The Committee on the Elimination of Discrimination against Women (CEDAW Committee) and the Committee on the Rights of the Child (CRC Committee) express their grave concern about recent moves to repeal legislation in the Republic of the Gambia, which prohibits Female Genital Mutilation (FGM) in the country.

We are deeply troubled by the proposed **Women’s (Amendment) Bill 2023**, which seeks to roll back the protections contained in the **Women’s Act 2015** to safeguard Gambian women and girls from the harmful practice of FGM.

FGM is recognized as a harmful practice and a form of gender-based violence against women and girls, torture and cruel, inhuman, or degrading treatment by the CEDAW Committee, the Committee on the Rights of the Child, UN Women, UNFPA, UNICEF, the World Health Organisation, and the African Commission on Human and Peoples’ Rights.

The repercussions of FGM are dire and enduring. It inflicts severe physical and psychological trauma on women and girls, leading to chronic pain, infections, obstetric fistula, other complications, and mental health issues. FGM also has profound economic repercussions, with substantial costs of managing health complications and long-term impacts on education and future employment opportunities for girls and young women. Alarmingly, over 44,320 girls and young women, predominantly from Africa, lose their lives each year due to FGM-related complications.

Given the horrific, far-reaching socio-economic and life-threatening impact of FGM, Joint General Recommendation No. 31 of the CEDAW Committee/General Comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices uses FGM as an illustrative example of a serious form of violence. The statement noted that victims of FGM suffer both short-term and long-term physical and psychological consequences and calls on State parties to send a clear message of condemnation of such harmful practices.

The CEDAW and CRC Committees note that Chapter IV of the Gambian Constitution provides for the protection of fundamental rights and freedoms, including the right to life (Article 18), the right to be protected from torture or inhuman or degrading punishment or other treatment (Article 21), respect for the rights of women and children (Articles 28 and 29 respectively), and the right to equality and protection from discrimination (Article 33). In this regard, the CEDAW and CRC Committees note that the proposed retrogressive bill to decriminalize FGM by repealing its ban is discriminatory and contrary to the human rights of women and girls enshrined in the Gambian Constitution.

In 2015, in its concluding observations on the combined second and third periodic reports of the Gambia, the CRC Committee welcomed the State party’s awareness-raising activities to combat the practice of female genital mutilation and the existence of provisions in the Children’s Act 2005 that no child shall be subjected to customs and practices that are prejudicial to the health and life of the child. It also noted the delegations’ statement that the National Plan of Action for Accelerated Abandonment of Female Genital Mutilation 2013-2017 was being implemented and urged the State Party to adopt legal provisions fully criminalizing the practice of female genital mutilation.

Moreover, the CEDAW Committee recalls its concluding observations on the sixth periodic report of the Gambia adopted in October 2022, which recognised the progress made by the State Party to criminalize FGM, and the adoption of the national strategy and policy on FGM. Despite these significant positive steps, the CEDAW Committee reiterated its concern that this harmful practice remains widespread and affects over 73 per cent of girls and women aged between 15 and 49 years of age in the State party. It also noted that only one case of female genital mutilation had been brought before the courts since the ban of this harmful practice in 2015. Furthermore, paragraph 20 of the Concluding Observations contained several recommendations on how the State party can address the causes and consequences of FGM.

The repeal of the ban on FGM would run counter to the recommendations of the CRC and CEDAW Committees and revert the progress achieved thus far, contrary to the obligations of the Gambia under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

As a State party to the CRC Convention since 1990 and to the CEDAW Convention since 1993, the Gambia is under the obligation to protect the rights of all women and girls within its jurisdiction. Furthermore, the Gambia has ratified and domesticated the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), which aims at protecting women and girls from discrimination and gender-based violence. We therefore urge the Gambian government to hear the outcry of its citizens and heed the concern of global and regional mechanisms speaking out in protest of the repeal.

To effectively safeguard the lives, health, and freedom from gender-based violence of Gambian women and girls, the CRC and CEDAW Committees urge the Gambian National Assembly to discard the proposed Women’s (Amendment) Bill 2023, which would reverse gains realized for the women and girls of the State party. In the instance that the bill is passed by the National Assembly, the CEDAW and CRC Committees appeal to the President to exercise his legislative power under Article 100 of the Constitution to return the bill to the National Assembly for reconsideration. The legislation, as currently contemplated, is incompatible with the human rights of women and girls and gravely threatens their lives, future health, and livelihood. The stance of the CEDAW and CRC Committees are clear: this bill must be rejected.