

**AN APPROXIMATION TO FEMENINE GENITAL MUTILATION
FROM THE HUMAN RIGHTS PERSPECTIVE**



Font: UNICEF

Kheira is a 7-year-old girl who lives in Kenya with her parents and her younger brother. This year, she has started to go to school and is very happy and excited. Her friends are wonderful and every day, when she comes home, she explains to her mother all the things she has learned that day at school. Spring comes, and with it an unknown surprise. One afternoon, after getting home from school, her mom explains that the next day she is

going to do something very special. Young Kheira is very excited, but she can't stop the nerves from flooding her small body. Since she was little, she has heard that special things happen to girls her age, but she still doesn't know what it is and can't wait to find out. To her surprise, the experience ends up being painful and becomes so unbearable that Kheira faints from the pain. Over the next few days, Kheira stays at home resting

and begins to notice how her relatives begin to treat her differently and is surprised when her uncle addresses her as a woman. After two weeks, Kheira is fully recovered and ready to go back to school and meet her friends, but finds her parents telling her that it is inappropriate for her to return. Kheira never went back to school.

The story of Kheira reflects the day-to-day lives of girls who, from different villages around the world, suffer from the world-famous female genital mutilation. In fact, according to recent World Health Organization reports, it is estimated that more than 3 million girls are at risk of FGM each year, in addition to the 200 million people who have already experienced FGM during their childhood and adolescence in 30 countries within Africa, the Middle East and Asia. Over the last few years, as a result of the increase in migratory flows², this practice has become more widespread in the countries receiving the migrant population. In Europe, the internationalisation of FGM has led to the adoption of legal and policy measures by the Member States of the European Union, such as the development of a common asylum law and protection position for women or families with girls at risk of FGM, the standardisation of data collection on women who have undergone or are at risk of FGM, the incorporation of a common position on FGM in cooperative development projects with countries where FGM exists or the implementation of awareness-raising campaigns on this issue, among others.

¹ World Health Organization. (n.d.). Prevalence of female genital mutilation. <https://www.who.int/teams/sexual-and-reproductive-health>

² Comisión Europea. (n.d.). *Estadísticas sobre la migración a Europa*. <https://ec.europa.eu/info/strategy/priorities-2019-2024>

These indicators show that FGM is still a challenge that transcends the national borders of the countries of the world and therefore requires effective communication and cooperation between all actors, state and non-state, involved in order to be able to address it. The urgent need for cross-cutting and cooperative networking among civil society, the associative and business fabric and the governments of the current international system is essential for the development of effective foreign policies to address FGM.

The Human Rights Approach. Why is it necessary to address female genital mutilation through a human rights-based approach?

“Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seek equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

³ World Health Organization, Regional Office for Europe. (n.d.). *Female Genital Mutilation (FGM)*. https://www.euro.who.int/__data/assets/pdf_file/0003/261696/8.-Female-genital-mutilation,-Factsheet-for-European-Parliament.pdf

Eleanor Roosevelt, the author of this quotation, was the only woman involved in the drafting and promulgation of the 1948 Universal Declaration of Human Rights, a proclamation that marked a turning point in the history of human rights. In the decades that followed, faced with the invisibility of women's rights, the UN promulgated two conventions of particular importance to promote the protection of women's rights: the Convention on the Elimination of All Forms of Discrimination against Women (1979) and the Convention on the Rights of the Child (1989).

FGM constitutes a restriction on the protection of the human rights enshrined in both international treaties, in that it violates physical integrity and, in turn, restricts access to education for all girls and women who are directly affected.

Focusing on the right to education... An obstacle or an opportunity?

Kheira's story shows how education is a key element in the analysis of the human rights violations that FGM entails, and also demonstrates the role that learning and teaching have in building a better world from a human rights-based approach.

⁴ Naciones Unidas, Derechos Humanos (Oficina del Alto Comisionado). (1979, diciembre 18). *Convención sobre la eliminación de todas las formas de discriminación contra la mujer*. <https://www.ohchr.org/sp/professionalinterest/pages/crc.aspx>

⁵ Naciones Unidas, Derechos Humanos (Oficina del Alto Comisionado). (1989, noviembre 20). *Convención sobre los Derechos del Niño*. <https://www.ohchr.org/sp/professionalinterest/pages/crc.aspx>

Education as an obstacle. As mentioned above, once FGM has been carried out, the family of the woman concerned and the community at large begin to appreciate education as an unnecessary part of life that belongs to the sphere of childhood and not to that of the adult life into which the person is considered to have entered. While the recent increase in enrolment statistics augurs well for the future of girls' education,⁶ such an increase in enrolment does not necessarily imply effective assistance. Kheira, like many other girls, enrolled in school, but was forced to drop out because of FGM.

Education as an opportunity. The Fourth World Conference on Women, held in Beijing in 1995, marked a significant turning point for the global gender equality agenda, highlighting the education of girls and women as a human right and a development strategy. Literacy for girls and women is therefore key to their empowerment, which will take on some relevance on their path to freedom. Recognition of the right to education is therefore a critical social justice issue for preventing poverty and improving the health of girls. Investing in their training can be considered the most effective tool against FGM, ensuring increased awareness of the consequences of FGM.

The instrumental approach versus a human rights-based approach

Over the past decades, the eradication of FGM has been approached from an instrumental point of view, i. e. as a purely economic and social

⁶ UNICEF. *The State of the World's Children*. <https://www.unicef.org/reports/state-of-worlds-children>

development issue. This course has sought to ensure the protection of the rights of affected women in order to achieve a country's economic objectives. While this view may be considered reasonable, if we are to transform this practice, it is imperative that it be undertaken in terms of justice and from a human rights perspective.

Treating the elimination of FGM from this point of view moves away from the traditional intent of giving the struggle a broad instrumental approach to bring it ever closer to a closer, individual and humanitarian approach that requires us to recognize that ensuring education for girls, for example, is not only a measure to accelerate national economic progress, but also a matter of equality.

A human rights perspective places FGM at the centre of international efforts to ensure effective protection of women's rights; it recognizes FGM as one of the many forms of social injustice suffered by women worldwide; it is based on the essential need to guarantee millions of girls and women the rights to physical and mental integrity, non-discrimination and education; and demands that the governments of each State assume responsibility and national commitment to the effective protection of the human rights of all persons concerned. A human rights perspective is therefore key on the road to a more just, equitable and humane world.

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