

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca).

1 August 2013

### GMB104523.FE

Gambia: The practice of female genital mutilation (FGM), and the treatment of people and NGOs who oppose the practice, as well as the state protection provided to victims and to people who oppose the practice (2010-July 2013)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Prevalence of FGM and Ethnic Groups that Practice It

According to the Multiple Indicator Cluster Survey conducted by UNICEF and the Gambia Bureau of Statistics in 2010, 76.3 percent of Gambian girls and women ages 15 to 49 have been subjected to female genital mutilation (FGM) (Gambia and UN June 2012, 163). The prevalence of the practice has decreased by two percent since 2005 (UN July 2013, 96). According to the Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP), a Gambian NGO founded in 1984 that defends the rights of women and fights against the practice of FGM and other harmful traditional practices, the most common form of FGM is the removal of the clitoris, with or without the partial or total removal of the labia minora (n.d., 1, 3). In addition, a partial sealing of the vaginal orifice is carried out by some groups belonging to the Mandinka, Sarahule and Fula ethnic groups (GAMCOTRAP n.d., 3). The Multiple Indicator Cluster Survey shows that 68 percent of Gambian females have been subjected to the removal and 6.8 have been subjected to infibulation (Gambia and UN June 2012, 164).

Various sources state that FGM is practiced on

- newborns (*Daily Observer* 7 Feb. 2013; GAMCOTRAP n.d., 5);
- girls 7 to 10 years old (*Daily Observer* 7 Feb. 2013);
- girls under 11 years old (Thomson Reuters Foundation 25 Mar. 2013);
- adolescents and sometimes young women at the time of marriage (*Daily Observer* 7 Feb. 2013).

According to the Executive Director of GAMCOTRAP, FGM used to be carried out on girls between the ages of 10 and 14, but more recently, because of the growing opposition to this practice, parents are arranging for their daughters to be cut at a younger age, "before they can put up resistance or alert others" (Reuters 12 Apr. 2013).

An article published by the Thomson Reuters Foundation, a charity whose head offices are located in London and which provides legal assistance, media development assistance and information on corruption, climate change, the humanitarian situation and women's rights (Thomson Reuters Foundation n.d.), states that FGM is practiced by seven of nine main ethnic groups in Gambia (ibid. 25 Mar. 2013). According to the Multiple Indicator Cluster Survey of 2010, over 80 percent of girls and women 15 to 49 years old belonging to the following ethnic groups have been subjected to FGM: Mandinka/Jahanka, Sarahuleh, Bambara, Jola/Karoninka and Fula/Tukulor/Lorobo [belonging to the Peulh group (UN July 2013, 36)] (Gambia and UN June 2012, 164). A report published by GAMCOTRAP states that "[a]ll these ethnic groups are hooked to the

practice and the prevalence rate range[s] [from one ethnic group to another]" (n.d., 4). The data from the survey indicates similar results: the prevalence of FGM is about 12 percent among the ethnic group with the lowest rate in the country, compared with about 98 percent in the ethnic group with the highest rate (Gambia and UN June 2012, 164). However, GAMCOTRAP points out that the prevalence of FGM may also vary between the sub-groups of the same ethnic group (n.d., 5).

According to the survey, girls and women living in rural regions are slightly more likely to have undergone FGM (Gambia and UN June 2012, 163-164). In addition, the practice is more common among girls under the age of 15 whose mothers have no formal education (43 percent) or primary education (45.8 percent) than daughters whose mothers have secondary education and above (35.9 percent) (ibid., 165). According to another UNICEF report, based on data taken from the multiple indicator cluster surveys, the prevalence is about 78 percent among Muslims and approximately 20 percent among Christians (UN July 2013, 73).

## 2. Attitude Towards FGM

The article published by the Thomson Reuters Foundation states that, in Gambia, there is a "widespread misconception that FGM is a religious duty" (25 Mar. 2013). The United States Department of State *Country Reports on Human Rights Practices for 2012* states that some religious leaders publicly defended the practice (US 19 Apr. 2013, 26). The Thomson Reuters Foundation article also states that FGM is practiced to confer social status and that it is considered to be a prerequisite for marriage (25 Mar. 2013). However, a study of the dynamics of decision-making in FGM, conducted in Gambia and in Senegal between 2004 and 2007 by the World Health Organization (WHO), found that the practice is not closely linked to concerns of marriage, but rather to intergenerational peer pressure and that it "serves as a signal to other women that a girl or woman has been trained to be obedient, respects the authority of her cut elders and is worthy of inclusion in their network for social support" (UN 2010). The WHO states that the decisions about FGM are usually made by several family members, including mothers, fathers, grandparents and aunts (ibid.). According to the Multiple Indicator Cluster Survey, about 64 percent of girls and women ages 15 to 49 were of the opinion that the practice should be continued, and about 28 percent were of the opinion that it should be discontinued (Gambia and UN June 2012, 167).

Sources state that NGOs conducted public education programs on the harmful effects of FGM (US 19 Apr. 2012, 26; Thomson Reuters Foundation 25 Mar. 2013). The United Nations Population Fund (UNFPA) states that, in 2010, 10,055 people were informed by traditional communicators and that 3,180 community leaders and stakeholders agreed to abandon the practice (n.d.). A news release published in 2012 by GAMCOTRAP states that groups in Gambia "responded to the call to protect girls from FGM with three Dropping the Knife celebrations involving 98 circumcisers and 564 communities" (1 Nov. 2012). This number increased to 683 in 2013 (Thomson Reuters Foundation 25 Mar. 2013).

## 3. Treatment of Persons Opposing FGM

According to the Thomson Reuters Foundation article, fighting against the practice of FGM is "dangerous work" and the activists are often accused of attacking the Koran (25 Mar. 2013). Similarly, in correspondence with the Research Directorate, a representative of GAMCOTRAP states that activists who opposed FGM were first considered to be hostile to African culture and to Islam (25 July 2013). The representative explained that the practice of FGM is traditionally "shrouded in secrecy" and that those who speak about it publicly have been considered to be disrespectful towards the culture (GAMCOTRAP 25 July 2013). The representative stated that, in the past, national radio has prohibited the broadcasting of programs that encourage abandoning FGM and, in 1997, a presidential decree "threatening" anti-FGM activists was published (ibid.). Amnesty International (AI) also states that GAMCOTRAP has faced [AI English version] "harassment" in the past (2011, 123).

According to the representative of GAMCOTRAP, activists who oppose FGM are sometimes insulted, "harassed" or "mistreated" by other members of society who ignore the negative impact of FGM on women and girls (GAMCOTRAP 25 July 2013). In her opinion, the situation has "changed a lot," because more people are asking GAMCOTRAP for information about FGM (ibid.). However, the representative notes that the organization has not yet been able to reach the entire country (ibid.).

According to the Thomson Reuters Foundation article, the Executive Director of GAMCOTRAP has faced death threats and state "harassment" because of her activism (25 Mar. 2013). Cited in the article, she states that members of the National Intelligence Agency were often sent to spy on her work with communities and that the authorities wanted to see her leave the country (Thomson Reuters Foundation 25 Mar. 2013). Two representatives of GAMCOTRAP, including the Executive Director, were arrested and detained in 2010 and charged with mismanaging a 30,000-euro grant (US 19 Apr. 2013, 22; Thomson Reuters Foundation 25 Mar. 2013). According to the International Federation for Human Rights (Fédération internationale des ligues des droits de l'homme, FIDH), the representatives were subjected to over two years of "uninterrupted judicial

harassment," including 66 hearings held "in a hostile atmosphere and on completely unlawful grounds" (FIDH 23 July 2013). The FIDH states that the alleged victims of the theft had never filed a complaint against the accused (ibid.). The Banjul Magistrate's Court abandoned all charges in November 2012 (ibid.; US 19 Apr. 2013, 22; Thomson Reuters Foundation 25 Mar. 2013).

#### 4. State Protection

The 2012 annual report of the UNFPA and UNICEF Joint Programme on FGM points out that "despite provisions opposing harmful traditional practices in both the 2005 Children's Act and the 2010 Women's Act, there was no specific guidance on enforcement" (UN [2012], 9). In addition, according to the representative of GAMCOTRAP, these two laws "are not explicit about the legal protection of children and women from FGM" (25 July 2013). Sources state that FGM is not prohibited in Gambia but that a bill to criminalize the practice is being developed (Thomson Reuters Foundation 25 Mar. 2013; *Daily Observer* 7 Feb. 2013; UN [2012], 9). According to the UNICEF and UNFPA report, 7,000 people at the local and community level, including women, men and youth, religious and traditional leaders and security officials were consulted through the drafting of the bill against FGM, which was approved by the National Assembly in 2012 (ibid.). Media state that there were other consultations on the bill organized by GAMCOTRAP in early 2013 (*Daily Observer* 7 Feb. 2013; APA 23 Mar. 2013; *The Point* 11 Jan. 2013).

According to the representative of GAMCOTRAP, anti-FGM activists who face any mistreatment do not receive protection from the police or the authorities (25 July 2013). She specified however that, in communities that are publicly committed to abandoning FGM, "community sanctions and surveillance" help to protect children and those who oppose the practice (GAMCOTRAP 25 July 2013). Corroborating information and further information on state protection for individuals who oppose FGM could not be found among the sources consulted by the Research Directorate.

The representative of GAMCOTRAP also stated that there was no legal protection: the law does not specifically prohibit FGM and cases that the organization brought before the courts were dismissed (ibid.). In correspondence with the Research Directorate, a professor of development geography at the London School of Economics, who specializes in Gambia, points out that it is still "very difficult" to obtain protection from the police or other authorities when a child risks being subjected to FGM (Professor 23 July 2013).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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