

THE GAMBIA AT THE BRINK: THE SUPREME COURT BATTLE TO **REVERSE THE** **ANTI-FGM LAW**



Community gate-keeper at the Network Against Gender-Based Violence' (NGBV) 16 Days Activism -
Photo Credit Network Against Gender-based violence



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An explainer developed for the African Women's Development Fund by **Sophie Manneh** - a Gambian feminist and anti-FGM campaigner.



Protesters outside the Gambia National Assembly during the second reading of the FGM Repeal Bill (2024). Photo Credit: Network Against Gender Based Violence

Right now, in The Gambia Supreme Court, a critical battle is being waged, yet again, over the anti-FGM law and over whether girls have the right to grow up without being subjected to FGM. What began as a landmark conviction in 2023 has escalated into a full-scale legal challenge that could reverse decades of feminist and women’s rights advocacy in The Gambia. The stakes are high.

In 2024, a National Assembly Member introduced a Private Member’s Bill seeking to repeal the 2015 ban on FGM, framing the move as a defence of culture and “religious norms.” Alarming, the same actors publicly signalled their intention to target other protective laws next, including the Children’s (Amendment) Act 2016, which prohibits child marriage.

Although the National Assembly voted to uphold the ban in July 2024, following intensive advocacy and mobilisation,

A pro-FGM defenders escalated their challenge to the judiciary, arguing that criminalizing FGM violates constitutional rights to religious and cultural freedom. This legal tussle comes at a time when there have been recent reports of the [death of two babies](#) in Banjul and Basse, after undergoing FGM - a stark reminder that this threat has real, fatal consequences for girls right now.

In response to the ongoing court case, a broad coalition of civil society organizations, supported by legal partners and international human rights bodies, have come together to defend the law before the Supreme Court. Court proceedings that began in late 2025 are expected to continue when the courts resume in 2026.

During court proceedings before the Supreme Court, the public testimony of one witness, a

prominent imam who defended “female circumcision” as an Islamic practice and downplayed its harms, has intensified social tensions. This testimony triggered a wave of online backlash, harassment, and threats against survivors and women’s rights defenders. Notably, when an FGM survivor shared her lived experience through the online media platform [What’s On Gambia](#), she was subjected to targeted abuse and threats, alongside activists who expressed solidarity with her. These attacks illustrate how the legal challenge has emboldened pro-FGM actors, creating a hostile and unsafe environment for survivors and advocates at a time when the stakes for girls’ lives and bodily integrity are critically high.



Community Advocate at the National Assembly Open Day in February 2024
Photo Credit: Network Against Gender Based Violence

About FGM in The Gambia

Female Genital Mutilation/Cutting (FGM), often referred to as female circumcision in The Gambia, is defined by the World Health Organisation (WHO) as any procedure involving the partial or total removal of the external female genitalia, or other injury to the female genital organs, for non-medical reasons.

It has no health benefits and is internationally recognised as a harmful practice and a violation of human rights.



“Defending the FGM Law means holding space for anger and grief without letting them derail the mission, acknowledging that the process can be flawed, painful, and traumatising while still believing that protection is non-negotiable. In this moment, it means choosing long-term safety over short-term comfort and centring young girls and survivors, even when the noise grows loud and the resistance grows aggressive.”

Fatoumata Sanneh – Feminist & Human Rights Activist

The current legal defence represents more than a courtroom battle. It is a collective effort to safeguard hard-won protections for women and girls, affirm constitutional commitments to dignity and equality, and resist the rollback of feminist gains under the guise of culture or religion.

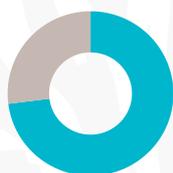
Historically, FGM has been closely tied to ethnic identity and rites of passage, practiced across communities and ethnic groups, often performed on infants and young girls, usually before the age of five.

Grandmothers, mothers, and aunts usually make these decisions without the girls' consent, shaped by family expectations, community pressure, and deeply embedded beliefs about morality, purity, and marriageability.

The Numbers: What the Data Reveal about the Practice In The Gambia.

The scale and severity of FGM in The Gambia are captured in data. According to the 2019–2020 Gambia Demographic and Health Survey ([DHS 2019/20](#)):

Prevalence:



73%

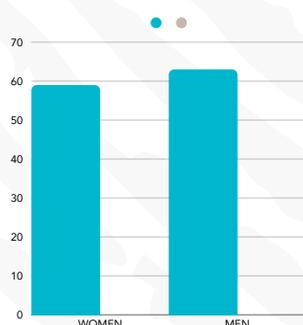
Of women aged 15–49 have undergone FGM, a slight decrease from 2013 (75%).



3 in 5

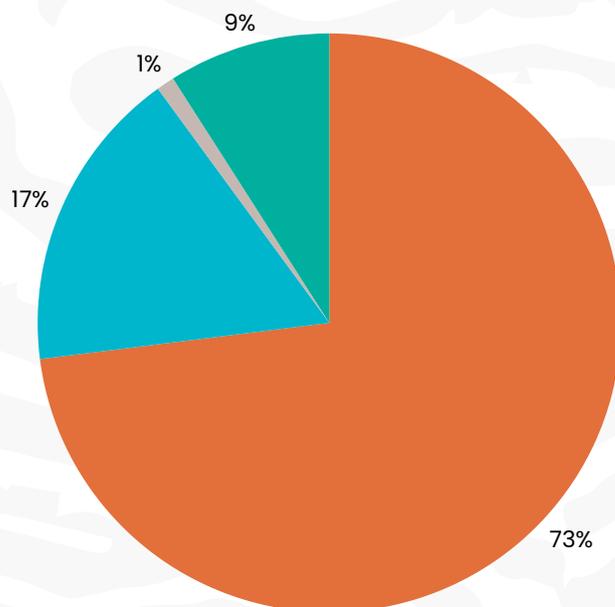
Women who have undergone FGM were cut before age 5.

Attitudes:



59% of women and 63% of men believe that FGM is required by religion.

Types of Procedure:



- Type II (cutting and removal of flesh) - 73%
- Type III (stitching/narrowing of the vaginal opening) - 17%
- Type I (less severe forms) - 1%
- Do not know - 9%

Nearly half of the respondents believe the practice should continue, even in the face of known health risks and legal consequences.

This means that nearly all women and girls affected in The Gambia live with the most invasive and harmful forms of FGM.

The Law Under Siege

The 2015 Ban

After decades of advocacy by local women leaders, health professionals, survivors, and civil society organisations dating back to the early 1980s, The Gambia enacted the Women's (Amendment) Act 2015, criminalising FGM. Sections 32A and 32B prohibit performing, procuring, aiding, or abetting the practice and establish penalties, including fines and imprisonment.

The law aligned national legislation with The Gambia's constitutional guarantees and international and regional obligations, including CEDAW, the Convention on the Rights of the Child, the Maputo Protocol, and the African Charter on the Rights and Welfare of the Child.

For several years, enforcement remained weak. Before the 2023 conviction, only two FGM cases resulted in arrest, and only one made it to court ([UNFPA-UNICEF joint report 2021](#)). The August 2023 case marked the first real test of the law and its first proof of life.

The 2023 Conviction and Backlash

In August 2023, three women in the Central River Region of The Gambia were convicted for subjecting eight infant girls to FGM. For the first time since the enactment of the Women's (Amendment) Act 2015, a reported FGM case was formally prosecuted, perpetrators were held accountable, and the realities of the practice entered the public domain.



Ndumbah Bah - FGM survivor & Community GateKeeper

For feminists, survivors, and women's rights defenders, this moment was deeply significant. It confirmed that decades of advocacy had not been in vain. But it also exposed the fragility of progress. Almost immediately, an organised backlash emerged, one that reframed accountability as injustice and protection as persecution.

This moment revealed a critical truth long understood by African feminists: *when gains for women and girls begin to materialise, resistance intensifies.*

“A few years ago, I saw anyone who spoke out against FGM as a non-believer. Today, I have personally seen and experienced the real harm FGM causes to women and girls. Without the law, women and girls will be left unprotected. We are in a deeply worrying situation, as a repeal will undermine the advocacy work happening in our communities.”

Public Mobilisation: Competing Visions of Freedom and Faith.

As the debate intensified, both anti-rights groups and human rights defenders mobilised publicly. Anti-rights actors organised large demonstrations framing FGM as a matter of religious freedom and women's choice, despite the practice being overwhelmingly imposed on girls in childhood.

In response, women's rights organisations, feminists, survivors, and civil society groups mobilised nationwide to oppose repeal, asserting a vision of freedom grounded in bodily autonomy and protection from violence. In July 2024, a parliamentary vote reflected this resistance, with 34 of 53 Members of Parliament voting to retain the law at its second reading.

The Pro-FGM Narrative: Key Arguments Being Used

Over the years, the justification to practice FGM has remained rooted and steadfast in key arguments that we see re-surface today in the attempts to reverse the prohibition in The Gambia.

1. A religious requirement and practice

Today, the debate on FGM is increasingly framed as a religious requirement, particularly within a country where over 90 per cent of the population identifies as Muslim. This shift is reflected in data from the 2019-2020 Gambia Demographic and Health Survey (DHS), which shows that nearly half of women and men believe FGM is required by religion.

2. Circumcision over Mutilation

Many religious leaders and pro-FGM campaigners claim that the practice is not female genital mutilation but “female circumcision,” which they argue is religiously permissible. This claim is contradicted by medical, legal, and empirical evidence: DHS data shows that most affected women undergo extensive cutting, including removal of flesh or narrowing of the vaginal opening, meeting internationally recognized definitions of FGM. Renaming the practice does not reduce its harm but serves to sanitize violence, evade legal accountability, and shield it from critique through religious framing

3. A Push to Medicalise FGM in The Gambia

Pro-FGM campaigners in The Gambia continue to promote the medicalisation of FGM, falsely claiming that performing it in clinical settings makes it “safe.” This narrative is dangerous and misleading: the World Health Organisation is clear that there is no safe form of FGM, and medicalisation does not reduce harm but legitimises violence, entrenches the practice, and violates medical ethics.

Despite government efforts, including engagement with religious and medical experts to counter these claims and reaffirm that FGM has no medical basis, some religious leaders and pro-FGM advocates, supported by a small number of doctors, persist, undermining public health, the law, and trust in both religious and medical institutions.

Civil Society Action Against FGM in The Gambia.

Women-led organisations, the CSO Coalition Against FGM, and individual advocates have built sustained opposition to FGM through long-term community engagement, survivor consultations, and strategic advocacy with policymakers, traditional and religious leaders. This coordinated movement, supported by diplomatic allies, was central to defeating the 2024 repeal attempt by maintaining pressure on the government to uphold the ban on FGM..

As the law faces a new court challenge, rights organisations are remobilising through community sensitisation, survivor and witness preparedness, and public engagement with religious leaders who reject any religious justification for FGM. The outcome will hinge on political will, available resources, and the strength of collective advocacy, including regional and international solidarity to defend the law.



Protesters at The Gambia National Assembly during the second reading of the FGM Repeal Bill. Photo Credit Network Against Gender-Based Violence



Community Advocate during the 16 Days Activism 2024. Photo Credit Network Against Gender-Based Violence

What's at Stake with the Ongoing Supreme Court Case

Repealing the FGM law would be a devastating setback for survivors, girls at risk, and rights defenders. It would strip away one of the strongest legal protections against FGM in The Gambia and weaken years of progress made through advocacy, law, and community action.

A ruling against the ban would:

Immediate Impact:

- Undermine the state's ability to prevent, investigate, and prosecute FGM.
- Legitimise harmful practices by reframing them as protected "religious" or "cultural" rights.
- Leave girls without legal protection from being cut.

Ripple Effects:

- Open the door to rollbacks of laws protecting women and children, including those addressing child marriage, sexual violence, and domestic abuse.

Create a dangerous precedent at a time when regional standards, including ECOWAS, are increasingly recognising FGM as a human rights violation.

For Gambian feminists and human rights defenders, this case is fundamentally about whose rights the law prioritises. It pits claims of tradition and belief against the lived realities of harm, and against the constitutional obligation to protect dignity, equality, and bodily integrity.



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HERE IS WHAT SUPPORT LOOKS LIKE:

1. Fund Gambian-Led Organisations

- Provide flexible, long-term funding for feminist and women's rights organisations
- Support survivor-centred services: healthcare, psychosocial support, legal aid
- Invest in locally-led research to strengthen evidence-based advocacy

2. Amplify Local Voices

- Amplify Gambian feminist and survivor voices in national, regional, and global spaces
- Do not speak over local leaders, centre their expertise and lived experience
- Share their work on your platforms
- Add your by using popular hashtag #EndFGM220.



3. Engage Policymakers

- Engage policymakers and regional bodies to uphold commitments to protect women and girls
- Hold governments accountable to ECOWAS standards
- Support diplomatic pressure where appropriate

4. Stand With Feminists During Backlash

- Recognise that this work carries personal risk for advocates
- Provide sustained support, not just during crises
- Resource resistance, healing, and long-term vision
- Support is trust, respect, and shared struggle.

LOOKING FORWARD

The battle over FGM in The Gambia is far from over. Court proceedings continue. Once again, Gambian feminists find themselves defending gains that should be secure. Once again, bodily autonomy is framed as 'foreign.' Once again, girls' safety is treated as negotiable.

The question before The Gambia, and the world watching, is simple: Will we protect girls' right to bodily autonomy, or will we allow patriarchal power to be cloaked in religious language?

The answer matters not just for The Gambia, but for women's rights across Africa and beyond.