Convention:

(a) **Effectively implement section 15 (1) of the Women's Act requiring all public institutions, authorities and private enterprises to adopt temporary special measures to accelerate substantive equality between women and men, including by adopting a quota of 30 per cent for the representation of either sex in the National Assembly and local assemblies, providing incentives for political parties to nominate an equal number of women and men as candidates for elections, introducing fines for non-compliance and providing for preferential recruitment of women to senior management positions in the public service, including in State-owned enterprises;**

(b) **Strengthen training and mentorship programmes to encourage women and girls to participate in political and public life, including revision of school curricula and teacher training materials to raise awareness of women's and girls' leadership potential;**

(c) **Adopt a strategy to detect and address hate speech, cyberbullying and other defamatory speech directed against women candidates for elected office, including by combating online violence against women, harassment, stalking and sexist hate speech;**

(d) **Conduct awareness-raising campaigns for politicians, community and religious leaders, the media and the general public to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women and for the achievement of political stability and economic development in the State party.**

Nationality

27. The Committee notes article 7 of the Children's Act, 2005, mandating birth registration, and the State policy granting birth registration free of charge up to the age of 5 (CEDAW/C/GMB/6, para. 96). It further notes the constitutional guarantee, under section 29, of the right of all children to acquire a nationality. The Committee notes with concern, however, that statelessness continues to exist among women and girls in the State party owing to gaps in the nationality laws, arbitrary deprivation of nationality and restrictive practices in relation to the issuance of documents to prove nationality.

28. Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:

(a) **Review its nationality laws to ensure that Gambian nationality is granted to children born in the State party who would otherwise be stateless;**

(b) **Eliminate obstacles encountered in birth registration, paying particular attention to rural girls and girls born to parents who are refugees or unmarried, and inform registrars that all girls and boys must be registered and issued with a certificate aligned to either parent's name;**

(c) **Remove any penalties for late registration and continue to facilitate procedures, including online, to encourage rural women in particular to register births and receive identification documentation.**

Education

29. The Committee commends the programmes put in place by the State party to promote girls' education, including the progress made in increasing the enrolment rate among girls. Nevertheless, it remains concerned about the high number of girls who are out of school (62 per cent) and the related high illiteracy rates among women and girls (52 per cent) in the State party. It is equally concerned that such poor learning outcomes among girls are exacerbated by child marriage, noting the high dropout rate among girls who are married or pregnant. It is further concerned about incidents of sexual violence against girls in school, and notes disparities between rural and urban areas in terms of girls' and women's access to education.

30. **Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party raise awareness of the importance of girls' education at all levels as a basis for their empowerment and the development of the country, and that it:**

(a) **Strengthen inclusive and targeted adult literacy programmes for women, prioritizing rural women, ensuring that the programmes are systematically evaluated for their impact and effectiveness;**

(b) **Adopt the basic and secondary education amendment bill, which is aimed at reviewing and repealing the discriminatory provisions of the Basic and Secondary Education Act;**

(c) **Implement article 27 of the Women's Act, which protects pregnant girls from expulsion and protects their right to return to school after giving birth, including by facilitating their reintegration into the school of their choice at the time of their choice and by addressing their stigmatization by their communities and their peers at school;**

(d) **Provide, in its next periodic report, data, disaggregated by age and other relevant factors, on school dropout rates among adolescent girls and young women due to child marriage and early pregnancy and on their re-entry rates after marriage or childbirth;**

(e) **Strengthen the delivery of age-appropriate and scientifically based sexuality education for girls and boys, covering responsible sexual behaviour, under the comprehensive sexuality education curriculum framework;**

(f) **Establish effective procedures to investigate cases of sexual abuse and harassment of girls in school environments, prosecute perpetrators, including teachers and school administrators, and provide victims with medical care, psychosocial counselling and rehabilitation;**

(g) **Establish mandatory capacity-building for teachers and all school administration personnel on criminal liability for any acts of rape and sexual harassment;**

(h) **Continue and enhance temporary special measures, including preferential admissions and scholarships, to promote the enrolment of women**

and girls in non-traditional fields of study, such as science, technology, engineering, mathematics and information and communications technology.

Employment

31. The Committee commends the State party on its efforts to ensure equal employment rights for women, including through ratification of the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). It is, however, concerned that unemployment among women remains persistently high at 57.1 per cent and that women remain concentrated in low-paid jobs in the informal economy without labour and social protection. It further notes with concern the high prevalence of sexual harassment in the workplace and lack of support for victims.

32. The Committee draws attention to target 8.5 of the Sustainable Development Goals and recommends that the State party:

(a) **Promote women's transition to the formal economy, including by providing funding to strengthen employment skills training to enable women to enter the workplace, and by gradually providing affordable public care for older persons and childcare facilities to reduce women's disproportionate burden of unpaid care work and enable women and men to reconcile work and family life;**

(b) **Facilitate access to social protection schemes for disadvantaged women, in particular women agricultural and domestic workers, including adequate maternity benefits and payment of benefits during other periods of absence due to family and care responsibilities;**

(c) **Ensure that the national coronavirus disease (COVID-19) emergency response fund responds to the specific needs of women, in particular those who lost employment because of the pandemic;**

(d) **Amend legislation to incorporate the principle of equal pay for work of equal value and impose strict fines for non-compliance;**

(e) **In line with its universal periodic review commitment (A/HRC/43/6, para. 127.30) and recommendations of the National Human Rights Commission, adopt a comprehensive law that addresses sexual harassment in the workplace, ensuring that victims have access to effective, independent and confidential complaint procedures, perpetrators are prosecuted and adequately punished and victims are protected from retaliation;**

(f) **Ratify the ILO Violence and Harassment Convention, 2019 (No. 190), and ensure its incorporation into domestic law and effective implementation.**

Health

33. The Committee notes the efforts of the State party to enhance access to health care for women, including the Kabilo Baama initiative to improve clinic attendance by women, which has reportedly resulted in reduced rates of maternal, child and neonatal mortality. However, the Committee notes with concern:

(a) The high maternal mortality rate and prevalence of unsafe abortions, including among adolescent girls, given the very limited circumstances in which abortion is legal in the State party, namely, only when the life of the pregnant woman or girl is at risk;

(b) The limited availability and accessibility of sexual and reproductive health services, including family planning services, for women and girls, especially rural women and girls, which has been exacerbated by the diversion of resources to COVID-19 programmes.

34. In line with its general recommendation No. 24 (1999) on women and health and targets 3.1 and 3.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) **Increase its health expenditure and improve coverage of and access to health services throughout its territory by allocating sufficient budgetary resources for the establishment of adequately equipped hospitals, especially in rural and remote areas, ensuring, in particular, the provision of free skilled birth attendance and pre- and postnatal care for all women and girls, without exception;**

(b) **Legalize abortion at least in cases of rape, incest, severe fetal impairment and risk to the health or life of the pregnant woman, and decriminalize it in all other cases, recognizing that the criminalization of abortion is a form of gender-based violence against women, in line with general recommendation No. 35;**

(c) **Ensure that women and girls have adequate access to information on sexual and reproductive health and rights, and that all women, including rural women and women with disabilities, have access to adequate sexual and reproductive health services, including family planning, free or affordable safe contraceptive methods, prevention of early pregnancy and sexually transmitted infections, and safe abortion and post-abortion services.**

Economic empowerment of women and social benefits

35. The Committee notes the empowerment of women as a strategic priority of the national development plan for the period 2018–2022. It commends the achievements of the women’s enterprise fund established in 2019 and notes that the national social protection policy for the period 2015–2025 provides for the gradual establishment of an integrated and inclusive social protection system in the State party. It is concerned, however, about the lack of monitoring and evaluation mechanisms to assess the impact of these policies and the insufficient consultation of women’s organizations in the process of monitoring and evaluation.

36. The Committee recommends that the State party establish a monitoring and evaluation process for its efforts to mainstream gender in its development plans, support for women’s economic empowerment and poverty reduction strategies, ensuring the full and meaningful participation of civil society in these processes.

Rural women and climate change

37. The Committee welcomes the agriculture and natural resources policy for the period 2017–2026, which has a component on gender mainstreaming, and the inclusion of sex-disaggregated indicators in the rural monitoring and evaluation system. However, the Committee notes with concern that:

(a) Human development outcomes are disproportionately poorer for rural women, noting that they face higher rates of poverty, malnutrition, child marriage and illiteracy, and are less aware of their rights and the remedies available to claim them;

(b) The patriarchal customary land tenure systems that govern control and ownership prevent rural women farmers from owning land, accessing funding for their agricultural activities and participating in decision-making on rural development policies;

(c) Rural women experience the effects of climate change disproportionately, owing to their reliance on agricultural outputs for their livelihoods.

38. In line with general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party, in view of the importance of the agricultural sector for its economic development and food and nutrition security:

(a) Ensure implementation of the gender mainstreaming component of the agriculture and natural resources policy for the period 2017–2026 by conducting an evaluation of the progress achieved at its midpoint and at completion, including the responsiveness of agricultural policies, programmes and projects, such as national food security and nutritional investment programmes, to effectively address the needs of rural women;

(b) Take targeted measures to support women’s leadership in rural areas through representation on the national land commission and land board and as village heads in order to ensure that rural women are meaningfully involved in community decision-making and the development and implementation of agricultural policies, including with regard to decisions on land use;

(c) Establish a section in the Ministry of Women, Children and Social Welfare mandated to promote the rights of rural women through coordinating cross-sectoral efforts and collaboration among various ministries and stakeholders;

(d) Address attitudes and assumptions relating to customary and religious laws that impede rural women’s equal access to land ownership or control, and implement the provisions of the Women’s Act recognizing women’s right to inherit, acquire and administer property, in line with the State party’s commitment to achieve the African Union goal of allocating 30 per cent of land to women by 2025¹ and in line with the good practices of countries with similar backgrounds;

(e) Strengthen the equal participation of rural women and girls in decision-making on disaster mitigation and climate change, in line with general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, including in the implementation of the national climate change policy;

(f) Formalize rural women’s agricultural work by establishing a scheme to ensure their fair remuneration, access to benefits and social protection;

(g) Improve rural women’s access to education, agricultural information, financial literacy, extension services, technology, credit and banking services and rural transportation, as well as access to storage and processing technology.

Disadvantaged groups of women

Women with disabilities

39. The Committee welcomes the adoption of the Persons with Disabilities Act. It is, however, concerned that women and girls with disabilities continue to face discrimination, stigma, exclusion, prejudices, negative stereotypes and lack of accessibility in public and private spaces.

40. The Committee recommends that the State party ensure the implementation of the Persons with Disabilities Act, including by:

(a) Providing the disability advisory council with adequate human, technical and financial resources and gender-awareness training to implement its mandate to promote and protect the rights of girls and women with disabilities;

¹ Economic Commission for Africa, “Put land in the hands of women for economic transformation – a call for policy makers”, 10 July 2016.

(b) **Adopting and implementing a strategy to increase the independence and employability of women with disabilities, inter alia, by ensuring the accessibility of workplaces and introducing a quota for labour market participation by women with disabilities;**

(c) **Increasing the accessibility of justice for women with disabilities, including by providing systematic training to judges, prosecutors and law enforcement officers on the rights of women and girls with disabilities.**

Women in the caste system

41. The Committee is concerned about the intersecting forms of discrimination faced by women at the lowest rank of the complex caste system in the State party, some of whom are still considered “slaves”, and the absence of legal prohibition of caste-based discrimination against women.

42. **The Committee recommends that the State party provide, in its next periodic report, information on the implementation of the recommendations emanating from the study on caste-based discrimination in the State party conducted by the National Human Rights Commission, including by carrying out a national survey to understand the impact of caste-based discrimination on women and girls. The Committee further recommends that the State party amend its legislation to include the explicit prohibition of caste-based discrimination.**

Marriage and family relations

43. The Committee welcomes the 2016 amendment to the Children’s Act, 2005, setting the age of marriage at 18 years for women and men, without exception, and criminalizing child marriage, with prison sentences for adult perpetrators. However, it notes with concern:

(a) The persistence of child marriage in the State party, noting the finding of the United Nations Children’s Fund multiple indicator cluster survey carried out in 2018 that 7.5 per cent of women had married before the age of 15 years, while 25.7 per cent had married before the age of 18 years, and that there has been a lack of prosecution for child marriage despite the amendment in 2016;

(b) The lack of a guarantee of women’s equal rights in marriage or at its dissolution in section 27 of the 1997 Constitution;

(c) Section 33 (5) of the 1997 Constitution, which permits discrimination against women in matters of adoption, marriage, divorce, burial and devolution of property on death, and section 45 of the Women’s Act, which subjects its provisions on inheritance to customary and religious laws, resulting in mainly discriminatory outcomes for women;

(d) The continued social legitimization of polygamy in the State party as a culturally acceptable practice, and the lack of legislation explicitly prohibiting levirate marriage;

(e) The absence of legislation to ensure that divorced, single and widowed women are able to collect child maintenance.

44. **Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:**

(a) **Prevent and eliminate child marriage, including by raising awareness of the harmful effects and criminal nature of this practice, creating confidential**

and safe mechanisms for the reporting of cases of child marriage, providing mandatory capacity-building for religious and faith-based leaders, the judiciary, law enforcement officials, health professionals and social workers, with a view to ensuring the prosecution and adequate punishment of perpetrators, without exception, and providing adequate support to victims;

(b) Amend sections 27 and 33 (5) of the Constitution and section 45 of the Women's Act to include a guarantee of women's equal rights in marriage, family relations and their dissolution, inheritance, child maintenance and custody, and ensure that judges apply these provisions in line with the Convention;

(c) Adopt legislation explicitly prohibiting the practices of polygamy and levirate marriage, without exception, ensuring adequate penalties for non-compliance.

Data collection and analysis

45. The Committee is concerned about the general lack of disaggregated statistical data, which are necessary to accurately assess the situation of women, determine the magnitude and nature of discrimination, develop informed and targeted policies and systematically monitor and evaluate progress achieved towards the realization of substantive equality between women and men in all areas covered by the Convention.

46. The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, geographical location and other relevant factors, and use measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention and the gender-related targets of the Sustainable Development Goals.

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

47. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

48. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in order to achieve substantive equality between women and men.

Dissemination

49. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the National Assembly and the judiciary, to enable their full implementation.

Technical assistance

50. The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.

Ratification of other treaties

51. The Committee notes that the adherence of the State party to the nine major international human rights instruments² would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it is not yet a party.

Follow-up to the concluding observations

52. The Committee regrets the State party's failure to submit information on the measures taken to implement the specific recommendations identified for immediate action in its previous concluding observations (CEDAW/C/GMB/CO/4-5) and requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 20 (a), 26 (a), 34 (b) and 44 (a) above.

Preparation of the next report

53. The Committee will establish and communicate the due date of the seventh periodic report of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should cover the entire period up to the time of its submission.

54. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).

² The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.