

## JOINT STATEMENT ON THE REPEAL OF THE ANTI-FGM LAW IN THE GAMBIA

We, the undersigned organizations, write regarding the ongoing developments relating to the repeal of the Sections of the landmark Women's (Amendment) Act of 2015, which criminalizes Female Genital Mutilation (FGM) in the Gambia. We are deeply concerned that these developments threaten the protection of the human rights and dignity of women and girls in the country, as well as in the region.

The importance of recognizing FGM as a public health concern, and the imminent dangers in the absence of appropriate legislation, cannot be overstated. According to a 2021 report by the United Nations Children's Fund (UNICEF), seventy-six percent of girls and women in Gambia aged between fifteen and forty-nine, and forty-six percent of girls aged fourteen and below, have experienced FGM. These statistics underscore the fragile state of human rights protections for Gambian women and girls, highlighting the severity of the consequences of the proposed rollback on their welfare.

We observe with concern that the Bill proposed to functionally repeal Sections 32(A) and (B) of the 2015 Act which criminalizes FGM in the country, has advanced to the committee stage with a voting ratio of 42:4 in favor and against the progression. We are also mindful that the bill has now advanced to the next phase of scrutiny before it is put to a vote at the National Assembly in June 2024. If the bill passes, it will roll back existing protections against FGM, signifying a regression in protections for women and girls in the country. Moreover, it will indicate an endorsement of cruel and inhumane treated of Gambian women by their elected leaders.

Furthermore, the current developments, if codified, would amount to a significant violation of Gambia's legal commitments and political obligations within the international and regional communities. It would also represent a reversal on our Continent's progress in Peoples' rights, and risks damaging Gambia's human rights record as a country committed to upholding the principles of human dignity enshrined in the African Charter.

We implore the relevant authorities to consider the Gambia's obligations as a state party to several human rights treaties including the African Charter on the Rights and Welfare of the Child, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), Convention on the Elimination of Discrimination Against Women (CEDAW), Convention on the Rights of the Child and, Convention Against Torture. The codification of the proposed bill will be in direct violation of the provisions in these binding instruments.

Furthermore, the proposed bill contravenes universal values including the rights to Equality, Human Dignity and Freedom from cruel and inhumane treatment, enshrined in several customary international and African law instruments such as the African Charter on Human and Peoples Rights (ACHPR), Universal Declaration of Human Rights (UDHR), and the International Convention on Civil and Political Rights (ICCPR).

Moreover, we emphasize that Gambia is a member of several communities of states, including ECOWAS, African Union (AU) and the United Nations (UN). These communities maintain a unified stance on a zero-tolerance policy for FGM. At the regional level, the ECOWAS Child Policy 2019-2030 has condemned and mandated its member states to implement the Common African Position of zero-tolerance towards FGM, outlined in various continental instruments, including the AU Assembly's resolutions 383(XVII) and 737(XXXII), Africa Agenda 2063 and the Solemn Declaration on Gender Equality in Africa. Likewise at the international level, UN General Assembly Resolution 71/I68 builds on an international network of preceding instruments, to strongly condemn and urge States to take stronger preventive measures for intensifying efforts for the complete eradication of FGM.

We raise the above considerations in the hopes that the relevant authorities make an intentional effort towards recognizing the inherent risk of repealing this specific law. Such a rollback not only impacts FGM and women’s rights but also sets a dangerous precedent for repealing several other protections for vulnerable groups, in Gambia specifically and the region generally. These laws are required to protect the rights and well-being of women and girls in the country. A roll back would mean a setback in the ongoing fight against gender-based violence, sending a dangerous rhetoric that the practice of FGM is acceptable. The ripple effect of such rhetoric is the increased occurrence of this harmful practice, which will consequently further endanger the lives and health of women and girls because of this gross violation of their rights to health, security, and bodily integrity.

Thus, we call on the Government of Gambia to stand firm in upholding its commitment to the Zero Tolerance Policy on FGM, gender equality and women’s rights, by maintaining and enforcing the provisions criminalizing the practice in the Country.

Signed this 31st day of May 2024.

Signatories

