



The Republic of The Gambia

# **WOMEN'S ACT, 2010**

**Office of the Vice President  
and  
Ministry for Women Affairs**

July 2010

# **WOMEN'S ACT, 2010**

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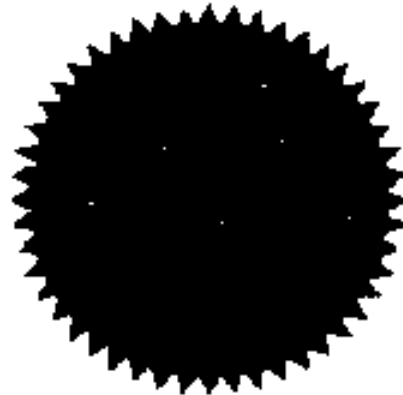
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Women's Act, 2010



THE GAMBIA  
NO. 17 OF 2010

Assented to by The President

this 22<sup>nd</sup> day of May, 2010



YAHYA A. J. JAMMEH  
President

**AN ACT** to implement the legal provisions of the National Policy for the advancement of Gambian Women and Girls, and to incorporate and enforce the United Nations 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 and for other matters connected therewith.

[ ]

**ENACTED** by the President and the National Assembly

**PART I – PRELIMINARY**

- Short title      1. This Act may be cited as the Women's Act 2010.
- Interpretation      2. In this Act, unless the context otherwise requires-

"abuse" includes physical, psychological, sexual, verbal, economic, social, culture, or similar mistreatment or mishandling which interferes with the integrity of the woman;

"Bureau" means the administrative Bureau established under section 70;

"Chairperson" means the Chairperson of the Council;

"Convention" means the Convention on the Elimination of all Forms of Discrimination against Women;

"Council" means the National Women's Council established under section 57;

"Court" means the High Court of The Gambia;

"discrimination against women" means any distinction, exclusion or restriction or any differential treatment based on sex and whose objectives or effects compromise or destroy the recognition, enjoyment or the exercise by women, regardless of their marital status, of human rights and fundamental freedoms in all spheres of life;

"girl-child" means a female child under the age of eighteen years;

"mainstreaming" includes all efforts being undertaken or to be undertaken as will secure a parity of opportunities, rights and privileges between men and women;

"personal law" means the law regulating the religious belief and conduct of a person;

"Policy" means the National Policy for Advancement of Gambian women and Girls or such other policy as may be adopted, from time to time;

"Protocol" means the Protocol to the African Charter on Human and Peoples' Right on the Rights of Women in Africa;

"Minister" means the Minister responsible for matters relating to women;

"violence" includes physical, mental and emotional, psychological, sexual, verbal or emotional mistreatments or assault;

"violence against women" means all acts perpetrated against women which cause or could cause them physical, mental and emotional, sexual, psychological or economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war; and

"woman" includes a girl-child.

**PART II – WOMEN'S HUMAN RIGHTS PROTECTION**

Application of the Constitution

**3.** In addition to the rights guaranteed under Chapter IV of the Constitution of the Republic of The Gambia, every woman has the rights and shall enjoy the protections set out in this Act.

Right to dignity

**4.** Every woman is entitled to respect for the dignity of her person, and accordingly, no woman shall be-

- (a) subjected to torture or to inhuman or degrading treatment or punishment;
- (b) held in slavery or servitude; and
- (c) required to perform forced or compulsory labour.

Right to life, integrity and security of the person

**5. (1)** Every woman is entitled to respect for her life and the integrity and security of her person

(2) Death sentence shall not be carried out on any woman who is pregnant or nursing a child.

Protection from violence

**6. (1)** Every woman shall be protected against any form of physical, sexual, psychological or economic harm, suffering, or violence whether occurring in public or private life.

(2) Any form of violence against women is hereby prohibited

(3) All Government Departments, agencies, organs, public or private institutions shall take appropriate measures to promote and protect women's right and their legal status from any form of abuse or violence by any person, enterprise, organisation or institution.

Access to  
justice and  
equal  
protection  
before the law

7. (1) Every woman is entitled to equality and justice before the law and to equal protection of the law.

(2) In pursuance of subsection (1), a woman-

- (a) in civil matters, has a legal capacity identical to that of a man and the same opportunities to exercise that capacity;
- (b) has equal rights to conclude contracts and to administer property;
- (c) shall be treated equally in all stages of the procedures in courts, tribunals and other judicial proceedings; and
- (d) has the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

(3) All contracts and all other private instruments of any kind with a legal effect directed at restricting the legal capacity of a woman are deemed null and void.

(4) The Government shall-

- (a) provide legal aid support to ensure equal protection and promotion for women;
- (b) ensure that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights;



- (c) ensure that women are equitably represented in the Judiciary and law enforcement organs of the State; and
- (d) take adequate steps to reform existing discriminatory laws and practices in order to promote and protect the rights of women.

Right to freedom of expression

**8. Every woman is entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.**

Right to freedom from discrimination

**9. (1) A woman shall not be made to suffer any discrimination by reason only that she is a woman.**

**(2) In accordance with subsection (1), a woman shall not be subjected, either expressly, or in the application of any law in force in The Gambia or any executive or administrative action of Government, to disabilities or restrictions to which citizens of The Gambia are generally not made subject.**

**(3) Nothing in this section prevents the making of laws in pursuance of promoting equality for women in the society and removing all forms of discrimination against women in law and in practice.**

**(4) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to standards of qualifications (not being standards of qualifications specifically relating to race, colour, language, religion, political or other opinion, national or social origin, property, birth, gender or other status) to be required of any person who is appointed to any office-**

- (a) in the public service;
- (b) in a disciplined force;

(c) in the service of a Local Government Authority; or

(d) in a body corporate established by law for public purposes.

Prohibition of discrimination

10. (1) A person, public institution or private enterprise shall not, through words spoken, acts, inactions, omissions, laws, regulations, or administrative procedures, discriminate against women.

(2) Any person, authority, body or institution, public or private enterprise that fails in the duty imposed on him or her or it under this Act, commits an offence and is liable to pay such compensation as restitution as the court may determine.

(3) Any existing law, regulation, or practice, which constitute discrimination against women, is null and void and of no effect whatsoever and is not enforceable against any person.

Right to movable and immovable property

11. Every woman, whether by means of inheritance or otherwise, has the right to acquire and own, movable and immovable property, and to administer, manage and dispose of, the property freely without restrictions.

Enforcement of the rights of women under this Act

12. (1) The provisions of this Act are enforceable in the same manner as is set out in section 37 of the Constitution of the Republic of The Gambia 1997, or any successive provisions.

(2) Notwithstanding the generality of subsection (1), the following persons have the right to approach a competent court, alleging that a right in this Act has been infringed or threatened and the Court may grant appropriate relief, including a declaration of rights-

(a) a man or a woman acting in his or her own interest;

- (b) a man or a woman acting on behalf of another man or woman who cannot act in his or her own name;
- (c) a man or a woman acting as a member of, or in the interest of, a group or class of men or women;
- (d) a man or a woman acting in the public interest; and
- (e) an association acting in the interest of its members.

(3) The Bureau established under section 70 has the right and standing to institute action in the name of the Council to enforce any of the provisions of this Act on behalf of any woman or group of women.

Jurisdiction

13. The High Court of The Gambia has jurisdiction in respect of any infringement of this Act.

### **PART III – GOVERNMENT'S OBLIGATION TO ELIMINATE ALL FORMS OF DISCRIMINATION**

Government's obligation to elimination of all forms of discrimination

14. (1) The Government shall promote and protect the rights of women and take positive measures to eliminate all forms of discrimination against women in all its institutions, agencies and organs, in line with its international obligations under the Convention and the Protocol.

(2) Every Ministry and Government department, agency or organ of Government is responsible for the implementation of this Act, in its respective field or area of competence.

(3) In pursuance of subsection (2), every Ministry, Government department, agency or organ of Government shall take all appropriate measures, in its field or area of competence to-

- (a) eliminate all forms of stereotypes and acts of discrimination which perpetrate or tend to perpetrate gender inequality;
- (b) ensure full and equal participation of women;
- (c) undertake a gender audit of all laws and policies in order to further reinforce the principle of equality between men and women;
- (d) mainstream gender perspective in planning and programming of all activities and initiatives; and
- (e) put institutions and policies in place to address violence against women and eliminate gender discrimination through-
  - (i) periodic training of all its personnel on gender and rights arising therefrom,
  - (ii) taking practical steps towards modification of social patterns through information and education, and
  - (iii) taking practical steps to redress discrimination and violence against women.

#### **PART IV – TEMPORARY SPECIAL MEASURES IN FAVOUR OF WOMEN**

Adoption of temporary special measures in favour of women

15. (1) Every organ, body, public institution, authority or private enterprise shall adopt temporary special measures as set out in this Act aimed at accelerating *de facto* equality between men and women.

(2) The special measures to be adopted under subsection (1) shall-

- (a) not be considered discrimination as defined in this Act or in any other law in force, but shall in no way entail, as a consequence, the maintenance of unequal or separate standards; and
- (b) be discontinued when the objectives of equality of opportunity and treatment have been achieved.

(3) Without prejudice to the provisions of subsections (1) and (2), every organ, body, public institution, authority or private enterprise shall take appropriate measures to protect the maternity status and reproductive health of women, including allocation of special facilities, time, and resources, aimed at protecting maternity, and such special measures shall not be considered discriminatory.

#### **PART V – PROHIBITION OF DISCRIMINATION AGAINST WOMEN IN EMPLOYMENT**

Prohibition of discrimination against women in employment

**16.** Every woman has the right to work on the basis of same employment opportunities, including the application of the same criteria for selection in matters of employment.

Free choice of employment and profession

**17.** Every woman has the right to-

- (a) free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service; and
- (b) receive vocational training and retraining, including apprenticeships, advance vocational training and recurrent training.

Equal remuneration

**18.** Every woman has the right to-

- (a) equal remuneration, including benefits;
- (b) equal treatment in respect of work of equal value; and
- (c) equality of treatment in the evaluation of the quality of work.

Social security benefit	<p><b>19.</b> Every woman has the right to any available social security benefits, particularly in cases of retirement, unemployment, sickness, invalidity, and old age and other incapacity to work, as well as the right to paid leave.</p>
Maternity leave	<p><b>20.</b> (1) Every woman is entitled to a period of six months maternity leave with pay or with comparable social benefit without loss of employment, seniority or similar benefits.</p> <p>(2) In order to reinforce the common responsibility of men and women in the upbringing and development of their children, every father is entitled to a reasonable period of time not exceeding ten working days as paternity leave with pay, for every child delivered for him.</p>
Protection of health and safety at work	<p><b>21.</b> Every woman has the right to protection of health and to safety, in working conditions, including the safeguarding of the function of reproduction.</p>
Discrimination used in marriage or maternity	<p><b>22.</b> (1) Every form of discrimination against women on the grounds of maternity is hereby prohibited.</p> <p>(2) A woman shall not be dismissed from her employment on the grounds of maternity leave, or on the basis of her marital status.</p> <p>(3) An employer who contravenes the provisions of this section commits an offence and is liable on conviction to a fine of fifty thousand dalasis or imprisonment for a term of one year, or to both the fine and imprisonment.</p>
Support services	<p><b>23.</b> Every employer shall endeavour to provide, within the limits of his or her resources, the necessary supporting social services to enable women to combine family obligations with work responsibilities and participation in public life.</p>
Protection during	<p><b>24.</b> Every employer shall provide special protection to women during pregnancy in types of</p>

pregnancy work proved to be harmful to them.

Periodic  
review of  
legislation

**25.** The Government shall review periodically protective legislation relating to matters covered in this Part of this Act in the light of scientific and technological knowledge and shall review, repeat or extend those legislation as necessary.

#### **PART VI – ELIMINATION OF DISCRIMINATION IN THE FIELD OF EDUCATION**

Right to  
education and  
training

**26. (1)** Every woman has the right to basic education and training for self development.

**(2)** Pursuant to subsection (1), the Government shall take all appropriate measures to-

- (a) eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training;
- (b) eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination;
- (c) protect women, especially the girl-child from all forms of abuse, including sexual harassment in schools and other educational institutions and provide for sanctions against the perpetrators of such practices;
- (d) provide access to counselling and rehabilitation services to women who suffer abuses and sexual harassment;
- (e) Integrate gender sensitisation and human rights education at all levels of education curricula, including teacher training;
- (f) promote literacy among women;
- (g) promote education and training for women at all levels and in all disciplines, particularly in the fields of science and technology; and
- (h) promote the enrolment and retention of girl-children in schools and other training

institutions and the organisation of programmes for women who leave school prematurely.

Prohibition of expulsion on the ground of pregnancy

**27. Where a girl-child student becomes pregnant she shall-**

- (a) not be expelled from school but be allowed to be absent during the period of her pregnancy; and
- (b) be afforded the opportunity to return to the school on delivery of her baby.

Prohibition of withdrawal from school for the purposes of marriage

**28. A girl-child shall not be withdrawn from school by any parent or guardian for the purpose of marriage.**

#### **PART VII – RIGHT TO HEALTH**

Right to health and health care

**29. (1) Every woman has the right to health, which means the enjoyment of the highest level of physical, mental and social well-being, health care and health care services, including those related to family planning and, in particular, every rural woman has the right to have access to adequate health care facilities, including information and counseling, subject to personal law.**

**(2) Every woman has the right to have access to appropriate services, in connection with pregnancy, confinement and the post-partum period, free services, where necessary, as well as, adequate nutrition during pregnancy and lactation.**

**(3) Every woman has the right to take decisions about her health needs and requirements and, in particular, she has the right to determine the processes concerning reproduction in her body in accordance with international best practices.**

Elimination of discrimination on the basis of sex in reproduction health rights and services

**30. (1) Every woman has the right to enjoy reproductive rights, including the right to medical abortion, where the continued pregnancy endangers the life of the mother or the life of the foetus.**

**(2) The medical abortion permitted under subsection (1) shall not be carried out without the**



confirmation of the state of health of the woman in question by a registered medical practitioner who possesses the necessary expertise in the field.

(3) Where the woman in question is in an environment where the necessary medical facilities are not available, appropriate referral shall be made in accordance with systems of medical referrals established in the health services.

(4) Where the woman in question is unable to afford the medical expenses involved, Government shall bear the cost of the medical services.

Government's obligation to respect and promote right to health, in particular, maternal, newborn and child health

31. (f) The Government shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted.

(2) The right to health includes-

- (a) the right to have family life education;
- (b) the right to decide, in consultation with her husband, the spacing of children;
- (c) the right to choose any method of contraception, that is medically suitable to health;
- (d) the right to self protection and to be protected against sexually transmitted diseases, including HIV/AIDS; and
- (e) the right to be educated on the health aspects of harmful traditional practices.

Measures to be undertaken by Government

32. The Government shall take all appropriate measures to-

- (a) provide adequate, affordable and accessible health services, including information, education and communication programmes to women, especially those in rural areas;
- (b) expand and strengthen existing pre-natal, delivery and post-partum health and nutritional services for women during pregnancy and while they are breast-feeding;

- (c) protect the reproductive health rights of women by authorizing medical abortion where the continued pregnancy endangers the life of the mother or the foetus;
- (d) ensure the availability of skilled attendance during pregnancy, childbirth and the post-partum period for all women on a sustainable basis to reduce morbidity and mortality; and
- (e) provide care and protection for women affected by long term complications arising from pregnancy and childbirth processes.

#### **PART VIII – RURAL WOMEN**

The rights of women in rural communities

**33. (1) Every Government agency, organ, body, authority, public or private institution or enterprise, individual or community shall-**

- (a) take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the informal non-monetized sectors of the economy; and
- (b) ensure the application of the provisions of this Act to women in rural areas.

**(2) Every Government agency, organ, body, authority, public institution or private enterprise, individual or community shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality between men and women, that they participate in and benefit from rural development projects and, in particular, shall ensure that rural women have the right to-**

- (a) participate in the conceptualisation, elaboration and implementation of development projects at all levels;
- (b) benefit directly from social security programmes;

- (c) obtain all types of training and education, formal and non-formal, including those relating to functional literacy, as well as, the benefit of all community and extension services, in order to increase their technical proficiency;
- (d) organise self-help groups and co-operatives in order to obtain access to economic opportunities through employment or self employment;
- (e) have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform, as well as, in land resettlement schemes.

**PART IX – MARRIAGE AND THE FAMILY**

- |                                     |   |
|-------------------------------------|---|
| Right to marry                      | <p><b>34. (1) A woman and a man shall enjoy equitable rights as equal partners in marriage.</b></p> <p><b>(2) The rights of a woman, in a marriage and family, shall be promoted and protected by Government.</b></p> |
| Consent of both parties to marriage | <p><b>35. A marriage shall not take place without the free and full consent of both parties and a marriage so contracted is voidable.</b></p>   |
| Registration of marriages           | <p><b>36. Government shall encourage parties to a marriage to record their marriage in writing and have it registered in accordance with the law that regulates it.</b></p>   |
| Right to retain maiden name         | <p><b>37. A married woman has the right to retain her maiden name, and to use it as she pleases, jointly or separately with her husband's surname.</b></p>  |
| Right to retain nationality         | <p><b>38. A woman has the right to retain her nationality or to acquire the nationality of her husband.</b></p>   |
| Nationality of children             | <p><b>39. A woman has equal rights, with respect to the nationality of her children.</b></p>  |
| Joint responsibility for children   | <p><b>40. A man and a woman shall jointly contribute to safeguarding the interests of the family, protecting and educating their children.</b></p>  |

Right to acquire property	<b>41.</b> A woman has the right to acquire her own property and to administer and manage it freely.
Right to choose matrimonial home	<b>42.</b> The husband and wife shall by mutual agreement choose their matrimonial regime and place of residence subject to their personal law.
Separation, divorce and annulment of marriage	<p><b>43. (1)</b> Every woman shall enjoy equitable rights as men in case of separation, divorce or annulment of marriage, subject to personal law.</p> <p><b>(2)</b> A woman has the right to seek separation, divorce or annulment of marriage.</p> <p><b>(3)</b> In the case of separation, divorce or annulment of marriage, a man and a woman have reciprocal rights and responsibilities towards their children, and, at all times, the interests of the children shall be given paramount consideration.</p> <p><b>(4)</b> In the case of separation, divorce or annulment of marriage, a man and a woman have the right to an equitable sharing of the joint property derived from the marriage.</p>
Widow's rights	<p><b>44. (1)</b> A widow shall-</p> <ul style="list-style-type: none"> <li><b>(a)</b> not be subjected to inhuman, humiliating or degrading treatment;</li> <li><b>(b)</b> automatically become the guardian and custodian of her children after the death of her husband, unless this is contrary to the interests and the welfare of the children;</li> <li><b>(c)</b> have the right to remarry, and in that event, to marry the person of her choice, subject to personal law.</li> </ul> <p><b>(2)</b> A widow has the right to an equitable share in the inheritance of the property of her husband, subject to personal law.</p> <p><b>(3)</b> A widow has the right to continue to live in the matrimonial home, subject to personal law.</p> <p><b>(4)</b> In case of remarriage, a widow shall retain the right to live in her previous matrimonial home if it belongs to her or if she has inherited it.</p>

Right to  
Inheritance

**45. A man and a woman have the right to inherit, in equitable shares, their parents' properties, subject to personal law.**

**PART X – ADDITIONAL RIGHTS UNDER THE PROTOCOL**

Right to  
peace

**46. (1) A woman has the right to a peaceful existence and the right to participate in the promotion and maintenance of peace.**

**(2) The Government shall take all appropriate and practical measures to ensure the increased participation of women-**

- (a) in programmes of education for peace and a culture of peace;**
- (b) in the structure and processes for conflict prevention, management and resolution at local, national, regional, continental and international levels;**
- (c) in the local, regional, continental and international, decision making structures to ensure physical, psychological, social and legal protection of asylum seekers, refugees, returnees and displaced persons, in particular women;**
- (d) in all levels of the structures established for the management of camps and settlements for asylum seekers, refugees, returnees, and displaced persons, in particular women;**
- (e) in all aspects of planning, formulation and implementation of post-conflict reconstruction and rehabilitation.**

Protection of  
women in  
armed  
conflict

**47. (1) The Government shall respect and ensure respect for the rules of International Humanitarian Law applicable in armed conflict situations which affect the population, particularly women.**

**(2) The Government shall, in accordance with the obligations incumbent on it under International Humanitarian Law, protect civilians, particularly women, irrespective of the population to which**

they belong, in the event of armed conflict.

(3) The Government shall protect asylum seeking women, refugees, returnees and internally displaced women, against all forms of violence, rape and other forms of sexual exploitation against women, and ensure that such acts are considered war crimes, genocide or crimes against humanity and that their perpetrators are brought to justice before a competent criminal jurisdiction.

Right to food security

48. (1) Every woman has the right to nutritious and adequate food

(2) Government shall take appropriate measures to-

(a) provide women with access to clean drinking water, sources of domestic fuel, land, and the means of producing nutritious food; and

(b) establish adequate systems of supply and storage to ensure food security.

Right to adequate housing

49. (1) Every woman has the right to equal access to housing and acceptable living conditions in a healthy environment.

(2) To ensure the right under subsection (1), the Government shall grant to women, irrespective of their marital status, access to adequate housing.

Right to positive cultural context

50. (1) Every woman has the right to live in a positive cultural context and to participate at all levels in the determination of cultural policies.

(2) The Government shall take all appropriate measures to enhance the participation of women in the formulation of cultural policies at all levels.

Right to a healthy and sustainable environment

51. (1) Every woman has the right to live in a healthy and sustainable environment.

(2) The Government shall take all appropriate measures to-

(a) ensure greater participation of women in

the planning, management and preservation of the environment and the sustainable use of natural resources at all levels;

- (b) promote research and investment in new and renewable sources and appropriate technologies, including information technologies and facilitate women's access to, and participation in, their control;
- (c) protect and enable the development of women's indigenous knowledge systems;
- (d) regulate the management, processing, storage and disposal of domestic waste; and
- (e) ensure that proper standards are followed for the storage, transportation and disposal of toxic waste.

Right to sustainable development

**52. (1) Every woman has the right to fully enjoy her right to sustainable development.**

(2) The Government shall take all appropriate measures to-

- (a) introduce the gender perspective in the national development planning procedures;
- (b) ensure participation of women at all levels in the conceptualisation, decision-making, implementation and evaluation, of development policies and programmes;
- (c) promote women's access to, and control over, productive resources, such as land and guarantee their right to property;
- (d) promote women's access to credit, training, skills development and extension services at rural and urban levels in order to provide women with a higher quality of life and reduce the level of poverty among women;
- (e) take into account indicators of human development specifically relating to women in the elaboration of development policies

and programmes; and

- (f) ensure that the negative effects of globalisation and any adverse effects of the implementation of trade and economic policies and programmes are reduced to the minimum for women.

Special  
protection of  
elderly  
women

**53. (1)** The Government shall take appropriate measures to-

- (a) provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs; and
- (b) ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.

(2) In this section, "elderly women" means a woman of sixty years of age and above.

Special  
protection of  
women with  
disabilities

**54.** The Government shall take appropriate measures to-

- (a) ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training, as well as, their participation in decision-making; and
- (b) ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.

Special  
protection of  
women in  
distress

**55.** The Government shall take appropriate measures to-

- (a) ensure the protection of poor women and women who are heads of families, including women from marginalised population groups, and provide them an environment suitable to their condition and their special physical, economic and social needs; and



- (b) ensure the right of pregnant or nursing women or women in detention by providing them with an environment which is suitable to their condition and the right to be treated with dignity.

Budgetary allocation

**56.** All Government Departments and public institutions shall provide budgetary resources to implement and monitor this Act.

## **PART XI – NATIONAL WOMEN’S COUNCIL**

### **SUB-PART I - ESTABLISHMENT AND COMPOSITION**

Establishment of the Council

**57.** (1) There is hereby established the National Women’s Council.

(2) The Council is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name.

(3) The application of the common seal of the Council shall be authenticated by the signature of the Executive Director or such other person as may be authorised by the Council to sign on its behalf.

(4) A document bearing the imprint of the common seal of the Council is deemed to be properly sealed, unless the contrary is proved.

Composition

**58.** (1) The Council consists of the following persons, who shall be appointed by the Minister responsible for Women Affairs after consultation with the Local Authorities-

- (a) one representative from each electoral Constituency;
- (b) one female representative from each Local Government Council; and
- (c) the Executive Director appointed under section 71 who shall be an *ex-officio* member.

(2) The President shall also appoint the following special nominees to serve in the Council-

- (a) one person from the Ministry of Basic and Secondary Education;
- (b) one person from the Ministry of Agriculture;
- (c) one person from the Ministry of Health and Social Welfare;
- (d) one representative from the private sector;
- (e) one representative from each of the two main religious groups;
- (f) one representative from Non-Governmental Organisations; and
- (g) one female legal practitioner from the Attorney General's Chambers.

(3) The President shall appoint, from among members of the Council, one person to be the Chairperson, while the Council shall appoint a Vice-Chairperson from members appointed from the Constituencies.

(4) The Deputy Executive Director shall be the Secretary to the Council.

#### Meetings

59. (1) The Council shall meet at least once during any period of three months in such place and at such times to be determined by the Chairperson.

(2) The Chairperson may, at any time, and shall, if ten other members request in writing convene a special meeting of the Council to be held within seven days of the request.

(3) At a meeting of the Council-

- (a) the Chairperson shall preside but in the absence of the Chairperson, Vice-Chairperson shall preside over the meeting and, in the event they are both absent the other members present shall

elect one of their number to preside at the meeting;

- (b) twenty members, including the Executive Director shall form a quorum;
- (c) subject to paragraph (d), each member has one vote on a matter for deliberation; and
- (d) a decision of the Council shall be by a simple majority vote, and if there is an equality of votes, the Chairperson or member presiding shall have a casting vote.

(4) The Council may co-opt any person to act as an adviser at its meeting but the person shall not vote at the meeting.

(5) The validity of a proceeding of the Council shall not be affected by a vacancy in the membership of the Council or by any defect in the appointment of a member.

(6) Minutes of each meeting of the Council shall be kept by the Secretary.

(7) Subject to this section, the Council shall regulate its own procedure.

Absence of Director or Executive

60. If the office of the Executive Director is vacant or the Executive Director is for any reason unable to attend a meeting of the Council, the person for the time being carrying out the duties of the Executive Director shall attend the meeting and may participate in its deliberations.

Term of office

61. (1) Except as provided by section 62, a member shall hold office for a term of five years.

(2) A member may resign from office at any time by a letter addressed to the President through the Minister.

Removal from office

62. A member shall not be removed from office unless-

- (a) the Minister has advised the President that the member has, without good reason, been absent from at least three

consecutive meetings of the Council without the permission of the Minister;

- (b) a qualified medical practitioner has certified to the Minister that the member is incapacitated by physical or mental illness to such an extent as to render the member incapable of carrying out his or her functions as a member; or
- (c) on the grounds of misconduct or incompetence.

Allowances of members

**63.** The members of the Council and persons co-opted by the Council shall be paid such allowances as determined by the Minister.

Absence and vacancies

**64.** (1) If, for any reason, a member cannot carry out his or her function as a member for more than six months, the President may appoint another person to carry out those functions until the member is again able to do so.

(2) A member appointed to fill a vacancy shall hold office for the remainder of the term of the previous member and may be re-appointed.

Committees of the Council

**65.** (1) The Council shall set up such technical and other committees as it considers necessary to advise or assist it in the performance of its functions under this Act.

(2) A decision of a committee of the Council is of no effect unless it is confirmed by the Council.

#### **SUB-PART II - FUNCTIONS OF THE COUNCIL**

Functions

**66.** (1) The functions of the Council are to-

- (a) develop methods for the integration and implementation of gender and women's rights initiatives in all areas of Government activities;
- (b) review proposals from Ministries and other organs of the public sector regarding legislation and written communications to ensure that gender perspectives have been considered to achieve equal repre-

- 
- resentation of men and women in all programmes and initiatives of Government, Local Government Authorities and all public institutions;
- (c) initiate education for all public officers and authorities regarding equality between women and men;
  - (d) ensure that the budget and appropriation issues of the Government, Local Government Authorities and other public bodies and institutions comply with the gender policy of the Government;
  - (e) cooperate with civil society organisations towards the achievement of gender equality;
  - (f) source for funds for development work and projects within this field;
  - (g) provide information regarding government's policy and work for gender equality on bi-annual basis;
  - (h) advise the Government-
    - (i) regularly on women's rights issues,
    - (ii) on the education and training of women in all fields of human activity; and
    - (iii) on proper measures to be taken in mobilising and integrating women as equal partners in the economic, social, and cultural development of The Gambia;
  - (i) monitor the compliance of this Act through annual reports from all Government and public institutions to the Bureau.
  - (j) examine and study the economic, social and cultural structure of the society and advise the Government on areas where the participation of women should be encouraged and strengthened;

- (k) study and advise the Government, on how traditional beliefs and practices can be reviewed and reformed with a view to ensuring the advancement of women and eliminating all practices that are harmful to women; and
- (l) study and devise programmes to assist the Government in the establishment of machinery and procedure for the continuous review and evaluation of the progress made by women in the field of national development.

(2) The Council is responsible for the preparation of the periodic reports under the Convention, on behalf of Government, for submission to the Convention Committee.

#### SUB-PART III - FINANCIAL PROVISIONS

Funds of the Council

67. The funds of the Council shall include –

- (a) funds appropriated to it by the National Assembly;
- (b) loans granted to the Council,
- (c) any grants and gifts made to the Council.

Annual accounts, audit and estimate

68. (1) The Bureau shall keep proper records and books of accounts of income and expenditure of the Council.

(2) The Bureau shall prepare a statement of accounts of the Council in respect of each financial year.

(3) The accounts of the Council in respect of each financial year are subject to audit by the Auditor General.

(4) The Bureau shall within three months after the end of each financial year submit the statement of accounts of the Council to the Auditor General.

(5) The audited accounts of the Council and the Auditor General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

(6) The Bureau shall, not later than the three months before the end of each year, submit to the Minister an estimate of the income and expenditure of the Council for the next succeeding year.

Annual report:

69. (1) The Bureau shall prepare and forward to the Minister within two months of the end of each financial year an annual report on the business and operation of the Council during the preceding year.

(2) The Minister shall, within three months of the end of its financial year, submit the annual report forwarded to him or her under subsection (1) to the National Assembly.

**SUB-PART IV - ADMINISTRATION**

The Administrative Bureau

70. The affairs of the Council shall be administered by an administrative Bureau which shall be in the office of the Vice-President.

Appointment of the Executive Director

71. (1) There shall be an Executive Director of the Bureau who shall be appointed by the President after consultation with the Council and Public Service Commission.

(2) The Executive Director shall be the Chief Executive of the Bureau and shall be appointed on such terms and conditions as determined by the President on the advice of the Public Service Commission and the Council.

(3) The Executive Director shall be responsible for the day-to-day administration of the Bureau and for the implementation and execution of the decisions of the Council.

Appointment of staff

72. (1) The staff of the Bureau shall be appointed by the Public Service Commission in consultation with the Council

(2) There shall be appointed for the Bureau a Deputy Executive Director and such other employees as the Bureau may consider necessary for the due discharge of the functions of the Council.

(3) The staff of the Bureau shall be public officers and shall be subject to the terms and conditions of service of public officers.

## PART XII – MISCELLANEOUS

National  
Women's  
Policy

73. (1) The Minister shall, in consultation with the Council, carry out a periodic review of the Government policy on women with a view to bringing it in line with international best practices relating to the protection and enhancement of the rights of women.

(2) All public and private institutions and bodies shall be guided by the national gender policies, in the formulation and implementation of policies, initiatives and programmes within their institutions or bodies.

General penal  
provision for  
offences  
under this Act

74. A person who contravenes any of the provisions of this Act commits an offence and is liable, except otherwise provided in this Act, to a fine not exceeding fifty thousand dalasis or imprisonment for a term not exceeding six months or to both the fine and imprisonment.

Offences by  
bodies  
Corporate

75. Where a body corporate is guilty of an offence under this Act or any regulations made under it, every director, the secretary or any similar officer of the body corporate shall, unless he or she proves that the offence was committed without his or her knowledge or consent, also be liable to be prosecuted, convicted and punished for that offence.

Modification  
of existing  
enactments

76. Any enactment in existence at the commencement of this Act shall have effect with such modifications as may be necessary to give effect to this Act.

Regulations

77. The Minister may, on the advice of the Council, make regulations for the better carrying out of the provisions of this Act.

Repeal and  
transi-  
tional  
provisions  
Cap. 55:01

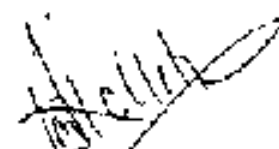
78. (1) The National Women's Council Act is hereby repealed and the National Women's Council established under the Act is consequently dissolved.



(2) As from the commencement of this Act, there is vested in the Council established under this Act, all properties, assets and liabilities, which immediately before the commencement of this Act, were vested in the dissolved National Women's Council.

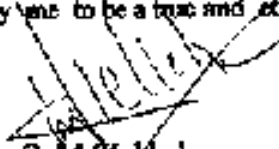
(3) The officers and other employees appointed under the repealed Act are hereby deemed to be appointed under this Act and shall, accordingly, continue in service under the same terms and condition until the Council otherwise determines.

PASSED in the National Assembly this Thirteenth day of April, in the year of Our Lord Two Thousand and Ten



D. C. M. Kabbah  
*Clerk of the National Assembly.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.



D. C. M. Kabbah  
*Clerk of the National Assembly.*