



## **Statement on The Gambia and a proposed repeal of the ban on Female Genital Mutilation (FGM)**

On 4 March 2024, a private Members Bill was introduced in the National Assembly of The Gambia that seeks to overturn the ban on Female Genital Mutilation (FGM) contained in the Women's (Amendment) Act 2015. The Commonwealth Lawyers Association (CLA) is very concerned about this development.

The CLA upholds the rule of law including respect for the human rights of girls and women. These rights include the right to non-discrimination, to protection from physical and mental violence, and to health and life. FGM violates the fundamental rights of girls and women.

There are no health benefits to female genital mutilation (FGM). In fact, FGM can cause severe physical, emotional, and psychological harm to women and girls. It can lead to complications such as severe pain, infections, urinary problems, complications during childbirth, psychological trauma, and even death. FGM is recognized internationally as a violation of human rights and is condemned by various health organizations and human rights groups.

The legislation introduced in the Gambia in 2015 provided safeguards for the rights of girl children and women. That legislation was consistent with many international Declarations and commitments of the Gambia.

These include the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), UN Convention on the Rights of the Child (CRC) and The African Charter on the Rights and Welfare of the Child (ACRWC).

These international commitments require the Gambia to take appropriate measures to eliminate practices harmful to the health and well-being of women and children. In addition, as a member of the Economic Community of West African States (ECOWAS), in 2017 The Gambia adopted the Strategic Framework for Strengthening National Child Protection Systems under which State Parties are required to eliminate all harmful practices against women and girls including FGM.

The enactment of the Women's (Amendment) Bill 2024 will expose young Gambian girls and women to the harmful practice of FGM. This would undermine and reverse Gambia's commitment to the rights of women and children.

The CLA considers that any repeal of the Women's (Amendment) Act 2015 would be a regressive step and constitutes a blatant disregard for the rights and dignity of the girl child and women who live with the long-term consequences of FGM.

The CLA urges the government and public authorities of The Gambia:

- to take every effort and step to oppose the proposed legislation;
- to ensure the rights of women and girls remain protected and respected;
- to not proceed with any repeal of the ban on FGM;
- to uphold its international, regional, and national obligations to protect girls and women from FGM.

**Commonwealth Lawyers Association (CLA)**

**9<sup>th</sup> April 2024**

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