



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of the Gambia*

Visibility of the Convention

1. Please indicate the measures taken to ensure that the Convention is better known and applied by the Government, ministries, parliamentarians and community leaders. Please provide information on capacity-building for judges, prosecutors, lawyers and other law enforcement professionals responsible for the implementation of the Convention.

Women's rights and gender equality in relation to the pandemic and recovery efforts

2. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate the measures implemented by the State party to redress long-standing inequalities between women and men and to give a new impetus to the implementation of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals, to meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies, and to ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate the measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan: (a) address and are aimed at effectively preventing gender-based violence against women and girls; (b) guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes; and (c) are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit access for women and girls, including those belonging to disadvantaged and

* Adopted by the pre-sessional working group on 2 March 2022.



marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive healthcare services.

Constitutional and legislative framework

3. It is stated in the report that the Constitution provides for fundamental human rights (para. 20)¹ and that all discriminatory laws against women are under revision through the Constitutional Review process (para. 38). Please indicate which laws have been repealed or liable to be repealed as they discriminate against women and girls. Please provide information on the efforts made towards adopting comprehensive anti-discrimination legislation that includes a definition of discrimination against women encompassing both direct and indirect discrimination in the public and private spheres and in all areas covered by the Convention in line with article 1 of the Convention. Please also provide information on the harmonization of national legislation, including the Constitution, the Women's Act and personal laws (Sharia and customary law), with the Convention.

Access to justice

4. The report indicates the appointment of women judges at all levels of the judiciary and capacity-building on women's rights and violence against women among the law enforcement officials; however, no women have been appointed to the qadi courts and no such training has been extended to officials of religious courts (paras. 49 and 50, 55 and 56). Please indicate the steps taken by the State party to ensure that women are not discriminated against by religious courts, and that they have effective access to justice and remedy. Please provide information on cases brought before the courts on discrimination against women and the outcomes of those cases. Please indicate whether the Convention has been invoked before the courts.

National machinery for the advancement of women

5. The report indicates the establishment, in January 2019, of the Ministry of Women, Children and Social Welfare to coordinate the affairs of women, and the respective responsibilities of the National Women's Council and Bureau, and the gender focal point networks (paras. 60 and 61). Please indicate whether the Ministry of Women, Children and Social Welfare is now adequately equipped in terms of human, technical and financial resources to coordinate its policies and the mechanisms and achieve the full and uniform implementation of the Convention throughout the territory. Please provide information on the proportion of the national budget allocated to the national machinery. Please indicate whether a new gender and women empowerment policy will be adopted to replace the former one, which came to an end in 2020, and whether an action plan will be developed.

National human rights institution

6. The report indicates that the National Human Rights Commission was established in 2017 by an Act of Parliament (paras. 65–67). Please indicate whether measures have been taken to raise awareness among women about the existence of the mechanism, and whether assistance is available to women filing complaints. Please provide information regarding the number of complaints received from women and the outcomes of such cases. Please provide information on the measures taken to ensure the independence of the Commission, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the

¹ Unless otherwise indicated, paragraph numbers refer to the sixth periodic report of the State party (CEDAW/C/GMB/6).

Paris Principles), and to seek accreditation with the Global Alliance of National Human Rights Institutions.

Women human rights defenders and civil society

7. The report indicates that the State party has created an enabling space for civil society organizations to work without any form of hindrance or threat (para. 94). Please indicate the concrete measures taken to create and ensure an enabling environment, in which civil society and women's rights organizations can freely operate, and the legal requirements for the registration and operation of non-governmental organizations, including those relating to women's human rights. Please also indicate measures taken to protect women human rights defenders from harassment, attacks, threats and intimidation, in particular those advocating sexual and reproductive health and rights, ensure their protection from violence and intimidation, and investigate, prosecute and sanction all abuses against them.

Stereotypes

8. It is indicated in the report that initiatives have been undertaken to change gender stereotypes by raising awareness programmes through media, community engagement and training (paras. 76 and 77). Please indicate if any impact assessment of such programmes has been undertaken and, if so, what is the outcome? Please provide information on further measures taken to eliminate the stereotypes that underpin deeply entrenched patriarchal attitudes and reinforce the subordination of women in society. Please provide information on any efforts made to change stereotypes, through awareness-raising and educational campaigns, targeting religious and community leaders.

Harmful practices

9. Despite the ban on female genital mutilation, which was included in the 2015 amendment to the Women's Act, there is a high prevalence of female genital mutilation, affecting 73 per cent of all women between 15 and 49 years old, and only one case has reached the courts. Please explain why more cases have not been brought before the courts and describe how the State party is enforcing the ban.

10. Despite child marriage being criminalized by the Children's (Amendment) Act of 2016, about one in five young women between 15 and 19 years old (19 per cent) are currently married. It is indicated in the report that education and awareness-raising are necessary to comprehensively deal with the issue (para.76). Please inform on measures taken to prevent and eradicate child and/or forced marriage, including the development of a comprehensive strategy and plan of action, awareness-raising campaigns on their criminal nature, and mechanisms to detect cases of such marriages and ensure the prosecution and adequate punishment of perpetrators.

Gender-based violence against women

11. According to information received, in 2018 about 10 per cent of women and girls aged 15 to 49 years reported physical and/or sexual violence by a current or former intimate partner in the previous 12 months. The report indicates that a Sexual and Gender Based Violence unit has been established at the Ministry of Justice in 2018 (para. 28). Please provide data, disaggregated by age and relationship between the victim and the perpetrator, on: (a) number of cases of gender-based violence registered in the past five years; (b) the number of cases pending with prosecutorial offices; (c) the number of cases prosecuted; (d) the number of cases tried; (e) the number of convictions and acquittals; and (f) the number of cases in which compensation was provided to the victim.

12. Please provide further information on measures taken to ensure that women and girls who are victims of violence, including disadvantaged groups of women, have access to effective remedies and protection. Please also provide information on legal, medical and psychological assistance and rehabilitation for victims available in rural areas. Please provide information on the evaluation of the National Plan of Action Against Gender-Based Violence (2013–2017) and on the development of a new one.

Trafficking and exploitation of prostitution

13. A number of measures have been taken to address trafficking in persons (paras. 85–87). Please provide information on the human, technical and financial resources allocated to the National Agency Against Trafficking in Persons. Please also provide updated data on trafficking in women and girls, disaggregated by age and nationality, on the number of victims of trafficking, specifying whether the victims were trafficked for labour or sexual exploitation purposes, and indicate the number of cases investigated, persons prosecuted and convicted and sentences imposed under the Trafficking in Persons Act 2007 for the period under consideration.

14. In the light of the Committee’s previous recommendations ([CEDAW/C/GMB/CO/4-5](#), para. 25), please:

(a) Provide data and information on victims of exploitation of prostitution and child sexual abuse in travel and tourism and perpetrators;

(b) Indicate measures to address exploitation of women and girls in prostitution and child sexual abuse in travel and tourism, and to provide assistance and rehabilitation to victims.

Participation in political and public life

15. In 2021, 8.6 per cent of seats in parliament were held by women and 4 out of 19 Cabinet Ministers were female, representing 21 per cent of Cabinet. The representation of women remains very low among local councillors, and at decision-making positions in the civil service and some levels within the judiciary (qadi and district tribunals) (paras. 90–92). Please indicate whether the State party envisages adopting laws and policies aimed at the promotion of women’s full and equal participation in decision-making in all areas of public, political and professional life, in particular by introducing temporary special measures, such as quotas. Please provide information on the measures taken to address obstacles to the advancement of women, including by raising the awareness of society as a whole, and by further enhancing the capacity of women and encouraging their participation in political and public life.

Nationality

16. The report indicates that children born out of wedlock are issued birth certificates upon presenting the fathers’ identification card, or any identification document, in order to avoid paternity disputes (para. 98). Please indicate the measures envisaged to remedy the situation.

Education

17. In the report, the high rates of completion by girls at all levels of education (paras. 100 and 101) is mentioned, as well as the measures taken to reduce illiteracy rate (paras. 100–107). Please provide information on the measures taken to further retain pregnant girls at school and address their stigmatization from both community and their peers in school. Please provide information on the measures taken to resolve cases of sexual harassment which, according to the information received, are frequent,

such as policies aimed at combating sexual abuse and harassment at school and ensuring that the perpetrators are adequately prosecuted and punished.

Employment

18. The 2018 Gambia Labour Force Survey shows that unemployment among women is at 57.1 per cent, 84.6 per cent of women are considered in vulnerable employment against 71 per cent of males, and women constitute only 14 per cent as wage- and salary-workers. Women account for 70 per cent of unskilled labourers, and 42.4 per cent of female employment is in agriculture. In the private sector only 17.9 per cent women are in managerial and 25.8 per cent in professional positions. The report indicates the commitment of the State party to strengthen its efforts to eliminate horizontal and vertical segregation in the labour market and promote women's access to the formal sector, including through the use of temporary special measures. It further mentions ongoing efforts to collect information on the number, nature and results of labour inspections conducted and the complaints of sexual harassment registered, and to strengthen mechanisms to monitor compliance with the Labour Act and relevant provisions of the Women's Act by both public and private entities (paras. 109–113). Please provide updated information on the results of these efforts. Please provide information on steps taken to address the gender wage gap in both the public and the private sectors, and also clarify if a new draft Labour Law has been adopted, and whether it introduces the principle of equal pay for women and men for work of equal value.

Health

19. The Demographic and Health Survey 2019–20 indicated that 19 per cent of married women use at least one method of contraception; the total demand for family planning among currently married women was 43 per cent in 2019/2020, and 40 per cent of the total demand is satisfied by modern methods. The estimated pregnancy-related mortality ratio is 320 deaths per 100,000 live births. Please provide information on steps taken to ensure that quality health services, including sexual and reproductive health services and access to modern and emergency contraceptives, are provided to the largest possible segment of women both in urban and rural areas. Please provide detailed information on the efforts made to raise awareness of contraceptives and sexual and reproductive health and rights, targeting women and men, girls and boys, and to ensure that modern contraceptives are available, accessible and affordable, with a view to reducing unwanted pregnancy and unsafe abortion, and whether the adoption of a national strategy for the prevention of adolescent pregnancy is envisaged (para. 130).

Economic empowerment of women

20. The report indicates the adoption of a National Development Plan 2018–2021, which focuses on the elimination of poverty and the reduction of inequality through job creation programmes, as well as creating conducive conditions for entrepreneurship. The Plan has in place policies, strategies and programmes to achieve the Sustainable Development Goals including inclusive structural transformation, access to land and resources, income diversification, decent jobs and gender equality, as well as strategies to strengthen rural institutions and access to social protection for the rural poor (para. 137). Please indicate efforts made, as recommended by the Committee (CEDAW/C/GMB/CO/4-5, para. 39), to adopt a strategy on women's economic empowerment that feeds into the overall development strategies of the State party, develop indicators and a monitoring mechanism for the strategy and include as key elements of the strategy access to credit, markets, land and other productive resources.

Rural women

21. Please provide information on the measures taken to overcome legal and sociocultural barriers that restrict access of women to land, such as inheritance rights. Please provide information on the measures taken to expand access by rural women to microfinance and microcredit at low interest rates in all parts of the territory to enable them to engage in income-generating activities and start their own businesses. The State party adopted the Agriculture and Natural Resources Policy 2017–2026, and the National Agricultural Investment Plans. Please indicate whether a gender perspective is taken into consideration in the implementation of these policies and plans, and to what extent rural women have been involved in their development and are represented in the related institutions and bodies.

Marriage and family relations

22. It is stated in the report that the Ministry of Women, Children and Social Welfare in partnership with the Ministry of Justice and the National Assembly will undertake a study on the good practices of other countries with Muslim populations which have non-discriminatory personal status laws in line with the Convention and organize an expert meeting on the issue which will also include religious and traditional leaders (para. 159). It further notes that a gender position paper to the Constitutional Review Commission recommended the replacement of the term “equitable” by “equal” as regards women’s access to property in the Women’s Act and ensure that judges interpret it accordingly in their judgments (para. 160). Please provide information about these initiatives, including the timeline for their completion. Please also indicate the steps taken to bring the personal status law in line with the Convention and other international legally binding instruments, taking into consideration the experience of countries with similar sociocultural and religious backgrounds and legal systems.

Climate change and disaster risk reduction

23. Please describe steps taken to integrate a gender perspective into national policies on climate change in line with the Committee’s general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change. Please specify any measures taken to ensure the effective participation of women in decision-making processes on climate change adaptation, disaster risk reduction and land and environmental resource management.
