A scan of FGM laws and policies in 5 MenEngage Africa (MEA) countries

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Who we are

• Established in 2006, Sonke Gender Justice works across Africa in partnership with MenEngage Africa (MEA) to strengthen government, civil society and citizen capacity to support men and boys to take action to promote gender equality, prevent domestic and sexual violence and reduce the spread and impact of HIV and AIDS.
Introduction- What is FGM?

- Female Genital Mutilation (FGM) has been recognised as a harmful practice and a violation of the human rights of girls and women.
- It involves the partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.
- The procedure is risky and life-threatening for women and girls both during the procedure and throughout the course of their lives, limiting their potential for full development, and a major obstacle to the achievement of gender equality.
- UNFPA estimates that over 200 million females have been affected by this harmful practice, mostly young girls and adolescents. In Africa over 92 million females have been affected.
- FGM reflects deep-rooted inequality between the sexes and constitutes an extreme form of discrimination against women. In societies where FGM is practiced it is a socially upheld behavioural rule. Abandonment of FGM requires multi-faceted approaches, including the enactment and effective implementation of laws and policies banning the practice.
Role of Laws and Policies in addressing FGM

- Legislation plays a crucial role in defining and sustaining social and gender norms by clearly establishing a country’s national priorities and setting aside resources for their implementation.

- Laws and policies have the potential to lead to largescale changes in addressing social norms and institutional cultures that continue to perpetuate inequalities and violence against women and girls such as the practice of FGM.

- To achieve this and be most effective, laws and policies should be gender transformative to ensure they do not reinforce negative societal values and norms.

- However, policies and laws alone cannot effect long-term and sustained change. While they are an integral first step, they must be followed up by effective implementation.
Policy Scan Findings

- Analysis of laws and policies in 5 selected African countries, supported by MEA, UN Spotlight Initiative

- The analysis does not exhaust all national laws and policies relating to FGM per country but uses a score card to examine key elements that should be integrated into any legislative reform process addressing FGM.

- Criteria used for the policy analysis and score card include: whether or not FGM is criminalised; whether or not laws and policies provide a clear definition of FGM; whether or not failure to report FGM is criminalised; whether there are laws responding to emerging trends such as cross border and medicalisation of FGM; whether laws respond to some of the drivers of FGM such as harmful norms and practices and whether efforts to address FGM include engaging men and boys.
### Policy Findings

<table>
<thead>
<tr>
<th>Country</th>
<th>Kenya</th>
<th>Liberia</th>
<th>Mali</th>
<th>Nigeria</th>
<th>Uganda</th>
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<tbody>
<tr>
<td>Provides Clear Definition of FGM</td>
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<td>Criminalises Performance of FGM</td>
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<td>Prohibits Procurement, Arrangement or Assistance of FGM</td>
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<td>criminalises failure to report FGM</td>
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<td>Criminalises Participation of Medical Professionals in FGM</td>
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<td>Criminalises Practice of Cross Border FGM</td>
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<td>Acknowledges the role of boys and men and the need to engage them to address FGM</td>
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<tr>
<td>Acknowledges harmful social and cultural norms as contributors of FGM</td>
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<td>Plans made to address harmful social and cultural norms and promote gender norms transformation</td>
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</table>
• 40% of the countries (Kenya and Uganda) have a clear definition of FGM;
• 60% (Kenya, Nigeria and Uganda) criminalise performance of FGM;
• 60% (Kenya, Nigeria and Uganda) prohibit procurement, arrangement or assistance of FGM;
• 40% (Kenya & Uganda) criminalise failure to report FGM;
• 40% (Kenya & Uganda) criminalise participation of medical professionals in FGM;
• 40% (Kenya and Uganda) criminalises practice of cross border FGM;
• 40% (Kenya and Uganda) acknowledge the role of boys and men and the need to engage them to address FGM;
• 40% (Kenya and Uganda) acknowledge harmful social and cultural norms as contributors of FGM;
• 0% had a clear plan to address harmful social and cultural norms and promote gender norms transformation
Policy findings cont.. (Strengths)

**Existence of legislation**—Overall countries such as Kenya and Uganda have legislation that clearly defines FGM and together with Nigeria criminalise the performance of FGM. Kenya and Uganda also criminalise arrangement or assistance and failure to report FGM occurrence, a move which is meant to strengthen measures to curb the practice and increase the burden of responsibility on would be FGM practitioners and community members.

**Acknowledgement of harmful and cultural social norms as drivers of FGM**—Kenya and Uganda’s legislation clearly acknowledges that harmful social and cultural norms contribute to the perpetuation of FGM and together with Nigeria have some form of plans to address these norms and promote gender norms transformation as a way to tackle the drivers of FGM and augment legal efforts.

**Engaging men and boys**—Uganda clearly acknowledges the role of men and boys in addressing GBV which includes addressing harmful norms and practices such as FGM. It has a National Male Involvement Strategy for the Prevention and Response to GBV which has a gender norms transformation centred approach. However, there is need to strengthen the implementation of such strategies. To some extent Nigeria and Kenya also recognise the role men and boys play in addressing FGM although there is room for improvement in strengthening such language as well as in designing initiatives that clearly target men and boys to address FGM.
Policy findings- Gaps

- **Absence of legislation addressing FGM**- Countries such as Mali and Liberia do not have any specific laws addressing FGM despite some acknowledgements that it is a harmful practice.

- Liberia and Mali also **do not have legislation with clear language on engaging men and boys**, neither are their plans and strategies clear on addressing harmful social and cultural norms.

- **Ambiguous legislation**- While Nigeria has some laws banning FGM, due to its federal system such laws are not harmonised across all the states in the country, hence creating inconsistency in the protection afforded to women and girls against FGM.

- **Engaging men and boys**- While there is acknowledgement by some countries on the need to engage men and boys, they tend to bundle men, women, boys and girls together. They do not appear to specifically target the engagement of boys and men as a separate strategy.
Recommendations

- Adopt legislation banning FGM
- Enact laws to respond to emerging trends of FGM such as Medicalisation and Cross border FGM
- Challenge harmful social and cultural norms and promote gender norms transformation through training
- Policies should look at how to effectively engage men and boys as advocates to end FGM
Thank you!