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**Committee on the Elimination of Discrimination
against Women**

**Pre-session working group for the thirty-third session
5-22 July 2005**

**List of issues and questions with regard to the consideration
of periodic reports**

Gambia

Introduction

The pre-session working group examined the combined initial, second and third periodic report of the Gambia (CEDAW/C/GMB/1-3).

Articles 1 and 2

1. Please provide information on the process of preparing the report. This information should indicate which government departments were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations, whether the report was presented to the National Assembly and the reason for the late submission of the report.

2. The report states that although section 33 (4) of the 1997 Second Republican Constitution prohibits discrimination on the grounds of gender, section 33 (5) excludes various laws from this protection, including adoption, marriage, divorce, burial, inheritance and other matters of personal law (p. 10), and “preserves the application of customary law and practices in the Gambia, which to a large extent is discriminatory against women” (p. 4). The report also notes that the Government intends to review legislation to ensure conformity with the Convention (pp. 13, 17 and 44). Please provide information on the Government’s plans, timetable and priorities for undertaking this law review and reform process, including in regard to the draft Mohammedan marriage formation and dissolution bill of 1987 (p. 16).

Article 3

3. Please describe the current status and progress achieved in implementation of the 1999 national policy for the advancement of women. This description should include detailed information outlining the goals, objectives and strategies noted on

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pages 12 and 13 of the report, as well as impediments to their effective implementation, remedial measures undertaken and plans for future national policies.

4. Please provide more information about the national machinery for the advancement of women and specify its structure, level of authority, functions and human and financial resources, and identify the entity responsible for overseeing and monitoring the implementation of the Convention.

5. The report notes that women cannot afford the payment of legal fees and that the legal advice and counselling service currently offered by an international non-governmental organization does not specifically address women's issues (p. 14). Please indicate what steps have been taken or are envisaged to ensure that women have equal access to justice and to measures of redress, such as a procedure to deal with complaints of discrimination on grounds of gender.

Article 4

6. The report notes that the Government is committed to taking positive steps to rectify the imbalance in the political participation of women and men in the Gambia and that political parties will be encouraged to adopt some form of affirmative action or quota system whereby female members are selected to contest election (p. 15). Please indicate whether such action has been taken and whether temporary special measures have been implemented in other areas (such as education (article 10) and employment (article 11)) and the nature of such measures.

Article 5

7. Throughout the report, it is noted that the prevalence of discrimination against women in all areas of their lives is rooted in customary practices and traditional stereotypes that are based on a perception of women's inferiority and men's superiority. The report states that a lot needs to be done to fulfil the obligations under article 5 (p. 17). Please provide specific information on the measures that are planned to fulfil these obligations, as well as a detailed timeline for implementation.

8. Please describe the steps taken to combat gender stereotyping within the educational system, including in career and vocational guidance, the promotion of female role models in non-traditional careers and the encouragement of women to enrol and continue in education from primary school to the tertiary level, both for their empowerment and for the long-term benefit of society.

Violence against women

9. Despite numerous sensitization activities, the Government notes that female circumcision continues to be practised in the Gambia (pp. 16 and 38). While the report states that there is no legislation against this practice (p. 16), the Special Rapporteur on violence against women has reported that this practice is illegal under the Penal Code and that there have been no prosecutions for violations of the Code (see E/CN.4/2003/75/Add.1, para. 263). Please clarify this discrepancy and describe measures that are planned or in place including awareness-raising campaigns targeted at practitioners and the general public to combat and eradicate this harmful practice.

10. The report provides insufficient information on violence against women, but it acknowledges that domestic violence does occur (p. 44). Bearing in mind the Committee's general recommendation 19 regarding violence against women, please describe steps taken to develop a comprehensive strategy to combat all forms of violence against women, including the adoption of legislation and the introduction of capacity-building and awareness-raising programmes for various groups (such as the police, lawyers, health workers and the judiciary) and the general public.

Article 6

11. The report notes that owing to the combined impact of extreme poverty and the growing tourist industry, young girls are being lured into prostitution for quick money (p. 18). Please outline any measures that have been undertaken to fight extreme poverty so as to prevent young women from having to resort to prostitution, and also describe any programmes that have been developed for the physical and psychological recovery and social reintegration of girls and women who have been victims of sexual abuse and exploitation.

12. Despite the legal prohibition on trafficking in persons, the Special Rapporteur on violence against women has reported that women and children are trafficked both within the Gambia and internationally for the purposes of sexual exploitation and illegal labour (ibid., para. 271). However, few victims report this crime out of fear for their personal safety (ibid.). Please indicate what urgent steps have been taken to identify, prevent and combat trafficking in women and girls both into and out of the Gambia, including the provision of information about risks and protective measures, prosecution of traffickers, training of border officials and the availability of rehabilitative and safe repatriation measures for victims.

Articles 7 and 8

13. According to the report, although women and men have the same political rights, women in the Gambia are not encouraged to participate in political and public life and are instead encouraged to give support to their men in the background (pp. 15 and 18). Please provide information, including statistical data, on the participation of women in the various levels and branches of Government, including the judiciary, legislature and administration, and the efforts that are planned or in place to increase these numbers, including the adoption and implementation of temporary special measures in line with the Committee's general recommendation 25 on article 4, paragraph 1, of the Convention and general recommendation 23 on women in public life.

14. In recognition of the need to educate the electorate and challenge traditional perceptions of women that inhibit their effective political participation, the Government reports that it has established the National Council for Civic Education (p. 15). Please provide information on the Council, including its current status, mandate, budget and membership (disaggregated by gender), and elaborate on the nature, scope and intended beneficiaries of its activities.

Article 9

15. According to section 10 of the 1970 Republican Constitution of the Gambia, a woman who married a non-Gambian citizen was forced to adopt the citizenship of

her spouse and would be deprived of her citizenship (p. 21). Please indicate if this provision has been or will be amended.

Article 10

16. Given the persistence of social discrimination girls face in gaining access to education (pp. 22 and 23), please indicate what practical measures have been undertaken to operationalize the stated goals of the revised education policy and the education master plan (p. 23) to improve overall access, enrolment and retention of girls at all levels of education and any progress achieved, and indicate if the master plan provides for the establishment of a programme of compulsory primary education.

17. While the report describes several adult literacy projects from the 1970s to the present, recent studies, such as the Education for All Report 2000, indicate that the overall literacy rates for women remain much lower than those of men (p. 23). This is particularly evident in rural communities, such as Basse, where the literacy rate of women is 7.4 per cent, and among the poorest segments of society, where the literacy rate of women is 8.5 per cent (p. 28). Please describe any initiatives that are under way or envisaged to increase women's literacy and assess their efficacy and outcomes to date.

Article 11

18. The report states that women's access to employment is limited in terms of getting employed in the first place, staying in employment and making it to the top (p. 29). The multitude of factors that are reported to inhibit women's ability to achieve gainful employment include low education levels, an absence of special measures or affirmative action policies in training institutions and the workplace and family responsibilities (p. 29). In accordance with article 11 (1) of the Convention, what steps have been taken, including temporary special measures and the provision of vocational training, to ensure equality in the field of employment?

19. Please provide recent statistical information, disaggregated by gender and showing trends over time, detailing women's overall labour force participation in the public and private sectors. Please also include information on the wage gap between women's and men's pay for work of equal value.

20. Please provide information on women's participation in the informal sector, including the number of women in the informal economy, compared to those employed in the formal economy.

Article 12

21. According to the report, the national health policy was launched in 2001 to address the unacceptable prevailing maternal and infant mortality rates, which are among the highest in the subregion (p. 32). In accordance with the policy's goal to reduce these rates, what concrete steps have been taken by the Government to increase the availability and quality of and access to primary health-care services for women and to improve sanitation and women's access to safe drinking water?

22. Please provide more detailed information about women's access to affordable reproductive and sexual health services and educational programmes, including their

substantive content and their availability to particular groups, such as adolescents and rural women.

23. Please indicate whether any existing programmes to combat HIV/AIDS integrate a gender perspective. Please also provide information on the number of women currently infected with HIV/AIDS and the availability of antiretroviral medication and psychosocial services for women with HIV/AIDS and their children, and whether the Government has requested and received assistance from international donors in support of measures that address HIV/AIDS in women.

24. The national nutrition policy 2002-2004 was reportedly launched to address the current high rates of malnutrition to which women, girls and children under the age of 5 are most vulnerable (p. 34). Please describe what specific activities have been undertaken and are envisaged to implement this policy, as well as any results to date.

Article 13

25. In the light of the low levels of women's participation in the employment sector, what steps have been taken to provide social security support to older and/or widowed women to ensure an adequate standard of living for them?

26. Although there are no discriminatory laws preventing women from accessing bank loans and credit, the report states that in practice women have less access to credit since financial institutions have established conditions that the majority of women cannot fulfil, such as ownership of landed property as collateral for loan repayment (p. 39). In addition to group loan initiatives instituted by some non-governmental organizations (p. 39), what concrete measures has the Government taken to improve women's access to formal credit?

Article 14

27. The report states that the Government is committed to paying special attention to rural women (p. 41). The report also indicates that while rural women do more than half of the country's work through farm labour, they are generally unpaid and are not allowed to own land, but rather have only usufructuary rights of access and have far from adequate access to information, training, credit and markets (pp. 39 and 40). Please indicate if a rural development policy is in place and whether it contains a particular focus on rural women to enhance their access to education, health, economic opportunities and participation in decision-making processes related to development planning, including at the local level. Please provide statistical information that compares the situation of rural women and rural men in these areas.

Articles 15 and 16

28. Under section 27 (2) of the 1997 Constitution, marriage shall be based on the free and full consent of both parties (pp. 14 and 43). However, the report also states that a minimum legal age for marriage has not been established, that child betrothal and marriage still exist and that under customary law it is not unusual for a woman to be forced into marriage (pp. 14 and 43). Customary and Islamic marriages are also reported to be potentially polygamous (p. 43). Bearing in mind article 16 (2) of the Convention, please provide detailed information on the prevalence of these

practices and describe awareness-raising initiatives and other programmes that have been undertaken or are envisaged to eliminate polygamy and early and forced marriage.

General

29. Kindly provide information about the situation of refugee women.

30. What measures and actions have been taken towards ratification of the Optional Protocol?
