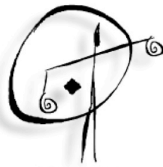




LA RÉPUBLIQUE
DE DJIBOUTI



NO PEACE
WITHOUT JUSTICE

CONFERENCE SOUS-REGIONALE SUR L'ELIMINATION DES MUTILATIONS GÉNITALES FÉMININES

*Pour un consensus politique et religieux sur l'abandon
des Mutilations Génitales Féminines*

Palais du Peuple DJIBOUTI 2-3 février/February 2005

Thematic Session 1

« The position of Islam on Female Genital Mutilation »

Chair and opening speech: Mr. Mogueh Dirir Samatar, Minister in charge of Wakfs Goods and Muslim Affairs, Djibouti

Co-Chair: Dr. M.H. Khayat, Senior Adviser to the Regional Director of the East Mediterranean Office of the WHO

Facilitator: Mr. Abdourahman Bachir, Director of the Ministry of Wakfs Goods and Muslim Affairs, Djibouti

Rapporteurs: Mr. Mohamed Ali Issa, Adviser to the Minister in charge of International Cooperation, Djibouti

Dr. M. H. Khayat, Senior Advisor to the Regional Director of the East Mediterranean Office of the WHO, introduces the Koran as promulgation of the word of God, sustaining that the law is everything that can be beneficial to man. Regarding female genital mutilations, he says, one must start from the roots of Islam to achieve the knowledge of what is right to do. God created man and woman equally and jointly responsible for the original sin. Dr. Khayat mentions that there is a general agreement about the fact that the practice of mutilations is inadmissible. The matter for debate is therefore whether or not it is legitimate to remove that small piece of skin that is above the clitoris. From the medical point of view, without scientific evidence of damage done by the Sunnah, it cannot be said that such practice is harmful, seeing that there is no direct intervention on the clitoris.

This is followed by the welcome by Abdourahman Bashir, Director of the Ministry of Wakfs Goods and Muslim Affairs.

Then Ismail Kalek el Deftar takes the floor affirming that he is very pleased to be able to participate in this debate because it deals with a matter that deserves being debated and known and about which it is right that the truth be known. Islam is clear about the propriety of the human body, the Prophet forbade all forms of harm to the human being, just as no Muslim may bring damage to other human beings. According to him total mutilation is prohibited for

the above mentioned reasons, while partial mutilation is legitimate even though not compulsory. There is mention of this in the holy scriptures and also how to perform it.

Afterwards Mohamed Raafat Othman Darwish speaks. “We can make no proposals about excision without referring to what the Prophet said. Therefore what the Koran allows and does not allow must be pointed out. About the matter of excision, I cannot say that it is prohibited, since it is not written in the Koran. Man can fully avail himself of everything that is on earth unless it is expressly forbidden. Female circumcision is not expressly forbidden by the scriptures but it is well that, if done, the aesthetic aspect of the female organ be kept; so, if it is to be done, it must be done well.”

Afternoon session

Ali Hashim Elsaraj, member of the Sudanese Council of Ulemas, says that also in Sudan there is great concern about the mutilations and much research is being done on this topic. “Why is there so much controversy about female mutilations and not about male mutilations? Because for men it is just a piece of skin, while for women the clitoris is concerned. Why should we take pleasure away from women? According to the Koran we can’t change man’s nature, therefore how can we accept changing woman’s nature? We are against any form of excision.”

As far as the religious legitimacy of excision is concerned, Elsaraj continues, everyone quotes different sources in support of whether or not it is legitimate. This is followed by a disquisition about the Arabic word “radis” attributed to the Prophet who according to some was speaking of excision, while for others, himself included, the Prophet referred to something else in that circumstance. Since these sources are uncertain, there are various interpretations which in this instance clash and animate the debate.

Islam, he concludes, came about in order to make amends to man’s bad habits, one of which is excision which we reject because woman’s nature must not be violated. He ends by saying that the Prophet made no distinction between the various techniques of infibulation, all of which are to be forbidden.

Now the Mufti of Eritrea Alamin Usman speaks, stating that we cannot say whether carrying out this practice is a sin or not until it is established whether or not it causes damage to the woman’s body. The Koran says that if there is uncertainty about something, it can be neither forbidden nor required; so doctors must be heard, only they can forbid the practice if it is deemed dangerous.

The interventions that follow present quite different stances, among those who state that the Pharaonic is a crime and must be harshly punished, while there is no unanimity about whether the “small” one is allowed or not, and some say that if excision were forbidden the Koran would mention it. This is the proof, some say, that it is allowed and not unlawful, and at the time of the Prophet it was practiced and the Ulemas allowed it.

A member of the Sharia court of Djibouti rebuts to those who try to forbid excision saying that they are mistaken, seeing that male and female circumcision are both prescribed by Islam. In the Koran 5 duties are prescribed for men and for women (among which caring for one’s beard and cutting hairs) therefore since this is a Sunnah which concerns men and women, excision is undoubtedly legitimate. Some say that it is not compulsory, but this is false. Therefore seeing that there is no unanimity about this, one cannot say absolutely that it must not be done.

Another member of the clergy states: “We are all reflected in an Islamic nation, according to which God does not consider women second-class citizens and says that we must protect them. Therefore I invite you to consider the dangerous aspect of this because it is performed with instruments that are not sterilised and is therefore dangerous.”

An Imam from a Djibouti village invites everyone to let themselves be guided by God and follow the Sunnah. Islam would never approve the brutality of mutilations and would accept it only within the limits of not ruining the woman’s body. Islam is not against excision, and there is an express limitation to this practice. So let us allow women to decide whether or not to practice it.

An expert in doctrine and philosophy underlines the difference between male and female circumcision: male circumcision is based on clinical requirements, while female circumcision has no justification and, furthermore, limits sexual pleasure.

Finally the women present begin to intervene, speaking about all the grounds against any form of excision. They state that the problem of excision concerns women much more than men, and that the women themselves should be left to take decisions about it.

It is stressed that there are Islamic countries that do not practice it, therefore it is more an African practice than an Islamic one. Some of the participants ask the doctors present what the difference is between the various mutilation techniques and what must be done.

After this last intervention, the moderator announces that the scenes on mutilations are ready to be seen and asks the public if they agree to show them. A debate begins between those in favour and others who say it can’t be done, someone rebutting that it is not acceptable to show the intimate parts of an adult person. Nevertheless the majority agrees that these scenes be shown.

The last interventions on Wednesday

There are those who say that the elimination of every form of excision is an imposition by the West, that Islamic society must be protected from western conditioning and ask, provocatively, whether westerners would accept the requirement of male circumcision, seeing that it is suggested for hygienic reasons. Opinions in favour of excision are expressed because it is dictated by Islamic law.

Thursday morning

The moderator introduces two doctors who show the results of research they have carried out, supported by photographs.

Carlo Astini, Director of the Balbala Hospital in Djibouti, states that the problem is more serious than people think. He explains the differences between the Sunnah and the Pharaonic. The dangers are many because the person being subjected to it is not anaesthetised, knives not sterilised are used, there is the danger of infections (even of AIDS), giving birth is more difficult than normal and the mortality rate of newborns to infibulated mothers is higher. From the medical point of view there is no reason to perform any type of excision.

A second doctor begins his intervention by wondering about the reasons for the widespread of the practice. Are there religious reasons? The man's jealousy? Ignorance? The real reason, he says, is the man's jealousy. In 1982 the Djibouti government decided to prohibit the Pharaonic and leave the Sunnah, so why still today, in 2005, are we discussing the legitimacy of the Pharaonic?

Woman's health is important for society. All forms of mutilation must be stopped because they cause complications during the menstrual period and during childbirth. The problem with Sunnah is that, done at home and under precarious sanitary conditions, it cannot be controlled and therefore at times women think they are performing Sunnah and instead they cut more than they would like to and do it badly, causing further damage.

Dr. M. H. Khayat intervenes, reminding us that there is already agreement that the Pharaonic is a crime and is to be punished, and that we must return to the point in question, which is whether the Sunnah is lawful or not.

The morning session of Thursday, 3 February, concludes with further interventions, amongst them Minister Hawa Ahmed who, speaking in the name of women who refuse to perform any type of excision on their own daughters, vociferously requests that the matter be taken into consideration from the female point of view and suggests that it be the women to decide. "We- concludes the minister –love and respect our religion, but we refuse to perform the mutilations which, even on the basis of the discussions that are taking place, have no certainty of being justified by religion."

The last interventions during this session are by other women who request the clergy to give irrefutable proof of the need to perform excision. Otherwise, as far as they are concerned, it remains a useless practice, even though not a dangerous one. They wonder, for example, if the Prophet performed excision on his own daughters. A representative from Guinea points out that in his country it is performed by Muslims, Christians and animists, in other Muslim countries it is not performed. And this would disprove the religious basis for excision.

End of interventions

At the end of the interventions a consensus about yes or no to excision has obviously not been achieved. Nevertheless the chairman's table has retired for deliberation.

In the afternoon Minister Samatar returns with the declaration to be read in plenary session. The declaration states strong and determined objection to Pharaonic mutilation. At this announcement some of the Ulemas, those who declared themselves in favour of excision, state their opposition, demanding the mention of non-adversity of the convened assizes towards excision. After a heated debate, the minister accepts inserting a further paragraph stating that at present, considering the sanitary conditions under which it is performed, a "no" is given to excision, a practice which will be allowed when it can be done under conditions that do not cause bodily damage to the women and when performed by specialists and surgeons.

