



Thematic Session I

FGM Legislation as a Tool for Behavioural Change

Recommendations

Legislation and legal frameworks are important tools in the fight towards the elimination of Female Genital Mutilation and states should protect their citizens from violence and take primary responsibility and leadership in combating the practice of FGM. Several considerations should inform the legislative process and can determine the success of legislation as a tool in this sphere. Crucially, legislation must function alongside other measures, as part of a multi-disciplinary approach, in which a rights-based framework is integral to the effective formulation and implementation of laws relating to FGM. States are urged to ratify the African Union's Protocol on the Rights of Women in Africa and are under obligation to meet their commitments under this protocol, as well as other protocols which they have ratified.

The following specific recommendations emerged from the Session:

1. Legislation must be guided by international human rights instruments, standards and principles including those contained in: the UN Convention on the Rights of the Child (1989), the Convention on the Elimination of All Forms of Discrimination Against Women, the Protocol on the Rights of Women in Africa (2005), as well as by the principles contained in the 2003 Cairo Declaration on FGM and the Secretary General's Study on Violence against Children and the Rabat Declaration on Children's Issues (2005). Furthermore, the cases of Burkina Faso and Egypt can serve as examples of good practice in this sphere.
2. In order for the implementation of the law to be effective, budgetary allocations, including human, financial and organisational resources must be available to support national programmes. These should include adequate training for professionals and must form part of a larger capacity-building programme.
3. Legal tools which aim to have a deterrent effect must also be accompanied by media as well as formal and non-formal educational campaigns - such as those involving school curricula - and preventive measures which recognise the culturally and socially dominant meanings attributed to the law in countries affected by FGM. Furthermore, in view of cross-border practice, receiving countries must ensure that legal texts are adequately translated into the relevant languages. These campaign efforts must be coupled with an increased focus on raising awareness of the law, thus enabling law makers to enact a process of behavioural change.
4. These efforts should be undertaken in partnership between governments, civil society and the private sector, as well as with support of the international community when necessary.
5. Legislation should be informed by a participatory approach and must be formulated through extensive consultation with individuals who are victims of FGM and must take into consideration the need to protect individuals who fear the consequences of reporting FGM in their communities. Consultation must also be undertaken with the general public and with

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children, who must not be stigmatized and whose views must be respected. Moreover, the involvement of men is crucial, along with that of other stakeholders, including in particular parliamentarians.

6. We urge States Parties to the Maputo Protocol to put in place adequate national legislation which clearly treats FGM as a crime and ensures adequate punishments are in place that reflect the gravity of the crime.
7. Furthermore, we ask that young girls affected by the practice are given adequate protection and rehabilitation which we believe would also empower activists working to end the practice. These efforts should take into account the specific needs of particular groups of children, such as children living in conflict areas, in refugee camps inside Africa, as well as those affected by natural disasters.
8. A comprehensive monitoring mechanism should be in place, in order to influence the policy making process and guide revisions to the law when necessary. Among these are national human rights institutions (NHRIs), ombudsmen, helplines and an effective database system which generates disaggregated data, as required. The mechanisms used to monitor the effectiveness of criminalization must be clearly accessible and child/woman-friendly, so as to allow for both a clear and participant-centered analysis of the effectiveness of legislation. The reviewing of legislation must be a continual process, which takes into account societal and cultural changes which can influence the perceptions and effectiveness of the law.