



The African Women's  
Development and  
Communication Network

# FGM/C ADVOCACY TOOLKIT

FEBRUARY 2022





# The African Women's Development and Communication Network

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## Acknowledgement

The implementation of the FEMNET and UNFPA Spotlight initiative training in five countries was made possible through the expert guidance of Everlyne Komba with support of Sheik Ibrahim Lethome Asmani and Kenneth Odary.

The contribution of FEMNET staff especially, Halima Abba Zaid, Jill Anami, Imali Ngusale and Meshack Omondi towards the efforts deserves recognition.

Also deserving thanks are the enthusiastic activists and campaigners in Egypt, Somalia, Niger, Guinea and Kenya who took time to engage in the discourse.

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## Abbreviations & Acronyms

<b>AU</b>	African Union
<b>ACHPR</b>	African Charter on Human and Peoples' Rights
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>EAC</b>	East African Community
<b>ECOWAS</b>	Economic Community of West African States
<b>FEMNET</b>	African Women's Development Network
<b>FGM/C</b>	Female Genital Mutilation/Cut
<b>IGAD</b>	Intergovernmental Authority on Development
<b>NGO</b>	Non-Governmental Organization
<b>OIC</b>	Organization of Islamic Countries
<b>SDG</b>	Sustainable Development Goal
<b>UNFPA</b>	United Nations Population Fund
<b>WHO</b>	World Health Organization



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# 1.0 Introduction

Female Genital Mutilation/Cut (FGM/C) still remains widespread in many parts of the world with Africa being one of the regions where FGM/C continues despite efforts to eradicate the practice. On the weight of various literature, the prevalence of FGM/C varies significantly from country to country, from near universal 98 percent in Somalia; 94% in Guinea and 87.2% in Egypt, to 21% in Kenya and 2% in Niger<sup>1</sup>.

In all these countries, FGM/C is deeply entrenched in tradition, culture and religion which is overseen by authority figures accepted and respected in society such as community leaders, traditional leaders and religious leaders.

It is in this context that African Women's Development Network (FEMNET) through United Nations Population Fund (UNFPA) Spotlight Initiative is implementing an FGM/C Project in Kenya, Somalia, Egypt, Niger, and Guinea. The project seeks to engage young girls and women, in girls' activism, training, solidarity actions, online and media campaigns. This practical guide is intended for advocates working to stop the practice of FGM/C. Its objective is informed by the African Feminist Charter to assist advocates in their efforts to end patriarchy.

This guide highlights the circumstances for the continuation of the practice of FGM/C, mainly centred on religion and a failure to respect human rights of women and girls in Kenya, Somalia, Egypt, Niger, and Guinea. The guide offers assistance for advocates to challenge religious underpinnings that inform FGM/C. Further, it highlights the strong co-relation between respect for international human rights law and the duties of governments to ensure that women are free to abandon the practice of FGM/C. Arising from the discussion, proposes a two pronged religious oriented and human rights-based approach to fighting FGM/C. Further it proposes ideas that advocates can use in targeting duty bearers as well as socio-cultural and religious institutions.



<sup>1</sup>28 Too Many (2018) The Law and FGM: An Overview of 28 African Countries (September 2018). Available at <https://www.28toomany.org/Law>.

## 1.1 Feminism, Patriarchy and FGM/C in Africa

African women contribute significantly to the inclusive and sustainable development of the continent, and are backbone of societies and economies. Therefore, they must be afforded equal, if not greater opportunities. In this regard, in the last 50 years, African Women's Movement have made historical and significant gains. However, patriarchal social relations structures and systems embedded in African culture and religion continue to legitimize the oppression of women through political, social, economic, legal, cultural, and religious institutions.

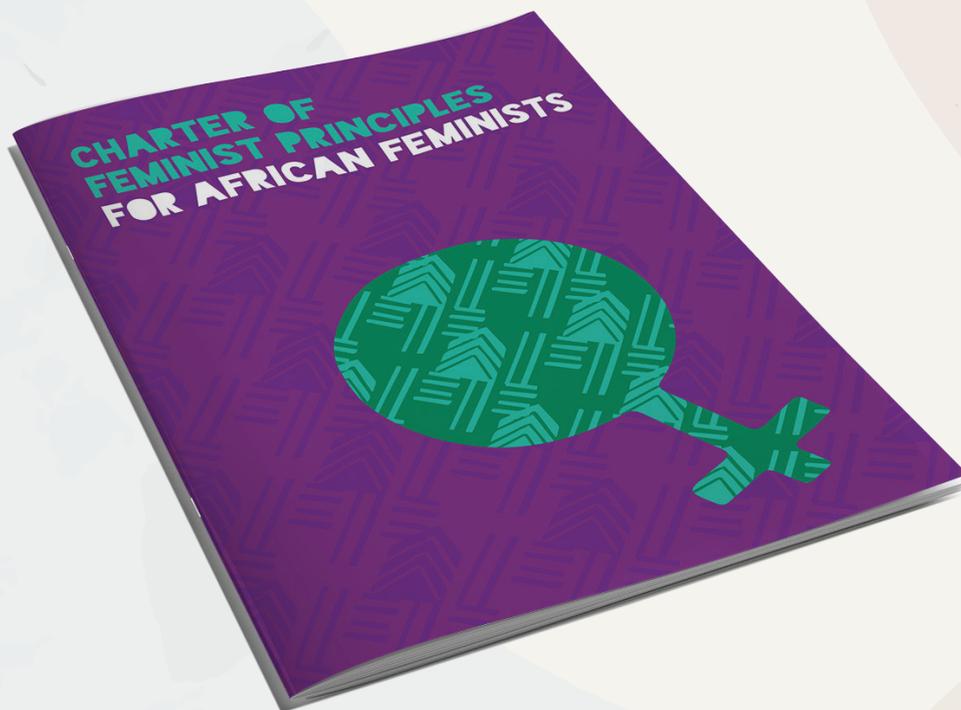
One of the enduring effects of patriarchy in Africa is the practice of Female Genital Mutilation (FGM/C). As a result, millions of women and girls continue to undergo or be under threat of undergoing the practice. Patriarchal arguments advanced for the continuance of FGM/C include that the practice helps with abstinence or that it makes women keep their virginity until they are married. Besides, FGM/C, is often seen as a gateway to early marriage or as a way of preserving a girl's "purity". Furthermore, in the current conjuncture, FGM/C is inter-related with and informs relationships of class, race, ethnic, religious, and economic systems<sup>2</sup>. Thus, to challenge FGM/C effectively also requires challenging patriarchy systems of oppression and exploitation, which frequently mutually support each other.

## 1.2 The Charter of Feminist Principles for African Feminist

The Charter of Feminist Principles, which was agreed upon by African feminists<sup>3</sup> seeks to dismantle patriarchy in all its manifestations in Africa. Overall, the Charter is an inspirational as well as an aspirational document. In this regard, the Charter sets out the collective values for African feminists, outlining the desired change envisioned for communities, and how this change is to be achieved<sup>4</sup>.

Importantly, the Charter outlines the rights and freedoms deserved for African Women. In particular, the charter argues strongly for non-violence and non-violent communities and autonomy regarding bodily integrity issues which are at the centre of efforts towards ending the practice of FGM/C.

Connected to this, the charter calls for engagement with discourses of religion, culture, tradition and domesticity with a focus on the centrality of women's rights. The matrix below provides a snapshot of the Charter of Feminist principles.



<sup>1</sup> CEDAW's General Recommendation 28 clarifies that "discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity

<sup>2</sup> The African Feminist Forum took place from 15 - 19 November 2006 in Accra, Ghana.

<sup>3</sup> African Women's Development Fund (2007) Charter of Feminist Principles for African Feminist

## African Feminist Charter

The indivisibility, inalienability and universality of women's human rights.	The right of all women to have access to sustainable and just livelihoods as well as welfare provision, including quality health care, education, water and sanitation.
The effective participation in building and strengthening progressive African feminist organizing and networking to bring about transformatory change	Freedom of choice and autonomy regarding bodily integrity issues, including reproductive rights, abortion, sexual identity and sexual orientation.
A spirit of feminist solidarity and mutual respect based on frank, honest and open discussion of difference with each other.	A critical engagement with discourses of religion, culture, tradition and domesticity with a focus on the centrality of women's rights.
The support, nurture, and care of other African feminists, along with the care for our own wellbeing.	The recognition and presentation of African women as the subjects not the objects of our work, and as agents in their lives and societies
The practice of non-violence and the achievement of non-violent societies.	The right to healthy, mutually respectful and fulfilling personal relationships.
The right of all women to live free of patriarchal oppression, discrimination and violence.	The right to express our spirituality within or outside of organized religions
The acknowledgment of the feminist agency of African women which has a rich Herstory that has been largely undocumented and ignored.	



## 2.0 Female Genital Mutilation Issues

The practice of FGM/C has received a great deal of attention in recent years at both the national and international levels. One of the most highly debated issues is the role that law should play in addressing a social practice that is strongly anchored in cultural beliefs and norms. FGM/Cs the collective name given to several different traditional practices that involve the cutting of female genitals. The World Health Organisation (WHO) defines FGM/C as: 'All procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons<sup>5</sup>.

### 2.1 FGM/C and Religion: Delinking FGM/C from Religion

FGM/C still remains widespread in countries in Africa with the prevalence and trend of FGM/C among different religious and ethnic groups varying. All types of FGM/C affect women's sexual functioning and thus interfere with women's natural right to fully enjoy sex. FGM/C is practised across all major religions and also among people with no religion in Africa. While FGM/C is not required by either Islam or Christianity, religious adherence is sometimes used to justify and validate the practice. Populations that practice FGM/C variously refer to it as a religious requirement, but prevalence is generally higher where religion overlaps with ethnicity and region. In this context, the practice of FGM/C is often guided by religious leaders and cultural teachings. Notably, the prevalence in the Muslim communities has been considerably higher than in the Christian community.

While Islam upholds the rights, dignity and wellbeing of every human being, in predominantly Muslim communities, the practice has been linked with Islam with the belief that every Muslim woman must be subjected to the practice. The perceived Islamic requirement is a major justification for FGM/C in practicing Muslim communities. The use of some religious terms to refer to the practice has given it an Islamic identity and strengthened the belief that Islam requires FGM/C.

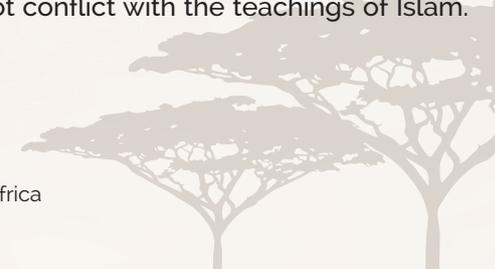
The teachings of Islam provide overwhelming evidence that FGM/C is not a religious practice and that Islam condemns it. Nevertheless, it is still supported by some Muslim communities as a religious practice, which has generated controversy among Muslims.

According to the Quran, any act that amounts to changing Allah's (SWT) creation is considered the work of Satan. Evidence cited from the Quran, the authentic Sunnah (traditions), ijma'a (consensus of scholars) and qiyas (analogical deductions) in support of FGM/C, justify male circumcision, which is confirmed from the way of life (milat) of both Prophets Ibrahim and Muhammad (PBUT). There is nothing to prove that females were also circumcised during their lifetime.

Besides, it has been established that FGM/C violates women's and girl's rights as recognized by Islam. FGM/C/C involves cutting healthy functional organs and changing the look of the female genitalia without any religious basis, which Allah (SWT) strongly condemns. In Islam chastity is a requirement for both males and females, as females alone cannot uphold chastity in the community. Besides, FGM/C has a direct negative impact on all the five objectives of Shariah. FGM/C has no religious basis; it is a purely cultural practice that conflicts with Islamic teachings. It is a fundamental teaching of Islam that where there is conflict between religion and a cultural practice, Islam takes precedence. Islam has clearly stipulated provisions for the protection of basic human rights and it upholds the sanctity of the human body. Any practice that violates these rights and causes harm to the human body without any justification is prohibited.

Therefore, while FGM/C is a cultural practice in communities that observe it, and it is wrong to associate Islam with such a harmful practice. While Islam does not outlaw or prohibit all cultural practices; Muslims are free to continue with their traditional cultures and practices as long as they do not conflict with the teachings of Islam.

<sup>5</sup> UNFPA (2018) Analysis of National Legal Frameworks on FGM in selected Countries in West Africa



This is why certain Arab customs that existed before Islam have been retained, while others were condemned. Likewise, Muslims from all tribes and communities are required to assess their cultures, continue what is in conformity with Islam, and avoid anything that is in conflict. For a cultural practice to be upheld by Islam, it has to fulfil two important conditions. These are:

- It should not be in conflict with the teachings of Islam.
- It should not be harmful to either the individual or the society at large.

### Useful Points to Remember

- Islam upholds the rights, dignity and wellbeing of every human being
- Islam condemns all harmful and destructive practices
- FGM is a sin against Allah (SWT)
- The Prophet (PBUH) in his teachings puts emphasis on good upbringing (tarbiyya) and moral teachings to control chastity
- FGM is not supported in any Islamic religious text
- FGM is a cultural practice not linked with the teachings of Islam
- FGM conflicts with the teachings of Islam regarding the sanctity of the human body
- FGM is controversial and not accepted by all Muslims
- Islamic scholars have no consensus on the practise of FGM



### Further Reading

Asmani I. L. and Abdi M. S. (2008)  
De-linking Female Genital Mutilation/  
Cutting from Islam

## 2.2 FGM/C and Human Rights Law

There is a strong correlation between the failure to recognize the rights of women and girls and the continued practice of FGM/C. African states by and large have a long way to go towards ensuring the human rights of girls and women are respected. FGM/C is a violation of the human rights of women and girls that undermines principles of equality and non-discrimination. It violates the right of children, the right to freedom from torture and cruel inhuman or degrading treatment or punishment. In cases of death of a victim, the right to life is breached. Additionally, FGM/C is a manifestation of gender inequality deeply embedded in social political and economic structures.

There is the strong recognition that the eradication of FGM/C must be informed by existing frameworks. As a general rule, international human rights law governs the actions of states. Under international human rights law, governments are bound not only to refrain from violating people's rights, but also to ensure that rights are universally enjoyed in their jurisdictions. As part of achieving the Agenda 2030 Sustainable Development Goals (SDGs), all countries are duty-bound to ensure that FGM/C is brought to an end.

In this connection, anti-FGM measures have been underpinned Human rights laws at the local and international levels reflected in numerous treaties that are binding under international law. They are also reflected in non-binding documents, such as resolutions, recommendations, guidelines, declarations and principles. Consequently, the enforcement of these laws is necessary to realize effective anti-FGM measures. Under international and regional human rights law, Governments may thus be held responsible for failing to take steps to enable women and girls to enjoy and secure the human rights described.



### Useful Points to Remember

- Women and girl's human rights are indivisible, inalienable and universal
- FGM is a violation of the human rights of women and girls that undermines principles of equality and non-discrimination
- FGM violates the right to be free from gender discrimination
- FGM violates rights to life and to physical integrity
- FGM violates the right to highest attainable standard of health
- FGM violates right to freedom from torture and cruel inhuman and degrading treatment or punishment.
- FGM violates the rights of children



### Further Reading

UNFPA (2014) Implementation of the International and Regional Human Rights Framework for the Elimination of Female Genital Mutilation

## 3.0 Advocacy Approaches and Strategies

### 3.1 Religious Oriented Approach

A number of Muslim religious scholars have been convinced that FGM/C has no Islamic basis, therefore it should be stopped. In Islam, religious scholars provide leadership on matters pertaining to the teachings of the Quran, as they have acquired necessary knowledge of reading, understanding, and interpreting religious text. Religious scholars, because they command respect and influence in their communities, are the best placed people to de-link FGM/C from Islam and to educate their communities about its harms. Scholars have the responsibility to correct ills in the community and must take up the challenge to address this particular ill in their own communities and in the wider Muslim ummah (community). To understand the practice and its effects fully, it is important that religious scholars collaborate with medical doctors to make verdicts based on scientific facts.

Religious leaders have important responsibilities and role to play towards the elimination of FGM/C and other harmful practices in their communities because:

1. It is the responsibility and duty of religious leaders to interpret the scriptures and pass on the authentic messages to their followers. This cannot be done easily by a lay person without proper training and mandate.
2. Religious leaders are often the vanguards of social changes, promotion of social welfare and fight for equality, peace and human dignity. They have the responsibility and mandate to protect and promote the lives of their followers.
3. Religious leaders have moral authority within their communities. They have the respect and acceptance of their community. In some cases, they are more powerful than secular leaders. This situation gives them an additional opportunity, power and responsibility to help in the fight against harmful traditional practices which are not sanctioned by the scriptures

### 3.2 Human Rights-Based Approach

FGM/C is a violation of human rights and, therefore, advocacy efforts take a human rights-based approach. This means recognising that women' and girls' enjoyment of their rights is affect-ed by existing policies and practices and, therefore, ensuring that the fulfilment of these rights is a driv-ing force behind calls for change. In addition, human rights-based advocacy achieves these outcomes through a non-discriminatory process that reflects human rights values and, therefore, it becomes an objective in and of itself. Furthermore, a human rights-based advocacy aims at ensuring that national laws and policies comply with international human rights instruments.

State Membership of International and regional organizations places obligations on national governments to enforce laws on violence against women and girls. To create accountability at the international level, the United Nations human rights system has set in place procedures for reporting on current human rights conditions in nations around the world. This system sets human rights standards, monitors compliance, and makes recommendations to governments for future action to ensure human rights. There are two general categories of mechanisms: bodies created pursuant to an international treaty or convention, and bodies that exist independently of such treaties and conventions. National compliance with international human rights treaties is monitored by United Nations committees. Nations that are parties to these treaties are required to submit periodic reports to these committees.

At the regional level, the strategies closely resemble the work undertaken at the international level. The adoption of regional human rights treaties containing provisions similar such as the Banjul Charter<sup>6</sup>, which has been ratified by members of the African Union, requires States Parties to submit reports to the African Commission every two years to document compliance with human rights norms. The African Commission also may receive and review communications from other sources, including victims of violations or anyone acting on behalf of such victims. Besides the Banjul Charter, the African Protocol on Women's Rights, obligates state parties to the protocol to ensure the implementation of the protocol at the national level and requiring submission of periodic reports to the African Commission on their compliance with the protocol. Other methods in rights-based approach also include;

<sup>6</sup> Banjul Charter creates the African Commission of Human Rights (African Commission)



### 3.3 Legal Advocacy

Most of the human rights protected in international and regional instruments are reflected in national-level legal instruments. Since national level laws and policies may be interpreted through the judicial systems, an opportunity to expand and or protect the rights of women and girls becomes available. Consequently, for human rights advocates, national courts are the first step in enforcing human rights principles and interpreting international legal standards for protecting human rights of women and girls.

### 3.4 Devolved/Autonomous Regional Local Governments

Under international human rights law, governments are bound not only to refrain from violating people's rights, but also to ensure that rights are universally enjoyed in their jurisdictions. As part of the governance apparatus in any country, the devolved or local governments are therefore an opportunity for ensuring implementation/localization of national anti-FGM legislation and policies that integrate the international and regional human rights standards, principles and norms.

### 3.5 Extraterritorial Application of Law

The increasing necessity for interconnectedness has created global citizens. Consequently, national constitutions and regional treaties have permitted people to be dual citizens not only among countries but also regionally. In Africa, unbeknown to many citizens, they are not only citizens of their native countries but also enjoy extra-territorial citizenship courtesy of regional economic blocs such as the EAC, IGAD and ECOWAS. Governments and citizens alike are thus subject to the jurisdiction of regional bodies created through treaty law. In the context of FGM/C, where cross-border FGM/C remains a key challenge, advocacy can target protecting human rights space for women and girls through bodies established by regional treaties.



## 4.0 Advocacy Strategies

### 4.1 Regional Level Advocacy Activities

- Target regional conferences and events and capacity development activities targeting regional decision-makers at the AU; EAC; ECOWAS; IGAD; OIC in order to ensure governments' compliance with the commitments
- Explore the principle of extraterritoriality application of law in protection of human rights of women and girls to prosecute FGM/C cases
- To formalize regional part-nerships and networks with organisations also advocating for the same goal and to communicate fully about collaboration and actions

### 4.2 Country Level Advocacy Activities

- Translate and disseminate, in easily understandable formats, information relating to laws and human rights of women and girls.
- Take appropriate measures to ensure those concerned are made aware of their human rights and of the recourse mechanisms available to them.
- Promote research and mechanisms for collecting and compiling data, such as centralised national database/register gathering all FGM/C cases
- Undertake social media aware-ness raising through social media (such as Facebook, Twitter, YouTube) and adapted to suit the local context.
- Provide expert advisory services when invited, or requested to decision-makers, as well as to the public and media, as a method of advocacy.
- Produce shadow reports, giving expert perspective on the State's implementation progress towards ending FGM/C.
- Engage both print and digital press, to spread advocacy message and to reach out to target audiences through multiple channels.
- Support efforts towards building an efficient and effective monitoring, implementation and evaluation system.

### 4.3 FGM/C Agenda Packaging

Key component of an Advocacy Strategy, is the message conveyed to target audiences in order to bring about change. An advocacy message sets out what you need your audience to understand, remember and do. It differs from other communi-cation messages because it contains an action desired from your target audience that acts as a solution rather than simply an explanation of the problem. The message should appeal both to what is right and to the audience's self-interest. The following is a common template used for constructing primary advocacy messages:

- **Statement** – This is the central idea which sets out the cause of the problem and highlights why change is important
- **Evidence** – The relevant evidence and data, which supports the statement. This should be conveyed using tailored language
- **Example** – A real life example that adds a human element to the message and appeals to the emotions
- **Goal** – The overall objective that you hope to achieve
- **Action Desired** – The solution to the problem which your target audience can carry out

#### 4.4 FGM/C Advocacy Audience

Once what needs to be done is established, it is important to consider which people are key to achieving the goals. The target audiences of the Advocacy Strategy are the stakeholders and institutions that need to be influenced in order to ensure impact is achieved. This include but not limited to the following;

- Regional economic blocs
- National government ministries and departments
  - Devolved/local government/governors and mayors
- Legislature
- Judiciary and legal practioners
- Religious leaders and scholars/faith based organizations
- International and regional organizations
- Elders and the community (men and boys)
- Individual women and women groups
- Medical practioners
- Traditional FGM/C cutters



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