



# SENEGAL: HUMAN RIGHTS KEY TO ENDING FGM/C

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effective campaign



## SENEGAL: HUMAN RIGHTS KEY TO ENDING FGM/C LEGISLATION IS JUST ONE ASPECT OF AN EFFECTIVE CAMPAIGN

In 1999, Senegal became the fourth African country to amend its Penal Code to specifically prohibit Female Genital Mutilation and Cutting (FGM/C). Important as this step was at the time, in fact, Senegal was already ahead of the law. Clusters of villages with shared family ties, social norms and beliefs had already started to publicly announce their decision to abandon the practice.

In Senegal, the FGM/C law is just one piece in a mosaic of approaches that are enabling the country to totally abandon FGM/C by 2015. This goal is incorporated into Senegal's National Action Plan for the Acceleration of the Abandonment of FGM for 2010-2015, launched by the Prime Minister in 2009 and supported by the UNFPA-UNICEF Joint Programme on FGM/C. While important, the law is not the principal tool for eliminating FGM/C in Senegal. Indeed, only a handful of individuals have been prosecuted in the last ten years.

"We have two main approaches to ending FGM/C," says Gallo Kebe, coordinator of the Joint Programme in Senegal. "The law is there, but we focus primarily on raising awareness. The law alone won't end FGM/C. Next door in Gambia they don't have a law against the practice, so people can just go to Gambia to have their daughters cut. That's why we work to persuade people not to do this by informing them about the harmful physical, medical, psychological and human rights effects of this practice."

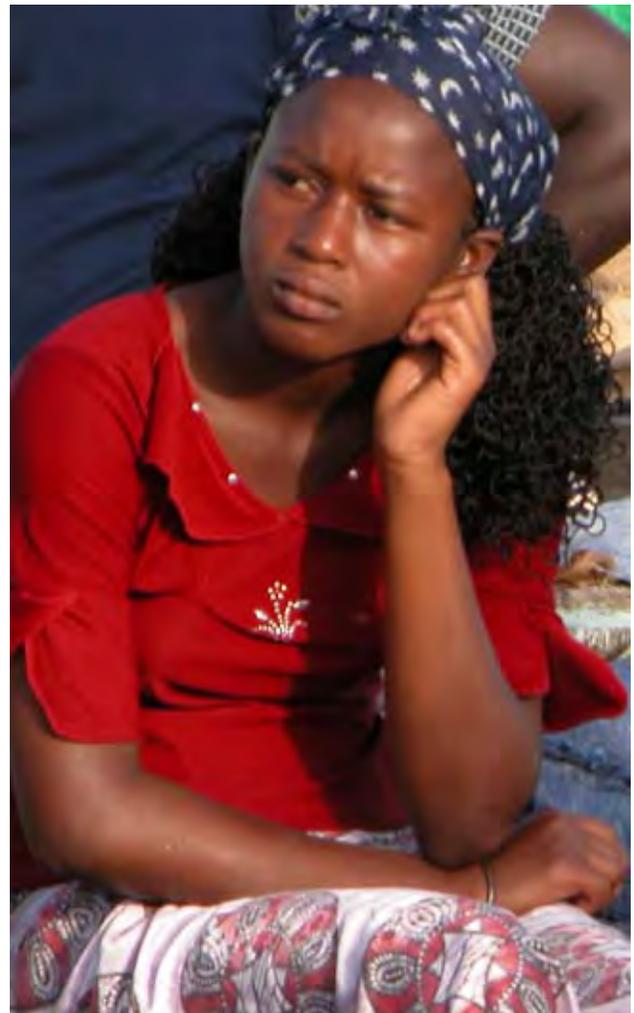
FGM/C has been deeply ingrained in Senegalese culture and, as is usually the case in such matters, rooting it out has required decades of patient effort. But rather than a head-on attack, in Senegal FGM/C has been approached as a human rights issue. When, through discussions about human rights, people begin to understand that the high rates of maternal mortality, illness and debility that women have experienced were due in part to the effects of FGM/C, over time many communities spontaneously decide to abandon the practice.

### HOLD-OUTS AMONG CONSERVATIVE COMMUNITIES

But the campaign against FGM/C has not always gone smoothly in all parts of the country. While community after community declared their decision to abandon the practice, 236 communities – most of them in the more conservative north of the country

– still cling to tradition. "The last steps are the hardest," says Mr. Kebe. "The few hold-outs are the most rigid, the most determined not to change." In the north, along the Senegal River near the border with Mauritania, girls are still being cut and few cases have come to trial.

However, one case that received a lot of media attention involved a baby girl. On April 25, 2009 an anonymous caller tipped off the police in the border town of Matam that a 16-month-old child had been cut by a professional excisor named Aicha.



She, the child's parents and her grandmother, who had hired the excisor, were arrested and prosecuted. During the trial it was revealed that the grandmother had frequently demanded that her daughter have the child cut. When the grandmother finally contacted Aicha, the excisor was at first reluctant to perform the service. She said she needed time to prepare, but it is also likely that she feared prosecution. The grandmother insisted and finally the procedure was carried after nightfall in the presence of the child's mother and grandmother. The father was absent. Both of the child's parents were originally sentenced to three months in prison, but were later pardoned. The excisor and the grandmother were both sentenced to six months, but were released after three months.

The case prompted a great uproar and one powerful local family even demanded that the law

prohibiting FGM/C be repealed. With support from this family, some 200 Marabouts (local Islamic preachers) spoke out in defense of Aicha and of FGM/C. But in the end, the law prevailed. "The preachers saw that in spite of all their influence, this lady was condemned," says Mr. Kebe.

"This trial got a lot of attention in the papers and on radio and television," he explains. "The whole country was talking about it." Such publicity, he says, makes a bigger impression in people's minds. "Before, people didn't really pay much attention to this law," he explains.

"Now, because of all the media attention, they take the law more seriously. People used to say, 'Oh, they'll never put me in jail if I have my daughter cut.' Now, they've see that breaking the law actually has consequences."

The case also triggered heated debates on talk

**"The law alone won't end FGM/C... That's why we work to empower people through education about the harmful physical, medical, psychological and human rights effects of this practice."**

**Gallo Kebe, UNFPA, Senegal**



radio in the north of Senegal. “A religious leader was doing a broadcast,” Mr. Kebe recalls. “Someone asked him about FGM/C and listeners began to call in. Men were saying that FGM/C is necessary because women’s sexual appetites are so strong that they have to be cut. But women called in with counter-arguments. They said, ‘What you’re saying is not true.’ They told this religious leader about the problems resulting from FGM/C: hemorrhaging, fistulas, maternal mortality. Through the human rights education, these women had learned that is their right—and the right of all girls and women—not to submit to FGM/C.”

In view of the fact that Senegalese law prescribes a penalty of up to five years imprisonment for anyone performing, arranging or assisting FGM/C, the sentences in this case seem very lenient. But in the cultural context of northern Senegal, spending three months in prison amounts to a social death sentence. “The people in this region are very proud,” explains Mr. Kebe. “Over and above the number of days these ladies spent in prison, what is important is the terrible shame – the mere fact of going to jail. This makes a big impression on people.”

Moreover, excisors have traditionally had considerable status in the community. In the past, in fact, this was almost the only respectable profession open exclusively to women. During her trial, Aicha explained that her grandmother had taught her the skill. “These women do this work not so much for money but for the prestige the profession conveys,” says Mr. Kebe. “So a prison sentence was a terrible thing for Aicha, as it is for the child’s

grandmother. They are disgraced for the rest of their lives.”

Despite the fact that a leading Muslim cleric in Cairo publicly declared in 2006 that FGM/C is contrary to Islam, pockets of resistance remain among the preachers of northern Senegal. Some years ago, one preacher even issued a fatwa in favour of FGM/C. But in January 2010, in a groundbreaking move, leading Islamic clerics in Mauritania, to the north of Senegal, issued a fatwa condemning the practice.

“People in southern Mauritania and northern Senegal belong to the same ethnic group,” says Ndeye Soukeye Gueye, Director of the Family, Senegal’s National Ministry for the Family, Social Development and National Solidarity, “so this fatwa is very helpful to us. We are now developing a sub-regional strategy on FGM/C incorporating the thrust of this fatwa into our new Action Plan.” Representatives of Senegal’s Family Ministry will meet with the Mauritanian clerics and others who oppose genital cutting in Nouakchott in late 2010 to discuss approaches to ending the practice and to develop strategies to more effectively reach the people of this area.

## WHEN SOCIAL NORMS RULE

How can people simply decide that they will not obey a national statute? This occurs when people oppose the objectives of the law and when they believe that their way of life is being threatened. In Senegal and other African countries, social norms

### SHOULD FORMER EXCISORS BE COMPENSATED FOR LOSS OF INCOME?

Some of those campaigning against female genital cutting argue that excisors should be given financial compensation or opportunities for other income-generating activities to induce them to give up the practice. But UNFPA’s Gallo Kebe says this is not the Joint Programme’s approach. “For one thing,” he explains, “if we did that, hundreds of excisors would be coming to us asking for financial support, and this would put a significant burden on our budget.” Instead, the programme’s holistic, participative approach reaches out to everyone. It aims to show all women, including excisors, that they have a right to health, a right to education, a right to participate in society and a right to avoid customs such as FGM/C that are harmful and that violate their rights. Mr. Kebe points out that for most circumcisers, the fees they receive for performing FGM/C procedures are modest and not a significant source of income. “Until recently, being an excisor was an honorable profession conferring respect and prestige within the community. This is what was important to them, and this is the loss they fear most,” he explains. “We can’t compensate for this. Instead, we try to change their thinking. We give them information so that they themselves decide to leave this work. Our strategy is to help them understand the harm that FGM/C causes; explain to them about the risk of hemorrhage, the health risks for the woman and her child when she gives birth, the risk of fistula. We work to help them to understand all this.”

prevailing at the local level usually have more influence over people's everyday lives than do the actions of the national government. "From the point of view of society, power resides at the community level," says Mrs Gueye. "People pay much more attention to social norms—and to local leaders who support them—than to a national law. They identify with social norms much more strongly, even if they know that a law exists. In a matter like FGM/C, local leaders and decision-makers are often so powerful that the child's mother is not even consulted when the decision to cut her is made. This is why," she explains, "instead of a direct attack stressing why FGM/C is bad, we try to understand the local culture and use this knowledge to get people to want to abandon FGM—through the human rights approach."

#### THE HUMAN RIGHTS APPROACH

Mrs Gueye explains that even in northern Senegal, resistance to the FGM law is not uniform and some northern communities have pledged to give up the practice. "I recently met with a group of young people from the north who have formed an association to eliminate FGM/C," she says. "I also attended a ceremony where more than 30 northern villages abandoned the practice. A movement is developing."



With support from the Ministry for the Family and the UNFPA-UNICEF Joint Programme, the human rights approach developed by Tostan is breaking through entrenched social norms and awakening people to the effects of FGM/C. "We try to instill in people's minds the connections between legal, economic and civil rights," says Mrs Gueye. "We help people understand that, in addition to violating a woman's human rights and compromising her health, FGM/C has other negative consequences for the family. It can have a long-term impact on a woman's productivity." The dissemination of the law to communities is a part of the dialogue in Senegal.

Because of the debilitating health effects of FGM/C, a woman may be unable to work in her family's fields—an essential female activity

throughout sub-Saharan Africa. If she is frequently ill, she becomes a burden on her family; she needs medicine and this is a financial drain on the household. She is likely to have complications in childbirth and her babies may die. "In some cases, the end result is that she is abandoned by her husband," says Mme Gueye. "These are the things we help people understand, and eventually they say, 'Oh, we never thought of it that way.'"