

Policy Brief

ENABLING ENVIRONMENTS FOR ELIMINATING FEMALE GENITAL MUTILATION

Towards a Comprehensive and Multisectoral Approach



Introduction

ABOUT THE BRIEF

This policy brief builds on evidence emerging from the review of key policy and legal developments in all countries where female genital mutilation is prevalent, and in particular experiences from the UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change. By analysing trends for national legislation, strategies and plans, coordination as well as budgets and funding, the document seeks to assess the extent to which UN Member States and their partners across different country contexts have implemented a comprehensive and multisectoral approach in their efforts to prevent and respond to female genital mutilation. The document also summarizes the impact of COVID-19 on female genital mutilation prevention and response programmes. It presents a framework for supporting broader accountability at country level around these dimensions and provides strategic guidance to lawmakers, policymakers and all stakeholders in taking forward their commitment to adopt a comprehensive and multisectoral approach in addressing female genital mutilation. In doing so, the policy brief emphasizes the following priorities: collecting nationally representative female genital mutilation prevalence data; adopting and enforcing laws on the harmful practice; setting up national strategies or plans, coordination mechanisms and budget lines as part of the national response, integrating female genital mutilation prevention and response in COVID-19, humanitarian and emergency preparedness and response plans and empowering women and youth.

GLOBAL TRENDS AND RECENT DEVELOPMENTS

Over 200 million women and girls alive today have experienced female genital mutilation.¹ Female genital mutilation has been documented in 31 countries.² Its



Female genital mutilation violates women's and girl's fundamental rights

– to health, to physical integrity, to non-discrimination and to be free from torture and other cruel, inhuman or degrading treatment

200 million women and girls alive today are **affected by female genital mutilation**

Target 5.3 of SDG 5 on gender equality calls for action by all countries to **eliminate female genital mutilation by 2030**

prevalence in these countries has been estimated from nationally representative data from household surveys.³ The harmful practice is also practiced where diaspora from these 31 countries are present. Female genital mutilation may be even more widespread according to indirect estimates, small-scale studies, media reports and anecdotal evidence. Data from a recent report⁴ suggests that female genital mutilation may be present in more than 90 countries globally, depicting its presence in communities across all continents and shedding light on the global nature of this harmful practice. This report also speaks to the incompleteness of available data and

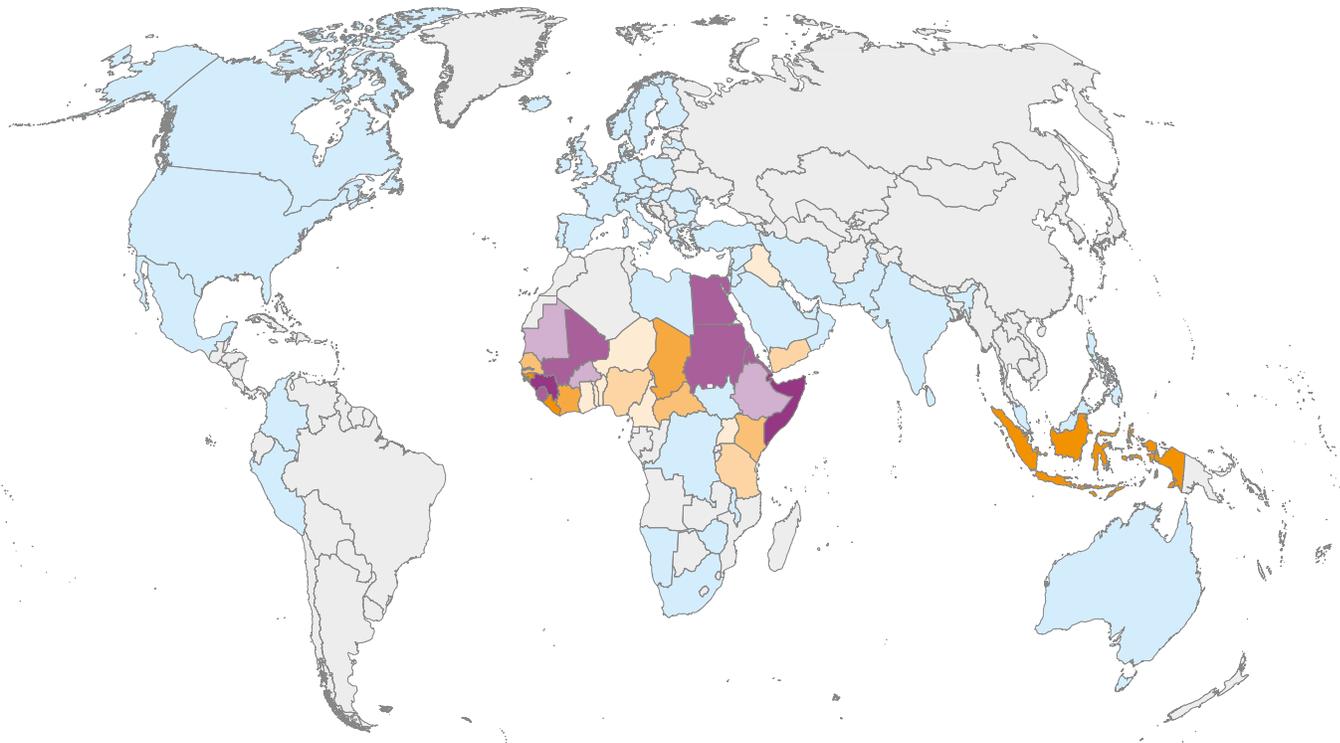
1 UNICEF (2016). Female Genital Mutilation/Cutting: A global concern. Available at: https://www.unicef.org/media/files/FGMC_2016_brochure_final_UNICEF_SPREAD.pdf

2 Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Guinea-Bissau, Indonesia, Iraq, Kenya, Liberia, the Maldives, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Tanzania, Togo, Uganda and Yemen

3 UNICEF global databases (2020). Based on DHS, MICS and other national surveys, 2004-2018. Available at: <https://data.unicef.org/topic/child-protection/female-genital-mutilation/>

4 Claudia Cappa, Luk Van Baelen & Els Leye (2019) The practice of female genital mutilation across the world: Data availability and approaches to measurement, Global Public Health, available at: <https://www.tandfonline.com/doi/figure/10.1080/17441692.2019.1571091?scroll=top&needAccess=true>

Figure 1. Countries where female genital mutilation has been reported (including where it is prevalent)



Percentage of girls and women (ages 15-49) who have undergone female genital mutilation

- Less than 10
- 10-20
- 20-30
- 30-40
- 40-50
- 50-60
- 60-70
- 70-80
- 80-90
- above 90
- FGM has been reported, no survey

Map disclaimer

The designations employed and the presentation of material on this map and the following do not imply the expression of any opinion whatsoever on the part of the United Nations Population Fund (UNFPA) and United Nations Children Fund (UNICEF) concerning the legal status of any country, territory, city or any area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

evidence that is required in order to eliminate female genital mutilation as well as achieve gender equality and empower all women and girls by 2030.

There are different patterns observed across countries. While in some countries female genital mutilation remains universal, in some other countries the decline in prevalence of the practice has been significant.⁵ However, most of the countries where female genital

mutilation is prevalent have a growing youth population. Therefore, if female genital mutilation continues at the current levels, millions more are at risk of being mutilated by 2030 because of population growth among young girls.⁶ In 25 countries where female genital mutilation is routinely practiced and data are available, an estimated 68 million girls will be cut between 2015 and 2030 unless concerted and accelerated action is taken.⁷

5 United Nations Children’s Fund, *Female Genital Mutilation: A New Generation Calls for Ending an Old Practice*, UNICEF, New York, 2020

6 UNFPA (2018). *Bending the curve: FGM trends we aim to change*, February 2018. Available at: <https://www.unfpa.org/resources/bending-curve-fgm-trends-we-aim-change>

7 The countries are Benin, Burkina Faso, Central African Republic, Chad, Côte d’Ivoire, Egypt, Ethiopia, the Gambia, Ghana, Guinea, Guinea-Bissau, Indonesia, Iraq, Kenya, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Togo, United Republic of Tanzania and Yemen. As the

COUNTRIES ARE TAKING ACTION TO END FEMALE GENITAL MUTILATION

Countries can take key measures to end female genital mutilation. An expert group meeting⁸ organized by the Office of the United Nations High Commissioner for Human Rights in Addis Ababa in 2019 concluded that the following actions are pivotal:

- developing comprehensive and rights-based policy frameworks;
- enforcing laws including across borders and in the context of population movements;
- scaling up innovative interventions that address social norms and strengthen social accountability; and
- collecting more reliable and accurate data including through the use of new technologies.

The expert group also found that leadership, political commitment and a long-term vision are major factors of success.

At its 44th Session in July 2020, the Human Rights Council adopted a resolution on the elimination of female genital mutilation presented by the group of African countries and co-sponsored by over 100 United Nations Member States including all European Union Member States.⁹ The resolution reaffirms the framing of female genital mutilation as a violation of international human rights law and as a form of violence against women and girls rooted in discriminatory social norms and gender inequality. Notably, the resolution “calls upon States to take comprehensive, multisectoral and rights-based measures to prevent and eliminate female genital mutilation”, including in the context of the COVID-19 pandemic.



68 million girls are at risk of being mutilated due to population growth (the projected number of girls at risk of undergoing female genital mutilation is expected to rise from 4.1 million girls in 2020 to 4.6 million girls in 2030)

4.6 million girls each year will be cut unless trends change

Progress has been uneven and absolute numbers have continued to increase

most recent data on female genital mutilation for Cameroon, Djibouti, and Eritrea date back prior to 2010, these countries have not been included in this analysis. Uganda and Liberia had to be excluded from the analysis as the precise age of cutting was not recorded in the surveys.

8 Human Rights Council (2020). Report of the Expert Group meeting on the elimination of female genital mutilation: Report of the United Nations High Commissioner for Human Rights, April 2020. Available at A/HRC/44/33.

9 See A/HRC/44/L.20. Available at <https://undocs.org/en/A/HRC/44/L.20>.

1. Enabling legal and policy environments

OPERATIONALIZING A COMPREHENSIVE AND MULTISECTORAL APPROACH

UNFPA has assessed the extent to which national laws and policies provide a holistic and conducive environment for the elimination of female genital mutilation. The analysis considered four key dimensions of enabling environments:

1. Existence of a law prohibiting/ criminalizing the practice of FGM



Criminalization/prohibition: A legal framework that clearly defines female genital mutilation, prohibits its practice and provides for criminal sanctions against it is an effective way to fulfill a State's obligation under international human rights law. It also sends a strong message that female genital mutilation is an unacceptable harmful practice and creates a positive environment for the transformation of the discriminatory gender and social norms that underpin the practice.

3. Availability of a body or inter-institutional mechanism to coordinate efforts and actors in eliminating FGM



Coordination body or mechanism: A strong governance system with clear leadership roles and responsibilities is required given the diversity of stakeholders within government whose involvement is necessary to eliminate female genital mutilation, as well as the wide range of development, humanitarian and health partners, civil society organizations, human rights defenders and faith-based organizations involved in these efforts. Ensuring coordination among the myriad of actors is paramount to ensuring optimal results and efficient use of resources, both human and financial.

2. Presence of a structured government response to address FGM



National strategy or plan: Female genital mutilation is a complex phenomenon at the intersection of culture, gender equality and health. Its elimination is not the responsibility of a single State organ (e.g. executive/judiciary/legislative) or sector (e.g. Ministry of Women/Family/Health) and requires political leadership and commitment at all levels of government. A long-term vision is needed that is rooted in a human rights-based situation analysis and articulates corresponding results, interventions, costs and indicators.

4. Effectiveness of a domestic scheme to fund FGM prevention and response



National budget lines and funding: Eliminating female genital mutilation requires financial investment and planning. UNFPA is supporting countries to cost these investments and to increase national ownership of female genital mutilation programmes. This principle derives from international human rights law whereby States have a duty to ensure progressive realization of economic, social and cultural rights¹⁰, and is a central component of the United Nations Sustainable Development Cooperation Framework. Ensuring sustainable domestic funding and strengthening government leadership is critical for eliminating female genital mutilation.

10 International Covenant on Economic, Social and Cultural Rights (article 2).

ANALYSIS OF KEY DIMENSIONS OF ENABLING ENVIRONMENTS

UNFPA used data from multiple sources in its analysis of key dimensions of enabling environments.^{11,12} Among the 31 countries with national prevalence data on female genital mutilation, the analysis identified pivotal achievements as well as critical gaps:

- **22 per cent of countries with available data do not have a law prohibiting or criminalizing female genital mutilation.**

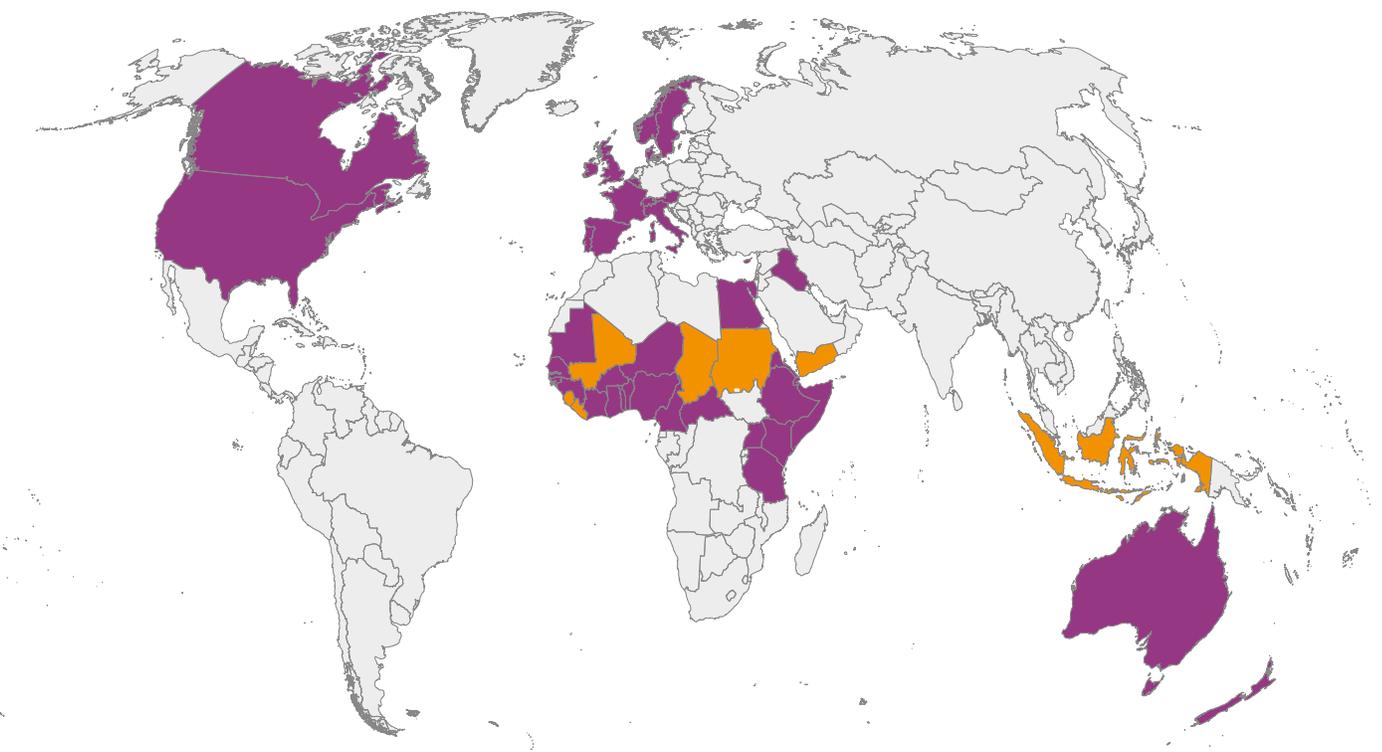
In addition, the case of two federal governments should be noted. In Nigeria, the federal government has banned female genital mutilation but individual states are still to

take measures transposing the 2015 federal act into their respective legal orders to give it effectiveness. In Somalia, although the 2012 constitution prohibits female genital mutilation, no clear definition is provided and no federal legislation articulates the constitutional prohibition to render it effective, leaving it to individual states to adopt relevant legislation.

In contrast, 78 per cent of countries with available data prohibit or criminalize female genital mutilation.

In countries that effectively prohibit female genital mutilation, strategies include prohibiting female genital mutilation in the superior law such as the constitution combined with specific legislation on female genital mutilation, harmful practices or gender-based violence amending the criminal/penal code (e.g. Cameroon,

Figure 2. Legislation on female genital mutilation globally, including in countries where it is prevalent



Legislation on female genital mutilation

- No, and female genital mutilation is prevalent ● Yes

Many individual states in the Commonwealth of Australia (6 out of 8 states between 1994-2006) have legislated to ban female genital mutilation. In the United States of America, a 2018 federal court ruling declared unconstitutional the federal law banning female genital mutilation. As of August 2020, 39 individual US states had passed legislation making female genital mutilation illegal.

11 UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change, Annual report 2018 (country profiles). Available at: <https://www.unfpa.org/fgm-annual-report>

12 28 Too Many, The Law and FGM series (country profiles). Available at: <https://www.28toomany.org/thematic/law-and-fgm/>

practices and sometimes on gender-based violence more widely (e.g. Gambia and Mauritania). Good practices are noted in replication of this coordination at local and community levels in Cameroon, Eritrea and Ethiopia and in the meaningful participation of civil society stakeholders in Nigeria.

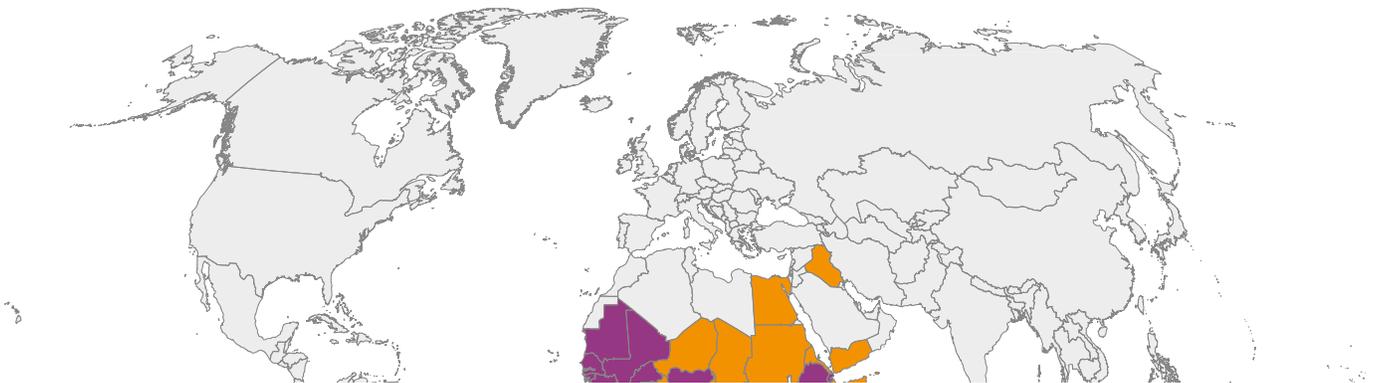
- **Information on budgetary planning and funding is often not available.**

Only 35 per cent of 31 countries analysed have dedicated budget lines and funding for eliminating female genital mutilation.

Analysis of data from six countries shows that an average of \$250,000 is allocated to female genital mutilation programmes and to support the functioning of government institutions in charge of gender-based violence and harmful practices. Of this amount, 70 per cent of funds are used for programming, equipment and human resources; 17 per cent for programming and

equipment and 17 per cent for programming only. The ministry in charge of gender, including gender-based violence and harmful practices, is the main beneficiary of female genital mutilation budget lines with 83 per cent of funds. The UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change has been a particularly strong catalyst for sustaining domestic schemes to fund female genital mutilation prevention and response.

Figure 4. Countries with a national budget line for programmes against female genital mutilation (purple) among countries with nationally representative data



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