



Child Protection Alliance



**Oral Statement to the CEDAW Committee: The Gambia**  
**83<sup>rd</sup> CEDAW Session 17<sup>th</sup> October 2022**  
**Name of Speaker – Ms. Priscilla Yagu Ciesay**

Thank you, Madam Chair, and esteemed Committee Members:

1. I read this statement on behalf of a Coalition of Gambian NGOs, namely Child Protection Alliance; Think Young Women and Women's Association for Victims' Empowerment (WAVE) and Musawah, the global movement for equality and justice in the Muslim family.
2. Our Coalition thematic report focused on key areas of discrimination faced by Gambian women in the area of marriage and family - Article 16 of the Convention, issues which were discussed during The Gambia's last CEDAW review.
3. We welcome that The Gambia recently appointed two female Cadis for the Shariah court, demonstrating concrete measures to advance the equality and welfare of women.
4. The Gambia legally prohibited child marriage and FGM.<sup>1</sup> However, we note with concern, challenges in the implementation and enforcement of laws against these practices which remain prevalent in the country.
5. The Gambia also witnessed an increase in gender-based violence amid the Covid-19 pandemic.
6. The Constitution states that **the prohibition of discrimination** does not apply in respect of adoption, marriage, divorce, and devolution of property upon death since these matters are to be decided in accordance with Sharia and customary laws.<sup>2</sup>
  - a. Firstly, we assert that discrimination of women in these areas **is not in conformity** with The Gambia's international human rights obligations.
  - b. Secondly, we submit that there are **juristic tools and concepts** that exist *within* Muslim legal theory that *can* be used to reform discriminatory Muslim laws.
7. Madam Chair, laws introduced in the name of Shari'ah should also reflect the values of equality, justice, love, compassion and mutual respect among all human beings.

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<sup>1</sup> Women's Amendment Act on the prohibition of FGM in 2015; the Children's Amendment Act on the prohibition of Child Marriage in 2016

<sup>2</sup> Section 33(5)(c) and (d) of the 1997 Constitution



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8. **We assert, however, that The Gambia's family laws remain fundamentally patriarchal.**
  - a. Largely, polygamy continues to be practiced in a manner that negatively impacts the financial, emotional, and psychological well-being of some wives and children in polygamous unions.
  - b. Marital rape has also not been declared illegal.
  
9. **In light of the foregoing, we thus recommend the CEDAW Committee to urge The Gambia:**
  - a. To amend Section 7(f) of the 1997 Constitution so Muslim women in The Gambia can freely choose what law applies to issues concerning marriage, divorce, and inheritance.
  - b. To urgently repeal discriminatory provisions under Section 33(5)(c) and (d) of the Constitution and harmonize the Women's Act 2010, and other national legislation/personal laws to ensure that Muslim women and girls enjoy the same rights as men in all aspects of family life.
  - c. To ensure harmonization with progressive parts of the Constitution to pave the way for **de jure equality** between men and women in the area of personal law.
  - d. To prioritize capacity-building of Cadis and other officials of religious courts to respond to personal status laws of women efficiently and without discrimination.
  
10. We also encourage The Gambia to continue advancing its efforts towards gender equality, not only in the public sphere, but also in women's private lives, **as without equality in the family, there can be no equality in society.**
  
11. We thank you for this opportunity, Madam Chair.