
FEMALE GENITAL MUTILATION: CONCEPT AND HISTORIC MOVE BY SUDAN TO BAN FGM IS A STEP TOWARDS PROTECTING WOMEN RIGHTS

Janvi Sukhija, JIMS School of Law, Greater Noida

INTRODUCTION

Female Genital Mutilation is a practice that removes female genital organs by different ways and for different reasons. This practice has been done all over the world but it is predominant in 30 countries out of which 27 are African countries. This is a non medical practice and morally wrong. This has been in practice till now because they considered it as a ritual which has to be done. More than 200 million girls have been subjected to this practice till yet. Normally, girls at the younger age become the victim of FGM. In some countries, this practice is done even with the girls under 5 years of age. This practice is done at the younger age because it is being considered as a prerequisite for marriage. People who are familiar to this practice introduce it as a ritual cutting. The most appalling factor is that it is mostly women who forced another woman to go through this process just because it was done to their mother as well which is why they continue this practice as a rite of passage or coming of age ritual. Nonetheless, this practice has not been mentioned in any holy book which confirms that this is not a religious practice.

As this practice is non medical, can cause severe side effects as well as short term and long term effects like shock, death, mental stress, complications in pregnancy in future. Apart from this, this has zero health benefits and it is only done to the girls because of various disbeliefs. Sudan is one of those countries where this practice is done overwhelmingly and without the girl's consent. Girls at younger age who doesn't even know about the outer world yet are vulnerable enough that they can get manipulated by the older women in their house. 90% girls in the modern generation want this practice to end sooner. Most of them could not stand for themselves as they are helpless because of their elders while there are some girls who came out and took a stand for every girl who had to gone through this process, and demanded protection for women and equality as given to men.

In this article, Researcher will be explaining about – Concept of Female genital mutilation; reasons and consequences of FGM; legality of FGM; ban on FGM by Sudan; Recommendations and Suggestions on prevention of FGM.

1. CONCEPT OF FGM

Female genital mutilation is a violence against women which is done at very younger age. FGM is a process which involves partial or total removal of external female genitalia or any other injury to their genital organs. It is undoubtedly a non medical process and has no health benefits. This practice is continuing in the name of ritual, tradition and custom as they considered it necessary for girls to survive. Normally, it is carried out to women between the age of 5 and 15 but the condition is worse as there are some countries where it is carried out to even girls less than 5 years of age. There are various reasons and beliefs because of which this process is in practice which is explained further in the article.

FGM has 4 types :-

1. Clitoridectomy

It involves partial or total removal of clitoral glans and clitoral hood which is the main cause of sexual pleasure. It is done to prevent the girls from having any sexual relationship with anyone before marriage and allegedly to purify them for their husband and for marriage.

2. Excision

This type can be easily understood as its name contains the definition, excision of genital parts of female. It involves partial or total removal of inner labia. Clitoral glans and outer labia can also be removes along with the inner labia if required.

3. Infibulation

It is the process of narrowing the vaginal opening of the girl with the help of the creation of covering seal. This idea has been derived from a traditional practice “sewing”. So this type of FGM also known as “sewn closed” category. Both inner and outer labia are cut and they are repositioned with the help of stitching.

This type is arguably the most dangerous type of FGM for women. It has more severe affects and in some countries like Sudan and Somalia, this type has been used very frequently otherwise the type 1 and type 2 are most common FGM that has been carried out throughout

the world.

4. This type is undefined as it includes all other harmful methods which have not been mentioned in abovementioned types. It includes pricking, piercing, scrapping, etc of genital area of women.

Type 1 and type 2 are most common but type 3 is the most dangerous and 10% of world has been affected from this type severely.

2. REASONS AND CONSEQUENCES

There are manifold reasons for carrying out FGM:-

- Sexual Reasons: - It is normally carried out with an intention to purify the girl for their husband and to ensure virginity before marriage or in other words, to control the women's sexuality to prepare her for marriage. This practice has been based upon ideas about purity, beauty and modesty and the irony is that their own actions reflect immorality and inequality. But in the name of tradition, this practice has been widely followed worldwide. Some are doing this only to prevent themselves from the rejection by the society.
- Cultural Reasons:- There exists some myths among people like, if female genitalia will not be cut then it is plausible that it will grow like penis; or that this practice will intensify and strengthen fertility. These myths are the reasons to carry out this process.
- Social factors:- People tend to do those things which have already been carried out by the society. In majority of areas, FGM is a prerequisite for marriage which is why it is done at the younger age. There is also an economic reason as women is considered to be largely depended upon their husbands so arguably they have to agree with this prerequisite of marriage. Also, it is considered mandatory for the survival as well.
- Hygiene factors:- In some communities, it is believed about women that external female genitalia is ugly and unhygienic and it has to be removed to purify and beautify them.
- Religious factors:- Though, neither any holy book nor any other religious practice mentioned about Female genital mutilation. Even some religious leaders are even making efforts to eradicate this practice while some are misleading people of their

community by addressing FGM as a religious practice. Certainly, FGM is not a religious practice but some people have been misled to consider this practice as religious.

Apart from the causes and reasons, it has long term as well as short term affects that it can cause to women:-

Short term effects includes:-

- Shock
- Death
- Severe bleeding lead to Hemorrhage
- Severe pain
- Menstrual problems
- Fever
- Wound healing problems

Long term effects includes:-

- Problems having sex – After getting the cut done of external female genitalia, there is chances of pain during intercourse and sexual problems arise more in type 3 of FGM.
- Mental health problems - It can cause various psychological problems to women such as depression, etc.
- HIV – As this practice is normally carried out by traditional circumciser or by older women in the girl's home itself so they uses traditional tools such as razor, scissor, blades etc and the same blade that they use for cutting the external female genitalia on one woman has already been used on many women before. Using of same tools for various women enhance the chances of getting infected. It can cause HIV to the patient.
- Urinary infections
- Vaginal infections
- Menstrual problems
- Complication in child birth – While giving birth, particularly in type 3, it becomes difficult for baby to come out from very narrow opening in the vagina so opening need to be cut to allow the baby to come out and to prevent the baby from any harm or disease. Nevertheless, FGM can have negative effects on baby also.

3. BAN ON FGM BY SUDAN: A HISTORIC MOVEMENT TO PROTECT WOMEN'S RIGHTS

Sudan is one of those countries where mostly 88% women have undergone through this practice and banning of FGM in such country is a historic step in itself. Sudan government has set an example for other countries in light of the protection of women. As this practice is a violation of human rights of women and children, right to life, right against torture, cruel and degrading treatment. On 1 May, 2020 Sudan government imposed a ban on FGM, and the UNFPA and UNICEF has given their full support to this decision of Sudan government and took efforts to fully ban the practice as a final law banning FGM is yet to be formally approved.

This practice was overwhelmingly entrenching in Sudan which is why merely imposing a ban on the practice is not sufficient. UNFPA suggested that working with communities is required. People of various areas and communities should become aware about the ban and consequences of practicing FGM which is 3 Years of imprisonment. Though, to fully ban the practice efforts need to be made, this is a good start and a step ahead towards the protection of women and their human rights. As one has to take initiative to bring change in the world and this action of Sudanese government is that initiative.

Researcher believes that if Sudan can, why not India? As in India this practice has been widely followed by Islamic group.

In 2008, a Joint programme on FGM was made by UNFPA and UNICEF.

In 2010, WHO adopted global strategy to stop health care provider from performing such practice.

In 2012, UN general assembly adopted a resolution on elimination of FGM.

UN declared this practice as human rights violation still it has not banned in India yet rather India has become a hub for FGM

4. RECOMMENDATIONS AND SUGGESTIONS

Researcher believes that FGM must be put to an end on an urgent basis.

- Education:- Government should educate people and make them aware of the consequences of this practice and only right education can make them believe that their act is nefarious and wicked which they are doing in the name of culture and tradition.

- **Laws and Policies:-** Effective policies and legislations should be promulgated which defines the consequences of practicing FGM. This type of legislation will cause fear in their mind and it is a human behavior that only fear of punishment can prevent the person from committing an offence.
- **Collective abandonment:-** Research shows that even after enacting legislations, human behavior is the substantial factor for any action to take immediate effect. Consequently, if the communities collectively decided to abandon this practice then it will be easier to eradicate this practice nationwide. Also, feeling rejected by the society will no longer remain the reason to carry out this practice.