

**STATEMENT AT THE 56TH ORDINARY SESSION OF THE AFRICAN COMMISSION
ON HUMAN AND PEOPLES' RIGHTS ON FEMALE GENITAL MUTILATION IN
AFRICA (FGM), DISCRIMINATION IN LAW AND THE PROTOCOL TO THE
AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF
WOMEN IN AFRICA**

**21 April, 2015
Banjul, The Gambia**

Equality Now considers Female Genital Mutilation (FGM) a human rights violation and an extreme as well as violent form of discrimination against women. The African Union (AU), in Article 5 (b) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in African calls for the 'prohibition through legislative measures backed by sanctions of all forms of female genital mutilation, scarification, medicalisation and para medicalisation of female genital mutilation and all other practices in order to eradicate them' by all States Parties to the Protocol.

To date, 36 out of 54 AU states have ratified the Protocol. FGM is practiced in 19 of these countries. Equality now is gravely concerned that 7 of these states parties do not have laws to protect girls and women from FGM and hence are in violation of article 5 of the Protocol. Women and girls in these countries continue to be at risk of, and subjected to, FGM despite the ratification of the Protocol thus denying them the rights enshrined within it. The lack of legislation not only fails to protect women within these countries but also creates a safe haven for persons in neighbouring countries with anti-FGM laws to travel to such countries to force their girls to undergo FGM.

Equality Now respectfully urges the African Commission on Human and Peoples' Rights to call on the following state parties: **Cameroon, Democratic Republic of Congo, The Gambia, Liberia, Mali, Mauritania and Nigeria** to honour their obligations under the Protocol and urgently enact and implement laws that prohibit FGM.

This year marks 20 years since the Beijing Platform for Action was adopted at United Nations Fourth World Conference on Women in September 1995. AU member states made a commitment in article 2 (d) of the Protocol to "take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist."

Today, numerous laws that discriminate against women continue to exist around the continent. To this end, Equality Now wishes to recognize various efforts aimed at addressing discriminatory laws at the regional and national levels. We take this opportunity to commend the ACHPR for its report on the Right to Nationality and welcome the strong recommendations made in respect of providing equality between women and men. We further welcome the growing trend where governments are recognizing and addressing this issue, including Senegal which changed its law in 2013 and Kenya which amended its Constitution in 2011. We also note

that Sierra Leone recently committed to reforming its law and encourage it to do so without delay. We applaud these governments which have stepped forward to champion the issue, including Cote d'Ivoire and Algeria.

We note that there remain laws that continue to discriminate against women being able to pass their nationality to their foreign husbands or their children together; and more generally against women having equal rights with men to acquire, change or retain their nationality. We are concerned that these laws continue to have devastating effects on women and those families, including the risk of statelessness, vulnerability to child marriage, lack of access to education, healthcare and other social benefits, inability to register personal property, limited freedom of movement, limited access to jobs and economic opportunities, all in breach of the Protocol Articles 6(g), (h) and (i) as well as several other provisions of the Protocol.

In light of the above, Equality Now recommends the following:

- That member states review their own laws on nationality and seek to eliminate all remaining discrimination against women conferring, acquiring, changing or retaining their nationality without delay.
- That member states support the African Commission in its steps to create strong legal frameworks to support individual's equal rights to nationality, including in promoting a new Protocol on the Rights to Nationality addressing the strong recommendations contained in the ACHPR's Report on the Right to Nationality in Africa.

Dear Commissioners, we thank you for the opportunity to bring these issues to your attention.