



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-third session

Summary record of the 698th meeting

Held at Headquarters, New York, on Friday, 15 July 2005, at 3 p.m.

Chairperson: Ms. Manalo

Contents

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

Combined initial, second and third periodic reports of the Gambia (continued)

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05-42305 (E)

*** 0542305 ***

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

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

Combined initial, second and third periodic reports of the Gambia (continued)
(CEDAW/C/GMB/1-3;
CEDAW/PSWG/2005/II/CRP.1/Add.4 and
CRP.2/Add.4)

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

Articles 7 and 8 (continued)

2. **Mr. Taal** (Gambia) said that both nominated and elected members of the National Assembly had voting rights. He entirely agreed that the Koran placed no obstacle on women participating in public life, and that it was unacceptable to use Islam to prevent them doing so.

Articles 9 and 10

3. **Ms. Arocha Dominguez** said that there were still not many girls in secondary schooling in the Gambia, and very little increase in their numbers. Had the Government considered taking different measures to promote greater literacy among girls and providing them with education, possibly outside the formal education system by reaching out to the target group directly? Such a high proportion of the country's population was young that perhaps the Government should give thought to other ways of dealing with the educational development of women to ensure that they became literate and continued with their schooling.

4. **Ms. Saiga** asked for further information regarding the specific policies introduced under the Girls Friendly School Initiative. She also asked about the status of the National Policy for the Advancement of Gambian Women with regard to education: what measures had been implemented and what progress had been achieved? Was compulsory education free of charge?

5. **Ms. Pimentel** felt that insufficient attention was being given by the Government of the Gambia to domestic violence against women. What was being done about it, and to what extent was the Government

following the Committee's general recommendation No. 19? Was the education system being used to raise awareness of the problem?

6. **Mr. Taal** (Gambia) said that his country was among the top ten in Africa in terms of achieving the Millennium Development Goal regarding the education of girls. Special scholarships existed for girls at secondary and university levels. In the rural areas there was literacy and numeracy instruction targeted at women.

7. **Ms. Dacosta** (Gambia) said that a number of Government institutions, as well as the NGO community, were running adult literacy programmes targeting mainly women. In two projects organized by the Government, 80 per cent of the participants were women. The programmes were conducted in the five main local languages and organized throughout the country for the age range 15-35, although they were sometimes attended by women up to the age of 50. The literacy programmes were functional in the sense that they also taught numeracy and income-related entrepreneurial skills. The Girls Friendly School Initiative was a programme undertaken by the Department of State for Education in partnership with the United Nations Children's Fund (UNICEF) and the Gambian Chapter of the Forum for African Women Educationists (FAWEGAM). It identified communities, especially in rural areas, and provided them with support to enable them to pay for tuition fees and school uniforms; alongside, they organized literacy classes, or "mothers' clubs", for the mothers to attend while their children were in the girls friendly schools.

8. **Ms. Singhateh** (Gambia) said that there was no specific legislation in the Gambia on domestic violence against women. Unfortunately, most of the cases were not reported, but if they were recourse was to the Criminal Code which provided penalties for various degrees of assault from actual bodily harm to grievous bodily harm. The Women's Bureau and its partners were taking measures to sensitize people to the problem of domestic violence and its causes and had suggestions on how to deal with the issue. As yet, the problem was not addressed in the school curriculum.

9. **Ms. Fye-Hydara** (Gambia) said that a national study was being conducted on gender and women's empowerment, and its results would provide information on the level of implementation of the

National Policy for the Advancement of Gambian Women in all sectors.

Article 11

10. **Ms. Patten** said that there was very little information in the report on the Gambia's implementation of the provisions of article 11. It was not sufficient to state that the law did not discriminate but discrimination was experienced in practice. Was there indirect discrimination? What did the Gambia's laws do to protect all women workers? What did they say on occupational health and safety, on ensuring equal pay and on sexual harassment in the workplace? Was there an equal opportunity law? Was there any mechanism to ensure such compliance? What was being done to ensure compliance with labour legislation, especially in the private sector? Could details be provided on the implementation of article 11, paragraph 2? What means of redress were available in the case of non-compliance? What efforts was the Government making to sensitize women to labour legislation and standards? It had been stated that a legal aid system was not a priority of the Government, but could the next report provide information on the number of cases brought by women before labour tribunals and the number of complaints brought by women before the labour inspectorate? Information on the incidence of cases of sexual harassment in the workplace and the number of complaints that had been registered would also be welcome. With regard to the low percentage of women in the public sector — 21 per cent — and their virtual absence from higher-level positions, was the Government contemplating the use of temporary special measures? What was the composition of the Public Service Commission? Did the Gambia have any special programmes for women with disabilities and other vulnerable groups of women? Was there a serious political commitment on the part of the Government of the Gambia to review its employment policies in order to address their negative gender implications?

11. **Ms. Coker-Appiah** urged the Government to take steps to ensure that the next report contained data on women's participation in the informal sector, for they clearly played an important role that deserved to be taken more seriously by the authorities than it was.

12. **Mr. Taal** (Gambia) said that there was a general lack of data on the informal sector and its contribution to the country's economy; the Central Statistics

Department had been gathering information, which was currently being processed and would be made available in the next report. Data on employment was also lacking, but there was in fact no discrimination in the formal and public sector, where appointments were made on an open and equal footing. The Gambia was well ahead of the developed world when it came to maternity leave: for many years pregnant women had benefited from three months' paid maternity leave. Sexual harassment in the workplace was a Western concept that did not exist in the Gambia, so there were no laws that dealt with it. There were very few facilities in the Gambia for people with disabilities, and efforts were being made to make their daily lives easier. There had always been equal pay in the public sector, and the Gambia had very large numbers of women working in the higher reaches of Government and the civil service compared with other African countries.

13. **Ms. Singhateh** (Gambia) said that the Labour Act contained no discriminatory provisions but was very old and needed to be reviewed. There was an Industry Tribunal, which, like the Labour Act, was not gender-specific. She was not aware of any policy on sexual harassment in the workplace apart from one that had been drawn up to address gender-based violence in and around schools. The Public Service Commission, which appointed employees to Government service, had five members — three men and two women. The Gambia's labour and employment legislation certainly needed to be reviewed.

Article 12

14. **Ms. Dairiam** said that although the Government had taken a number of good initiatives to increase women's access to public health care, more information was needed on the results of the various programmes and services. Did they meet their targets? How were they monitored? Did the most vulnerable groups of women have access to them? Her understanding was that most of the health personnel were to be found in urban rather than rural areas, and that there were disparities between administrative divisions and on the basis of class. More must be done to ensure that births were attended by qualified personnel because infant mortality was extremely high, and so was maternal mortality. Efforts were being made to make family planning services available, but contraceptive prevalence was still very low. Was it the

case that contraceptives were not provided to women under the age of 21, and did women need the permission of their husbands to access family planning services? She would welcome information on unsafe abortions and whether their numbers were being monitored. Likewise, could information be provided on the high rates of HIV/AIDS and infections from sexually transmitted diseases, and was it the case that such infections were spreading because of polygamy, promiscuity and low contraceptive use? Those areas needed more serious attention. Commendable efforts had been made, but results were still poor because of a combination of factors — cultural, traditional and religious.

15. **Ms. Gabr** stated that social inequities had a negative impact on women's health. The Government must take measures to address a number of issues, including malnutrition among girls, the need for a greater priority regarding AIDS, pneumonia as it affected pregnant women, and replacing the private sector as the main provider of contraceptives.

16. She asked what efforts the Government was making to sensitize the population to public health issues, and in that regard what was the role of the media, religion and tribal chiefs. The Government could not tackle those issues alone. Nor should such matters be governed by the sharia or left to popular tradition.

17. **Ms. Khan** noted that on the demographic front the Gambia suffered from all the disadvantages of a least developed country. Its statistics on women's health were characterized by very high population growth and fertility rates and low life expectancy. In that regard, she asked if the Government's national health policy was goal-oriented and had time-bound targets. According to the report, the maternal mortality rate had reached 16 per cent in rural areas and was on the increase.

18. Her own country, Bangladesh, had once had a very high population growth rate but had been successful in reversing the trend. Bangladesh had followed Indonesia's mosque-based family planning and counselling system which included training religious leaders. As a Muslim country, the Gambia might also apply that model successfully.

19. **Mr. Taal** (Gambia) said that his Government was committed to "Health for All", especially where women were concerned. Although the Gambia's

current statistics looked deficient, in the mid-seventies his country had been a pioneer in family planning, involving a grass-roots approach with training of village health workers. The Regional Director of the World Health Organization Office for Africa had applied that model to other parts of Africa.

20. His Government had launched a Global Health Fund, which included the launching of "roll-back" programmes for pneumonia and malaria that affected pregnant women, as well as a rural-based feeding programme. However, the population as a whole did not have the minimum daily caloric intake, although the Government was committed to meeting the target.

21. The Gambia was currently implementing a structural adjustment programme and under its provisions could not obtain financing for a desperately needed public health-care system.

22. **Ms. Dacosta** (Gambia) said that her Government had begun sensitization campaigns to reduce infant and maternal mortality, to promote contraceptive use through a social marketing programme and to address HIV/AIDS, malaria and pneumonia, in a campaign waged in partnership with women's groups. The Government also had a strategic plan to reduce the high fertility and high population growth rates, and she hoped that by the next session the figures would reflect a positive trend.

23. **Mrs. Sanneh** (Gambia) said that the status of Government health-care centres had improved and women were among the beneficiaries. However, owing to the low educational level of rural women, there was a lack of female extension health-care workers. To address the issue, the Government was trying to link provision of health services to the existing system of agricultural and community extension workers who were being trained to provide basic health-care services.

24. Priority was being given to malaria which was having a devastating impact and was a far more pressing issue in the Gambia than HIV/AIDS, and to sensitizing communities to malaria prevention. Women were also being sensitized regarding the need to send their children to school so that female nurses could eventually replace their male counterparts.

25. **Ms. Dacosta** (Gambia) said that, in order to reduce the high population growth rate and improve female socio-economic statistics, the Government had

established a population programme, a committee on Islam and regional and divisional-level population task forces.

Article 13

26. **Ms. Gabr** asked what the Government's view was on the role of women in economic, social and cultural activities. The head of the delegation had mentioned his efforts at decreasing the interest rates for women's loans, an important priority for women in the Third World, for such loans enabled rural women to launch microenterprises. It was hoped that future reports would contain statistics on the numbers of women employed in the formal sectors, both public and private. The Government could thus evaluate the role of women in the economy, and plan further measures for their advancement.

27. Regarding the Gambia's labour laws, a recent International Labour Organization (ILO) report had noted a wide discrepancy between those laws and the actual remuneration of men and women. The Government was responsible for looking into that apparent inequity. The Government should also help to ensure women played a role in culture, media and sports, which would help increase their visibility, and would enable the Government to convince others that women did have an important national role.

28. **Mr. Taal** (Gambia) said he would look into the issues raised.

29. **Ms. Singhateh** (Gambia) noted that the country's current labour legislation was outdated. The Government was currently working with the ILO on labour law reform. That was a step in the right direction, and she hoped she would be able to report on any progress made at the next session.

Article 14

30. **Ms. Tan**, referring to the Gambia's response under article 14 (CEDAW/PSWG/2005/II/CRP.2/Add.4, para. 28), which stated that a rural development policy with emphasis on women was not yet in place, asked why that was the case, bearing in mind that rural women were major contributors to the physical welfare of their families and to the economic life of the country. It was high time that the Government had a comprehensive development policy for rural women that enabled small-scale women farmers to own their land, receive assistance and credit from private and

public sources at low interest rates, and receive formal and informal training in order to become prosperous farmers on their own land. The Government should work with the National Women's Council and all women's governmental and non-governmental organizations, with a view to incorporating the substance of article 14 of the Convention into its rural development policy and plan of action. Religious leaders should not oppose women's right to own land and avail themselves of other rights embodied in the Convention.

31. **Ms. Zou Xiaogiao** said the absence of statistics on rural women in the report (CEDAW/C/GMB/1-3) meant one could not gauge whether the Government was ensuring they had access to health and education and whether the policy of equality of opportunity for all was being applied. Lack of statistics also meant that the Committee was not in a position to evaluate whether the Government had implemented the provisions of the Convention. Statistics should be provided in the next report.

32. She asked about the major obstacles facing women and girls today, and what measures were being considered to improve the situation. She noted that most Gambians lived in the rural areas and asked whether the Gambia's ten-year plan (1999-2009) contained strategic objectives to advance the status of rural women. Since at the previous meeting, the delegation had stated that no comprehensive national policy was in place, she asked whether the Government could vouch for the credibility of the ten-year plan and whether it was currently being implemented or was still being drafted.

33. **Ms. Schöpp-Schilling** also expressed her disappointment both at the information on rural women contained in the report and at the delegation's responses on the subject. She asked whether the Government's focus on law reform and policy programmes applied to rural women. Regarding the process of decentralization, which made the local authorities responsible for poverty reduction at the grass roots, including among rural women, she asked what system was in place to ensure that rural women actually benefited from poverty-reduction policies. In that regard, she enquired as to the source of funding for such programmes, and whether the central Government would assist local government authorities in cooperating with international assistance agencies.

34. Regarding the draft of the Children's Act 2005, she asked whether a list of the harmful traditional practices that it referred to could be provided to the Committee.

35. **Ms. Patten** also expressed disappointment at the lack of information in the report and in the delegation's responses. It was stated in the report that priority status was being accorded to rural communities in the development process, and that national agencies were attempting to alleviate poverty. She wondered what specific measures were being taken to alleviate the plight of rural women, which ministry was responsible for rural communities, what were the budgetary allocations for rural communities, and to what extent were rural women given priority. Details of any international agencies referred to and statistics showing budgetary increases should be included in the next report.

36. Regarding microfinancing for women to promote employment, she asked whether a public infrastructure was in place to ensure equal market access for men and women entrepreneurs and whether rural women's priorities were included in public investment programmes to provide, for example, water, electricity and transport.

37. **Mr. Taal** (Gambia) said that his Government was not complacent about its record thus far and was committed to doing more to promote the advancement of rural women and fulfil its obligations under article 14 of the Convention. The Gambia was essentially an agrarian society, and women's labour was the basis of its agricultural economy; efforts were being made to raise their work from the level of purely subsistence farming to more commercial production. In the 1970s the country had been bombarded with rural development projects funded by outside donors that had not proved to be sustainable. The Government had learned to be more judicious and to opt for programmes that it could carry forward on its own. Currently there was a plethora of sectoral policies that were not well coordinated, and the Government was working on a comprehensive rural development policy to harmonize them. The decentralized development process mentioned earlier was being financed through the United Nations Development Programme (UNDP) and promoted planning from the ward level up. Local authorities had their own sources of funding, since they had the power to levy rates and taxes, and were also responsible for development. However, he could assure

the Committee that the problems of rural women would also be addressed at the highest levels of Government.

38. **Ms. Fye-Hydara** (Gambia) said it was true that the Government of the Gambia lacked an overall rural development policy. However, the many development projects in place were targeted at rural areas, because the majority of the population lived in those areas and because studies had revealed that there was the greatest need for intervention in the rural areas. One such project was a rural finance project whereby villages created local savings banks to make loans for local development schemes. Some credit unions existed through which women had access to loans. There were rural infrastructure projects designed to produce labour savings for women, for example, by replacing hand-drawing of water with boreholes and pumps. In terms of infrastructure for marketing agricultural produce, there were still storage problems that had not been resolved.

39. Almost all the projects sponsored by international and regional agencies, such as UNICEF, UNDP and the African Development Bank, were targeted at rural areas. The Commonwealth was also helping in forming women's cooperatives. The next major development programme the Government was preparing would be implemented at the divisional level and projects would be based on community demand; as Executive Director of the Department of Women's Affairs and the Women's Bureau, she was involved in the social assessment of the programme to ensure that rural women's issues would be taken on board. The country was also undergoing a Sub-Saharan Africa Transport Policy review, in connection with its Poverty Reduction Strategy Paper, and her role in the review was to ensure that rural women's needs for access to health and education facilities and to markets for their products were taken into account. The "Gambia Is Good" tourism project, sponsored by the United Kingdom's Department for International Development, was aimed at supporting local producers in the marketing of their products; rural women were organizing to produce high-quality horticultural products, which were sold by other women in the capital area and in some cases to hotels to enhance revenue. If the project went well, the strategy was to form the participating women into an enterprise and expand to exporting.

40. The Government had a programme to support women entrepreneurs, under which it was currently

developing a \$3-million-dollar project to create a central marketplace for fashion, handicrafts and high-quality produce. In its next report the Government of the Gambia would be able to show how much rural women had benefited from it. Community development was seen as very important to women, and she had already been conferring with other members of the National Women's Council on how the appropriate ministries could be brought together to devise a comprehensive rural development strategy incorporating a gender perspective.

41. **Ms. Singhateh** (Gambia) said that the Committee had asked about the list of harmful traditional practices that had at first been included in the draft of the Children's Act 2005 and later removed. The rationale for removing it was that an enumeration which inadvertently left out some particular harmful practice might seem to be condoning such a practice. She recalled that the list had included female genital mutilation among others; she could obtain a copy of the list if the Committee wished.

Articles 15 and 16

42. **Ms. Šimonović** noted that, although the Constitution provided that marriage should be based on the free and full consent of the parties, even that right was not always ensured under the four forms of marriage provided for by law, and that the State's protection of women against discrimination did not extend into the home. Under sharia law and customary law women did not have the same rights as men with regard to divorce or inheritance. All forms of marriage should be in compliance with the Constitution and the Convention. She would appreciate further clarification on the legal situation under the different forms of marriage and would like to know what plans the Government had to promote equal rights for women in the family sphere.

43. **Ms. Tan** said that there was clearly much to correct under article 16 of the Convention, including the setting of a legal age for marriage. Over 90 per cent of women were governed by either customary law or sharia law, both of which permitted polygamy. Although the report said that polygamy was a sensitive issue, she wondered what specific steps the Government was willing to take to comply with article 16. With regard to harmful traditional practices, in order to avoid ambiguity about which practices were

illegal it would be best to spell them out in legislation and to provide for enforcement.

44. **Ms. Simms** said that it was under article 16 that Gambian practice diverged most from the Convention. For example, the report stated that even under the Christian form of marriage a wife could be disadvantaged, in that she could be completely disinherited by her husband, and the law provided no protection in that regard. The lack of a specific legal provision against wife-beating implied that a man had a right to beat his wife, and such abuse was treated as a family matter. General laws on assault did not address the issue; what was needed was a domestic violence act with teeth. Of course there would be resistance from the churches, but the Government must take the lead and introduce legislation to provide justice and equality to all citizens.

45. **Ms. Bokpé-Gnacadjá** said the report claimed that in the Gambia all persons were equal before the law, and that under the law women were free to enter into contracts, administer their own property, travel and choose their domicile. The report claimed that the disadvantages women faced resulted purely from societal beliefs and attitudes. She would have to disagree. On the contrary, the various forms of law in the Gambia denied women equal rights with respect to marriage, divorce and inheritance: for example, under sharia law the testimony of one man was equal to that of two women before the *cadi* courts, while under customary law a widow could be considered part of her husband's estate. Discrimination was rooted not just in the societal beliefs and customs but in the laws themselves, such as the Mohammedan Marriages and Divorce Act and the Wills Act, which prescribed that religious laws governed. The failure of the law to set a minimum legal age for marriage meant that a mother, for example, could not bring a complaint before a court against the forced marriage of her underage daughter. The report said that the Government would sensitize women to realize that they were equal before the law, but that would do no good, since in fact women did not have equal legal rights. Yet the report mentioned not a single initiative by the Government to correct the situation and to bring the laws into conformity with the nation's own Constitution.

46. **Ms. Belmihoub-Zerdani** said that she would like to know: to what proportion of the population each of the forms of marriage applied; whether, under all forms of marriage, marriages were registered and either

spouse could request a divorce; and what the practice was in awarding custody of children under the different religious systems. She wondered whether anyone could contract a civil marriage regardless of religion, and whether any woman, under any form of marriage, could obtain a passport, leave the country without her husband's consent, and take her children out of the country without the father's consent.

47. **Ms. Morvai** said that the report and responses seem to reveal little awareness on the part of the Government of how serious and dangerous problems of domestic violence and sexual harassment were in all cultures. The Government needed to be proactive, conduct research into the problem and ask women and NGOs about their experience and awareness. The next step would be to review the Convention and the Committee's general recommendations, especially Nos. 12 and 19, and see where gaps in legislation and practice existed. Criminalization of violence was only part of the solution. One must also protect victims and organize awareness-raising campaigns in the judiciary, the police, the educational system and the media.

48. **Mr. Taal** (Gambia) said he was puzzled by the image of his country that seemed to underlie questions and statements by some members of the Committee. Violence and abuse of the type referred to was known to Gambians only from foreign films and books. The Gambia had no intention of hiding behind traditional cultural values, but Committee members should realize that polygamy, for instance, did not inevitably lead to unhappy wives. Women living in polygamous marriages were not concubines or mistresses, such as could be found in other cultures; they had official status and rights as wives. Each citizen had the right to choose his or her form of marriage, usually on the basis of religion. With regard to divorce in Muslim marriages, he pointed out that women also had the right to request a divorce; if their husband refused, they could take the matter to a Muslim court.

49. **Ms. Singhateh** (Gambia) said that a minimum age for marriage existed in effect, in that persons under 18 were legally children and children could not marry. Persons could also not be forced to marry. The rules for divorce and inheritance depended on the personal law applicable in the type of marriage one had contracted, i.e. Muslim, Christian, civil or customary. Those married under Muslim law, for instance, which covered 90 per cent of all marriages, were governed by sharia law. There was no law specifically on domestic violence or abuse,

but the provisions against violence in the Criminal Code applied. With regard to implementation of all of the provisions of the Convention in Gambian law, she pointed out that, under the separation of powers, treaties signed by the executive needed to be incorporated into law by the legislature, which could be a slow process in a developing country facing many problems. With regard to freedom of spouses to travel, all adults could obtain passports in their own right, but the travel of children was restricted to the extent that both parents would normally have to agree.

50. **Mr. Taal** (Gambia) said that the custody of children in a divorce was normally governed by the age of the child; infants, for instance, were nearly always given to the mother. The practice found in some Muslim countries of forcing a widow to marry her late husband's brother or other male relative did not exist in the Gambia.

51. **The Chairperson**, speaking as an expert, noted that Gambia had not placed any reservations on its signature of the Convention and was therefore bound to implement all rights fully. In that connection, she urged the Gambia to ratify the Optional Protocol and the amendment to article 20 of the Convention. The Committee wanted all States to fully embrace the Convention, and she requested the Government to take the lead and convince the legislature to ratify the Convention and bring its provisions into Gambian law. She noted that some provisions of the Constitution still needed revision in order to fully eliminate discrimination against women. Stronger laws were needed to enforce equality, without which women could not participate on an equal footing. In particular, laws were needed to fight trafficking in women, violence against women and sexual harassment in the workplace. She hoped that the next report would also include statistics showing progress, for instance, in eliminating stereotypes in education and the media. In that connection, she urged the Government to review the Committee's general recommendation No. 25 on temporary special measures in order to strengthen women's participation in political life and decision-making. Religious law seemed to play a decisive role in governing personal life in the Gambia, and the different rules introduced a degree of discrimination that must be resisted by the civil authority. Since the Gambia was overwhelmingly agricultural and rural, the Government needed to develop a comprehensive rural development policy, in particular to improve the lives and rights of rural women.

The meeting rose at 5.30 p.m.