

To
H.E. President Adamo Barrow
Office of The President State house
Banjul, The Gambia

And
The National Assembly
New Assembly Building
Reg. Pye Lane
Banjul, The Gambia

Berlin, the 30th of April 2024

Your Excellency, President of the Republic of Gambia, Mr. Adama Barrow,
Dear Members of the Gambian National Assembly,

We are an international coalition of women's and human rights organizations and are writing to you today with an urgent plea to **uphold the current legal ban on female genital mutilation (FGM) in The Gambia**. We, the undersigned organizations, have been campaigning for human rights for years, many of us specifically on gender-specific issues and female genital mutilation. Some of us also work together with representatives of the Gambian diaspora and Gambian activists, who have brought the current events to our attention. **With this open letter, we are therefore responding to a request for support from advocates of the existing ban and want to express our full solidarity with them.**

It is with great concern that we look at the recent developments in relation to the current legal ban on female genital mutilation in The Gambia. Since 2015, female genital mutilation has been prohibited by Gambian law as a harmful practice. This ban is now at risk of being reversed, following an initial vote by the Gambian National Assembly on the 18th of March 2024 on a draft bill introduced to this effect.

Female genital mutilation is a serious violation of the human rights of girls and women. It has been scientifically proven by various bodies that the partial or complete removal or other injury of the female external genitalia is exclusively negative. The short and long-term consequences include, amongst others, infections, severe fistula formation, chronic pain, urinary tract problems, life-threatening complications during childbirth and immense psychological trauma. In the worst case, girls and women die as a result of the practice, as frequently happens everywhere in the world including in The Gambia.¹

According to the latest UNICEF estimates, around 230 million girls and women worldwide are affected by female genital mutilation.² In recent years, more and more countries have adopted national legal regulations on the harmful practice. The Gambian legislator has also decided in favor of a corresponding legislative ban on

¹ CNN, 2024, <https://edition.cnn.com/2024/03/19/africa/gambia-mps-consider-overturning-landmark-anti-fgm-ban-intl/index.html> [Last accessed 17.04.2024].

² UNICEF, 2024.

FGM, thus sending an important signal against gender-based violence and discrimination against girls and women in the country. Section 32A and Section 32B of the Gambian Women's (Amendment) Act, 2015, prohibits female genital mutilation.³ **This important regulation must be upheld in order to protect the fundamental rights of girls and women in The Gambia.**

Should the National Assembly act accordingly, The Gambia would be the first country to reverse a legal ban on female genital mutilation. Meanwhile the ban is seen by large sections of Gambian civil society and the international community as a decisive step forward and a necessity in order to protect the physical and mental health of girls and women in the country. The countless protests in March during and after the announcement of the first vote of the National Assembly clearly show how important it is to maintain the current legislation on FGM. The legal ban is, contrary to suggestions by few parliamentarians, in The Gambia's own interest. This is precisely why, in addition to affected women and civil society organizations, some important political actors in the country as well as leading activists such as Fatou Mandiang Diatta and Isatou Barry, are in favor of maintaining the ban on FGM.

We recognize and fully respect the sovereignty of the Government and people of The Gambia. Furthermore, we understand and respect that the preservation and practice of culture, tradition and religion is a great asset of Gambian society. However, the protection of the physical and mental integrity of girls and women must not stand back to this. They must not be harmed in the course of ritual practices and their fundamental rights to integrity and health must be thoroughly respected.

The Gambia has also committed itself to the protection of girls and women in several international and regional agreements. In this context, we refer in particular to the following international and regional instruments:

- The **International Covenant on Civil and Political Rights (ICCPR)**, in particular Article 6 (Right to Life) and Article 7 (Prohibition of Torture or cruel, inhuman, or degrading treatment).
- **The International Covenant on Economic, Social and Cultural Rights (ICESCR)**, in particular Article 10 (Protection of Children and the Family) and Article 12 (Right to Physical and Mental Health).
- **The Convention on the Rights of the Child (CRC)**, in particular Article 2 (Right of Children to Gender Equality) and Article 19.1 (Freedom from all forms of mental and physical violence and abuse). Article 24.3 explicitly obliges states to take all effective and appropriate measures to abolish traditional practices prejudicial to the health of children.
- The **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, in particular Article 2 (f) and Article 5.1, which

³ WorldBank, 2021, <https://openknowledge.worldbank.org/server/api/core/bitstreams/1b6fe757-5cd1-5235-8fa3-af475a7fa694/content> [Last accessed 17.04.2024].

oblige states to take all appropriate measures, including legislation, to modify or abolish harmful customs and practices that constitute discrimination against women. CEDAW includes furthermore the obligation for states to take action against all forms of gender-based violence against women. In the present case the aforementioned regulations of CEDAW, are to be seen in close connection with General Recommendation No. 14: Female Genital Mutilation, of the CEDAW Committee.

- The **African Charter on Human and Peoples' Rights (so-called 'Banjul Charter')** and the associated **Protocol on the Rights of Women in Africa**, also known as the **'Maputo Protocol'**, in particular Article 5, which orders the elimination of harmful practices through all measures available to states and explicitly refers to female genital mutilation and the need for legal prohibitions of the practice in lit. b). The Maputo Protocol takes into account the importance of culture and religion but condemns practices if they have a negative impact on the fundamental rights of women and girls, in particular their right to life, health, dignity and physical integrity.


The aforementioned international and regional agreements oblige the Gambian legislator to take legislative action to protect women and girls from harmful practices. A withdrawal of the ban on female genital mutilation would be equivalent to non-compliance with international legally binding obligations and thus a breach of international human rights standards. Furthermore, there are serious social consequences to be feared if the ban on FGM is withdrawn. Voices in the country are already announcing their intention to legalize child marriage in the next step. Children and women in the country are therefore facing an immediate threat to their fundamental rights and freedoms.

According to its mission, the Gambian National Assembly is committed to openness and representation of the entire Gambian population. This includes girls and women. Their rights must be respected and the voices of affected girls and women as well as activists must be heard.

The signatories of this Open Letter stand in full solidarity with women and girls affected by female genital mutilation as well as Gambian civil society organizations and activists and hereby respectfully plea on you, dear members of the National Assembly, to immediately discard the proposed bill that aims to repeal the criminal ban on female genital mutilation in The Gambia.

We furthermore plea on H.E. President of the Republic of Gambia, Mr. Adama Barrow, to take all necessary actions to ensure that the legislative ban on female genital mutilation remains in place. This is the only way to ensure compliance with international human rights standards.

SIGNED BY:

<p>1. TERRE DES FEMMES – Human Rights for Women, Berlin, Germany (Initiator)</p>	 <p>TERRE DES FEMMES Menschenrechte für die Frau e.V. www.frauenrechte.de</p>
<p>2.</p>	