



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women Sixty-first session

### Summary record of the 1311th meeting

Held at the Palais des Nations, Geneva, on Thursday, 9 July 2015, at 10 a.m.

*Chairperson:* Ms. Hayashi

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(*continued*)

*Combined fourth and fifth periodic reports of the Gambia*

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*The meeting was called to order at 10 a.m.*

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

*Combined fourth and fifth periodic reports of the Gambia (CEDAW/C/GMB/4-5; CEDAW/C/GMB/Q/4-5 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of the Gambia took places at the Committee table.*

2. **Ms. Graham** (Gambia), introducing the State party's combined fourth and fifth periodic reports (CEDAW/C/GMB/4-5), said that the Gambia had demonstrated its commitment to ending violence against women and girls by ratifying a number of international instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It had also signed and undertaken to implement a number of international conventions, agreements and declarations as part of its efforts to give effect to the Beijing Declaration and Platform for Action, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Solemn Declaration on Gender Equality in Africa. The Government of the Gambia was committed to strengthening its legal framework and to continuing to integrate the promotion and protection of women's rights into its national development strategies. The President of the Gambia had set up a special trust fund that provided thousands of girls with scholarships to pursue further education.

3. The Gambian Constitution guaranteed the protection of the fundamental rights and freedoms of all persons in the Gambia, irrespective of their race, gender, language, religion, political opinion, national or social origin, birth or other status. However, the country's multicultural composition stood as an obstacle to social and legal reforms, thereby undermining the achievement of gender equality and women's empowerment.

4. The taboo against reporting cases of gender-based violence and the prevailing negative attitude towards the victims of the phenomenon often deterred women and girls from speaking out. However, the enactment of several laws to address gender-based violence had led to an increase in the number of reported cases. The purpose of the Women's Act 2010, which had recently been translated into various local languages, was to enforce women's rights and to provide them with comprehensive protection against all forms of violence and discrimination. The Act transposed the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa into the domestic legal order and implemented the National Policy for the Advancement of Gambian Women and Girls. The Act provided for several measures to reduce gender inequalities and to promote substantive equality between men and women in the country, including monitoring the prevalence of gender-based discrimination in the public and private spheres and improving the living conditions and elevating the status of women. The Act mirrored the constitutional provision guaranteeing freedom of expression, making it specifically applicable to women, and took account of the circumstances in which women were denied that freedom on account of the country's patriarchal society. Under the Act, women whose rights had been violated could approach a competent court to seek redress.

5. The Act required all State institutions and private enterprises to adopt temporary special measures aimed at accelerating de facto equality between men and women; specifically prohibited discrimination against and the stereotyping of women in the employment sphere; and afforded working mothers special protection, which included six months of paid maternity leave without loss of employment, seniority or other

benefits. The Act also recognized the right of women and girls to an education, prohibited discrimination against women and girls in the educational sphere and outlawed the removal of girls from school for marriage. In addition, the Act covered reproductive health rights and services, including the right to obtain a medical abortion when continuing with the pregnancy would endanger the life of the mother or the foetus. The Act also contained provisions aimed at increasing the number of women in politics and in decision-making positions. However, despite the considerable progress made in that area, the Gambia had not yet attained the required ratio of 30 per cent female representation at all levels.

6. The Domestic Violence Act 2013 contained a broad definition of “domestic violence” and “domestic relationship” to provide the most comprehensive protection possible to the victims of that phenomenon. The Act also stipulated that persons charged with having committed the offence of domestic violence could not invoke the alleged consent of the victim as a defence. Victims of domestic violence could seek redress by filing a formal complaint against the perpetrator and by applying for a protection order from the courts. If found guilty, perpetrators of domestic violence were liable to a fine, to a prison term not exceeding 2 years, or both. The purpose of the Sexual Offences Act 2013 was to amend the provisions of the Criminal Code concerning trials for rape and other sexual offences and measures to combat sexual offences. In the Gambia, common law, customary law and sharia law operated in parallel. However, any person residing in the Gambia could approach the civil courts. Customary laws only applied to the members of certain communities. Sharia law was invoked in matters such as marriage, divorce, devolution of property and inheritance in the communities to which it applied.

7. The High Court had recently issued two decisions relating to the enforcement of the Women’s Act in disputes concerning the equitable distribution of matrimonial property at the end of a marriage. However, some of the rights accorded to women under the Women’s Act were restricted because some of its provisions relating to marriage and the family were governed by personal law. As the overwhelming majority of Gambians were Muslims, care had to be taken to ensure that those provisions did not come into conflict with sharia law.

8. The Human Rights Unit of the Office of the Ombudsman had dealt with a number of complaints of discrimination on the grounds of disability filed by vulnerable women. The Education Sector Strategic Plan 2006–2015 contained gender mainstreaming strategies geared to minimizing educational costs, especially for girls. Special grants were also available to ensure that all children had access to free basic education.

9. The purpose of the Trafficking in Persons Act 2007 was to prevent trafficking in persons, to punish traffickers and to rehabilitate and reintegrate victims. The Children’s Act 2005 provided for various protection measures for children who were the victims of sexual offences and prohibited the import and export of children for prostitution. The national machinery for the advancement of women included the Ministry of Women’s Affairs as the primary coordinating and monitoring mechanism for activities to promote women’s rights and the National Women’s Bureau as the body responsible for providing technical support on gender mainstreaming to the different government ministries and institutions. Further measures to assist women included the setting up of drop-in centres for victims of gender-based violence and a dedicated hotline operated by the Department of Social Welfare.

10. The Government recognized that the country’s patriarchal norms and values were one of the root causes of violence against women and girls. While considerable progress had been made in curbing that phenomenon, despite a lack of human and financial resources, much remained to be done. The Government of the Gambia

remained committed to promoting women's rights and to ending all forms of discrimination against women.

*Articles 1 to 6*

11. **Ms. Nadaraia** commended the equality and non-discrimination provisions of the Gambian Constitution, the role of the Women's Act in enforcing women's rights and achieving gender equality and the purpose of and protection provided by the Trafficking in Persons Act, the Sexual Offences Act and the Domestic Violence Act. However, the prohibition of gender-based discrimination provided for in the Constitution did not apply in respect of matters such as adoption, marriage, divorce, burial or devolution of property, which were governed by personal law based on sharia and traditional practices. As a result, Muslim women were placed on an unequal footing with men in family matters and made subject to different standards of justice. Moreover, *cadi* courts, which were the courts competent to rule on such matters, were often male-dominated and patriarchal in nature. The Committee had also received information to the effect that the Women's Act was not widely known and that consequently very few women used it to assert their rights.

12. A further cause for concern was that the definition of a child did not apply in respect of marriage, as child marriage was not formally prohibited and that no minimum age of marriage had been established. The Committee had received reports that women's rights defenders were often subjected to intimidation and given little or no protection. She asked to what extent women's organizations had contributed to the State party's periodic report.

13. **Ms. Graham** (Gambia) said that the Gambia had a dual legal system composed of common law and personal law. Estates were divided up and burial rites were performed in accordance with the personal law applicable to the deceased person. If the deceased person was a Muslim, he or she would be buried and his or her estate would be divided up in accordance with sharia law. If the deceased was not a Muslim, common law applied. The Curator of Intestate Estates could set up a trust fund on behalf of the beneficiaries of a deceased Muslim man and provide his widow with advice on how to invest her portion of his estate. Employees were required to specify their next of kin in order to facilitate the transfer of employment benefits upon their death. Under sharia law, if a Muslim man was survived only by a female child, she would receive half of his estate while the remaining half would be divided up among the deceased man's siblings and parents. However, the estate could also be divided up according to specific instructions left by the deceased. The majority of Gambians entrusted the task of dividing up the estates of deceased relatives to the Curator of Intestate Estates as opposed to the *cadi* courts, as the former's procedure was more straightforward.

14. **The Chairperson** asked whether civil society and women's organizations had participated in the preparation of the State party's report (CEDAW/C/GMB/4-5).

15. **Mr. Marong** (Gambia) said that the Office of the Vice-President and the Ministry of Women's Affairs had established gender focal points in all ministries, institutions, civil society organizations and NGOs and that the latter were involved in the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

16. The Office of the Vice-President and the Ministry of Women's Affairs worked closely with *cadis* and other religious leaders and provided them with training on the provisions of the Women's Act. The Act had been translated into Arabic and various local languages and was being disseminated throughout the Gambia.

17. **Ms. Graham** (Gambia) said that the cadis were highly qualified and well versed in jurisprudence; they had codified and simplified their rules and subscribed to the Maliki school of thought. Early marriage was prohibited under the Children's Act, and children could not be withdrawn from school to contract early marriage.

18. **The Chairperson** pointed out that the Gambia had not yet accepted the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee on the Elimination of Discrimination against Women and urged it to do so.

19. **Ms. Gabr** expressed concern about the large number of mechanisms devoted to women's affairs and asked how the mechanisms were coordinated. Information on the establishment of their mandates and the source of their funding would be welcome. She enquired whether the Gambia had a comprehensive strategy on women and, if so, which mechanism funded the strategy and oversaw its implementation.

20. **Mr. Marong** (Gambia) said that the Ministry of Women's Affairs headed the national machinery for the advancement of women. It established programmes, mobilized resources for the implementation of the Gender Policy 2010–2020 and provided support to gender focal points.

21. The Women's Bureau in the Ministry of Women's Affairs provided technical support on gender mainstreaming to ministries, institutions, local governments, civil society organizations and the private sector. Civil society organizations and NGOs worked with the Bureau and kept it informed of developments at the grass-roots level.

22. The National Women's Council was composed of women representatives from every district, who advised the Government on matters affecting women's well-being and welfare. The representatives also helped to raise awareness of legislation affecting women.

23. **Ms. Nadaraia**, noting the prevalence of temporary special measures in the Gambia, asked why such measures applied to women in middle management positions, but not to women in decision-making positions or to women's political participation.

24. **Ms. Graham** (Gambia) said that temporary special measures had been established under the Women's Act with a view to promoting gender equality. The Act prohibited discrimination against women in employment and afforded protection and benefits, such as maternity leave, to working mothers. It also prohibited discrimination in education and recognized the right of every girl and woman to an education.

25. While 5 out of 15 Cabinet members were women, there were few women representatives in the National Assembly and in local governments. The exclusion of women from decision-making positions reflected the low status of women in the Gambia and should be addressed.

26. **Ms. Foon** (Gambia) pointed out that the Deputy Speaker of the National Assembly was a woman.

27. **Ms. Gabr** said that she was not seeking information on women representatives in parliament, but rather on the channels of communication between parliament and the machinery for the advancement of women. With regard to funding, her question concerned not so much specific donors, but rather the availability of reliable funding to cover, inter alia, the staffing costs of women's affairs mechanisms. She also asked for clarification on the funding and composition the National Women's Federation.

28. **Ms. Graham** (Gambia), referring to the channels of communication between women and parliament, said that women expected members of parliament to represent them and convey their concerns to the Government. For example, the Women's Act had been adopted by parliament as a result of the concerns raised by women activists,

civil society organizations and NGOs. Women enjoyed freedom of expression and could express their grievances to parliament.

29. With regard to reliable funding for staffing costs, she said that government employees were paid without fail. Domestic workers or workers in the private sector could address complaints concerning remuneration to tribunals or the Office of the Ombudsman.

30. **Mr. Marong** (Gambia) said that the National Women's Federation was a forum for women to meet and air their concerns; however, it lacked funding and relied on donations.

31. **Ms. Gabr** asked whether the Gambia was planning to establish a national human rights commission in accordance with the Paris Principles and whether there would be a link between the commission and existing mechanisms. She also wished to know which mechanism was responsible for amending legislation and drafting laws on women's rights.

32. **Ms. Graham** (Gambia) said that the establishment of a national human rights commission was still under consideration. However, the Office of the Ombudsman was empowered to address human rights violations and to administer justice in that regard.

33. **Mr. Marong** (Gambia) said that the Office of the Vice-President was responsible for gender issues. Proposed amendments to legislation were sent to the Ministry of Justice for review and then returned to the Ministry of Women's Affairs.

34. **Ms. Gbedemah** said that the delegation had not yet responded to the question about women's rights defenders. Had the State party taken steps to ensure that women's rights defenders enjoyed freedom of expression?

35. **Ms. Graham** (Gambia) said that the allegations surrounding women's rights defenders were unfounded; none had been detained, tried or convicted for seeking information or expressing opinions about the Government or the status of women. Nevertheless, the right to information and the right to freedom of expression were not absolute and were restricted under the Constitution.

36. **Ms. Patten** noted that the Gambia did not have a specific law on female genital mutilation and that the national plan of action on female genital mutilation had not yet been approved. Was technical assistance being sought in that regard? The Committee would welcome a time frame for the elaboration and adoption of a law banning female genital mutilation and punishing the perpetrators.

37. Noting the adoption of the Domestic Violence Act and the Sexual Offences Act, she asked if any training on the legislation was being provided to the judiciary or law enforcement officials. Were the gaps and loopholes in the legislation being addressed? She expressed concern at article 36 of the Domestic Violence Act, which provided that cases of non-aggravated domestic violence could be settled out of court, and asked if there were any data on the number of cases that had been settled in that manner. She also asked if the reporting and monitoring mechanisms outside the greater Banjul area had been improved. Lastly, she wished to know whether the Government was working with women's organizations and NGOs to raise awareness of violence against women and the new legislation.

38. **Ms. Hofmeister**, emphasizing the importance of article 5 (a) of the Convention, which called on States parties to modify social and cultural patterns that were based on ideas of inferiority or superiority of either of the sexes or on stereotypes, said that it was aimed at achieving de facto equality. Social structures were undermined by patriarchal systems of the kind acknowledged to exist in the Gambia, which were

based on an assumption of the biological inferiority of women. Moreover, the country's so-called "personal law" hindered the enforcement of its Constitution and the implementation of the Women's Act and other laws.

39. She asked what action the State party was taking to implement 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 (CEDAW/C/GC/31-CRC/C/GC/18), which called for the immediate abolition of female genital mutilation and other harmful practices and the adoption of comprehensive awareness-raising programmes to change attitudes, traditions and customs. What efforts had the State party undertaken to harmonize personal law with written law and sharia?

40. **Ms. Al-Dosari** said that the United Nations Population Fund (UNFPA) had been responsible for coordinating a campaign and action plan against female genital mutilation, seeking inter alia to make women more autonomous in combating the practice. Had that goal been achieved? What measures had been taken against forced marriage, or to reinforce legal provisions for the defence of women's rights? What steps had been taken to encourage civil society and non-governmental organizations to combat gender-based violence? Were their activities limited to awareness-raising, or were women involved in decision-making processes and in the actual monitoring of gender-based violence? Paragraph 34 of the report mentioned a survey which showed that the number of women reporting that they had been forced to engage in sex had declined nearly threefold between 2002 and 2005. What was the reason for the decline? According to the survey, the problem was more acute in peri-urban areas. Had the Government taken any steps to target the problem in those parts of the country?

41. A study by the International Labour Organization (ILO) had concluded that there was a link in the Gambia between gender violence and HIV/AIDS. The delegation should describe programmes aimed at combating family violence and should inform the Committee of any obstacles encountered in their implementation. It should provide the Committee with data on reports and prosecutions of acts of family violence, sexual assault and rape and with information on victim rehabilitation efforts.

42. **Ms. Graham** (Gambia) said that a national plan of action to accelerate the abandonment of female genital mutilation and circumcision had been drawn up and that the Government and civil society organizations currently addressed the problem through community empowerment programmes, the main purpose of which was to prompt community-based action that would lead to the abandonment of the practice. The programmes were based on best practices employed in other countries, such as Senegal. The Ministry of Basic and Secondary Education had adopted a curriculum that included human rights together with the dangers of female genital mutilation, and teachers had been given continuous training in those subjects. UNFPA and the United Nations Children's Fund (UNICEF) had both actively supported awareness programmes. The main non-governmental organization working against female genital mutilation in the Gambia was the Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP), which had held training sessions for members of parliament in 2010 and was continuously working, along with a number of other civil society organizations, to eliminate harmful practices, in particular by engaging professionals in the health-care sector and traditional leaders.

43. Unfortunately, the Women's Act did not currently criminalize such harmful practices. However, Gambian law had been changed several times in recent years to provide additional protection to women and girls, notably through the adoption of the Women's Act, the Domestic Violence Act and the Sexual Offences Act. Approximately 10 persons had been convicted for offences under the Sexual Offences Act. The

Domestic Violence Act included innovative provisions extending the definition of domestic relationships to include the extended family and establishing that violence in a domestic setting could not be considered to be a private, family affair. Under the Act, victims could apply for court-ordered protection.

44. Some 95 per cent of Gambians were Muslims for whom it was important that the distribution of property should be equitable, which did not necessarily mean equal. That approach was in accordance with sharia, which called for male heirs to receive twice as much as female ones. The principle was an entrenched tradition among Muslims and an integral part of sharia. She had not heard of a single court case brought by a Muslim woman or a civil society organization complaining of discrimination in that regard. The practice was not at all perceived as an imposition, but rather as an expression of the faith, following the inheritance rules set out by sharia. Inheritances for Christians and animists were governed by personal law (common law), and were not affected by sharia, so there was no conflict. The Gambia had unrivalled religious harmony between Christians and Muslims.

45. Human rights issues did indeed arise in connection with inheritance. In some animist groups, tradition called for widows to remarry their deceased husbands' brothers, failing which they would be evicted from the marital home. Some people who claimed that they were animist did so in order to engage in polygamy, but were in fact Christian. If it was determined that a deceased person had had a Christian burial, the inheritance was handled according to Christian law.

46. **Mr. Marong** (Gambia) said that notwithstanding the fact that there was currently no law specifically prohibiting female genital mutilation, the Government made efforts to combat the practice, for example by supporting the activities of non-governmental organizations. The practice was deeply rooted in Gambian culture and tradition, and the Government considered that the national plan of action funded by UNICEF and UNFPA should concentrate on changing public attitudes. Practitioners of genital mutilation were generally women, and the campaigns sought to raise their awareness of the harmful effects of the practice. GAMCOTRAP had carried out admirable work in that regard, resulting in more than 10,000 women practitioners halting their activities and taking up other income-generating work.

47. According to the information at the Government's disposal, up to 75 per cent of women reported being victims of gender-based violence, and the Government had thus adopted a national plan of action to address that problem.

48. **Ms. Graham** (Gambia) said that the enactment of a law banning female genital mutilation, a practice rooted in the country's culture and tradition, could be counterproductive, as the law would be likely to be disregarded as unrealistic. Democracy, like human rights, was a process. The Gambia had come a long way, and the Government had met all of its obligations and had provided resources to civil society organizations, including GAMCOTRAP. The laws that it adopted were not merely statements of intent; they had to be enforceable enactments.

49. **Mr. Marong** (Gambia) said that between January and June 2014, perpetrators of gender-based violence had been convicted in more than 120 cases that had been reported to various hospitals, government departments, lawyers' associations and police units. Some were still serving their sentences. A national Standing Committee on Gender-based Violence, made up of representatives of government ministries, the Attorney General, the Gambian Police Force, the Female Lawyers Association-Gambia, hospitals and the Women's Bureau, had been established in 2012 with the aim of coordinating action to combat the phenomenon. In 2010, the Ministry of Health had incorporated modules on female genital mutilation and circumcision in nursing school



curricula, and in 2012, the Women's Bureau had developed a data-collection tool for the monitoring of data on circumcision.

50. **Ms. Patten** pointed out that numerous international bodies had called for the adoption of a law banning female genital mutilation and that the Gambian Government itself had accepted a recommendation emanating from the universal periodic review of the Human Rights Council to immediately prohibit the practice in law. It was thus all the more disturbing to learn that no procedure was under way to adopt such a law. Domestic violence legislation required constant revision. Was the Domestic Violence Act subject to such review? The provision in the Act allowing out-of-court settlements was fraught with danger. It was well known that victims were often subjected to enormous pressure not to bring charges.

51. **Ms. Jahan** said that, as a fellow Muslim, she was aware that there was ample scope in Islam for interpreting sharia in non-discriminatory ways and that there was no contradiction between Islam and the concept of equal rights. Many Muslim countries had adopted flexible approaches to ensure equal rights for women without compromising the essence of the religion. She encouraged the Gambia to follow best practices in that regard.

52. **Ms. Gabr** said that there was no link between Islam and female genital mutilation, a tradition practised mainly in the Nile valley. It was important to point that out in the awareness-raising activities carried out in the Gambia.

53. **Ms. Gbedemah** said that it was encouraging that acts of violence in domestic settings were no longer treated as private affairs under the law. In the same vein, the law should prohibit marital rape. The Sexual Offences Act did not prohibit marital rape. There was no reason for married women to have less legal protection against rape than unmarried women.

54. Clearly, there was a groundswell of support for the prohibition of female genital mutilation in the Gambia. Over 10,000 practitioners had stopped performing the procedure. Abolishing the practice in law would build on that trend and would bring the State party's legislation into line with the views gaining currency in society.

55. She congratulated the State party on the adoption of the Trafficking in Persons Act and the Tourism Offences Act. The Government had established a National Agency against Trafficking in Persons that had the mandate to defend the rights of victims of trafficking irrespective of their immigration status, including their right to bring civil action and claim compensation, restitution and recovery. Had any victims of trafficking actually benefited from those provisions? No one had so far been prosecuted under the Act, but the Government had stated in its replies to the list of issues that one person was under investigation for trafficking persons to Lebanon. What was the status of that case? Prostitution was prohibited in the Gambia. Did the Government have any programmes of assistance for persons wishing to abandon prostitution and for victims of child sexual exploitation?

56. **Ms. Haidar** invited the Government to follow best practices in the application of sharia law. Morocco and other countries applying the Maliki school of thought had made tremendous progress. The Moroccan population, like that of the Gambia, was over 95 per cent Muslim, and the country had already gone through two stages of revision of its family law. In any country, women could opt to marry persons of faiths different from theirs. Gambian law should include provisions to cover such cases.

57. **Ms. Al-Dosari** asked what role the media played in combating violence against women.

58. **Ms. Graham** (Gambia) said that it was often cheaper and more time-efficient for disputes to be settled out of court, and that was therefore common practice in cases

pertaining to matrimonial rights and land law. If the litigants were not satisfied with the result of the settlement, they were entitled to institute fresh proceedings. Marital rape needed to be addressed because it was a concept that was not fully understood by Gambian society, and by Gambian men in particular. Regarding the inequality of inheritance between men and women, she said that, despite the dominance of Maliki jurisprudence in the Gambia, the delegation would welcome advice from different Islamic schools of thought on the issue.

59. **Mr. Marong** (Gambia) said that although marital rape was punishable under the Women's Act 2010, it had been decided following discussions with religious leaders that it should not be recognized as an offence and that the relevant provision should therefore be removed from the Act. Given that 95 per cent of the Gambia was Muslim, the Government followed the guidance of its religious leaders, although that was not to say that the Act would not be later amended to classify marital rape as a punishable offence.

60. **Ms. Graham** (Gambia), referring to trafficking and exploitation, said that the National Agency against Trafficking in Persons had launched a number of awareness-raising campaigns for border security officials and communities. Since the introduction of the Trafficking in Persons Act, no prosecutions or convictions had taken place but an investigation was currently being conducted into a case in which a number of girls had allegedly been trafficked into Lebanon. Preventive measures were being taken by the National Agency in collaboration with law enforcement bodies. The National Agency was funded solely by the Government, and shelters for trafficking victims had also been made available by the State.

61. **Mr. Marong** (Gambia) said that gender-based violence was punishable under the Women's Act and the Sexual Offences Act. Reported cases were monitored and investigated by a committee under the Office of the Vice President. Furthermore, efforts were under way to enact a law prohibiting female genital mutilation (FGM). A bill had been drafted in that regard and was currently being reviewed by the Cabinet of Ministers. Awareness-raising on the dangers of the practice was also being conducted.

62. **The Chairperson** said that she would appreciate a comment on how the Government was ensuring the implementation of the mandatory provisions of the Women's Act 2010 on increasing the number of women in decision-making positions. She also enquired about the current state of the implementation of the Gender and Women Empowerment Policy and the Local Government Act, and about efforts to prevent women from being forced into marginal positions in local governments owing to the prevalence of cultural and religious misconceptions, as reported by alternative sources. At the national level, the representation of women in the National Assembly was considerably below the 30 per cent level set as a minimum by the United Nations. Moreover, the percentage of women in national parliament and ministerial positions had fallen since the early 2000s and the Committee wished to know why that was the case. Furthermore, she asked whether any sanctions could be imposed in the event of non-compliance with the Women's Act, what women in elected bodies were doing to enhance the participation of women in decision-making, and whether there were plans to increase the participation of women at the international level.

63. **Ms. Gbedemah** said that alternative sources claimed that there were obstacles to registering the birth of a child in the Gambia, particularly for children born out of wedlock or to single mothers, on account of stigmatization. Moreover, alternative sources also reported that it was difficult to register children over the age of 5. She would like to know what the Government was doing to eliminate stigmatization from such procedures, and to simplify the registration process for children aged over 5.

64. **Ms. Graham** (Gambia) said that the procedure for birth registration was very simple and accessible and did not stigmatize single women. For instance, the father of a child did not have to be present to affirm his paternity during birth registration. With regard to the reduced number of women in ministerial positions, the Gambia suffered from a high exodus of skilled workers which, given its small population, undoubtedly had an impact on women's occupancy of decision-making positions.

65. **Mr. Marong** (Gambia) said that the Women's Act and the Constitution itself contained mandatory provisions prohibiting all forms of discrimination against women in all aspects of public and private life. The Act promoted greater participation of women in political and other decision-making bodies, and temporary special measures in line with the Committee's general recommendation No. 25 had also been introduced.

66. **Ms. Graham** (Gambia) said that the National Women's Council and Bureau were the main State bodies responsible for implementation of the Beijing Platform for Action and national policies. It was the Council's duty to advise the Government on measures ensuring the participation of women in the economic, social and cultural development of the Gambia. The Bureau, on the other hand, was responsible for the daily administration and implementation of gender policies drafted by the Council.

67. **Mr. Marong** (Gambia), in response to the Chairperson's question on sanctions, said that violations of the Women's Act were subject to fines or 2-year prison sentences.

68. **Ms. Jahan** said that, although the enrolment of girls at primary school level had increased, the completion rate of primary education for girls was lower than for boys. As for secondary and tertiary education, the enrolment and retention rate for girls was considerably lower than for boys, which inevitably affected girls' access to employment. A significant disparity between urban and rural education rates for girls also existed and, therefore, the Committee wished to know whether State education policies were supported by an adequately resourced monitoring system. Moreover, she asked what percentage of the State budget was devoted to promoting girls' access to education, and what steps were being taken to address the hidden costs of ostensibly free primary education in order to allow girls from poor families to attend school. Furthermore, given that the Education Sector Strategic Plan 2006–2015 was coming to an end, she wondered whether the adoption of a new long-term plan was envisaged by the State party, whether it would include temporary special measures, and whether it would seek to minimize education costs.

69. The Committee wished to know what measures were taken to promote access to education for girls with disabilities, and to prevent girls from being taken out of school for the purpose of early marriage which, although prohibited under the Women's Act, was still widely practised. Child marriage should be prevented through legislative change as it had a negative impact on female education. It would be useful to know how the Government was enabling young mothers to return to school, whether the State intended to provide age-appropriate education on the topic of sexual and reproductive health, particularly since teenage pregnancy was a major reason for girls dropping out of school, what laws and sanctions existed against the sexual harassment and abuse of girls in schools by fellow pupils and teachers, and whether the State party was seeking to make schools more girl-friendly, such as by providing separate toilets for girls and boys.

70. **Ms. Patten** said that the low percentage of women employed in the civil service was a cause for concern, particularly as they mainly occupied subordinate rather than managerial positions. She wondered whether studies would be conducted to address entrenched discrimination in hiring procedures in the civil service, and whether the

Government intended to adopt temporary special measures to promote the employment of women in that sector and in the private formal sector. Was the State party considering a reform to the Labour Act in order to address the issue of sexual harassment in the workplace by providing an appropriate definition in line with international norms, and was there a process of engagement with the private sector to tackle the same issue? She also wished to know whether more funding was being provided to establish labour inspection services, whether the inspectors would be trained to carry out their work effectively, and whether there were plans to establish a special advisory unit on the issue of women's employment within the Ministry of Labour.

71. With regard to wage gaps between men and women, alternative sources maintained that a pay gap still existed in both the public and the private sector. She asked how pay equity was monitored in the private sector, whether the Government insisted on equal pay for work of equal value, and whether mechanisms were in place to conduct job evaluations using methods free from gender bias.

72. Finally, she asked what was being done to strengthen women's microenterprises and facilitate their transition from the informal to the formal sector, and whether outreach programmes were being implemented in rural areas to improve women's access to the labour market and to new technologies.

*The meeting rose at 1 p.m.*