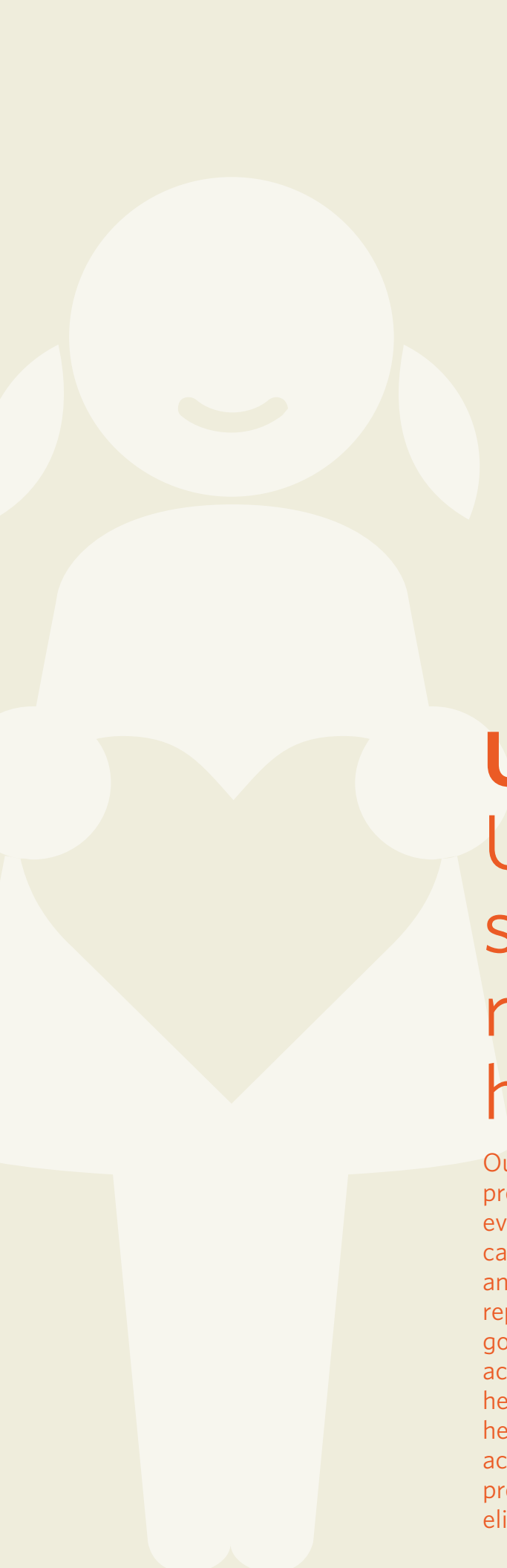


PRIMER

Conducting Public Inquiries to Eliminate Female Genital Mutilation

SEPTEMBER 2020





UNFPA is the United Nations sexual and reproductive health agency.

Our mission is to deliver a world where every pregnancy is wanted, every childbirth is safe and every young person's potential is fulfilled. UNFPA calls for the realization of reproductive rights for all and supports access to a wide range of sexual and reproductive health services. UNFPA works with governments and partners to: promote universal access to quality, integrated sexual and reproductive health services; strengthen health systems, train health workers, educate midwives and improve access to the full range of reproductive health; and prevent and respond to gender-based violence and eliminate harmful practices.

OBJECTIVES

This primer provides a **concise one-stop resource** for planning and conducting a public inquiry on female genital mutilation.

It has been designed for national human rights institutions in countries where female genital mutilation is prevalent as well as their partners. The primer offers essential knowledge and guidance on:

- The context for national human rights institutions in focusing on gender equality, sexual and reproductive health and reproductive rights, and UNFPA's support for this work
- Linkages between human rights related to female genital mutilation, national human rights institutions and public inquiries
- The global and regional human rights frameworks applicable to female genital mutilation
- The rationale for prioritizing public inquiries as strategic interventions for eliminating female genital mutilation
- A step-by-step outline to hold a public inquiry on female genital mutilation, including programming guidance in the wake of COVID-19



BACKGROUND

In 2012, the 11th International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, now known as the Global Alliance of National Human Rights Institutions, made a commitment encapsulated in the Amman Declaration and Programme of Action for Promoting Gender Equality.

National human rights institutions pledged to “conduct inquiries into and investigate allegations of violations of women’s and girls’ human rights, including all forms of discrimination against women and girls, gender-based violence, violations of economic, social and cultural rights, violations of reproductive rights and discrimination in public and political life, and identify systemic issues which may perpetuate these violations”.¹

They agreed to “encourage and aid the compilation of an evidence base (e.g., data, inquiries, research) concerning the exercise of reproductive rights and the right to sexual and reproductive health”. This included “cases of de jure and de facto discrimination in access to sexual and reproductive health care information and services, forced sterilization, forced abortion, child marriage, forced marriage, female genital mutilation/cutting, biased sex selection and other harmful practices”.²



To support national human rights institutions in taking forward this commitment, which was institutionalized in UNFPA's Strategic Plan in 2014, UNFPA, the Office of the High Commissioner for Human Rights and the Danish Institute for Human Rights published a [handbook](#) providing guidance on the nature and normative framework for reproductive rights as well as practical information for advancing these.

Building on subsequent experience supporting dozens of countries globally to conduct public inquiries and country assessments of human rights in the context of sexual and reproductive health and well-being, UNFPA in 2019 published a [guide](#) for national human rights institutions. It provided a conceptual and methodological framework for assessments and inquiries, including to help develop more comprehensive information systems, and to ensure a standardized approach to assessing human rights violations related to sexual and reproductive health.

Most recently, in July 2020, the Human Rights Council adopted resolution [44/L.20](#), without a vote and with co-sponsorship by over 100 United Nations Member States, including all members of the African Union and European Union. The resolution called for “developing the capacity of national human rights institutions to investigate human rights violations related to the practice of female genital mutilation and to monitor progress in preventing and eliminating this harmful practice”.

1 Amman Declaration, Principle 4.

2 Amman Programme of Action, para. 26.



GETTING STARTED



WHAT ARE HUMAN RIGHTS?

Inalienable legal guarantees to which every human being is entitled because s/he is human.

Entailing rights and obligations, they are codified in national laws as well as binding international and regional treaties.

They are traditionally categorized as civil, political, economic, social and cultural rights.

They are universal and apply to every human being, everywhere.

They are interrelated, interdependent and indivisible.

WHAT IS A NATIONAL HUMAN RIGHTS INSTITUTION?

A national human rights institution is a state body with a constitutional and/or legislative mandate to protect and promote human rights.

It has been set up according to various models around the globe, such as human rights commissions, ombudsperson offices, consultative bodies, public interest defenders, human rights centres, institutes and various hybrid bodies.

The role of a national human rights institution is to address discrimination in all its forms and to promote the protection of civil, political, economic, social and cultural rights mainly through investigating individual complaints and structural problems, enforcing decisions and referring matters requiring prosecution, providing education on human rights and advising on law reform.

The Paris Principles adopted by United Nations General Assembly resolution 48/134 of 20 December 1993 set out criteria to accredit national human rights institutions. These include a broad human rights mandate based on universal human rights principles and standards, autonomy from government, independence guaranteed by a statute or constitution, pluralism, adequate resources and adequate powers of investigation.

WHAT IS A PUBLIC INQUIRY/ NATIONAL INQUIRY?

A public inquiry is an exploration of a systemic human rights problem where the public is invited to play a key role.

It includes public hearings with witnesses and experts to investigate systemic patterns of human rights violation.

It aims to identify findings for the public, and recommendations for duty-bearers and various stakeholders.

It involves a wide range of expertise within the national human rights institution and beyond.



WHAT DOES FEMALE GENITAL MUTILATION HAVE TO DO WITH HUMAN RIGHTS?



The practice of altering or injuring female genitalia for non-medical reasons³ is a violation of international human rights law as defined in global and regional human rights treaties.

- In Article 5, the [Protocol](#) to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (widely known as the Maputo Protocol)⁴ prohibits all forms of female genital mutilation, and recognizes the practice's adverse effect on the human rights of women and girls.
- The [African Charter](#) on the Rights and the Welfare of the Child, in Article 21, requires protection against harmful social and cultural practices that are prejudicial to the child's health or life, and/or discriminate on the grounds of sex.
- The Council of Europe's [Convention](#) on preventing and combatting violence against women and domestic violence (widely known as the Istanbul Convention) urges states parties, in Article 38, to criminalize the performance of any form of female genital mutilation, its procurement as well as the incitement or coercion of women and girls to undergo the procedure.

At the global level, multiple human rights treaty monitoring bodies and special procedures have issued jurisprudence and normative guidance, through general recommendations and comments, decisions and reports, to make protection from and prohibition of female genital mutilation a legal obligation.

- The Committee on the Elimination of Discrimination against Women, the body of independent experts monitoring implementation of the Convention on the Elimination of All Forms of Discrimination against Women, has issued general recommendations [Nº 14](#) recognizing the grave impact of "female circumcision" on public health, [Nº 19](#) qualifying "female genitalia mutilation" as a discriminatory

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