

# *REFLECTIONS ON THE FGM SAGA LESSONS LEARNT AND WAY FORWARD*

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Over the past few months, it has been an exceptionally tumultuous and challenging period for Human Rights Defenders, Stakeholders, and the International Community. GAMCOTRAP would like to take this opportunity to convey its heartfelt appreciation for the outcome of this significant struggle to secure the human rights of women and girls, including their sexual and reproductive health, rights to health, bodily autonomy, dignity and integrity.

We acknowledge the efforts made by various actors and stakeholders who called for upholding the Anti-FGM law, which protects women and girls from female genital mutilation. It was indeed an uphill battle for all of us, but our collective resolve to continue the fight relentlessly has resulted in the victory of progress over regression.

This success is attributed to the recognition by many stakeholders of the need to raise their voices despite our differences and amplify advocacy efforts. This reminded the National Assembly Members of their crucial role in bringing progress to their people, rather than exploiting the vulnerabilities of those resistant to change. The collective efforts of NGOs, CSOs, the youth, grassroot organizations and individual citizens demonstrated a determined local initiative and resolve, supported by international organizations within and outside The Gambia. We wish to extend our appreciation to the International Community, both within and outside The Gambia, who did not relent in reminding the state of its obligations and the conventions it has signed to safeguard the rights of women and girls. Numerous letters were written to His Excellency, President Barrow, to show solidarity and to uphold the law. Our collective determination to engage constructively, using all evidence to support our case, has shown that truth prevails, no matter how long and arduous the journey.

We acknowledge the principle of democracy, which builds upon the aspirations of people to progress. National Assembly Members (NAMs) are entrusted to make the best choices for the people they represent with the responsibility to drive progress in all its forms. While we relish this hard-earned victory, there is a need to reflect and discuss the lessons learned.

It is evident that The Gambia is in a situation that requires attention to effective governance and institution-building. However, it has become clear that some NAMs were more focused on laying the groundwork for their next tenure, falsely believing that siding with religious and cultural arguments in the FGM debate would increase their relevance. Despite significant efforts to raise public awareness and consciousness, a few NAMs and religious scholars sought to reverse these gains, hiding behind the guise of democracy.

Throughout this ordeal, GAMCOTRAP and its allies remained optimistic that the law would be upheld. This challenge served as an opportunity to reveal the type of lawmakers with whom the

Gambian population is contending. It raises fundamental questions about our need for leaders who can critically analyze situations and are committed to creating progressive laws for the country.

Another significant lesson learned is the dynamics that unfolded during this saga. We observed that some Members calling for the repeal of the law had previously been consultants for GAMCOTRAP, training ex-circumcisers in managing Alternative Employment Livelihood Opportunities. Some NAMs had also benefitted from various trainings on FGM and Women's Rights. Even for those without prior exposure, the letter from the Clerk of the National Assembly inviting stakeholders to present position papers should have been an excellent opportunity to learn about FGM. During the presentations, experts provided ample information from diverse perspectives.

One would expect that NAMs, enriched with this new knowledge, would decisively reject the proposed Private Members Bill by the opposition. Instead, they exploited the opportunity to plan a study tour to Egypt to supposedly uncover 'the truth.' Upon their return, their analysis revealed no new information: FGM is not a religious injunction and is not prescribed as an obligation for women and girls. They also learned that many Muslim countries have laws criminalizing the practice. We believe the funds spent on the study tour could have been better invested in addressing the long-term complications faced by FGM survivors or in supporting ex-circumcisers to develop their enterprises. The ex-circumcisers have been very astute in calling for upholding the anti-FGM Law and we want to thank them for standing by their oath of ending FGM.

Our analysis indicates that in many countries with anti-FGM laws, effective implementation remains a challenge. Therefore, if The Gambia begins to enforce the law effectively, it will take a significant step in the right direction, aligning itself with other nations committed to eradicating this harmful practice.

Despite the political divide, consensus among NAMs led to referring the bill to the select committee, despite assurances from some members that the bill would be dismissed at the initial sitting. The shallow arguments based on culture and religion that were presented emphasize concerns about the quality of representation in Parliament. Are these lawmakers aware of the strides The Gambia has made towards achieving formal equality for women and girls? Do they understand the international, regional, and national commitments The Gambia has made to protect the rights of over 51% of its population? Are they aware of the implications of their decisions and the vital role women and girls play in society?

We also noted a disturbing silence from some major and political parties who seemed to wait for the outcome, despite having supported the law when it was enacted in 2015. This raises questions about resistance to change and potential misogynistic tendencies. When the NAMs of such political parties, but for two exceptions went on to overwhelmingly vote against the National Assembly Joint Committee recommendations, it raises further fundamental questions about their support for the rights and welfare of girls and women when it mattered the most.

Any attempt to regard such a complex matter like FGM, rooted in the socio-economic and political system of patriarchy as not being a priority, further demonstrates their defense of patriarchy that relegates women and girls and denies them equal opportunities.

Furthermore, we observed that the rights of women and girls are increasingly threatened by the rise of 'political Islam' and fundamentalism, a dangerous trend when considering the situation in our sub-region and elsewhere. During the debates, women's rights and youth organizations advocating for the anti-FGM law to be upheld, faced insults from certain religious leaders and NAMs. GAMCOTRAP was receiving a lot of insults and derogatory remarks as a women's rights organization. There were numerous threats and attempts to intimidate those supporting the law, pointing to other motivations that the state needs to investigate.

The emergence of such resistance to change, and misogyny underscores the necessity of safeguarding the rights of women and girls in The Gambia. The creation of the Gender Ministry is a step in the right direction, but there is a need to critically reflect on the need for strong and effective leadership to address gender-specific issues effectively and efficiently. The enforcement of the Anti-FGM Law since 2015, although limited, provided an opportunity to recognize the efforts of law enforcement agencies and confirm the government's commitment to upholding the law.

While lawmakers(NAMs) have the right to present Private Members Bills, it is crucial they promote the "**Best Interest of the Child**" and progress for the vulnerable and powerless. The public must reflect on stands and voting patterns of the Assembly Members entrusted to represent them.

The media, both local and international, played a pivotal role in informing the public and shaping opinions towards upholding the law. They provided a platform for various institutions, organizations, and individuals to express their views. We appreciate the opportunity and attention given to the issue. However, we faced some challenges, including at times biased reporting that aimed to create unhealthy competition among different actors. This did not derail us as we remained focused on leading the fight to uphold the law, engaging various stakeholders constructively, and complementing each other's efforts.

We also observed troubling actions, such as Imam Fatty drafting students to protest without fully considering the implications. This raises questions about attempts to radicalize young students amidst the emergence of 'political Islam' and religious fundamentalism. The Gambia is known for its religious tolerance and diversity, so it is essential to examine the education sector's stand and regulatory policies to ensure such actions do not undermine societal harmony.

Many institutions were motivated to engage, even if the issue was not within their primary mandate. This increased the amplification of voices calling for the law to be upheld. The situation highlighted the need for Civil Society to organize effectively and maximize the impact

of their efforts. TANGO has become more relevant, but it requires financial, programmatic, and technical strengthening to support Non-State actors sustainably.

## The Way Forward:

While it is challenging to fully capture the intricacies of the effort to uphold the law, given the unexpected nature of its challenge, several lessons with political, social, economic, and cultural implications can be drawn.

Politically, the issue was exploited by NAMs, who took advantage of their position as lawmakers to act within their mandate. Elected to serve the nation and the best interests of the vulnerable, including children, their actions must be scrutinized. We should encourage competent women and young people to run for elective positions, leveraging the State of The Nation Address's call for 30% representation.

Socio-culturally, some of the NAMs using religion and culture to defend their stance must, by now, recognize that FGM is not a religious injunction. After their study tour to Egypt, they should have learned that FGM is culturally based and not supported by any authentic hadith, with many OIC countries having laws to protect women and girls from this harmful tradition. Culture is not static; it is on a continuum can change and should evolve for the better.

Economically, FGM has severe public health implications, affecting women's sexual and reproductive health, bodily integrity, and dignity. The healthcare system cannot cope with the consequences of FGM under the guise of culture. The funds spent on the NAMs' study tour could have been better used to support healthcare for FGM survivors or ex-circumcisers in developing their enterprises. We recommend that policies promoting gender equality and women's empowerment be given due attention, attracting competent individuals to lead these efforts.

More awareness and consciousness-raising are needed to reach communities, focusing on empowering the younger generation—a crucial step for future leadership. Resources should be allocated to women's rights work, prioritizing women-led and youth-led community-based organizations. There's also a need for continued research to assess progress and challenges, working with experienced institutions to chart a way forward. A thorough gender analysis of the outcomes must be laid down to understand this complex situation.

To prevent retrogression, it's essential to entrench the existing law in the bill of rights. Training law enforcers and other relevant institutions on the effects of FGM and SGBV on the health of women and girls is crucial. Gender-inclusive strategies are vital if The Gambia is to meet its targets for 2030 and the 2063 aspirations for the Africa we want.

We hope that the lessons learned from this struggle will ensure that resources directed towards promoting gender equality and women's empowerment are utilized efficiently and effectively. Feminist organizations that are actively redefining and shifting power dynamics should receive

the necessary recognition and support to bring about strategic changes. There is a threat to their existence.

I would like to take this opportunity to express our appreciation to His Excellency President Barrow and his government and all those National Assembly Members who voted to uphold the law, the tenets of democracy to thrive and for adhering to the basic principle of **“The Best Interest of the Child”**. His leadership in this situation has been impressive, and we assure him of our steadfast respect for promoting women’s rights. We urge government to further demonstrate that commitment, going forward by ensuring full effective and consistent enforcement of the law.

**#NO TO FGM**

**#NO TO VIOLENCE AGAINST WOMEN AND GIRLS**

**#PROTECT THE GIRL-CHILD**

Thank you,

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