

Country	Gambia
SIGI 2019 Category	N/A
SIGI Value 2019	N/A

Discrimination in the family		88%
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	25%
	Legal framework on household responsibilities	100%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	-
	Legal framework on inheritance	100%
	Legal framework on divorce	100%

Restricted physical integrity		45%
	Legal framework on violence against women	50%
	Proportion of the female population justifying domestic violence	58%
	Prevalence of domestic violence against women (lifetime)	20%
	Legal framework on female genital mutilation (FGM)	25%
	Share of women who think FGM should continue	65%
	Share of women who have undergone FGM	75%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	75%
	Female population with unmet needs for family planning	25%

Restricted access to productive and financial resources		N/A
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	10%
	Share of managers (male)	66%
	Legal framework on access to non-land assets	50%
	Share of house owners (male)	77%
	Legal framework on access to land assets	50%
	Share of agricultural land holders (male)	92%
	Legal framework on access to financial services	0%
	Share of account holders (male)	-

Restricted civil liberties		48%
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	75%
	Percentage of women in the total number of persons not feeling safe walking alone at night	68%
	Legal framework on political participation	50%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	90%
	Legal framework on access to justice	75%
	Share of women declaring lack of confidence in the justice system	68%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Gambia

1. Discrimination in the family

While the Constitution prohibits discrimination in all forms, it also states that the provisions on protection from discrimination are excluded from laws on adoption, marriage, divorce, burial, inheritance or other related matters of personal law (Art. 33, rev. 2001). The Constitution also states that customary and religious legal regimes form part of the civil legal system, and in matters of marriage, divorce and inheritance, courts under these regimes have jurisdiction to apply the Sharia law (Art. 7, rev. 2001). This is also expressed in other pieces of state legislation, such as the Women's Act 2010, where its application is still subject to "personal law".

a) Overarching legal framework for marriage

The law recognises civil, customary and religious marriages (Constitution, Art. 7, rev. 2001). Civil marriages are governed by the Civil Marriages Act 1938 and depending on the faith, religious marriages may be subject to Christian Marriages Act 1862 or Islamic Law, recognized by virtue of the Mohammedan Marriages and Divorce Act 1941 (FAO, n.d.). Under statutory law, each citizen is given the right to marry provided the free and full consent of both parties (Constitution, rev. 2001). In customary and Sharia law, however, a marriage contract is made between the groom and the guardian of the bride ("wali"), not the bride herself (Musawah, 2015; Prevent Forced Marriages, n.d.). According to customary law, marriage is often interpreted as the union between two families versus between the two individuals (Bond, 2014).

Given the concurrent legal regimes that regulate marriage, the application of the law is at times contradictory and inconsistent. While some regimes prohibit harmful practices against women and girls, including child marriage, arranged marriages, polygamy and levirate, others allow them to persist (CEDAW, 2015; US Department State, 2017; Women's Act, 2010). Moreover, there is no systematic registration of marriages, leaving many unions not registered, particularly in rural communities (CEDAW, 2015). Under Sharia and customary law, polygamy is legal and is widely practised (Musawah, 2015; Africa for Women's Rights, n.d.). In many Islamic communities, polygamy is seen as a symbol of prestige and status (Musawah, 2015).

b) Child marriage

In 2016, the National Assembly passed the Children's Amendment Bill (amendment of the Children's Act 2005) that criminalizes child marriage and child betrothal and subjects persons convicted of such offenses to imprisonment of 20 years (US Department of State, 2017; Girls not Brides, n.d.). The Bill defines a child as "a person who has not attained maturity and is under the age of 18 years," and defines child marriage as "a marriage contracted between a child and an adult or between a child and another child" (Children's Amendment Bill, 2016). Prior to this law, there was no set minimum age for marriage under civil law. To raise awareness on the issue, the government engaged in the African

Union campaign to end child marriage in Africa in 2016, and moreover, initiated their own a nation-wide sensitization campaign under the leadership of the First Lady (Girls not Brides, n.d.).

Despite the more recent legislative developments, early marriage continues to be widespread in the Gambia (US Department of State, 2017). Since early marriage is only prohibited under civil law, the other legal regimes in the country that regulate marriage, namely customary and religious law, may allow child marriages to continue in these legal contexts (CRC, 2015). Under Islamic tradition, there is no specific age for marriage, rather adulthood is determined by puberty which may include young girls who start menstruating at the age of nine (Musawah, 2015). There also continues to be a male resistance toward the criminalization of child marriage as well as a moral justification perpetuated by Islamic religious leaders who see early marriage as a preventive measure for promiscuity and pregnancy outside the sanctity of matrimony (GAMCOTRAP, 2015).

c) Household responsibilities

In principle, the state constitution ensures that women are of equal legal standing to men and are afforded rights and opportunities equal to men in both public and private life (Art. 28, rev. 2001). By this extension, women should have equal rights to men in the household. Under the Women's Act, women and men must mutually agree on both their matrimonial regime and their place of residence (Art. 42, 2010). Apart from this, there is no specific legislation ensuring equal roles and responsibilities among husbands and wives in the household. Further, under Gambian law, marriage and related personal matters may be subject to customary and religious law depending on the "personal law" the spouses subscribe to (Art 7, rev 2001); as a result, the extent of discriminatory practices against women with regard to rights and responsibilities in the household may vary.

The laws on the guardianship and maintenance of children may vary depending on the legal regime applied. In civil law, the guiding principle in any matter that affects or concerns a child is "the best interest of the child shall (Maintenance of Children Act). However, in customary and religious law, Cadi courts and district tribunals have jurisdiction over children's issues (such as custody, access and maintenance,) and the best interest of the child may not be the primary consideration in their judicial decisions (Child Protection Alliance, 2014). In Cadi courts, which preside matters affecting Muslim Gambians relating to marriage, divorce, inheritance, the father of the child is granted custody of a male child who is 7 years old, while the mother is granted custody of the female child (Child Protection Alliance, 2014). With regard to the upbringing of children, Sharia law does not make a distinction in responsibility between parents who are married or divorced (Musawah, 2015).

In practice, Gambia is a patriarchal society, where traditionally the men are the head of the household, having full authority of those reside under the household, including their wives, children and relatives (Mwakikagile, 2010). Throughout the country, women and young girls are socialised into accepting a subordinate status (Saine, 2012). In urban areas, it may be more acceptable for women to live independently, or without male "supervision" than women living in rural areas (ADB, 2011). In rural communities, roles are prescribed early on; where young girls are expected to look after their younger siblings and take up household chores, while boys are more likely to be sent to school (FAO, n.d.). This is particularly the case in Muslim communities, where the husband is considered the head of the family, responsible for the key decisions of the household, such as those surrounding financial matters

and choice of residence (Musawah, 2015). Moreover, Muslim wives have a legal duty of obedience (“tamkin”) to their husbands, and in return, Muslim husbands hold a legal duty of protection and maintenance (“nafqa”) to their wives (Musawah, 2015). In some regions that practice Islamic tradition, married Muslim women may be subject to seclusion (“purdah”), where they are confined to their home and visits from their family and friends are prohibited (Musawah, 2015).

d) Divorce

Under civil law, women are entitled equal legal status and rights to men in matters relating to separation, annulment and divorce (Women’s Act, 2010). With regard to guardianship and maintenance of their children after a divorce, women and men also share the same rights and responsibilities (Ibid.). These laws however are subject to personal law, including customary or Sharia law, which at times may be discriminatory against women in divorce proceedings (CEDAW, 2015). For example, in the case of Islamic law, the husband may divorce his wife unilaterally (“talaq”) and through repudiation, while women are not afforded such options (Musawah, 2015; UK Home Office, 2013; Emery, 2012). According to the Association of Non-Governmental Organizations in the Gambia, Muslim women often do not initiate divorce if they are in vulnerable economic situations (TANGO, 2015).

Moreover, the custody and maintenance of children born of Muslim parents are generally addressed in Cadi court, versus Children’s court, which tends to rule men’s favour (CRC, 2015; TANGO, 2015). Most often Cadi courts do not offer standard legal representation because most state lawyers are not trained in Sharia or customary law (US Department of State, 2017). Moreover, in child custody cases, Muslim husbands may not abide by judicial rulings for child maintenance (child support), leaving the mothers with full custody also responsible for the full financial responsibility for the child (TANGO, 2015). Under Islamic tradition, if a woman remarries she loses the right to custody of her children to the father, irrespective if such a ruling is in the best interest of the child (Musawah, 2015). Cadi courts are generally presided by men, thus reinforcing negative legal outcomes for women (TANGO, 2015).

e) Inheritance

In the Gambia, civil law ensures that women and men have the same rights to inherit equitable shares of familial estates (Women’s Act, 2010). This includes the same rights for female surviving spouses as male surviving spouses (Ibid.). The state’s Constitution also provides protection for each citizen against unlawful property dispossession (Art 22, rev 2001). These laws however are subject to personal law, including customary or Sharia law, which at times may be discriminatory against women in matters of inheritance (CEDAW, 2015).

For example, in the case of Christian marriages, the succession of property is dependent on the will of men, where husbands may leave nothing for their wives and children regardless if the law stipulates that their surviving spouse and daughters are entitled to equitable shares (Christian Marriage Act, 1862; FAO, n.d.). Under Sharia law, which applies to areas such as inheritance, women generally inherit a lower share of assets compared to their male counterparts (US Department of State, 2011). Muslim daughters, for example, inherit half the share of their male siblings (FAO, n.d). In some regions under customary law, a woman is not entitled to the property of her husband unless she concedes to also be “inherited” by the husband’s family, as a form property to be inherited along with the rest of

their husbands' assets (FAO, n.d.). In other communities, the "personal law" denies inheritance from children born out of wedlock (CRC, 2015).

2. Restricted Physical integrity

a) Violence against women

In 2005, Gambia ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol) reinforcing their commitment to eliminate all forms of discrimination and gender based violence against women. To date, there is no law that comprehensively addresses violence against women. However, the Gambia has made efforts to domesticate the protocol through adopting laws that criminalize specific acts, including domestic violence and rape.

Other measures that address violence against women include the Women's Act 2010. Under this law, any form of violence against women is prohibited and "every woman shall be protected against any form of physical, sexual, psychological, or economic harm, suffering or violence whether occurring in public life or private life" (Art. 6, 2010). Moreover, under this Act, any person committing an act of violence against women, if convicted, is liable to a fine of GMD 50 000 (Gambian dalasi) or imprisonment not exceeding two years, or both (US Department of State, 2017). The government also developed a National Plan of Action on Gender Based Violence 2013-2017 to strengthen and coordinate efforts of state and non-state actors to combat violence against women and girls (Replies of Gambia to CEDAW, 2015).

Still, without a comprehensive law in place, violence against women continues to persist in the country. Compounding this is the weak enforcement of the laws addressing specific forms of violence against women (e.g. legislation on rape), lack of knowledge of existing legislation, inadequate support services and legal assistance for victims, and a prevailing culture of silence, fear and shame (CEDAW, 2015).

b) Domestic violence

In 2013, the government adopted the Domestic Violence Act which specifically criminalizes domestic violence and provides protection for the survivors of domestic violence, particularly women and children. The government also set up a Victims of Violence Advisory Committee and a one-stop centre located in Edward Francis Small Teaching Hospital that provides essential services to survivors of domestic violence and other forms of gender based violence (TANGO, 2015; Government of The Gambia, Replies to CEDAW Report, 2015). Moreover, the Act established a Domestic Violence Support Fund to provide material support to survivors, train service providers working in domestic violence cases, and construct shelters for survivors throughout the country (Human Rights Council, 2014). The Act however is limited; in that, it does not address marital rape nor clearly define "aggravated" domestic violence, and further, it allows out-of-court settlements for domestic violence cases (TANGO, 2015).

Despite having the legislation in place, domestic violence is pervasive in the country (Idoko, et al., 2015). In many communities, domestic abuse is a practice that is culturally accepted, if not perceived

positively, as it is often equivocated to the extent of one's manhood, male power and control over women (Saine, 2012). Due to a lack of resources as well as an absence of regulations, guidelines and effective reporting mechanisms, the Domestic Violence Act has not been effectively implemented in the country (CEDAW, 2015). It was common for women to not report incidents of domestic violence due to social stigma and cultural acceptance, and instead settle domestic abuse cases through family mediation (US Department of State, 2017; Idoko, et al., 2015)

c) Rape

In 2013, the government adopted the Sexual Offences Act, which criminalizes all forms of sexual assault, exploitation and harassment. Under this Act, a person who commits and is convicted of rape is subject to life in prison, and for a person who commits and is convicted of attempted rape is subject to a maximum of 10 years in prison (US Department of State, 2017). Moreover, the Act was amended to improve rape trial procedures and expand the definition of sexual assault to include cases where the victim is coerced (UN Women, n.d.).

Notwithstanding the stringent penalties for sexual assault, rape continues to be a widespread problem in the country (US Department of State, 2017). In many communities, spousal rape was not seen as a crime, and as a result, there was a weak enforcement of the law and women did not report such incidents (US Department of State, 2017). Moreover, service providers did not have adequate guidelines on working with survivors of sexual violence (Sherwood, et al., 2015).

d) Sexual harassment

In general, the Women's Act 2010 prohibits all forms of violence against women, including sexual harassment, in both public and private life. More specifically, the Sexual Offences 2013 Act criminalizes every form of sexual assault, including sexual harassment where offenders, if convicted, are subject to a one-year mandatory prison sentence (US Department of State, 2017). The state's Labour Law 2007 however does not explicitly address sexual harassment.

In practice, sexual harassment continues to be a common problem in both the workplace and in schools, where it is rarely reported to authorities (Saine, 2012; US Department of State, 2017). In particular occupations, such as jobs in the army, the police force, or the prison system, the discrimination and harassment of women continues to persist, especially against women who become pregnant outside of marriage (TANGO, 2015).

e) Female genital mutilation

In 2015, the government passed the Women's Amendment Act, which prohibits female genital mutilation (FGM) (Art 32A, 2015). The act specifies varying penalties for those who commit the act as well as those who are aware of the act but fail to report it, including imprisonment and fines (US Department of State, 2017). Throughout the country, there are many NGOs active in raising awareness on FGM, including The Gambia Family Planning Association (GFPA), The Association for Promotion Girls and Women (APGWA), BAFROW, Gambia Committee on Traditional Practices (GAMCOTRAP) and The Child Protection Alliance (CPA) (US Department of State, 2017).

In the Gambia, FGM is a pervasive practice, in which traditional and religious leaders continue to defend (US Department of State, 2017). It is widely practiced in rural areas, and to a lesser extent, in urban areas, (US Department of State, 2017; TANGO, 2015). Traditionally, FGM was seen by many ethnic groups as a rite of passage to womanhood, whereas now it is seen as an act to acquire social capital and acceptance (UK Home Office, 2016). Given that FGM is a practice that is entrenched in the cultural and social traditions of various communities, there is a concern that the newly enacted laws prohibiting FGM may force the practice underground or into neighbouring countries where it is not criminalized (Ibid.).

f) Abortion

Under the state's Penal Code, abortion is illegal and punishable by imprisonment (Criminal Code, Sections 140-142, 198-199, 1934). There are however exceptions in which an abortion would be allowed, including to save the life of a pregnant mother, or to preserve the physical or mental health of a pregnant mother (CEDAW, 2015; UN DESA, 2014). The penalties for conducting an abortion, vary by extent of participation; where a person who performs an abortion is subject to 14 years in prison; a woman who performs her own abortion or consents to it being performed is subject to seven years in prison; and a person who supplies instruments with the knowledge that they are intended to be used for the performance of an unlawful abortion is subject to three years in prison. (UN DESA, 2014).

More

Polygamy. Due to concurrent law regimes in The Gambia and deeply engrained cultural and religious beliefs, polygamy is not universally prohibited, and in practice it is common throughout the country (Mwakikagile, 2010). Studies have shown that in such unions men often abandon older wives for younger ones; and moreover, these women tend to suffer from more psychological disorders, as well as more familial and economic problems than women in monogamous marriages (Lowe, et al., 2016).

Women Human Rights Defenders. While the Women's Act prohibits violence against women in both private and public life, women Human Rights Defenders in the country continue to be a target of violence, harassment, intimidation and hate speech (GAMCOTRAP, 2015; TANGO, 2015). Similarly, their families are also targets of harassment and attack (GAMCOTRAP, 2015). There are no additional measures to date to provide protection specifically for women rights defenders or similar feminist activists.

Trafficking, Forced Labour and Sexual Exploitation. In 2007, the government adopted the Trafficking in Persons Act. Still, human trafficking remains to be a problem in the country, where women and children are particularly vulnerable to sex trafficking and domestic servitude (US Department of State, 2017). Reportedly, there is weak enforcement of the law and the government does not fully comply with the minimum standards for the elimination of trafficking (US Department of State, CEDAW, 2015).

Lesbian, Bisexual and Transgender Women. In the Gambia, homosexual acts are criminalized and "aggravated homosexuality" (which is defined as serial offenders, persons with a previous conviction for homosexual activity, persons who have same-sex relations with someone under the age of 18 or persons with HIV) is a crime punishable for up to life imprisonment (US Department of State, 2017);

CEDAW, 2015; CRC, 2015). Further anti-discrimination legislation does not protect lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons (US Department of state, 2017), leaving these groups of women persecuted and stigmatized (CRC, 2015; CEDAW, 2015).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Under civil law, every woman and man have equal rights to acquire, administer, and dispose of movable and immovable property without restriction (Women's Act, 2010). Moreover, the law ensures that married women have rights equal to married men to independently own and manage property, apart from the joint marital property (Art. 11, 2010). In the case of divorce or separation, the law also ensures women and men receive equitable shares of the joint marital property (Art. 43, 2010). This legislation however is subject to personal law, including customary or Sharia law, which at times may be discriminatory against women in matters relating to property and inheritance (CEDAW, 2015).

Under Islamic law, women access land through marriage where they may only borrow land, and are denied the right to inherit it from their husbands (US Department of State, 2017). In addition, under Sharia law, women received a smaller share of other assets derived from inheritance than men (Ibid). Customary tenure systems are regulated by the State Lands Act 1991 which gives more rights to male registration holders than female holders (FAO, n.d.). In other communities, women's access to and use of land is regulated by their husbands, where once divorced, the land is returned to the husbands family (Ibid.) Rural women are particularly marginalised in accessing land, owing to the discriminatory cultural beliefs and values held by the communities they live in (CEDAW, 2015; TANGO, 2015).

b) Secure access to formal financial resources

In civil law, women are entitled equal treatment, including equal opportunities in economic life, as men (Constitution, rev 2001). By this extension, women should have equal rights to men in accessing formal financial resources, including opening a bank account and obtaining credit, in their pursuit of economic opportunities. The law has additional provisions for rural women, who often are marginalized in accessing credit, land, and other income-generating opportunities (CEDAW, 2015). Namely, it stipulates that the government should ensure that rural women have access to agricultural credit, and loans, marketing facilities (Women's Act, 2010).

To support these acts, several associations have been established women specific initiatives to facilitate women's access to credit in the country, including the Gambia Women's Finance Association, the Association of Gambian Entrepreneurs, the Women in Service Development Organization and Management (FAO, n.d.). Despite these efforts, women's access to formal financial resources remains limited, in particular those of rural women (CEDAW, 2015).

c) Workplace rights

Relating to labour laws, the country has ratified the international labour conventions on discrimination (C111 – Discrimination Employment and Occupation Convention, 1958) and equal remuneration (C100

– Equal Remuneration Convention, 2001), and moreover, it has domesticated these into its national legislation. Specifically, the Women’s Act prohibits discrimination against women in employment and ensures equal remuneration for equal work (Arts.16, 18, 2010). Further, the act stipulates that women have the equal right to choose her employment and profession equal to men (Ibid).

National legislation also has specific provisions for pregnant women, where discrimination against women on grounds of maternity or marital status is prohibited and any employer who commits such an offense is liable to a fine of GMD 50 000 or imprisonment of 1 year or both (Women’s Act, 2010). The Women’s Act also provides pregnant women with maternity leave for a period of six months with full pay or comparable social benefits, and the guarantee of job security during such leave. Moreover, the Act stipulates the employer is responsible (within its resources) to provide the necessary social services so that women may be able to meet work obligations, and special protections for women during pregnancy in types of work proved harmful to them. The law also affords fathers with paternity leave with full pay (Women’s Act, 2010).

While the legislation was in place to facilitate an equal rights and opportunities for women and men in the workplace, discrimination continues to prevail in women’s access to formal employment, salary, and treatment in the workplace. Specifically, there is a low participation of women in the formal sector, a vertical and horizontal occupational segregation among women and men, a gender wage gap, and no specific ban of sexual harassment in the workplace (CEDAW, 2015). Women were often hired in low skilled, low paying jobs such as food vending and subsistence farming (US Department of State, 2017).

4. Restricted Civil liberties

a) Citizenship rights

In 2001, the state’s Constitution was amended to ensure that women and men had the equal rights to acquire, retain, or change their citizenship, regardless of their marital status (Art 9, 10 rev 2001; Women’s Act, Art. 38, 2010). The law also allows both women and men to confer their citizenship to their non-national spouse (Art 11, rev 2001). Moreover, for women who acquire their citizenship through marriage, they have the right to retain citizenship equal to men, regardless if the marriage has since ended by annulment, divorce or death (Art 11, rev 2001).

The Law also maintains that women and men have share the right to freedom of movement, where each citizen may move freely throughout the country and outside of the country, with the right to return to The Gambia (Constitution rev. 2001). With regard to identity cards and passports, women and men have equal opportunity to apply for these documents (GAMBIS, accessed 2017).

The Constitution also allows both women and men to equally confer their citizenship to their children regardless of their marital status (Art 9, rev 2001). Further, either parent may register the birth of their child and apply for identity cards and passports for their children (Nationality and Citizenship Act, 1965).

It has been reported that large numbers of children are not registered at birth, partly due to the stigmatization placed on single mothers for having children outside of marriage (CEDAW, 2015). While

there are provisions for delayed registration, the procedures for this were reportedly cumbersome (Ibid.). In response, the government has incorporated some measures in its Productive and Child Health Care Services Programme (CRC, 2015). Specifically, traditional birth attendees or midwives who assist deliveries in the home have been trained to record the time and date of delivery for submission to the nearest medical facility to process the birth registration (CRC 2015).

b) Voting

By law, each citizen of Gambia who is 18 years of age or older may vote (Constitution, rev. 2001). The Constitution also stipulates that in order to vote citizens must be of “sound mind”, thus excluding women and men who may have mental disabilities (Ibid.). In some Muslim communities, married women are subjected to the “purdah” or female seclusion and are prohibited from leaving their home or having visitors, including their own family and friends (Musawah, 2015). As such, their limited freedom to move freely may hinder their ability to vote should elections take place (Musawah, 2015).

c) Political voice

The law is explicit in women’s right “to equal treatment with men, including equal opportunities in political, economic and social activities (Constitution, rev. 2001). This includes the right to vote and to hold public office in all branches (legislative, executive, and judicial) and levels (national, local) of government (Ibid.).

Notably, the vice president’s office has been occupied by women since 1997; first by Isatou Njie-Saidy, followed by Fatoumata Tambajang in 2017. Yet, at large, women’s representation in the National Assembly remains low, and there are very few ministries are headed by women (US Department of State, 2017; CEDAW, 2015). At the local level, women are underrepresented in local councils and are rarely appointed village heads, (TANGO, 2015; US Department of State, 2017; CEDAW, 2015). Causes for this may include cultural or religious constraints that place women in a position that is inferior to men. (US Department of State, 2017; TANGO, 2015). According to the Association of Non-Governmental Organizations in the Gambia, the ongoing challenges of adopting more gender responsive laws, including the criminalization of marital rape or FGM may be linked to the underrepresentation of women in political life (TANGO, 2015). Particularly vulnerable are rural women and women with disabilities, who have more limited access to participate in political and public life (CEDAW, 2015).

d) Access to justice

Under the state’s constitution, women are on equal legal footing to men, whereby “women shall have the right to equal treatment with men” (Art. 28, rev. 2001). In 2010, the government adopted the Women’s Act, a significant piece of legislation that addresses the systematic discrimination against women in the country. Notably, the act ensures that “every woman is entitled to equality and justice before the law and to equal protection of the law” (Art. 7, 2010). This includes women possessing the same legal capacity and same opportunities to exercise that legal capacity in the court of law (Women’s Act, 2010). The Act also calls for additional measures to support women’s capacity to exercise their legal rights, such as provisions for legal aid, gender sensitivity training for law

enforcement agencies, and increasing representation of women on the police force and in courts (Ibid.).

The State has not yet established an independent national human rights institution, however it does have a Women's Bureau under the Office of the Vice President which serves to ensure and promote the legal rights of women (CEDAW, 2015; US Department of State, 2017). Moreover, many high court judges were women and women's rights groups were active in the country (US Department of State, 2017; CEDAW, 2015).

Still, there are barriers faced by women, in particular rural women, in gaining access to justice (CEDAW, 2015). In cases dealing with domestic violence or rape, women did not file reports due to social stigmatisation, and often settled most cases through family mediation (US Department of State, 2017). Of the women who do pursue legal remedies, many do not have the resources to hire a lawyer to represent them in court. Despite the legal frameworks that allow for legal aid, access to it is not evident and many women rely on women's rights organizations for financial support, or eventually do not move forward in the legal process (TANGO, 2015).

In other instances, women resort to Cadi courts or district tribunals that apply Sharia law, where the testimony of women is not equal in evidentiary weight to men (CEDAW, 2015; TANGO, 2015). Under Sharia law, the testimony of two women is equal to that of one man (Africa for Women's Rights, n.d.). Cadi courts, which are comprised of Muslim (mostly male) judges, have jurisdiction to apply Sharia law in matters relating to marriage, divorce, custody over children, and inheritance (Constitution, rev. 2001; TANGO, 2015). Further, there are non-Cadi district tribunals that operate under customary and traditional law, who may also invoke Sharia law when presiding over cases involving Muslims (US State Department, 2017). Generally, Cadi courts and district tribunals are presided by men, and moreover, do not offer standard legal representation to the parties in a case, since many lawyers are not trained in Islamic or customary law (TANGO, 2015; FAO, n.d.)

In detention facilities, women who have been convicted of a crime are reportedly forced to live in "deplorable" conditions and are subjected to acts of violence and rape by guards or male detainees, of which are not adequately investigated and prosecuted (CEDAW, 2015).

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