



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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Concluding comments: Gambia

1. The Committee considered the combined initial, second and third periodic report of the Gambia (CEDAW/C/GMB/1-3) at its 697th and 698th meetings, on 15 July 2005.

Introduction by the State party

2. In introducing the report, the representative of the State party drew attention to the significant progress achieved in the implementation of the Convention since its ratification in 1992. While stressing the State party's political will and commitment to protecting the rights of women, eliminating all forms of discrimination against women and enhancing their social, political and economic status, there was still room for improvement.

3. Among the State party's achievements was the inclusion of discrimination on the basis of sex in the 1997 Constitution, which corresponded to article 1 of the Convention, and of provisions concerning the equal opportunities in political, economic and social activities.

4. Structures had been put in place to empower women and to advise the Government on women's issues, including the National Women's Bureau and Council, and the Department of State for Women's Affairs under the Office of the Vice-President, as well as a gender cabinet subcommittee and a gender technical committee. A gender focal point network consisting of representatives of key government departments and civil society organizations had been established. Parliament had set up a select committee on women and children.

5. A 1999 National Policy for the Advancement of Gambian Women was being implemented, and progress had been registered in particular in the areas of education, health and economic development. Girl-friendly schools and free State primary schools had been established to encourage education of girls and enhance their access to employment in the long term. The national health policy launched in 2001 aimed at reducing maternal and infant mortality, and an increased number of

communities had become eligible for primary health-care services. Efforts of the Government had resulted in the decline of maternal mortality rates from 1,050 to 730 per 100,000 live births between 1990 and 2001 and of infant mortality rates from 92 to 84 per 1,000 live births between 1990 and 2001. Use of modern contraceptives had also increased.

6. Women contributed greatly to the economic life of the country, as the main producers of rice and being engaged in horticultural activities and the marine sector. Efforts in support of rural women included programmes in the areas of functional literacy, enterprise development, skills training and microfinance as a means of poverty alleviation. Rural women were increasingly becoming involved in the groundnut marketing and trade sectors, and accessed information and communication technologies through community radio stations and media telecommunication centres.

7. In the last five years, women had, for the first time, been elected as village heads (*alkalos*) in the rural administrative structure, where 15 women were elected to area councils. At national level, six women now served in the National Assembly. Women were also represented at the highest level of the executive, with the Vice-President of the Republic being the first and longest-serving female Vice-President in Africa.

8. The representative also drew attention to the Children's Act 2005 which contained specific provisions against trafficking of children, child marriages, child betrothal and harmful traditional practices.

9. The representative recognized that there was room for improvement, and much remained to be done in relation to cultural patterns that discriminated against women, and in respect of achieving attitudinal change.

10. In concluding, the representative reaffirmed the political will and commitment of the Government to fulfilling its obligations in relation to all the provisions of the Convention and reiterated the delegation's willingness to participate in a constructive dialogue.

Concluding comments of the Committee

Introduction

11. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report which had, however, been long overdue. The Committee expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

12. The Committee commends the State party for its high-level delegation, headed by the Secretary of State for Fisheries and Water Resources and composed of representatives of the national machinery for the advancement of women. The Committee appreciates the constructive dialogue held between the delegation and members of the Committee.

Positive aspects

13. The Committee commends the State party for having incorporated, in its Constitution, the principle of non-discrimination against women, as well as provisions to accord women equal rights with men in respect of nationality.

14. The Committee expresses satisfaction with the adoption, in June 2005, of the Children's Act aimed at promoting equality between boys and girls.

15. The Committee welcomes the creation of the National Women's Council, the National Women's Bureau, and the Department of State for Women's Affairs under the Office of the Vice-President, and the setting up of a gender focal point network consisting of representatives of key government departments and civil society organizations.

16. The Committee welcomes the progress made in women's political representation, especially the appointment of a woman as Vice-President of the country, and three women ministers, and the election, for the first time, at the most recent elections, of five women *alkalos* (village heads).

Principal areas of concern and recommendations

17. The Committee is concerned that, although the Convention was ratified in 1993, it has not yet been fully incorporated into Gambian law. It notes with concern that, short of such full incorporation, the Convention's provisions are not justiciable and enforceable in the Gambian courts.

18. The Committee urges the State party to place high priority on completing the process of full incorporation of the Convention in national legislation. It calls upon the State party to ensure that the Convention and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination.

19. The Committee is concerned that the Constitution explicitly exempts from prohibition of discrimination on grounds of gender the areas governing personal status, particularly with regards to adoption, marriage, divorce, burial and devolution of property on death, in contravention of articles 2 and 16 of the Convention, resulting in continuing discrimination against women. The Committee also expresses concern about the widespread practice of polygamy.

20. The Committee calls upon the State party to amend section 33 (5) of its 1997 Constitution, which explicitly exempts from prohibition of discrimination on grounds of gender the areas governing personal status, particularly with regards to adoption, marriage, divorce, burial and devolution of property on death. It urges the State party to accelerate its efforts towards the revision of discriminatory legislation so as to bring it into compliance with articles 2 and 16 of the Convention. The Committee also calls upon the State party to implement measures aimed at eliminating polygamy, as called for in the Committee's general recommendation 21 on equality in marriage and family relations.

21. The Committee expresses concern about the persistence of strong patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of

women and men in society, which are discriminatory of women. The Committee is concerned that the persistence of such discriminatory cultural practices and traditional attitudes perpetuates women's subordination in the family and society and produces serious obstacles to women's enjoyment of their human rights. The Committee regrets that no systematic action has been taken by the State party to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women.

22. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to introduce measures without delay to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment to transform and change discriminatory stereotypes and allowing women to exercise their rights under the Convention.

23. The Committee expresses concern about the lack of legislation, policies and programmes to address violence against women, including domestic violence. The Committee also expresses its concern about the paucity of information and sex-disaggregated data in the report on violence against women. The Committee is further concerned about the lack of social awareness on the issue of violence against women and girls in the country.

24. The Committee requests the State party to adopt comprehensive measures to address violence against women and girls in accordance with its general recommendation 19. The Committee urges the State party to enact legislation on violence against women, including domestic violence, as soon as possible and to ensure that women and girls who are victims of any form of violence have access to immediate means of redress and protection, as well as access to counselling services, and that perpetrators are prosecuted and punished. The Committee calls upon the State party to collect sex-disaggregated data on all forms of violence against women, and undertake research into the extent of violence against women and girls, including domestic violence. The Committee requests the State party to provide information in its next report on the laws and policies put in place to address violence against women and the impact of such measures. The Committee recommends the implementation of training for law enforcement officials, the judiciary, health providers, social workers and the general public so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. It also recommends the implementation of awareness-raising campaigns through the media and public education programmes and the working towards a zero-tolerance policy on all forms of violence against women.

25. The Committee expresses concern at the high incidence of female genital mutilation in the country and at the lack of legislation, policies and programmes aimed at eradicating such a practice.

26. **The Committee urges the State party to adopt and adequately implement legislation prohibiting female genital mutilation, and to ensure that offenders are adequately prosecuted and punished. It also recommends that the State party develop a plan of action, including public awareness-raising campaigns, targeted at both women and men, with the support of civil society, to eliminate the practice of female genital mutilation.**

27. The Committee expresses concern at the limited information provided in the report on the sexual exploitation and trafficking of women and girls in the Gambia, and on measures taken to effectively combat these phenomena. The Committee is particularly concerned about the phenomenon of sex tourism in the country.

28. **The Committee requests the State party to introduce legislation on the prohibition of trafficking, to effectively implement legislation on the exploitation of the prostitution of women, and to prosecute offenders. It recommends that the State party put in place programmes for promoting women's economic independence so as to eliminate their vulnerability to exploitation, and measures for the rehabilitation and social reintegration of women and girls who are victims of exploitation and trafficking. The Committee calls upon the State party to ensure the implementation of the 2003 Tourism Offence Act, and to enhance cooperation with tourists' countries of origin aimed at preventing and combating sex tourism. The Committee requests the State party to provide, in its next report, comprehensive information and data on sexual exploitation and trafficking of women and girls, and on measures taken to prevent and combat such activities, including sex tourism.**

29. While acknowledging the increase in women's political representation, the Committee remains concerned about the low level of representation of women in public and political life and in decision-making positions, including in the foreign service.

30. **The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public and political life and at all levels.**

31. The Committee is concerned about the low participation of women in the labour market, especially in decision-making positions. It also notes with concern that the report did not include sufficient information and up-to-date data on the situation of women in the labour market, particularly in the informal sector. It also regrets that the report did not include information on legislation aimed at eliminating sex discrimination in the labour market.

32. **The Committee urges the State party to ensure equal opportunity for women and men in the labour market through, inter alia, the use of temporary special measures, according to article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee requests the State party to provide, in its next report, detailed information on the situation of women in the formal and informal sectors of the labour market, including the percentage of women, as compared with men, in the different sectors of the economy, and their respective wages, as well as information on legislation to**

guarantee equality of rights between women and men in the labour market, and its effective implementation.

33. While recognizing the progress made in lowering maternal mortality from 1,050 per 100,000 live births in 1990 to 730 per 100,000 live births in 2001, and infant mortality from 92 per 1,000 live births in 1990 to 84 live births in 2001, the Committee remains concerned that these rates continue to be very high. The Committee is particularly concerned about the lack of access of women to adequate prenatal and post-natal care.

34. The Committee recommends that the State party make every effort to decrease the high maternal and infant mortality rates, and increase women's access to health services, including health-care facilities and medical assistance by trained personnel, especially with regard to prenatal and post-natal care. It also calls upon the State party to implement awareness-raising campaigns to enhance women's knowledge of health issues.

35. The Committee expresses concern about the high rates of malnutrition, malaria and HIV/AIDS affecting women and girls in the country. The Committee is further concerned that women lack access to information and services related to reproductive health and that, although contraceptive use increased from 6.7 per cent in 1990 to 13.4 per cent in 2001, it continues to remain low. The Committee regrets that women's access to family planning services is, in general, dependent on several social and cultural factors.

36. The Committee recommends the implementation of comprehensive policies and programmes to prevent and combat malnutrition, malaria and HIV/AIDS. The Committee calls upon the State party to implement measures to guarantee effective access for women, including young women, to reproductive health-care information and services. It further recommends that programmes and policies be adopted to increase knowledge about, and access to, affordable contraceptive methods and to increase the understanding that family planning is the responsibility of both partners. It also encourages the State party to ensure that women have easy access to family planning services. The Committee also recommends that sex education be widely promoted and provided, targeting men and women, and adolescent boys and girls, including information on the prevention of HIV/AIDS.

37. While noting the efforts made by the State party to revise its policy on education in order to address the needs of the girl child, the Committee expresses its concern about the low enrolment of girls in schools, especially at secondary and higher levels, and their high dropout rates. The Committee is particularly concerned that, according to the 1993 census, only 27 per cent of women in the Gambia are literate and that in the rural areas, the proportion is only 18.3 per cent.

38. The Committee urges the State party to take measures on the importance of realizing women's and girls' right to education as a fundamental human right, including for the empowerment of women. It also calls upon the State party to strengthen measures to create an environment that increases the enrolment and retention rates of girls in schools at all levels, including through the development of gender-sensitive educational material. The Committee calls upon the State party to step up its efforts to eradicate female illiteracy, particularly in rural areas, including through comprehensive education

programmes at the formal and non-formal levels, as well as programmes specifically targeting adult women. The Committee encourages the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, in order to accelerate the improvement of women's and girls' education.

39. While welcoming the adoption of the Children's Act, which includes provisions against child marriage and child betrothal, the Committee expresses concern about the high incidence of early marriages in the country.

40. The Committee urges the State party to ensure the implementation of the Children's Act, and to undertake awareness-raising measures throughout the country on the negative effects of early marriage on women's enjoyment of their human rights, especially the rights to health and education.

41. The Committee is concerned about the situation of rural women, many of whom live in extreme poverty, and lack access to health care, education, vocational training, credit facilities and income-generation opportunities. It is particularly concerned that the State has not yet designed a gender-sensitive rural development strategy.

42. The Committee urges the State party to design and implement a gender-sensitive rural development strategy. It calls upon the State party to ensure that rural women can participate fully in the formulation and implementation of policies and programmes in rural areas. It urges the State party to ensure that rural women and girls have full access to health-care services, education and vocational training, as well as credit facilities and income-generating opportunities.

43. The Committee regrets that the report does not provide sufficient updated statistical data disaggregated by sex on the situation of women in all areas covered by the Convention and information on the impact of measures taken and the results achieved.

44. The Committee calls upon the State party to put in place a comprehensive system of data collection and of measurable indicators to assess trends in the situation of women and of progress towards women's de facto equality. It invites the State party, as necessary, to seek international assistance for the development of such data collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved.

45. 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, paragraph 1, of the Convention concerning the meeting time of the Committee.

46. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

47. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development

Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals, and requests the State party to include information thereon in its next periodic report.

48. The Committee notes that States' adherence to the seven major international human rights instruments¹ enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Gambia to consider ratifying the treaties to which it is not yet a party, namely, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

49. The Committee requests the wide dissemination in the Gambia of the present concluding comments in order to make the people of the Gambia, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and the Optional Protocol thereto, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".

50. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention, which is due in May 2006.

Notes

¹ 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 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
