

CHAPTER FOUR

FEMALE GENITAL MUTILATION IN SOMALIA

4.1. History of Somalia

Since 1991, Somalia has been without a functional national government. The constitutional power is shared by three entities: the Puntland, South-Central Somalia and Somaliland. Each region claims to be independent.³⁰⁶ There has been a total breakdown of all basic legal systems which led to civil war.³⁰⁷ Consequently, in several parts of Somalia, people have turned to customary and religious law³⁰⁸ to fill the void created by lack of a central authority. This has entrenched certain traditional beliefs such as the practice of FGM/C.

4.1.1. Country profile

Somalia, with Mogadishu as its capital, is one of the poorest countries in the world. It is located in East Africa, with the longest coastline on the continent, bordering the Gulf of Aden and the Indian Ocean. With a total land area of 637 657 square kilometres, Somalia shares borders with Ethiopia, Djibouti and Kenya, and its terrain consists mainly of plateaux, plains and highlands.³⁰⁹ Somalia's 10 million Cushitic communities make up one of the most culturally, linguistically and religiously homogeneous group of people in the world.³¹⁰ This community is however divided

³⁰⁶ Forum Syd 'Somalia: Country Analysis' available at http://www.forumsyd.org/upload/Delade_dokument/Omvarldsanalyser/somalia_landanalys_080206.pdf (accessed on 17 July 2012).

³⁰⁷ International Crisis Group 'Somalia to Move Beyond the failed State' (23 December 2008) 147 *Africa Report* 2.

³⁰⁸ Heinlein PE 'African Nations Back Kenyan offensive in Somalia' Voice of America October 22, 2011. Available at <http://www.voanews.com/content/east-african-nations-back-kenyan-offensive-in-somalia-132374053/147039.html> (accessed on 02/10/2012).

³⁰⁹ Infoplease 'Somalia' available at <http://www.infoplease.com/ipa/A0107979.html> (accessed on 25 August 2012). See also Annexe G: Map of Somalia.

³¹⁰ Morison L et al 'How experiences and attitudes relating to female circumcision vary according to age on arrival in Britain: A study among young Somalis in London' (2004) 9 *Ethnicity and health* 1:75-100. See Article 2(1)(2) of the Declaration of the Federal Republic of Somalia, Draft Constitution Technical Review Committee, adopted 12th June 2012 in Mogadishu. See also Maps of World 'Somalia Religion' available at <http://www.mapsofworld.com/somalia/culture/religion.html> (accessed on 14 August 2012).

along clan lines that are patrilineal.³¹¹ Somalis represent approximately 85 per cent of the nation's inhabitants,³¹² while 15 per cent of the population are constituted by Bantu and other non-Somalis.³¹³ The dire situation in Somalia is leaving no alternative for the population, forcing them to take desperate decision to cross the border. The number of Somali refugees displaced to the neighbour countries increases every day. Statistics in July 2011 shows that there were around 1 46 million cross the border to overseas.³¹⁴ The Convention Governing the Specific Aspects of Refugee Problems in Africa states that:

Every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear, is unwilling to return to it.³¹⁵

The federal court and the Board of Immigration Appeals (BIA)³¹⁶ in Falls Church, Virginia classify the issue of FGM/C as a basis for a successful asylum claim. However, in order to be eligible for refugee status, the applicant must be a female from ethnic groups in which FGM/C is practised.³¹⁷

According to the commentary made on Article 1 of Refugee Convention cited above Somalis contribute the highest number of Africans in the diaspora because of intractable instability.³¹⁸ This situation distorts statistics of the population still inside the country and impacts on attempts

³¹¹ Central Intelligence Agency 'The world factbook: Somalia' July 2012, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html> (accessed on 10 August 2012).

³¹² Central Intelligence Agency 'The World Factbook: Somalia', *Central Intelligence Agency*, May 2009.

³¹³ Appiah A & Gates LH 'Encyclopaedia of Africa' (2010) 1: 402.

³¹⁴ UNHCR 'Somalia: 2012 UNHCR country operations profile', available at <http://www.unhcr.org/4dba949d9.html> (accessed on 09/02/2013).

³¹⁵ Article 1(2) of the Convention Governing the Specific Aspects of Refugee Problems in Africa adopted on 10 September 1969 by the Assembly of Heads of State and Government at Addis Ababa, Ethiopia. It entered into force on 20 June 1974.

³¹⁶ The Board of Immigration Appeals (BIA) is the highest administrative body for interpreting and applying immigration laws. BIA is located at EOIR headquarters in Falls Church, Virginia. See The United States Department of Justice. Available at <http://www.justice.gov/eoir/biainfo.htm> (accessed on 13 November 2012).

³¹⁷ Yule K 'Asylum Law and Female Genital Mutilation: Recent Development' February 15, 2008 *CRS Report for Congress 2*.

³¹⁸ UNICEF 'Women and Children in Somalia: A situation analysis' 1987 *United Nations Children's Fund*.

to evaluate the prevalence rates of FGM/C. The persistent civil war in Somalia systematically destabilizes the major spheres of Somalis' life and public institutions such as educational institutions and hospitals.

4.1.2. Health trends

The public healthcare system is largely destroyed. Somali's life expectancy has been estimated at 47 years.³¹⁹ The medical practice was suspended by the socialist government of former president of Somalia, Siad Barre³²⁰ to finance military expenditure. The 1989 report of the Somali Ministry of Health demonstrates the insignificant budgetary contribution of the Somali government to the department. The Ministry of Health has allocated only 2 per cent of its budget to health, with more than 95 per cent coming from donors.³²¹ In recognition of the paucity of the government's contribution to the health budget and the latent danger women face, the Upper Tribunal in *NM and others (Lone women- Ashraf) v. United Kingdom*,³²² granted asylum to lone females. Its reasoning was predicated on risks and degree of severity of ill-treatment the women faced in their country of birth.

This situation increases the data on mortality and morbidity in the country, especially in the case of infections caused by traditional operations such as FGM/C.³²³ The 2011 estimates of the country birth rate is 42.12 births/1000 and the crude death rate estimated in 2011 was 14.55

³¹⁹ UNDP 'Human Development Report: Somalia', 2001 *United Nations Development Programme*.

³²⁰ Mohamed Siad Barre was the military dictator and president of the Somalia Democratic Republic from 1969 to 1991. This period was characterized by oppressive dictatorial rule, including allegations of persecution, jailing and torture of political opponents and dissidents. According the United Nations Development Programme, the regime of Siad Barre was the one of the worst human rights records in Africa. See UNDP 'Human Development Report - Somalia' 2001 *United Nations Development Programme* 42.

³²¹ Barre MS 'My country and my people: the collected speeches of Major-General Mohamed Siad Barre, president' (1970) 3 *the Supreme Revolutionary Council Ministry of information and National Guidance*, 141.

³²² *NM and others (Lone Women – Ashraf)* CG [2005] UKAIT 00076.

³²³ Somali Medical Forum 'Health problems of Somalia'SMF 2006-2009. Available at <http://somalidoc.com/smf/index.php?PHPSSESSID=f8eaefc3dc1cb910999559c3e15803bd&topic=118.msg196#msg196> (accessed on 14 September 2012).

deaths/ 1000 population. The country has a girl infant mortality rate of 94.55 deaths/1000 per live births. Average life expectancy for females at birth is estimated at 52.8 years.³²⁴

Vaccination rates are dismally low, with only 10.6 per cent of all children less than 1 year; and 27 per cent of children less than 5 years old fully immunised against childhood diseases, with considerable variables between urban, rural settled and nomadic population groups.³²⁵

4.1.3. Educational trends

War in Somalia has seriously affected literacy and reinforced Koranic schools and private institutions such as community-based Organizations, local educational networks and NGOs. The closing of the national education system in the country and the growth of private education institutions, reduce access to accurate information on education standards.³²⁶

Consequently, traditional beliefs replace educational institutions and inculcate norms into the community. These norms highly marginalise women. Women are denied educational opportunities increase the level of illiteracy in this group. Additionally, women are denied access to healthcare in the case of FGM/C.³²⁷ Somalia is one of the very traditional communities in Africa. People access to information through a strong oral tradition system which includes debates and poetry. Customary norms are considered as true and indisputable.

4.2. Female Genital Mutilation/Cutting in the context of Somalia

According to the WHO, FGM/C in Somalia is caused by several factors. These rationales include social pressure, promotion of proper sexual behaviour, ideals of beauty and cleanliness, religion,

³²⁴ IndexMundi 'Somali Geography Profile 2012' available at http://www.indexmundi.com/somalia/geography_profile.html (accessed on 14 August 2012).

³²⁵ UNICEF 'End-Decade Multiple Indicator Custer Survey Full Technical Report 2001' 2000 UNICEF.

³²⁶ UNICEF Somalia Newsletter 'Education a beacon of hope for Somalia's future' Special issue on Education February 2009. Available at http://www.unicef.org/somalia/SOM_NewsletterCarruurteenna-Feb272009fnlc.pdf (accessed on 18 October 2012).

³²⁷ Prendiville N 'The role and effectiveness of traditional birth attendants in Somalia' 2008 In Evaluation and Program Planning 21 *Elsevier Science* 353-361.

and preservation of tradition and cultural unity.³²⁸ The two major reasons which incite performance of FGM/C in this country are: the preservation of virginity before marriage and the guarantee of fidelity in marriage.³²⁹ Somalis traditionalists who live in Ethiopian region believe in infibulation as the complete excision that guarantees virginity.³³⁰

All experts write that FGM/C is not an Islamic procedure, but for Somalis who believe in it, the practice is a religious recommendation.³³¹ They are obstinate that Prophet Muhammad recommends to a circumciser that: 'Do not cut too severely as that is better for a woman and more desirable for a husband'.³³²

In Somalia, FGM/C is viewed as an act of honour, perpetuation of family and customary ritual that leads to marriage and exposes uncircumcised women to insults from community members. They are considered as ugly, opened, and flapped.³³³ Thus, to remedy this consideration, parents force their daughters to undergo FGM/C as prevention against the emotional harm caused by denigration and mockery. In certain cases, uncircumcised daughters themselves request to undergo the ritual in order to escape societal shame.

The 2008 UNICEF Innocenti Research Centre cites and endorses Mackie's hypothesis about infibulations; and explains it as a safeguard for female fidelity:

Men...are more or less uncertain that a child is their own...Suppose...an ancient empire...with extreme resource inequality between families...When resource inequality reaches a certain extreme, a woman is more likely to raise her children successfully as the second wife of a high-

³²⁸ WHO 'Female Genital Mutilation and other Harmful Practices: FGM Factual overview and classification' World Health Organization, 2008, Available at <http://www.who.int/reproductivehealth/topics/fgm/overview/en/> (accessed on 15/09/2012).

³²⁹ Shell-Duncan B & Hernlund Y 'Female Circumcision in Africa: Culture, controversy, and change' (2000) 6.

³³⁰ UNICEF 'Fighting Female Genital Mutilation/Cutting in Ethiopia's Somali region' available at http://www.unicef.org/ethiopia/ET_real_2006_FGM.pdf (accessed on 07/06/2012).

³³¹ Landinfo 'Report: Female genital mutilation in Sudan and Somalia' 10 December 2008, 12. Available at http://www.landinfo.no/asset/764/1/764_1.pdf (accessed 30 September 2012). See also World Bank 'Female Genital Mutilation/Cutting in Somalia' November 2004, *World Bank* 22-25, available at http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf (accessed 30 September 2012).

³³² CMJE 'Partial Translation of Sunan Abu-Dawud' Book 41 General Behavior Kitab Al-Adab, University of Southern California's Centre for Muslim-Jewish Engagement Religious Texts. Available at <http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslims/hadith/abudawud/041.sat.html> (accessed on 10/09/2012). See also Gruenbaum E 'The Female circumcision controversy: An anthropological perspective' (2001).

³³³ Uppvall MK & Dodge P 'Perspectives of Somali Bantu refugee women living with circumcision in the United States: A focus group approach' (2009) 46 *International Journal of Nursing Studies* 360-368.

ranking man than as the first wife of a low-ranking man (polygyny, or the practice of having plural female consorts)... The higher the male's rank, the greater the resource support he offers, the greater the number of consorts he attracts, the greater his costs of controlling the fidelity of his consorts, and thus the greater the competition among families to guarantee the fidelity of their daughters.³³⁴

Somalis who favour FGM/C argue that infibulation is a better way to ensure a women's fidelity. African communities in which the practice of FGM/C is imposed as criteria for beauty compare this tradition to certain surgical operations performed on western women such as waxing, breast enhancement to the growing trend of labiasplasty.³³⁵ Cultural relativists invoke this kind of Western procedures to justify the persistence of FGM/C.

Migration has brought a change of attitudes and beliefs towards FGM/C.³³⁶ This view is also shared by Linda Morison who argues that social integration brought modifications in beliefs about sexuality, marriage, and religion, which in turn decreases the cultural importance of FGM/C.³³⁷ In London for example, Somalis are obliged to abandon FGM/C for fear of breaching the criminal law enacted 1985. It is positive to see how implementation of the law changes attitudes of people and contribute to the eradication of FGM/C.³³⁸



4.2.1. Impacts of FGM/C on women health in Somalia

Infibulation causes several complications in women, especially the case of obstetric and gynaecological questions. Some people advocate that FGM/C must be totally eradicated, while

³³⁴ Lejeune J & Mackie G 'Social dynamic of abandonment of harmful practices: new look at the theory', 2008 *UNICEF Innocenti Research Centre N XXX*, 10.

³³⁵ Labiasplasty is a plastic surgery procedure for altering the labia minora and the labia majora, the paired tissue structures bounding the vestibule of the vulva. The operation is also known as labia reduction. See labiaplastysurgeon.com, available at <http://labiaplastysurgeon.com/female-cosmetic-genital-surgery-definitions.html> (accessed on 13 November 2012). See also Bell K 'Genital cutting and western discourses on sexuality' (2005) 19 *Medical Anthropology Quarterly* 125- 148.

³³⁶ WHO, 'Female genital mutilation', February 2010 *World health Organization*. See also Dorkendo E & Elworthy S 'Female genital mutilation: proposals for change' 1992 *Minority Rights group* 11.

³³⁷ Morison L et al 'How experiences and attitudes relating to female circumcision vary according to age on arrival in Britain: A study among Somalis in London', (2004) 9 *Ethnicity and health* 75-100.

³³⁸ Abdulcadir J et al 'Care of Women with female genital mutilation/cutting' 2011 *Swiss Medical Weekly*. Available at <http://www.smw.ch/content/smw-2011-13137/> (accessed on 13 November 2012).

others believe that cutting a bit of the tissue to decrease risks can be accepted.³³⁹ Circumcised women in Somalia suffer severe pain due to inadequate healthcare and failure to access these and unprofessional performance during the traditional operations.

An infibulated woman must undergo de-infibulation and re-infibulation before and after each sexual intercourse to prove her fidelity to her husband. These repetitive surgical operations expose the woman to high risks of infections such as septicaemia, tetanus, hepatitis and HIV/AIDS and extreme pain due to inadequate precautions.³⁴⁰ They endure bleeding and infections that affect them during labour without any sanitary assistance.³⁴¹ While those with sunna are at risk of suffering immediate complications often resulting from unhygienic tools used such as knives, razors, scissors, cut glass, sharpened rocks and fingernails.³⁴² Therefore, its complications are less severe than the one from infibulation. The absence of adequate healthcare access causes the deterioration certain infections that often lead to death.³⁴³

4.2.1.1. Prevalence, age and types of FGM/C

The prevalence of FGM/C in Somalia is muted due to emigration. Statistics of women who undergo the practice is revealed to be the highest in Africa. It is estimated that between 99-100 per cent of all Somali women living in the country undergo this operation.³⁴⁴ The 2001 human development report on Somalia confirmed that of all the women who underwent FGM/C, 91 per cent have been infibulated while 9 per cent underwent sunna.³⁴⁵

³³⁹ Moussa A et al 'Somalia/Land core country evaluation: External evaluation of Oxfam Novib's strategy in Somali, August 2007 *Synthesis Report*' 34.

³⁴⁰ Abdulcadir J et al 'Care of women with female genital mutilation/cutting' 2011 *Swiss Medical Weekly*.

³⁴¹ Edna Adan University Hospital 'Female Genital Mutilation' undated. Available at <http://www.ednahospital.org/hospital-mission/female-genital-mutilation/> (accessed 22 September 2012).

³⁴² Abdulcadir J et al 'Care of women with female genital mutilation/cutting' 2011 *Swiss Medical Weekly*. See also Kelly E, Paula HJA 'Female genital mutilation: Current Opinion in Obstetrics and Gynecology' 2005, 17 (5): 490–4.

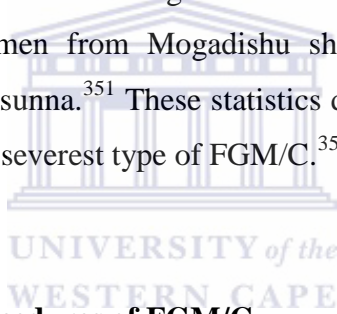
³⁴³ Dirie M & Lindmark G 'The risk of medical complications after female circumcision' (1992) 69 *The East African Medical Journal* 479–482.

³⁴⁴ The World Bank & UNFPA 'Female Genital Mutilation/Cutting in Somalia' 2004. Available at http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf (accessed on 29 August 2012).

³⁴⁵ UNDP 'The human development Report on Somalia' 2001 *United Nations Development Programme* 80.

FGM/C or gudniinka dumarka in the Somali language is performed on adolescents as a ritual for initiation into womanhood. The 2008 LandInfo declared that FGM/C is usually performed between the ages of five to eight in Somalia generally and much older in the Somali diaspora.³⁴⁶ The Joint Fact Finding Mission Report (JFFMR) of March 2004 stated that the practice is performed between the ages of four to seven.³⁴⁷ The United Nations News Agency IRIN reported in February 2009 on women who live in Dadaab camp in Kenya who confessed to having been fully infibulation at about five to seven years.³⁴⁸ Another study released by the World Bank in 2004 reveals that girls are now circumcised between ages of five and eight; and often within the privacy of their homes.³⁴⁹ This indicates that the age at which women undergo FGM/C in Somalia varies between four and eight.

A 1981 investigation made on 2092 Somali women demonstrates that in 99.3 per cent of circumcised women; 75.7 per cent have undergone infibulation and 23.6 per cent, sunna.³⁵⁰ In 1991, another study on 300 women from Mogadishu showed that 88 per cent had been infibulated and the rest undergone sunna.³⁵¹ These statistics demonstrate that Somali women are mostly exposed to infibulation, the severest type of FGM/C.³⁵²



4.2.1.2. Decision-making and Procedures of FGM/C

The 2007 Joint Fact-Finding Mission Report on human rights and security in central and southern Somalia compiled by the Danish Refugee Council and the Danish Immigration Services

³⁴⁶ Landinfo 'Report: Female genital mutilation in Sudan and Somalia' 10 December 2008, 13. Available at http://www.landinfo.no/asset/764/1/764_1.pdf (accessed 30 September 2012).

³⁴⁷ Report on the Human Rights and Security in Central and Southern Somalia: Joint British-Nordic Fact-Finding Mission to Nairobi 7–21 January 2004, published 17 March 2004, 33. Available at <http://www.unhcr.org/refworld/docid/405b2d804.html> (accessed 30 September 2012).

³⁴⁸ UN Office for the Co-ordination of Humanitarian Affairs, Integrated Regional Information Networks. Hawo N 'My biggest fear is that somebody will take my daughters and circumcise them' February 2009. Available at <http://www.irinnews.org/Report.aspx?ReportId=82837> (accessed 30 September 2012).

³⁴⁹ World Bank 'Female Genital Mutilation/Cutting in Somalia' November 2004, 19. Available at http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf (accessed 30 September 2012).

³⁵⁰ Gallo GP & Abdisamed M 'Female Circumcision in Somalia: Anthropological Traits' (1985) 43 *Antropologische Anzeiger* 4:311-326.

³⁵¹ Dirie AM & Landmark G 'Female Circumcision in Somalia and Women's Motives' (1991) 70 *Acta Obstetricia et Gynecologica Scandinavica* 581-585.

³⁵² Obermeyer MC 'Female Genital Surgeries: The Known, the Unknown, and the Unknowable' (1999) 99 *Medical Anthropology Quarterly* 15.

declared that the decision-making for FGM/C is taken by the father. In his absence, the brother can decide. If daughters or sisters do not undergo the practice, the father and/or brother can be attacked by family or clan members.³⁵³

FGM/C surgery is painful. The testimony of one practitioner interviewed describes this operation:

We first cut the clitoris from its base, then the sides, the black feather like part which comes down is cut up to its bottom and the sides which does not have the black feather is scratched with a bent blade on both sides and virtually remove everything between the legs and the edges are brought together and then smeared with a paste locally called malmal3. These days we stitch, but [for a] long time we used acacia thorns for stitching.³⁵⁴

In urban areas of Somalia, FGM/C is often discouraged by modern practices, or medicalization. The Professional Nursing Association in Mogadishu has organized FGM/C under sterilized and anaesthetic conditions. This procedure has significantly decreased the traditional practice. A Lebanese medical practitioner started the performance of circumcision in Martini Hospital at Mogadishu.³⁵⁵

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4.2.2. Legislation in Somalia with regard to FGM/C

At the time of conducting this research, there was no specific legislation expressly banning FGM/C in Somalia. This absence of legislation has been interpreted variously as condemnation of the ritual. Consequently, women are forced to undergo this practice. Migration constitutes a significant aspect that encourages eradication of FGM/C because it gives a wake-up to women to

³⁵³ Report on the Human rights and security in central and southern Somalia: Joint fact-finding mission by the Danish Refugee Council and the Danish Immigration Service published August 2007, 32. Available at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=46e109d92&skip=&coi=SOM> (accessed on 27 September 2012).

³⁵⁴ Askew I et al 'Female Genital circumcision among the Somali of Kenya and Management its complications' February 2005 *United States Agency for International Development*. Available at http://www.popcouncil.org/pdfs/frontiers/FR.../Kenya_Somalia.pdf (accessed on 10 September 2012).

³⁵⁵ World Bank, 'Female Genital Mutilation/Cutting in Somalia' November 2004, 19. Available at http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf (accessed 24 September 2012).

intensify the fight against FGM/C. Sometimes, it is an occasion for women to freely talk about their experiences and to make others aware of the risks involved.

4.2.2.1. The provisional constitution

A recent Somali provisional constitution³⁵⁶ has recognized FGM/C as violation of human rights.³⁵⁷ In August 2012, the Somali people adopted a forward-leaning provisional constitution that courageously speaks out against FGM/C. Article 15(4) of the constitution states that: ‘Female circumcision is a cruel and degrading customary practice, and is tantamount to torture. The circumcision of girls is prohibited.’

In Somaliland and Puntland, FGM/C has been illegal before the collapse in 1991 of the Barre government. UN agencies and NGOs have made considerable efforts to educate people about the risks of FGM/C but no reliable statistics have been obtained to evaluate the success of their actions because people are very traditional and continue to secretly perform FGM/C.³⁵⁸

Since 1980, several ministries joined the Somali Family Health Care Association (SFHCA) and the Somali Women’s Democratic Organization (SWDO)³⁵⁹ to drum up support for the eradication of FGM/C under a comprehensive program overseen by the USAID. Under the Family Health Services project, the Italian Association for Women in Development (AIDOS) also supported SWDO by carrying out anti-FGM/C educational programs. AIDOS created the Somali Academy of Arts and Sciences; and the Ministry of Education and the Anti-FGM with a

³⁵⁶ Draft Constitution Technical Review Committee Somali Federal Republic, adopted on 12 June 2012 in Mogadishu.

³⁵⁷ Women Deliver ‘New Somali Constitution bans Female Genital Cutting’ August 2012. Available at <http://www.womendeliver.org/updates/entry/new-somali-constitution-bans-female-genital-cutting> (accessed on 17 September 2012).

³⁵⁸ US States Department Human Rights Report 2010. Available at <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154369.htm> (accessed on 17 September 2012). See also Landinfo ‘Female genital mutilation in Sudan and Somalia’ December 2008.

³⁵⁹ SWDO is a national Somali women’s organization created in 1977 in Mogadishu, with objectives to inspire and motivate Somali women to leadership roles in all aspects of their communities. See Raqiya AD ‘My grandmother called it the three feminine sorrows’ comment in Abusharaf MRB ‘*Female Circumcision: Multicultural Perspectives*’ (2006) 201.

view to empowering women.³⁶⁰ The efforts made for the eradication of FGM/C failed to change people's attitudes towards this practice. Somalia has not ratified the CEDAW and CRC, recognised to be the most effective instruments for the protection of women and children in the history of human rights.

However, the 2004 Somali Transitional Federal Charter (TFC) recommends that the government ensure the protection of the fundamental rights and freedoms of its citizens.³⁶¹ Article 14 of the same Charter states that the Somali Republic must recognize and enforce all international human rights conventions and treaties to which the Republic is a party. While Article 71 states that the Charter must have force of law pending the eventual enforcement of the National Federation Constitution. It further states that the 1960 Somalia constitution and other national laws must apply in respect of all matters not covered and not inconsistent with this chapter. Article 16 of the TFC recognizes the right to life and provides that no one shall be deprived of his/ her life.



4.2.2.2. The Penal Code

FGM/C causes severe pain and wound infection that physically and psychologically affects the child. FGM/C leaves many women and young girls unprotected from the serious medical harm that often lead to death. This analyse paints a picture of human rights violation; and consequently, FGM/C performed on Somali women and girls must be outlawed and prosecuted. Article 445 of the Somali Penal Code stipulated that: 'covers hurt grievous hurt and very grievous hurt and clarifies that FGM/C is also prohibited by Islam.'³⁶² Article 432 of the same Penal Code stipulates that:

³⁶⁰ FORWARD 'Female genital mutilation: Information Pack' 2002 *Foundation for Women's Health, Research & Development* NW10 5NY 9. See also World Bank & UNFPA 'Somalia: Female Genital Mutilation/Cutting in Somalia' *World Bank & UNFPA*. Available at <http://web.worldbank.org/Wbsite/external/topics/extgender/0,,contentMDK:20275883~pagePK:148956~piPK:216618~the sitePK336868,00.html> (accessed on 15 June 2012).

³⁶¹ Article 5 of the Transitional Federal Charter of the Somali Republic (TFC) is the principle organizing document of Somalia written and adopted in February 2004.

³⁶² The Somali Penal Code is still used in the Republic of Somaliland and in Puntland. This code is based on the Italian Penal Code of 1930 that was initially drafted by the Italian Somalia court of Justice in 1957 and it was finalised by special Legal Committee in 1962. The Code came into force on 3 April 1964. Available at <http://www.somalilandlaw.com> (accessed on 17 July 2012).

‘...ill-treats a member of the family or a person under the age of 14 years, or a person subject to his authority or entrusted to him for the purpose of education, instruction, treatment, supervision, or custody or for the exercise of a profession or craft shall be punished with imprisonment from one to five years.’

4.2.2.3. Human rights legal regime against FGM/C

Somalia accessed to the ICCPR and the ICESCR without reservations in 1990.³⁶³ Consequently, this country have to promote economic, social and cultural rights including the right to self-determination of all peoples;³⁶⁴ the right to non-discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.³⁶⁵ It also has an obligation to ensure universal respect for human rights as stipulated by Article 2 of the ICCPR, and observe them. According to Article 2(1), States parties to the ICESCR must undertake steps to progressively achieve the full realization of the rights adopted in the Covenant.³⁶⁶

Art 2(1) of the ICESCR obliges states to:

Take steps, individually and through international assistance and cooperation ...to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means ...

Article 3 of the ICESCR provides that men and women have the right to enjoy equal rights. ICESCR also ensures the right to health;³⁶⁷ the right to education;³⁶⁸ and the right to cultural freedom.³⁶⁹ The ICCPR and the African Charter on Human and Peoples’ Rights (African

³⁶³ Somalia has adopted the ICCPR the ICESCR in 1990 without reservations. Available at http://www.law.emory.edu/ifl/legal/somalia.htm-united_states (accessed on 18 July 2012).

³⁶⁴ Article 1 of the ICESCR.

³⁶⁵ Article 2 of the ICESCR.

³⁶⁶ WHO ‘International Covenant on Economic, Social and Cultural Rights’ Available at <http://www2.ohchr.org/english/law/cescr.htm> (accessed on 22 July 2012).

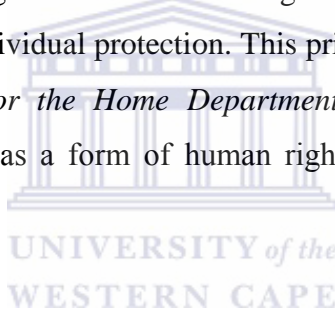
³⁶⁷ Article 12 of the ICESCR.

³⁶⁸ Article 13 & 14 of the ICESCR.

³⁶⁹ Article 15 of the ICESCR

Charter) also protect the right to life.³⁷⁰ The ICCPR states that the right to life cannot properly be understood in a restrictive manner; therefore, the protection of the right requires states to ‘adopt positive measures.’³⁷¹ CRS Report for Congress on asylum law and FGM/C states that asylum seekers must be females from ethnic groups that usually perform FGM/C.³⁷² The case of *Mohamed v. Gonzales*³⁷³ constitutes one of the successful cases of asylum in USA. In the case of *Sufi & Elmi v. the United Kingdom*,³⁷⁴ the United Kingdom Tribunal³⁷⁵ provided asylum to Somalis in accordance with Article 2 and 3 of the European Court of Human Rights (ECHR) and Article 15(c) of the Qualification Directive, to safeguard life.

Article 16 of the African Charter refers to the best attainable state of physical and mental health and implies that this obligation should be interpreted in similar terms.³⁷⁶ FGM/C is considered by the UN High Commission for Refugee (UNHCR) as a breach of human rights and of Article 3/15(b) of ECHR. The UNHCR argues that if women or girls are at risks of persecution and seek asylum, they should be granted individual protection. This principle was reinforced in the case of *Katrinak v. Secretary of State for the Home Department*.³⁷⁷ This UNHCR stipulates that: ‘FGM/C has been acknowledged as a form of human rights abuse, and its threat or forcible



³⁷⁰ Article 6 of the ICCPR, opened for signature 16 December 1966, entered into force 23 March 1976; African Charter of Human and Peoples’ Rights (African Charter) opened for signature 27 June 1981 and entered into force 21 October 1986.

³⁷¹ Article 6 of the ICCPR General Comment N 6 on the right of Life, 60th Session, UN Doc.HRI/Gen/1/Rev.7, 1982 Para5.

³⁷² Yule K ‘Asylum law and female genital mutilation: recent developments’, 2008 *Report for congress 2*.

³⁷³ Mohamed Kadija fled her country during civil war with her family and sought to reopen her asylum, withholding of removal, and CAT claims on the basis of her first attorney’s failure to present evidence that she suffered FGM/C in the past could constitute past persecution and torture. According to the CAT, the appeals court argues that Mohamed’s claim for protection can be possible because of violence in Somalia, specifically towards females which leave to escape risks of harm. *Mohamed v Gonzales*, 03-70803, 9th cir.: Ct. (2005). See Yule K ‘Asylum law and female genital mutilation: recent developments’, 2008 *Report for congress 2*.

³⁷⁴ *Sufi & Elmi v. The United Kingdom* (Somalia CG 2011 ECHR 1045), See Upper Tribunal, ‘AMM and others Somalia CG 2011 UKUT (conflict, humanitarian crisis, returnee, FGM)’, The immigration acts, immigration and asylum chamber, 21 June 2011, 2.

³⁷⁵ *Katrinak v. secretary of state for the Home Department* [2001] EWCA Civ 832: Recital 27 to council Directive, 2004/83/EC.

³⁷⁶ Odinkalu AC ‘Analysis of Paralysis or Paralysis by analysis? Implementing Economic, Social and Cultural Rights under the African Charter on human and Peoples’ Rights’ (May 2001) 23 *Human Rights Quarterly* 327-349.

³⁷⁷ *Katrinak v. Secretary of State for the Home Development* [2001] EWCA Civ 832: recital 27 to Council Directive 2004/83/EC.

imposition can amount to persecution. Therefore, a woman can be considered a refugee if she or her daughter feels being compelled to undergo FGM/C against their will...³⁷⁸

The experiences of Dirie³⁷⁹ demonstrate the level of child violence. She was forced to undergo FGM/C at the tender age of five. At the age of thirteen, she was forced to migrate to the UK in order to escape a forced and early marriage to a much older man. Dirie's life better explains the reasons why several Somali women seek asylum overseas and refuse to go back in their country. The case of *Hafza H. Hassan v. Alberto Gonzales*³⁸⁰ also demonstrates the same issue.

4.2.3. Is FGM/C violating women's rights in Somalia?

FGM/C is a typical case of gender-based inequality in Africa and especially in Somalia. The absence of specific legislations prevents the prosecutions of perpetrators. Somalia is a traditional community in which women are taken out of school and forced to undergo sunna and/or infibulation for an arranged marriage and for dowry.³⁸¹ The conditions in which girls are treated in Somalia reveal notorious nonchalance towards these rights as established by the UDHR. The fact that young girls are forced to abandon school to be initiated for early or forced marriage violates Article 26 of the UDHR that states for education for everyone. Also girls are taken out of school without their own consent constitutes a violation according to Article 18 of the same Declaration which stipulates that: 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.'

Even if Somalia has not ratified CEDAW and CRC, the key safeguards of women and children's rights, citizens must be protected from violence by the UDHR. (These conventions have also

³⁷⁸ Division of International Protection of UNHCR, draft general legal advice, Geneva, 21 February 1996.

³⁷⁹ Waris Dirie is a Somali supermodel, actress and most famous advocate against FGM/C.

³⁸⁰ The case of *Hafza H. Hassan* brings certain clarifications according to the reasons why Somali women ask for asylum overseas; and it also demonstrates the level of violence against women. They are often exposed to serious abuses by their community members that motivate them to leave. The arguments evoked by Hassan demonstrate these realities. She refused to go back to Somalia because she is afraid to be married by force and; she would like also to protect her American-born daughter who would also be forced to undergo FGM/C. See *Hafza H. Hassan v. Alberto Gonzales*, 484F. 3d513 – N 05-2084, United States Court of Appeals, Eighth circuit, February 12, 2007.

³⁸¹ The practice of FGM/C upon young girls is recognized to be a violation of child's rights according to Article 15 of the new constitution of Somalia.

acquired international customary law status i.e opinion juris, state practice and widespread recognised.)

FGM/C prevents women from enjoying sexual health. In this context, FGM/C violates the right to health as stipulated by the Programme of Action in its paragraph 7(2) that recognizes that: ‘Reproductive health is a state of complete physical, mental and social well-being...Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capacity to reproduce and the freedom to decide...’ It also infringes Article 3 of UDHR, Article 16 of the African Charter,³⁸² Article 3 of the ICESCR,³⁸³ Article 445 of the Somali Penal Code³⁸⁴ and Article 16 of the TFC.³⁸⁵

The inaccessibility to healthcare and human rights issues constitute the greatest dilemmas in Somalia. This situation infringes Article 25 (1) of the UDHR. Infibulation brings a lot of bride wealth and family honour while sexuality and autonomy of women are being violated by men.³⁸⁶ Women are often discriminated against in Africa; their rights are marginalized for men’s benefit.³⁸⁷

The lack of access to healthcare facilities that exposes women to long-term complications and increases the possibility of contracting communicable diseases such as HIV/AIDS, tetanus, cancer also violate the right that recognizes good health for everyone.³⁸⁸

The testimony of a young girl stresses the risks in which women are exposed to due to the practice of FGM/C in Somalia:

³⁸² Article 16 of the African Charter stipulates: ‘that every individual shall have the right to enjoy the best attainable state of physical and mental health. States parties to the present Charter shall take the necessary measures to protect the health people and to ensure that they receive medical attention when they are sick’.

³⁸³ Article 3 of ICESCR recommends states to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

³⁸⁴ The Somali Penal Code adopted December 1965 and still applied in the Republic of Somaliland and in the northern Somalia of Puntland. It is still current in South and central Somalia. Article 445 of deals with death caused by negligence.

³⁸⁵ Article 16 of the Transitional Federal Charter of the Somali Republic written and approved in February 2004 deals with the right to life, personal liberty and security.

³⁸⁶ UNFPA ‘Briefing paper: The rights to contraceptive information and services for women and adolescents’ 2010 *Centre for Reproductive Rights* 13.

³⁸⁷ Rahman A & Toubia N ‘*Female genital mutilation: A guide to Laws and Policies Worldwide*’ (2000) 6. See also Article 1 of the ICESCR.

³⁸⁸ Article 6 of the ICCPR. See also Article 25 of the UDHR.

‘Before I was born, my elder sister had died at age nine from tetanus as a result of FGM/C. If my father had had support we wouldn't have been cut but it was my stepmother's responsibility and she didn't know any better. I suffered. I only learnt my sister had died after I was cut. In those days no-one spoke out. Human rights issues were not discussed but the health issues were always there...’³⁸⁹

The absence of consent before the performance of FGM/C violates Article 1 of UDHR which states that: ‘All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.’

FGM/C also constitutes a kind of torture when read together with Article 1 of CAT. This convention states that the absence of legislation banning FGM/C in a number of States parties amounts to acquiescence of the practice by State agents. The absence of central Government in Somalia enforces the emergence of traditional laws.³⁹⁰ The non-intervention of the Somali government into the process of eradication of FGM/C constitutes a violation of Article 5 of the TFC.³⁹¹

Circumcised women experience certain gynaecological complications during childbirth such as the necessity for episiotomies.³⁹² One in twelve circumcised women in Somalia is at risk of dying during childbirth.³⁹³ In other words, FGM/C violates the rights to health and as well to life.³⁹⁴ Packer considers human rights, human dignity and life as universal values that transcend all cultural customs. Culture and tradition are not admitted as a valid limitation on these rights; thus, criticism made against FGM/C does not target culture and traditions of people but the violation of human rights as affecting people's lives.³⁹⁵

³⁸⁹ UNICEF ‘United Nations in Somalia, Hawa Aden Mohamed: a woman of courage’ 7 March 2011. Available at <http://www.unctsom.org/unicefstory.html>, (accessed 25 September 2012).

³⁹⁰ Edwards A ‘Violence against women under international human rights (2011) 220.

³⁹¹ Article 5 of the Transitional Federal Charter of the Somali Republic declares Mogadishu as the capital and grants Parliament rights to pass laws over its governance.

³⁹² Episiotomy is a surgical operation that consists in the cutting of the tissue bridging the vagina and rectum to facilitate childbirth and to prevent tearing of the vagina

³⁹³ UNICEF ‘At a glance: Somalia, Statistics’ Unicef 2010. Available at http://www.unicef.org/infobycountry/somalia_statistics.html (accessed on 17/09/2012).

³⁹⁴ Article 25(1) of the UDHR.

³⁹⁵ Packer C ‘Circumcision and human rights discourse’ in Nnaemeka O & Ezeilo J ‘Engendering human rights: Cultural and socio-economic realities in Africa’ (2005) 231.

In Somalia, FGM/C can be examined as an intention to destroy women because people intentionally close their eyes to all risks which women are exposed to just because society desires to control their sexuality and maintain the political and economic subordination of women. This principle of respect for persons does not mean that we ought to respect all aspects of cultures that endorse the violation of human rights. Such culture clearly does not deserve respect simply because it is part of a tradition.

4.2.4. Efforts aimed at eradication in Somalia

The eradication movement initiated by SWDO, AIDOS and SFHCA has been supported by the Ministry of education and Ministry of Health. This movement has gained currency by organising seminars and study tours for policymakers and youth; training for health providers supported by the family health division; reaching out to the youth through youth and sport with the support of SFHCA and the Ministry of Health.³⁹⁶

In 1993, several international and local organisations were created to ensure the protection of women. The National Committee against FGM/C and the Save Somali Women and Children (SSWC)³⁹⁷ was adopted to fight FGM/C under a comprehensive program inspired by the USAID under the Family Health Services Project. Unfortunately, efforts made by these organisations failed due to political instability the country. Since 1996, UNICEF has also followed efforts made by other NGOs by organising training workshops for communication and change of behaviour. These organisations also supported anti-FGM/C programs on hygiene education, HIV/AIDS awareness, youth mobilisation, breast-feeding and promotion of girls.³⁹⁸

³⁹⁶ The Somali Family Health Care Association (SFHCA) fights against the practice of FGM/C under a comprehensive program created by USAID under family health services and family education.

³⁹⁷ Save Somali Women and Children (SSWC) is a non-government humanitarian and development organisation, founded in 1992 by a group of Somali women from all sections of the community, as an urgent imperative to address the needs of Somalia's women and children. Its objective was focused on improving women's rights and promoting their participation in building peace. In addition, they provide support to some vulnerable countries and marginalized women through education programs and campaigns to eradicate FGM/C, early and forced marriage. Available at <http://www.blog.world-citizenship.org/wp-archive/515> (accessed on 13 July 2012).

³⁹⁸ Population Council 'Female Genital Mutilation abandonment Program: Evaluation summary Report' April 2008, 6, Available at http://www.unicef.org/evaldatabase/files/EGY_FGM_AP_report.pdf (accessed on 18 October 2012).

The Gardo Women Network (GARWONET) is an NGO created in 2004 in Somalia to combat FGM/C by conducting informational activities and awareness through discussion groups.³⁹⁹ According to a 2008 IRIN article, a local organisation, called We Are Women Activists (WAWA) developed in Puntland has supported women objectors and lobbied for the eradication of FGM/C.⁴⁰⁰ The Galkayo Education Centre for Peace and Development (GECPD) which aims to improve the lives of Somali women by increasing girls' enrolment in the Mudug region of Puntland has also supported this process:

‘... Hawa's FGM abandonment programme is now renowned in Galkayo and communities there acknowledge her enormous contribution to girls' education and women's economic and social empowerment. Several women from IDP communities now have the skills to run a bakery and are selling their products in the market while their daughters study at the Centre's schools...’ In Somalia [FGM] is considered ‘a women's issue’ but women alone cannot fight for its elimination. It will take time. There are still places where they haven't even heard that it is not right. Maybe one day there will be no FGM and one day we will get government support’ [Hawa said].⁴⁰¹

Many efforts have been launched in efforts to combat FGM/C in Somalia but these have stalled due to political instability and; conflicting beliefs and attitudes of communities towards the practice.

³⁹⁹ GARWONET is a Somalia Network constituted by 9 NGOs with objectives to inform and educate people by awareness –raising workshops according to the issue of FGM/C. It process by house visits, training of nurses, sensibilization of religious leaders, supports and provision of medical treatment care to victims of FGM/C and awareness raising through the media. See Moen LH et al ‘A comparative Evaluation of Fokus FGM project in East Africa’ January 2012 *NordSor Konsulentene* 27. Available at <http://www.fokuskvinner.no/PageFiles/5228/FGM-support-thematic%20evaluation.pdf> (accessed on 18 October 2012)

⁴⁰⁰ IRIN ‘UN Office for the Co-ordination of Humanitarian Affairs, Integrated Regional Information Networks, Raising awareness against FGM in Puntland’, 7 April 2008. Available at <http://www.irinnews.org/report.aspx?ReportID=77642> (accessed 25 September 2012).

⁴⁰¹ UNICEF ‘United Nations in Somalia, Hawa Aden Mohamed: a woman of courage’ 7 March 2011. Available at <http://www.unctsom.org/unicefstory.html> (accessed 25 September 2012).

4.3. Conclusion

Efforts for the eradication of FGM/C in Somalia are challenged by several realities that blunt the movement. Many people know that FGM/C is harmful to women, but continue to practice it as a recommendation from Islam. Few religious leaders admit that FGM/C can be eradicated because they believe that it is a part of their dogma. Even among educated people, the religious conception of FGM/C remains one that must be respected.

The effectiveness of efforts made by NGOs to eradicate FGM/C in Somalia will only be seen if there is political stability in the country. As shown above, many efforts have been made but have floundered due to the collapse of the government and state. The educational sphere is also a very significant vehicle that can be used to change Somalis – especially men – mind sight towards FGM/C.



CHAPTER FIVE

RECOMMENDATIONS AND CONCLUSION

5.1. Recommendations

This thesis has argued that the continued use of FGM/C in Somalia is mounted on community attitudes and beliefs. These actors reinforce and support gender discrimination and violence against women and young girls. Important measures must be elaborated for eradication as FGM/C is deeply rooted into community. The political situation, absence of a constitution and subsidiary legislation reinforce violation of fundamental human rights norms.

In Somalia, efforts to eradicate FGM/C have to be considered as the main step towards remedying and rooting out gender-based inequalities which are steeped in patriarchy. This harmful practice results in several forms of violations that prevent the enjoyments of rights by women and children. The recommendations below may help bring significant solutions to the process of eradication of FGM/C in Somalia.

5.1.1. Vision and priority initiatives

As found by a number of studies, FGM/C in Somalia is so deeply entrenched that only a robust efforts can result in its eradication. The strong influence of religious leaders on the communities considerably challenges efforts made for its eradication. My study suggests integrating religious leaders into efforts to combat FGM/C by incorporating of them into specific educational programs which can be run at mosques.⁴⁰² Education of the population is also key to successful implementation of legal institutions capacity building, community empowerment, policy development and consciousness measures in the short-term, and changes of attitudes and behaviours by the adoption of effective measures and institutions.

⁴⁰² ReliefWeb 'Somalia', Report – integrated regional information Network, August 2012. Available at <http://reliefweb.int/report/somalia/activists-laud-ban-fgmc-say-implementation-will-require-more> (accessed on 18 October 2012).

Literacy, education and empowerment of Somalis, especially women, are preponderant to the applicability of strategies and to the prohibition of FGM/C into communities. In the process of change of attitudes and behaviours, the collaboration between Somali government and NGOs is very important because, these organizations are deeply integrated into the community's life and could easily play the role of facilitators for change.⁴⁰³

5.1.2. International institutions

Various international conventions and declarations such as the CRC, the Covenant on the Rights of the Child integrated in the Organization of the Islamic Conference (OIC),⁴⁰⁴ the Maputo Protocol and the Cairo Declaration have been adopted as tools for prevention and protection of women and children against the practice of FGM/C and all others forms of violence against women and children. The adoption of these legal instruments demonstrates the commitment of the UN to issues of women and children's security and the eradication of FGM/C.

It is trite that there is a pressing requirement for the adoption of legal instruments that prohibit the practice because of the level of violence perpetrated against women and children in this way. The high prevalence of FGM/C should be matched by an unwavering determination by the authorities to adopt and domesticate international legal instruments that seek to protect the rights of women and children.

5.2. Conclusion

FGM/C matches-lock-in-step with some of Somalis treasured cultural tenets and has been practiced in the country for hundreds of years that measures to eradicate it invariably flounder. It is mounted on pervasive gender inequality and segregation, consequences of a sturdy patriarchal system. This traditional practice is understood as an act of violence against women and young girls and at the same time, violates the fundamental human rights of women and several rules

⁴⁰³ Sadiwa SL et al *'No more excuse!: Ending all harmful traditional practice against girls and young women'* (2007) 27.

⁴⁰⁴ The Covenant on the Rights of the Child in Islam was adopted by the 32nd Islamic Conference of Foreign Ministers in Sana'a, Yemen, in June 2005. See Abiad N & Zia F *'Criminal law and the rights of the child in Muslim states: A comparative and analytical perspective'* (2010) 48.

protected in international and regional human rights instruments. In general cases, practicing communities judge efforts to eradicate FGM/C as an attempt to alienate them from their culture. They argue that this would tantamount to disengaging them from their roots and identity.

FGM/C specially affects the socio-cultural spheres of life such as certain social conventions, the fear of shame and stigmatisation, the deep-rooted beliefs and assumptions with regard to health, sexuality and religion that prevent the desired change of attitudes. For family honour and integration into the community, parents and family members force their daughters and sisters to follow this traditional ritual because of the dowry would be paid and also the enhanced chance of their daughter getting married.

FGM/C reflects attitudes and a values system given to women in African communities. Women are viewed as less than human; they are often exposed to extreme treatments. Their rights to health and life are often at high risks because they have little or no health education to understand the consequences of this this harmful procedure. The reduction of their sexual libido, the risks of severe bleeding and infections leading to infertility, transmission of HIV/AIDS, and complications during childbirth, are clearly the highest forms of denial of violations of women's human rights.⁴⁰⁵

The low literacy rates among Somali people prevent the process of effective eradication of FGM/C because they do not perceive how the practice can damage women's health and their socio-development. It is universally recognized that women are a vital force for maintenance and stability of families and societies. Thus, all obstacles against their development must be removed. Socio-economic pressures and cultural beliefs constitute principal elements that perpetuate violence of women.

In order to guarantee the effectiveness of any legislation prohibiting FGM/C in Somalia, adequate strategies must be established, including capacity building of all significant participants. Dissemination information and education through the mass media is significant and can help change of attitudes and beliefs of members of community. This argument has also been endorsed by Jibrell, a Somali women's advocate who said that the process of eradication of

⁴⁰⁵ SOS Children's village, 'Somalia has a new constitution which aims to protect girls from female circumcision', August 2012. Available at <http://www.soschildrensvillages.org.uk/charity-news/archive/2012/08/somalia-has-a-new-constitution-which-aims-to-protect-girls-from-female-circumcision> (accessed on 02 October 2012).

FGM/C must include deliberate education, awareness-raising campaigns and strong legal provisions to engineer successful change of attitude.⁴⁰⁶

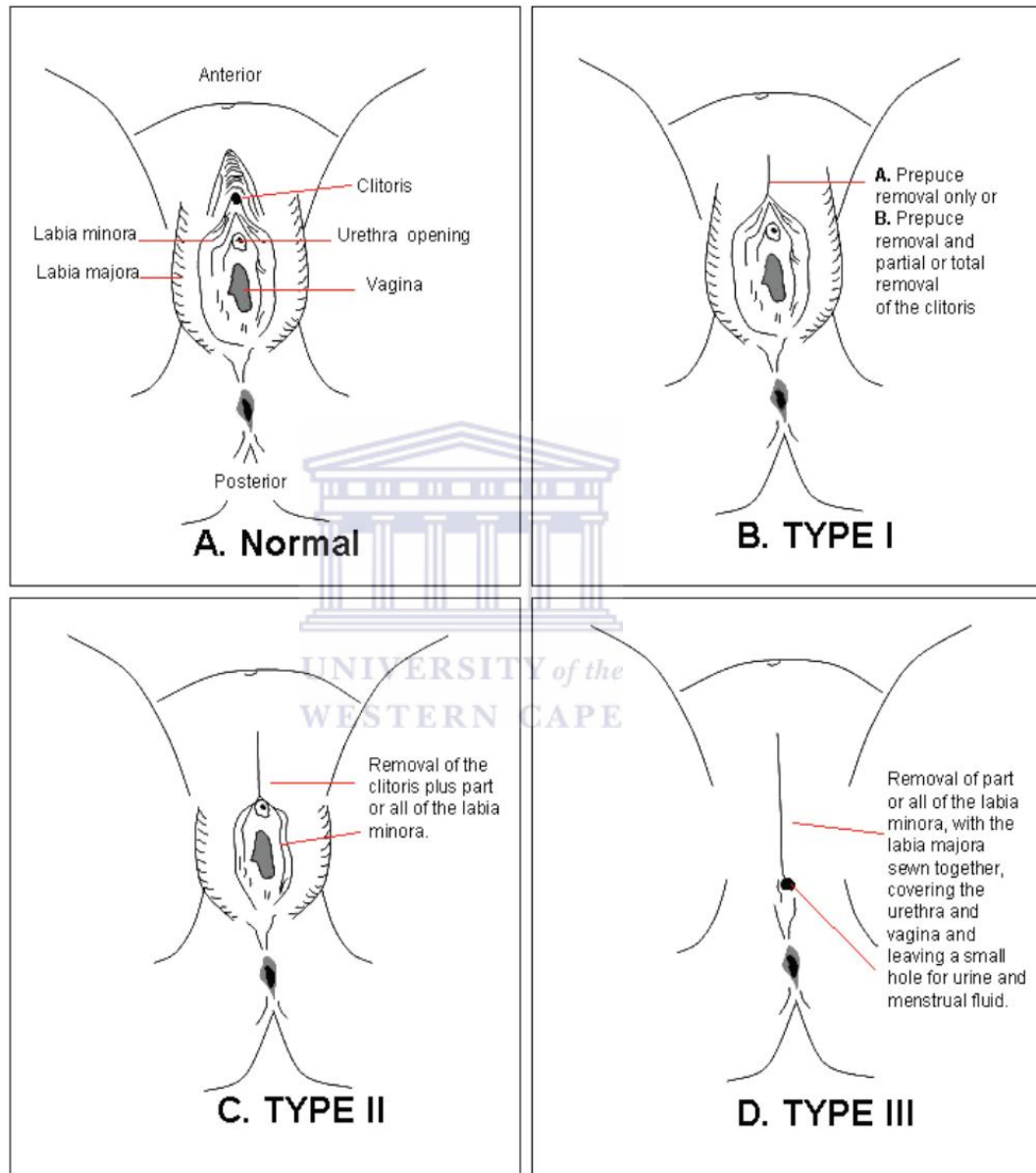
Word count is as follows: 32 310 words



⁴⁰⁶ GHANA MMA 'Somalia: New Constitution Bans Mutilating Girls', 13 August 2012, Available at <http://www.ghanamma.com/2012/08/somalia-new-constitution-bans-mutilating-girls/> (accessed on 02 October 2012).++

ANNEXURE A

TYPES OF FEMALE GENITAL MUTILATION/CUTTING



Source of information: ACCM/UK 'Supporting communities, enterprising minds and active citizens' available at

<http://www.accmuk.com/?target=whatisfgm&menuitem=FGM&submenuitem=What%20is%20FGM?> (Accessed on 10 October 2012).



ANNEXURE B

**PREVALENCE & CRIMINALIZATION OF FEMALE GENITAL MUTILATION IN
AFRICA**

COUNTRY	PREVALENCE (%)	YEARS	CRIMINALIZATION Date of entering into force
Benin	30	1999	2003
Burkina Faso	78	1999	1996
Cameroon	15	1999	No specific legislation against FGM
Central Africa Republic	35	1999	1966
Chad	40	1999	2003
Cote d'Ivoire	40	1999	1998
Dem. Rep. of Congo (formerly Zaire)	5	Unknown	No specific legislation against FGM
Djibouti	95	1999	1994
Egypt	55	1999	2008
Eritrea	97	1995	2007
Ethiopia	85	1999	No specific legislation against FGM
Gambia	85	1985	No specific legislation against FGM
Ghana	20	1999	1994
Guinea	99	1999	1965, 2000
Guinea-Bissau	45	1999	No specific legislation against FGM
Kenya	40	1999	2001
Liberia	55	1999	No specific legislation against FGM
Mali	80	1999	No specific legislation against FGM
Mauritania	55	1999	2005
Niger	11	1999	2003
Nigeria	55	1999	No specific legislation against FGM
Senegal	20	1999	1999
Sierra Leone	90	1987	No specific legislation against FGM
Somalia	99-100	2004	No specific legislation

			against FGM
Sudan	90	1999	state of South Kordofan 2008 and state of Gedaref 2009
Tanzania	15	1999	1998
Togo	40	1999	1998
Uganda	20	1999	2009

Source of information: *Inter-African Committee on Harmful Practices*, Research studies, 1999.

See also The World Bank, United Nations Population Fund 'Female Genital Mutilation/Cutting in Somalia' Washington DC 2004 available at http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf (accessed on 29 August 2012).



ANNEXURE C

TRADITIONAL TOOLS USED DURING THE OPERATION



Source of information: WorldNetDaily 'New Stanek WND.com column, No compromise on female genital mutilation' available at <http://www.jillstanek.com/new-stanek-column-no-compromis.html> (accessed on 10/10/2012).

ANNEXURE D

TREATIES RATIFICATION IN AFRICA

Country	CEDAW	CRC	ICCPR	ICESCR	Banjul Charter	Children's Charter	Maputo Protocol
Benin	X	X	X	X	X	X	X
Burkina-Faso	X	X	X	X	X	X	
Cameroon	X	X	X	X	X	X	
CAR	X	X	X	X	X		
Chad	X	X	X	X	X	X	
Cote d'Ivoire	X	X	X	X	X		
DRC	X	X	X	X	X		
Djibouti	X	X	X	X	X		X
Egypt	X	X	X	X	X	X	
Eritrea	X	X	X	X	X	X	
Ethiopia	X	X	X	X	X	X	
The Gambia	X	X	X	X	X	X	
Ghana	X	X	X	X	X		
Guinea	X	X	X	X	X	X	
Guinea-Bissau	X	X		X	X		
Kenya	X	X	X	X	X	X	
Liberia	X	X	X	X	X		
Mali	X	X	X	X	X	X	X
Mauritania	X	X		X	X		X
Niger	X	X	X	X	X	X	
Nigeria	X	X	X	X	X	X	X
Senegal	X	X	X	X	X	X	X
Sierra-Leone	X	X	X	X	X	X	
Somalia			X	X	X		
Sudan		X	X	X	X		
Tanzania	X	X	X	X	X	X	
Togo	X	X	X	X	X	X	X
Uganda	X	X	X	X	X	X	

Source of information: Center for Reproductive Health 'Female Genital Mutilation: A Matter of Human rights' Center for Reproductive Health 2006, 44-46.

ANNEXURE E

OFFICIAL ACTION AGAINST FGM/C IN AFRICA

Country	Specific FGM/C Law Regulations	Existing laws recognized as applicable to FGM/C
Benin	Criminal Law Reproductive health law	-
Burkina-Faso	Criminal Law	-
Cameroon	-	-
Central African Republic	Criminal Law	-
Chad	Reproductive Health Law	-
Cote d'Ivoire	Criminal Law	-
Democratic Republic of Congo	-	-
Djibouti	-	-
Egypt	Ministerial Decree	Criminal Law
Eritrea	-	-
Ethiopia	Criminal Law Constitutional Law	-
The Gambia	-	-
Ghana	Criminal Law Constitutional Law	-
Guinea	Criminal Law Reproductive Health Law	-
Guinea- Bissau	-	-
Kenya	Criminal Law Child Protection Law Civil Law	-
Liberia	-	Civil Law
Mali	Ministerial Decree	Criminal Law
Mauritania	X	Criminal Law
Niger	Criminal Law	-
Nigeria	Criminal Law (State laws only)	-
Senegal	Criminal Law	-
Sierra-Leone	-	-
Somalia	-	-
Sudan	-	-
Tanzania	Criminal Law	-
Togo	Criminal Law	-
Uganda	Child Protection Law Constitutional Law	Civil Law

Source of information: Center for Reproductive Health, Female Genital Mutilation: A Matter of Human rights, Center for Reproductive Health, 2006, 42-43.



ANNEXURE F

OFFICIAL ACTION AGAINST FGM/C INTO COUNTRIES OF MIGRATION

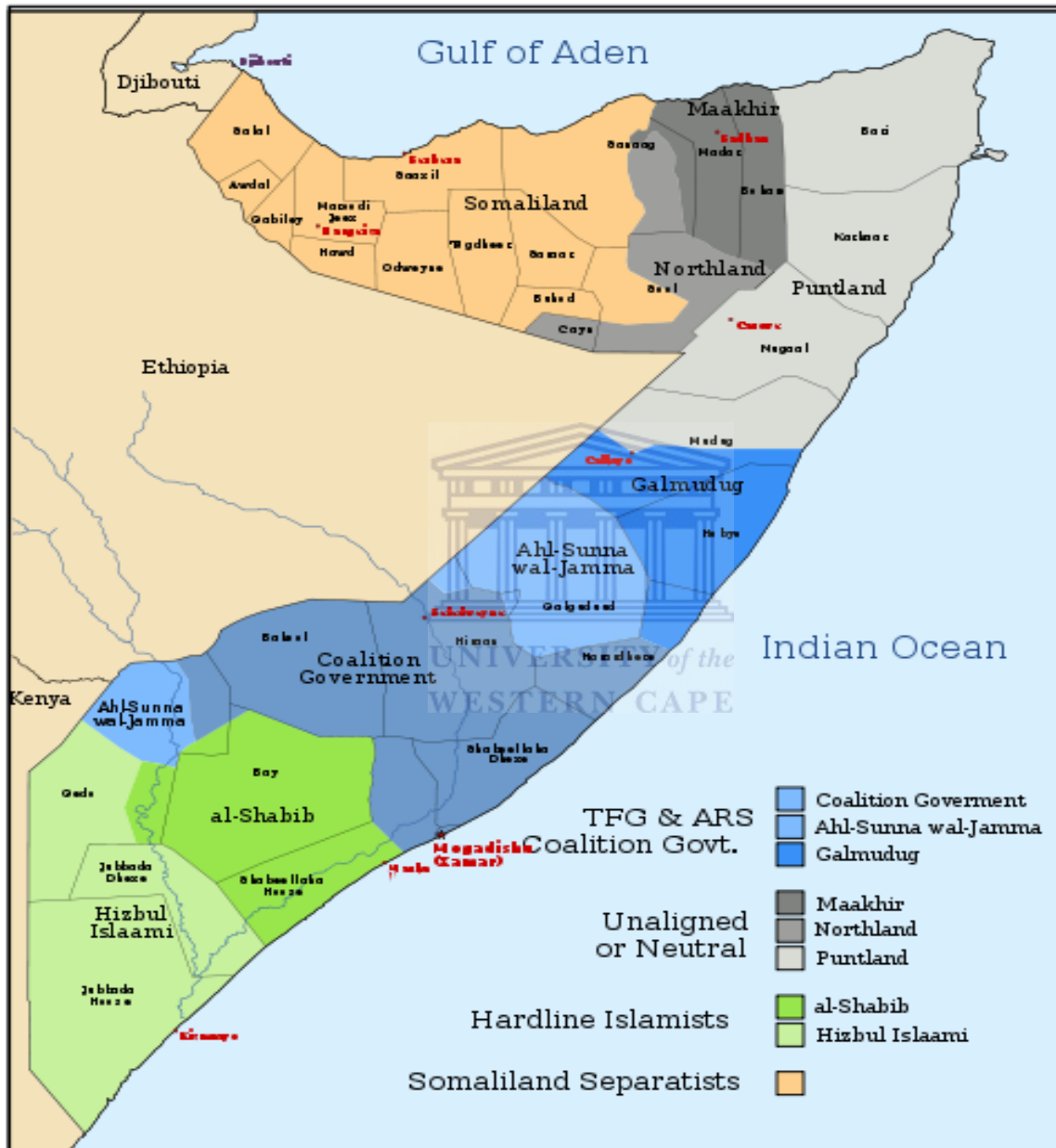
Country	Specific FGM/C Law Regulations	Existing Laws recognized as applicable to FGM/C
Australia	Criminal law	-
Belgium	Criminal Law	-
Canada	Criminal Law Child Protection Law	-
Denmark	Criminal Law	-
France	-	Criminal Law Child Protection Law
Germany	-	Criminal Law
Italia	Criminal Law	-
The Netherlands		Criminal Law
New Zealand	Criminal Law	-
Norway	Criminal Law	-
Spain	Criminal Law	-
Sweden	Criminal Law	Civil Law
United Kingdom	Child Protection Law Criminal Law	-
United States of America		-

UNIVERSITY of the
WESTERN CAPE

Source of information: Center for Reproductive Health ‘*Female Genital Mutilation: A Matter of Human rights*’ Center for Reproductive Health 2006, 42-43.

ANNEXURE G

MAP OF SOMALIA



Source of information:

http://www.google.co.za/search?q=map+somalia+regions&um=1&hl=en&biw=1366&bih=667&tbm=isch&ei=Z_yZUNS8I4O4hAe32YDYDq&start=0&sa=N (accessed on 07 November 2012).

BIBLIOGRAPHY

1. Books

- Abiad N & Zia F (eds) *Criminal law and the rights of the child in Muslim states: A comparative and analytical perspective* (2010) published and distributed by British institute of International and comparative law, British Library Cataloguing in Publication, London
- Appiah A & Gates LH *Encyclopaedia of Africa* (2010) Oxford University Press
- Banda F *Women Law and Human Rights: an African perspective* (2005) Oxford: Hart publishing Portland Oregon
- Banks E et al. *Female genital mutilation and obstetric outcome: WHO collaborative prospective study in six African countries* (2006) Lancet
- Barnes LV & Boddy J *Aman: The Story of Somali Girl* (1994) Published in Hardcover by Pantheon Books New York
- Boyle HE *Female Genital Cutting: Cultural Conflict in the Global Community* (2002) Baltimore: Johns Hopkins University Press
- Coomaraswamy R *Reinventing International Law: Women's Rights as Human Rights in the International Community* (1997) Published by Harvard Law School Human Rights Program, Cambridge M.A
- Dugger CW *Africa Ritual Pain: Genital Cutting* (1996a) New York Times
- Edwards A *Violence against women under international human rights law* (2011) New York, USA: Cambridge University Press
- Gruenbaum E *The Female Circumcision Controversy: An Anthropological Perspective* (2001) Pennsylvania: University of Pennsylvania Press
- Heinze E *Sexual orientation: A human Rights* (1995) Martinus Nijhoff publishers
- Henri SJ & Alston P *International human rights in Context: Law, Politics, Morals* (1996) Oxford
- Herskovits MJ *Cultural relativism: Perspectives in cultural pluralism* (1973) New York: Vintage Books
- Hosken F *The Hosken report: genital and sexual mutilation of female* 4ed (1993) women's Lexington M A: international network news

- Ko D *Cinderello sisters: A revisionist history of footbinding* (2005) Berkeley: University of California Press
- Koso-Thomas O *The circumcision of women: A strategy for eradication* (1987) London: Zed Books
- Lightfoot-Klein H *Prisoners of ritual: an Odyssey into female genital circumcision in Africa* (1989) New York: Harrington Park Press.
- Martha CN *Judging other cultures: the case of Genital Mutilation* (1999) Sex and social justice Oxford University Press
- Momoh C *Female genital mutilation* (2005) Radcliffe publishing Ltd Oxon OX14 1AA British Library United Kingdom: Cataloguing in publication Data
- Packer C *Using Human Rights to change Tradition: Traditional practices harmful to women's reproductive health in sub-saharan Africa* (2000) Antwerpen, Oxford & New York: Intersentia
- Prendiville N *The role and effectiveness of traditional birth attendants in Somalia* (2008) In Evaluation and Program Planning 21 Elsevier Science
- Rahman A & Toubia N *Female genital mutilation: A guide to Laws and Policies Worldwide* (2000) London and New York: Zed Books Limited
- Sadiwa SL et al. *No more excuse!: Ending all harmful traditional practice against girls and young women* (2007) Norway and Plan Finland: Plan
- Skaine R *Female Genital Mutilation: legal, cultural and medical issues* (2005) Jefferson North Carolina and London: McFarland & Company Inc. Publishers
- Sanderson PL *Against the Mutilation of Women: Struggle against Unnecessary suffering* (1981) London: Ithaca Press
- Shell-Duncan B & Hernlund Y *female circumcision in Africa* (2000) Lynne Rienner
- Smith J *Visions and discussions on genital mutilation of girls: an international survey* (1995) Afdeling Nederland: Defence for children International
- Steiner HJ Aliston P & Goodman R *International Human Rights in context: Law, Politics, Morals*, (1996) New York: Oxford University Press
- Sumner GW *Folkways and mores* (1979) New York: Schocken
- Tamale S *African sexualities: A reader* (2011) Pambazuka Press

- Toubia N *Female Genital Mutilation, A call for Global Action* (1995a) New York: Research Action Information Network for Bodily Integrity of women RAINBQ publication
- Toubia N *Female genital mutilation in women's rights human rights: international feminist perspectives* (1995) Routledge: Peters J & Wolper A Edition
- Toubia N *Caring for Women with Circumcision: a Technical Manual for Health Care Providers* (1999) New York: RAINBQ
- Vlachova M *Women in an insecure world* (2005) Centre for the Democratic Control of Armed Forces DCAF, Geneva: Edition BIASON
- Whitman JQ *The origins of "reasonable doubt"* (2005) Yale Law School Legal Scholarship Repository
- Yoder SP Abderrahim N & Zhuzhumi A *Female Genital Cutting in the Demographic Health Surveys: A Critical and Comparative Analysis* (2004) DHS Comparative Reports 7, ORC, Maryland USA: Marco Calverton

2. Chapters from books

- Ahmadu F 'Rites and Wrongs: An Insider/Outsider Reflects on Power and Excision' in Shell-Duncan B & Hernlund Y *Female Circumcision in Africa: Culture, Controversy and Change* (2000) Boulder Colorado: Lynne Rienner Publishers
- Erin Han L 'Legal and non-legal responses to FGM' Comment in Ute Gerhard's Book *debating Women's equality* (2001) New Brunswick: Rutgers University Press
- Mackie G 'Female Genital Cutting: the beginning of the end' in Shell-Duncan B & Hernlund Y (eds) *Female "Circumcision" in Africa: culture, change and controversy* (2000) London: Boulders Lynne Rienner
- Packer C 'Circumcision and human rights discourse' in Nnaemeka O & Ezeilo J *Engendering human rights: Cultural and socio-economic realities in Africa* (2005) Palgrave Macmillan
- Raqiya AD 'My grandmother called it the three feminine sorrows' in Abusharaf MRB *Female Circumcision: Multicultural Perspectives* (2006) Philadelphia: University of Pennsylvania Press

Robertson CC 'Getting Beyond the Ew! Factor: Rethinking U.S. Approaches to African Female Genital Cutting' in James SM. & Robertson CC *Genital Cutting and Transnational Sisterhood: Disputing U.S. Polemics* (2002) Urbana Illinois: University of Illinois Press

Rogaia MA 'Revisiting Feminist Discourses on Infibulation: The Hosken Report' in Flax j *Race/Gender and the Ethnics of Difference: A reply to Okin's Gender Inequality and Cultural Differences*, (1995) Political Theory Volume 23, 3

Rogaia MA 'Revisiting Feminist Discourses on Infibulation: The Hosken Report' in Shell-Duncan B & Hernlund Y *Female Circumcision in Africa: culture, controversy and change*, (2000) United Kingdom: Lynner Rienner Publishers

3. Theses

Chinnian-Kester K *Female genital mutilation as a form of violence against women and girls: an analysis of effectiveness of international human rights law* (Unpublished Master Thesis University of the Western Cape, 2005) 18.

Nagubere-Munaaba F *Victims of protection* (Unpublished M. Phil Thesis, University of Zimbabwe, 2001) 162.

Ndege OP *The colonial State, capital, patriarchy and subordination of women traders in western Kenya* (Unpublished Research Paper, West Virginia University, 1992) 13.

Subotic M *Cultural Relativism for Universality of Human Rights: The case of Reservations to Human Rights Treaties* (Unpublished Research Paper, University of Sarajevo, 2005) 1.

4. Articles and contributions

AbdulcadirJ et al 'Care of women with female genital mutilation/cutting', 2011 *Swiss Medical Weekly* 3: 3-8.

- Abiad N & Zia F 'Criminal law and the rights to child in Muslim states: A comparative and analytical comparative law' 2010 *British Library Cataloguing in publication* 48.
- Ahmed MMA & Musa AS 'Sexual experiences and psychosexual effect on Sudanese women' (2002) 19 *Ahfad Journal Women and change* 1: 21-30.
- Amnesty international 'Female genital mutilation: A human rights information pack' (1997) AI index: ACT 77/06/97 *Amnesty International*.
- Asher J 'The right to health: A resource Manual for NGOs' 2004 *the Commonwealth Medical Trust*.
- Asmani LI & Abdi SM 'De-linking female genital mutilation from Islam' 2008 *United States Agency for International Development* 10.
- Barre MS 'My country and my people: the collected speeches of Major-General Mohamed Siad Barre, president' (1970) 3 *Ministry of information and National Guidance* 141.
- Bell K 'Genital cutting and western discourses on sexuality' 2005 *Medical Anthropology Quarterly* 125-148.
- Berggren V et al. 'Being victims or beneficiaries? Perspectives on female genital cutting and reinfibulation in Sudan' (2006) 10 *African Journal of Reproductive health* 2: 31.
- Burson I 'Social work and female genital cutting: an ethical dilemma' (Spring 2007) 4 *Journal of Social Work Values and Ethics* 1.
- Center for Reproductive Health 'Female Genital Mutilation: A Matter of Human Rights' 2ed 2006 *An Advocate's Guide to Action United States* 44.
- Chege NJ 'An assessment of the alternative rite of passage approach for encouraging abandonment of FGM in Kenya' 2001 *Reproductive Health FRONTIERS* 3-17.
- Daley A 'Female Genital Mutilation: consequences for midwifery' (2004) 12 Issue 5 *British Journal of Midwifery* 292-8.
- Dave AJ et al. 'Female Genital Mutilation: What Every American Dermatologist Needs to Know' (2011) 29 *Dermatologic Clinics* 1: 103-109.
- Davis MC 'Human Rights in Asia: China and the Bangkok Declaration' (1995-1996) 2 *Buff Journal of International Law* 215-6.
- Dirie M & Lindmark G 'The risk of medical complications after female circumcision' (1992) 69 *The East African Medical Journal* 581-5.

- Dirie AM & Landmark G 'Female Circumcision in Somalia and women's Motives' (1991) 70 *Acta Obstetricia et Gynecologica Scandinavica* 479-482.
- Dorkendo E & Elworthy S 'Female genital mutilation: proposals for change' (1992) 11 Judith Kendra Edition *Minority Rights group* 11.
- Eyega Z & Connelly E 'Facts and fiction regarding female circumcision/female genital mutilation: A pilot study in New York City' (1997) 52 *Journal of the American Medical Women's Association* 4: 174-187.
- Flax J 'Race/Gender and the Ethnics of Difference: A reply to Okin's Gender Inequality and Cultural Differences' (1995) 23 *Political Theory* 3: 71.
- FORWARD 'Female Genital Mutilation: Information Pack' (2002) NW10 5NY *Foundation for Women's Health, Research & Development*, London 7-9.
- FORWARD 'A statistical study to estimate the prevalence of female genital mutilation in England and Wales: Summary Report' (2007) *Safeguarding rights & dignity* 6-10.
- Gallo Grassivaro P & Abdisamed M 'Female Circumcision in Somalia: Anthropological Traits' (1985) 43 *Anthropologische Anzeiger* 4: 311-326.
- Gardbaum S 'Human rights as international constitutional rights' (2008) 19 *The European Journal of International Law* 4: 750-753.
- Gifford AE 'The Courage to Blaspheme: Confronting Barriers to Resisting Female Genital Mutilation' (1994) 329 4 *UCLA Women's Law Journal*.
- Handbook of WMA Policies 'WMA declaration of Helsinki: Ethical principles for medical research involving human subjects' March 2011 *The World Medical Association*.
- Han EL 'Legal and non-legal responses to concerns for women's rights in countries practicing female genital circumcision' (2002) 22 *B.C. Third World L.J* 208.
- International Conference on Population and Development 'Report of the ICPD Ch. I Res. 1, Annex' (September 5-13, 1994) Paragraph 7.2, U.N. Doc. *A/CONF.171/13/Rev.1*.
- International Crisis Group, 'Somalia to move beyond the failed State', (23 December 2008) 147 *Africa Report*.

- Islam Online.net & News Agencies 'First anniversary of the International Day of Zero Tolerance of Female Genital Mutilation/Cutting (Female Circumcision)' February 7, 2004.
- IRIN 'Female Genital Mutilation, A review of Legislation' May 19th 2006 *United Nations Office for the Coordination of Humanitarian Affairs*.
- Jehle KS et al 'Squamous cell carcinoma arising in an epidermoid cysts', (2007) 68 *British Journal of hospital medicine* 8: 446.
- Jenny C et al 'Sexually transmitted diseases in victims of rape' (1990) 322 *New England Journal of Medicine* 1: 713-6.
- Kaler A 'African perspectives on female circumcision' (2009) 43 *Canadian Journal studies* 1: 178-9.
- Kelly E & Paula HAJ 'Female genital mutilation' (2005) 17 *Current Opinion in Obstetrics and Gynecology* 5: 490-4.
- Klein R 'Cultural Relativism: Economic Development and International Human Rights in the Asian context' (2001) 1 *Touro International Law Review* 9:3.
- Kouba J & Muasher J 'Female Circumcision in Africa: An Overview' (1985) 28 *African Studies Review* 1: 95-110.
- Kunnskapssenteret 'Psychological, social and sexual consequences of female genital mutilation/cutting (FGM/C): a systematic review of quantitative studies' (2010) 13 Report from Kunnskapssenteret *Norwegian Knowledge Centre for the Health Services* 13: 4.
- Lejeune J & Mackie G 'Social dynamic of abandonment of harmful practices: new look at the theory' 2008 *UNICEF Innocenti Research Centre* N XXX 10.
- Lethome AI & Sheik AM 'De-linking female genital mutilation from Islam' (2008) *United States Agency for International Development*.
- Lewnes A 'changing a harmful social convention: female genital cutting/mutilation' (2005) *UNICEF Innocent Digest* 1-2.
- Lightfoot-Klein H 'The sexual experience and marital adjustment of genitally circumcised and infibulated females in the Sudan' (1989) 26 *Journal of Sex Research* 3: 375-392.
- Mackie G 'Ending Foot binding and Infibulation: A Convention Account' (1996) 61 *American Sociological Review* 6: 999-1017.

- Mayer Elizabeth A 'Universal versus Islamic Huigan 1994 *Journal of International Law* 307- 404.
- McKinley JC 'At a ceremony in Kenya, a brother and sister painfully enter adulthood' 1996 *New York Times*.
- Momoh C 'Attitudes to female genital mutilation' (2004) 12 *British Journal of Midwifery* 10: 631-635.
- Morison L et al 'How experiences and attitudes relating to female circumcision vary according to age on arrival in Britain: A study among Somalis in London' (2004) 9 *Ethnicity and health* 75-100.
- Moussa A et al 'Somalia/Land core country evaluation: External evaluation of Oxfam Novib's strategy in Somali Synthesis Report' (August 2007) 34.
- Mustafa & Zaki A 'Female Circumcision and Infibulation in the Sudan' (1966) 73 *BJOG: an International Journal of Obstetrics and Gynaecology* 2: 302.
- Obermeyer MC 'Female Genital Surgeries: The Know, the Unknown, and the Unknowable' (1999) 99 *Medical Anthropology Quarterly*.
- Obiora AL 'Bridges and Barricades: Rethinking Polemics and Intransigence in the Campaign Against Female Circumcision' (1997) 275 47 *Case Western Reserve Law Review* 275-301.
- Odinkalu AC 'Analysis of paralysis or paralysis by analysis? Implementing Economic, Social and Cultural Rights under the African Charter on human and peoples' rights' (2001) 23 *Human Rights Quarterly* 327-349.
- Okin MS 'Gender Inequality and Cultural Differences' (1994) 22 *Political Theory* 1: 62.
- Paul RJ 'Cultural Resistance to Global Governance' (2000) 22 *Michigan Journal of International Law* 1.
- Prendiville N 'The role and effectiveness of traditional birth attendants in Somalia' (2008) 21 *Evaluation and Program Planning* 353-361.
- Ras-Work B 'The impact of harmful traditional practices on the girl child' September 2006 *UNICEF Innocenti Research Centre, EGM/DVGC/2006/EP.4*.
- Report on the Human Rights and Security in Central and Southern Somalia: Joint British-Nordic Fact-Finding Mission to Nairobi 7-21 January 2004, Published 17 March 2004.

- Rigmor BC 'Does female genital mutilation affect women sexual functioning? Result from a systematic review and meta-analysis' March 2006 *Kunnskapssenteret* 10.
- SADC 'Conference note: Prevention of Violence Against Women: Summary Report' 8 March 1998 *SADC*.
- Sala R & Manara D 'Nurses and requests for female genital mutilation: Cultural versus human rights' (2001) 8 *Nursing Ethics* 247-258.
- Sheehan E 'Victorian clitoridectomy: Isaac Baker Brown and his harmless operative procedure' (1981) 12 *Medical anthropology Newsletter* 4: 9-15.
- Shell-Duncan B 'The medicalization of female circumcision: harm reduction or promotion of dangerous practice?' (2001) 52 *Journal of Social Science & Medicine* 1013-1028.
- Sherer DM et al 'Transvaginal sonography of hematotrachelos and hematometra causing acute urinary retention after previous repair of intrapartum cervical lacerations' (February 2006) 25 *Journal Ultrasound Medical* 2: 269-271.
- Sciolino 'U.S. Rejects Notion that Human Rights vary with Culture' (1993) A1 *New York Times*.
- Southard LJ 'Protection of Women's Human Rights under the Convention on the Elimination of All Forms of Discrimination against Women' (1996) 1 *Pace International Law Review* 8: 21.
- Toubia N 'Female Circumcision as a Public Health Issue' (1994) 331 *New England Journal of Medicine* 11: 712-6.
- UN 'Report of the World Conference on Human Rights, Report of the Secretary General' (13 October 1993) para 38 General Assembly document A *CONF.157.24*.
- UNDP 'Human Development Report 2001- Somalia' 2001 New York Times.
- UNDP 'The human development report on Somalia' 2001 *United Nations Development Programme* 42.
- UNFPA 'Briefing paper: The rights to contraceptive information and services for women and adolescents' (2010) *Centre for Reproductive Rights*.
- UNICEF 'Women and Children in Somalia: A situation analysis' 1987 *UNICEF*.
- UNICEF 'End-Decade Multiple Indicator Cluster Survey Full Technical Report 2000' 2001 UNICEF.

- UNICEF 'Changing a Harmful Social Convention: Female Genital Mutilation/Cutting' 2005 UNICEF *Innocenti Research* 11-16.
- UNICEF 'General Comments of the Committee on the Rights of Child' 2006 *Innocenti Research Centre, United Nations Children's Fund (UNICEF)*.
- UNYANZ National Model United Nation/ WHO 2004 Question of eradication of female genital mutilation', *UNYANZ*.
- Upvall MK & Dodge P 'Perspectives of Somali Bantu refugee women living with circumcision in the United States: A focus group approach' (2009) 46 *International Journal of Nursing Studies* 360-8.
- Upper Tribunal, 'AMM and others Somalia CG 2011 UKUT: Conflict, humanitarian crisis, returnee, FGM', (21 June 2011) The immigration acts, immigration and asylum chamber.
- USAID 'Female Genital mutilation/Cutting: Data and Trends' update 2010 *United States Agency for International Development* 1.
- USAID 'Policy on female genital mutilation/ cutting: explanation of terminology' 2000 *United States Agency for International Development*.
- US Department of States 'Female Genital Mutilation/Cutting Egypt country Report' 1 June 2001.
- Verzin A 'Sequelae of Female Circumcision' (1975) 5 *Tropical Doctor* 163-9.
- Warzazi EH 'Ninth Report and Final Report on the situation regarding the elimination of traditional practices affecting the health of women and girl child' 2005 *E/CN.4/SUB.2/2005/36*.
- Wellersein JK 'In the name of tradition: eradicating the harmful practice of female mutilation' (1999-2000) 22 *Loyola International and Comparative Law Review* 108.
- Wheeler P 'Eliminating FGM: the role of the Law' 2004 *International Journal of Children's, Netherlands*.
- WHO 'Female Genital Mutilation: report of a WHO technical working group' 1995 *World Health Organization* 9.
- WHO 'Female Genital Mutilation: Report of a Technical Working Group' (1996) *World Health Organization*.

- WHO 'Female Genital Mutilation: a joint WHO/UNICEF/ UNFPA statement' (1997) *World Health Organization*.
- WHO 'FGM programmes to date: What works and what doesn't' (1999) Department of women's health, *World Health Organization* 105-109.
- WHO 'A systematic Review of the Health Complications of Female Genital Mutilation' 2000 *World Health Organization*.
- WHO 'Female Genital Mutilation: integrating the prevention and the management of the complication into the curricula of nursing and midwife. A teacher's guide' 2001 *World Health Organization*.
- WHO 'Eliminating Female Genital Mutilation: An Interagency Statement' 2008 UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCHR, UNHCR, UNICEF, UNIFEM, WHO, *World Health Organization*.
- WHO 61st World Health Assembly, 'Female genital mutilation: Report by secretariat (A6/11)' 20 March 2008a. *World Health Organization*.
- WHO 'Female genital mutilation' February 2010 *World Health Organization*.
- WHO/RHR/10.9 'Global strategy to stop health-care providers from performing Female Genital Mutilation' (2010) *World Health Organization*.
- Widstrand GC 'Female infibulation' (1965) 20 *Studia Etnographica* 95-124.
- World Medical Association Declaration of Helsinki adopted by the 18th WMA General Assembly Helsinki, Finland, June 1964.
- Wright J 'Female Genital Mutilation: An overview' 1996 *Journal of Advanced Nursing*.
- Yoder SP et al. 'Female Genital Cutting in the Demographic Health Surveys: A critical and comparative Analysis' (2004) 7 *DHS Comparative Reports Calverton ORC Marco* 42.
- Yule K 'Asylum law and female genital mutilation: recent developments' (February 2008) *Report for congress 2*.

5. Case law

Hafza H. Hassan v Alberto Gonzales [2007] (05/2084) 484 F. 3d513

Katrinak v Secretary of State for the Home Development [2001] (2004/83/EC) EWCA Civ. 832: recital 27 to Council Directive

NM v others (Lone women- Ashraf) v United Kingdom [2005] CG UKAIT 00076

Sufi & Elmi v the United Kingdom [2011] CG ECHR 1045

Mohamed v Gonzales [2005] (03/70803) 9th Cir. Ct.

6. International Documents and instruments

African Charter on Human and People's Rights, OAU Doc. CAB/LEG/67/3 Rev. 5, 21 ILM 58 (1982) adopted June 6, 1981. Entry into force October 21, 1986

African Charter on the Rights of Women adopted by African Union in Maputo in 11 July 2003. Entry into force 25 November 2005

African Charter on the Rights and Welfare of the Child, OAU Doc.CAB/LEG/24.9/49 (1990). Entered into force November 29, 1999

African Commission on Human Charter on Human and People's Rights adopted in Banjul, Gambia

Beijing Declaration and Platform for Action, Fourth World Conference on Women, Beijing, China, 1 UN Doc. (1995)

Cairo Declaration for the Elimination of Female Genital Mutilation on African adopted in June 2003 by the African Union

Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. Res. 39/46, U.N. G.A.O.R 39th Session, Supp. N 51, UN Doc. A/39/51 (1985) adopted December 10, 1984

Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, UN. G.A.O.R 34th Session, Supp. N 36, UN Doc. A/34/36 (1980), adopted December 18, 1979

Convention on the Rights of Child, G.A. Res. 44/25, UN. G.A.O.R, 44th Session, Upp. N 49, UN Doc. A/44/49 (1989) adopted November 20, 1989. Entry into force 2 September 1990

Declaration on Race and Racial Prejudice adopted and proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization at 12th Session, on 27 November 1978. (E/CN.4/Sub.2/1982/2/Add.1, annex V, 1982

Declaration of the Principles of International Co-operation 14th Session, on 4 November 1966 at Paris, France

Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief A/RES/36/55 adopted on 25 November 1981 by the United Nations General Assembly

Declaration on Violence against Women (DEVAW) A/RES/48/104 adopted in 1993 by the United Nations General Assembly

Division of International Protection of UNHCR: Draft General Legal Advice adopted on 21 February 1996 at Geneva

European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted November 4, 1950, 213 U.N.T.S. 222, entry into force September 3, 1953

General Assembly Declaration on the Elimination of Violence Against Women (1993) proclaimed by General Assembly Resolution 48/104 on December 20, 1993

International Covenant on Civil and Political Rights, G.A. Res. 2200 (XXI) UN. G.A.O.R 21st Session, Supp N 16, UN. Doc. A/6316 (1966), 999 U.N.T.S. 171, adopted 19, 1966

International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200 (XXI), UN G.A.O.R 21st Session, Supp. N 16 U.N Doc. A/6316 (1966) 993 U.N.T.S. 3, adopted December 16, 1966

Plan of Action of the UN Working Group for the Elimination of Harmful Traditional Practices Affecting the health of Women and Children E/Cn.4/Sub.2/1994/10/Add.1 adopted in July 1994 by the United Nations Economic and Social Council

Refugee Convention adopted in September 1969 at Addis Ababa, Ethiopia

Universal Declaration of Human Rights, G.A. Res. 217 A (III), UN. G.A.O.R 3rd Session (Resolutions Part1), UN Doc. A/810, adopted December 10, 1948

United Nations Declaration on the Rights of Minority adopted in 1992

Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331: 8 I.L.M 679 (1969); 63 A.J.I.L. 875 (1969), entered into force in 1980

Vienna Declaration and Programme of Action A/CONF.157/23 adopted in July 1993 by the World Conference on Human Rights

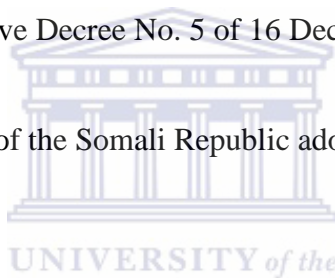
World Medical Association Declaration of Helsinki adopted by the 18th WMA General Assembly Helsinki, Finland, June 1964

7. The Constitution

Somali Provisional Constitution, Draft Constitution: Technical Review Committee of Somali Federal Republic, June 2012.

Somali Penal Code, Legislative Decree No. 5 of 16 December 1962 and came into force on 3 April 1964.

Transitional Federal Charter of the Somali Republic adopted in February 2004



8. General Comments, General Recommendations and Concluding observations

Committee on Economic Social and Cultural Rights

General Comment No 3, the nature of States parties' obligations (article 2, Para 1 of the Covenant) (5th session, 1990) [UN Doc E/1991/23] Para1.

General Comment No 14, the right to the highest attainable standard of health (article 2 of the Covenant) (22nd session, 2000) [UN Doc E/C 12/2000/4].

Committee on the Rights of the Child

General Comment No 4 on Adolescent Health and Development (CRC/GC/2003/4)

General Comment No 7 on implementing Child Rights in early Childhood (CRC/C/GC/2005)

United Nations General Assembly 64th Session ‘Promotion and protection of rights of children’ (2009) the child Report of Secretary-general (A/64/315).

Committee on the Elimination of Discrimination Against Women

General Recommendation No 14 (9th Session, 1990)

General Recommendation No 19 (11th Session, 1992)

General Assembly: Intensification of efforts to eliminate all forms of violence against women, 61st Session, 2006. (A/RES/61/143)

General Assembly: Intensification of efforts to eliminate all forms of violence against women, 62nd Session, 2007. (A/RES/62/133)

General Assembly: Intensification of efforts to eliminate all forms of violence against women, 63rd Session, 2008. (A/RES/63/155)

9. Internet sources

Abdulcadir J et al ‘Care of Women with female genital mutilation/cutting’ Swiss Medical Weekly 2011 available at <http://www.smw.ch/content/smw-2011-13137/> (accessed on 13 November 2012).

ACCM/UK, Supporting communities, enterprising minds and active citizens available at <http://www.accmuk.com/?target=whatisfgm&menuitem=FGM&submenuitem=What%20is%20FGM?> (Accessed on 10 October 2012).

African commission on human charter on human and people’s rights, protocol to the African charter on human and people’s rights on the rights of women in Africa, available at http://www.achpr.org/english/info/women_en.html (accessed on 22February 2012).

African online news (AFROL NEWS) available at http://www.afrol.com/categories/Women/index_fgm.htm (accessed on 05 July 2012).

African Studies Quarterly, 'Women movements, customary law, and land rights in Africa:

The case of Uganda The online journal for African studies available at:

<http://www.africa.ufl.edu/asq/v7/v7i4a1.htm> (accessed on 03 October 2012)

AllExperts, 'Sociology/ethnocentrism vs cultural relativism' available

[athttp://en.allexperts.com/q/Sociology-1644/2009/2/ethnocentrism-vs-cultural-relativism.htm](http://en.allexperts.com/q/Sociology-1644/2009/2/ethnocentrism-vs-cultural-relativism.htm) (accessed on 14 November 2012).

Askew I et al 'Female Genital circumcision among the Somali of Kenya and Management its complications' United States Agency for International Development (USAID),

February 2005 available at

http://www.popcouncil.org/pdfs/frontiers/FR.../Kenya_Somalia.pdf (accessed on 10 September 2012).

Ben-Ari N 'Changing Tradition to Safeguard Women – Villagers Join Campaigns Against Female Genital Mutilation' 17 Africa Recovery 1 May 2003 available at

<http://www.un.org/ecosocdev/geninfo/afrec/vol17no1/171wml.htm> (accessed on 15 June 2012).

Cairo Declaration for the Elimination of FGM on African Arab countries conference available at

http://portal.unesco.org/shs/en/ev.phpURL_ID=4687&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed on 30 June 2012).

CEDAW General Recommendation N 14 on Female Circumcision, 9th Session, A/45/38, 1990 38 CEDAW by the numbers 2012 available at

<http://www.cedaw2010.org/index.php/about-cedaw-by-the-numbers> (accessed on 17 July 2012).

CEDAW article 2 available at

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (accessed on 30 June 2012).

Center for reproductive rights 'Female Genital Mutilation (FGM): Legal Prohibition in the world' November 2008 available at

<http://reproductiverights.org/en/document/female-genital-mutilation-fgm-legal-prohibitions-worldwide> (accessed on 09/10/2012).

- Central Intelligence Agency 'The world factbook: Somalia' July 2012 available at <https://www.cia.gov/library/publications/the-world-factbook/geos/so.html> (accessed on 10 August 2012).
- CEOSS newsletter 'Communication involvement in Education' CEOSS Newsletter Cairo Egypt 2003 available at <http://www.c4c.org/projects/egypt.html> (accessed on 02 September 2012).
- CMJE 'Partial Translation of Sunan Abu-Dawud' Book 41 General Behavior Kitab Al-Adab University of Southern California's Centre for Muslim-Jewish Engagement Religious Texts available at <http://www.usc.edu/schools/college/crcc/engagement/resources/texts/muslims/hadith/abudawud/041.sat.html> (accessed on 10/09/2012).
- Committee on the Elimination of All Forms of Discrimination of Violence against Women Article 5 available at <http://www.un.org/womenwatch/daw/cedawtext/econvention.htm> (accessed on 27 June 2012).
- Conley M 'Secretary of State Hillary Clinton Highlights Need to End Female Genital Cutting' ABC News 16 February 2012 available at <http://abcnews.go.com/Health/international-day-tolerance-female-genital-mutilation-hosted-hillary/story?id=15683580> (accessed on 01September 2012).
- Coptic Evangelical Organization for Social Service 'Combating Female Genital Mutilation' CEOSS 2005 Available at <http://www.ceoss.org.eg/desktopmodules/enhancedarticles/templates/view/ArticlesHome.aspx?tabID=323&itemid=323&mid=3226> (accessed on 01September 2012).
- CRIN 'CRC: Somalia plans to ratify convention' available at <http://www.crin.org/resources/infodetail.asp?id=21323> (accessed on 17 July 2012).
- Crowe S & Molly M 'Ending female genital mutilation and cutting in Senegal' UNICEF 6 December 2005 available at http://www.unicef.org/infobycountry/senegal_30046.html (accessed on 01 September 2012).
- De Sam LF 'In Senegal, a Movement to Reject Female Circumcision' PBS Religion & Ethics Newsweekly 12 August 2011 available at

- <http://www.pbs.org/newshour/rundown/2011/08/senegalese-movement-advocates-rejecting-female-circumcision.html> (accessed on 01 September 2012).
- Edna Adan University Hospital 'Female Genital Mutilation' undated available at <http://www.ednahospital.org/hospital-mission/female-genital-mutilation/> (accessed 22 September 2012).
- Facts and Myths on Female Genital Mutilation available at <http://www.Facts and Myths on Female Genital Mutilation> (accessed on 10 April 2012).
- Forum Syd 'Somalia: Country Analysis' available at http://www.forumsyd.org/upload/Delade_dokument/Omvarldsanalyser/smalia_landa_nalys_080206.pdf (accessed on 17 July 2012).
- GHANA MMA 'Somalia: New Constitution Bans Mutilating Girls' 13 August 2012 available at <http://www.ghanamma.com/2012/08/somalia-new-constitution-bans-mutilating-girls/> (accessed on 02 October 2012).
- Glazov J 'Islam's Hatred of the clitoris' Frontpagemag.com October 2001 available at <http://www.archive.frontpagemag.com/readArticle.aspx?ARTID=25201> (accessed on 21 May 2012).
- Heinlein PE 'African Nations Back Kenyan offensive in Somalia' Voice of America, October 22 2011 available at <http://www.voanews.com/content/east-african-nations-back-kenyan-offensive-in-somalia-132374053/147039.html> (accessed on 02 October 2012).
- Hosken FP 'Female Genital Mutilation: Strategies for eradication' The First International Symposium on Circumcision Anaheim California 1989 available at <http://www.nocirc.org/symposia/first/hosken.html> (accessed on 20 May 2012).
- Human Rights Watch 'Q &A on Female Genital Mutilation' June 2010 available at <http://www.hrw.org/news/2010/06/10/qa-female-genital-mutilation> (accessed on 01 November 2012).
- Idowu AA 'Effects of Female genital Mutilation on Human Rights of Women and Female children: The Nigerin Situation' Research Journal of International Studies, issue 8, November 2008 23 available at: http://www.eurojournals.com/rjis_8_02.pdf (accessed on 01 November 2012).

Infoplease 'Somalia' available at: <http://www.infoplease.com/ipa/A0107979.html> (accessed on 25 August 2012).

Igwe L 'Traditional African practices and Islam' Council for Secular Humanism 1999 Available at: http://www.secularhumanism.org/library/aah/igwe_9_4.htm (accessed on 05 March 2012).

IndexMundi 'Somali Geography Profile 2012' available at: http://www.indexmundi.com/somalia/geography_profile.html (accessed on 14 August 2012).

Indymedia Ireland 'Egypt formally bans female circumcision' Indymedia Ireland 2007 June 28 available at: http://www.indymedia.ie/openwire?search_text=+circumcision&x=4 (accessed on 07 May 2012).

International Organization for Migration (IOM) 'Supporting the abandonment of Female Genital Mutilation in the context of Migration' IOM available at: <http://www.iom.int/jahia/about-iom/organizational-structure/iom-gender/activies-best-practices/fgm/> (accessed on 15 May 2012).

IRIN 'UN Office for the Co-ordination of Humanitarian Affairs Integrated Regional Information Networks Raising awareness against FGM in Puntland' 7 April 2008 available at: <http://www.irinnews.org/report.aspx?ReportID=77642> (accessed 25 September 2012).

Juridica international 'Latin: the common legal language of Europe' 2005 available at: <http://www.juridicainternational.eu/latin-the-common-legal-language-of-europe> (accessed on 07 March 2012).

Landinfo 'Report: Female genital mutilation in Sudan and Somalia' 10 December 2008 12, Available at: http://www.landinfo.no/asset/764/1/764_1.pdf (accessed 30 September 2012).

Lightfoot-klein H Prisoners of ritual: Some contemporary developments in the history of female genital mutilation 1989 available at: <http://www.fgmnetwork.org/Lightfoot-klein/prisonersofritual.htm> (accessed on 15 November 2012).

- Mackie G & Lejeune J 'Social Dynamics of Abandonment of Harmful Practices: A New Look at the Theory' UNICEF Innocenti Research Center May 2009 available at:
<http://www.unicef-irc.org> (accessed on 04 March 2012).
- Maps of World, 'Somalia Religion' available at:
<http://www.mapsofworld.com/somalia/culture/religion.html> (accessed on 14 August 2012).
- Map of Somalia available at:
http://www.google.co.za/search?q=map+somalia+regions&um=1&hl=en&biw=1366&bih=667&tbm=isch&ei=Z_yZUNS8I4O4hAe32YDYDg&start=0&sa=N
(accessed on 07 November 2012).
- Memidex 'Defintion of hematocolpos' available at:
<http://www.memidex.com/hematocolpos> (accessed on 12 November 2012).
- Moen LH et al 'A comparative Evaluation of Fokus FGM project in East Africa' NordSor Konsulentene January 2012 27 available at:
<http://www.fokuskvinner.no/PageFiles/5228/FGM-support-thematic%20evaluation.pdf> (accessed on 18 October 2012).
- Moses R 'Nigeria: Celebrating Zero Tolerance to Female Genital Cutting' Daily Champion All Africa, 20 February 2012 available at:
<http://allafrica.com/stories/201202210314.html> (accessed on 01 September 2012)
- Opinio Juris definition available at:
<http://www.duhaime.org/legalDictionary/O/OpinioJuris.aspx> (accessed on 12 July 2012).
- Pathfinder International 'Community-based: family planning in Kenya meeting new challenges' Pathfinder International 2005 5 available at:
http://www2.pathfinder.org/site/DocServer/72_PDF_Kenya_FP.pdf?docID=3541
(accessed on 02 September 2012).
- Population Council 'Female Genital Mutilation abandonment Program: Evaluation summary Report' April 2008 6 available at:
http://www.unicef.org/evaldatabase/files/EGY_FGM_AP_report.pdf (accessed on 18 October 2012).

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa The Maputo Protocol adopted in 2003 Article 1 available at :

<http://www.npwj.org> (accessed on 22 June 2012).

Reader's Digest 'The Waris Dirie Story' June 1999 available at:

<http://home.honolulu.hawaii.edu/~pine/Phil110/waris-dirie.html> (accessed 04 October 2012).

Reifman J 'United in support for Zero Tolerance to FGM/C' available at:

http://eritrea.usembassy.gov/fgm_day.html (accessed on 31 March 2012).

ReliefWeb 'Somalia' Report – integrated regional information Network August 2012

available at: <http://reliefweb.int/report/somalia/activists-laud-ban-fgmc-say-implementation-will-require-more> (accessed on 18 October 2012).

Shaaban LM & Harbison S 'Reaching the tipping point against Female genital Mutilation'

The Lancet 2005 available at:

http://www.popcouncil.org/pdfs/frontiers/journal/lancet_fgc2005.pdf. (accessed on 19 June 2012).

Section 69A of Ghana's criminal code. Available at

<http://www.hsph.harvard.edu/population/fgm/ghana.fgm.htm> (accessed on 10 february 2013).

Somali Medical Forum 'Health problems of Somalia' SMF 2006-2009 available at:

<http://somalidoc.com/smf/index.php?PHPSESSID=f8eaefc3dc1cb910999559c3e15803bd&topic=118.msg196#msg196> (accessed on 14 September 2012).

Somalia has adopted the ICCPR the ICESCR in 1990 without reservations available at:

<http://www.law.emory.edu/ifl/legal/somalia.htm-united-states> (accessed on 18 July 2012).

SOS Children's village 'Somalia has a new constitution which aims to protect girls from female circumcision' August 2012 Available at:

<http://www.soschildrensvillages.org.uk/charity-news/archive/2012/08/somalia-has-a-new-constitution-which-aims-to-protect-girls-from-female-circumcision> (accessed on 02 October 2012).

Stak B 'The women's convention, reproductive rights and reproduction of gender' Duke Journal of Gender Law and Policy volume 18: 261 2011 available at:

<http://www.scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1189...> (accessed on 16 August 2012).

The Committee on the Elimination of Discrimination against Women General Recommendation No 14 available at:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom14> (accessed on 25 June 2012).

The Committee on the Elimination of Discrimination against Women General Recommendation No 19 available at:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19> (accessed on 25 June 2012).

The Declaration of the Principles of international Co-operation adopted in 1966 at Paris available at: <http://portal.unesco.org/en/ev.php->

[URL_ID=13147&URL_DO=DO_TOPIC&URL_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13147&URL_DO=DO_TOPIC&URL_SECTION=201.html) (accessed on 02 October 2012).

The Declaration of the Principles of International Cultural Cooperation adopted by the General Conference of UNESCO 14th Session November 1966 available at:

http://www.unhcr.ch/html/menu3/b/n_decl.htm (accessed on 28 June 2012).

The Declaration on Violence against Women (DEVAW) was adopted in 1993 by the General Assembly Article 4 DEVAW available at:

<http://www.un.org/documents/ga/res/48/a48r104.htm> (accessed on 24 June 2012).

The United States Department of Justice available at:

<http://www.justice.gov/eoir/biainfo.htm> (accessed on 13 November 2012).

The free dictionary, 'Preeclampsia and Eclampsia' available at: <http://medical->

[dictionary.thefreedictionary.com/Preeclampsia+and+Eclampsia](http://medical-dictionary.thefreedictionary.com/Preeclampsia+and+Eclampsia) (accessed on 12 November 2012).

The free dictionary 'Dysmenorrhea' available at: <http://medical->

[dictionary.thefreedictionary.com/dysmenorrhea](http://medical-dictionary.thefreedictionary.com/dysmenorrhea) (accessed on 12 November 2012)

The Report on the Human Rights and Security in Central and Southern Somalia: Joint British-Nordic Fact-Finding Mission to Nairobi 7–21 January 2004 published 17

March 2004 33 available at: <http://www.unhcr.org/refworld/docid/405b2d804.html> (accessed 30 September 2012).

The Report on the Human rights and security in central and southern Somalia: Joint fact-finding mission by the Danish Refugee Council and the Danish Immigration Service, published August 2007 32 available at: <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=country&docid=46e109d92&skip=&coi=SOM> (accessed on 27 September 2012).

The World Bank & UNFP 'Female Genital Mutilation/Cutting in Somalia' Washington DC 2004 available from: http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf (accessed on 29 August 2012).

The Constitution of the Republic of Uganda, chapter 4, Human Rights and Freedom available at <http://dredf.org/international/UgaConst.html> (accessed on 10 February 2013).

Trangsrud K 'Female genital Mutilation: Recommendations for Education and Policy' The Universal Centre for International Studies (UCIS) Resources 1995 available at: <http://www.ucis.edu/resources/pubs/carolina/FGM/FGM.html> (accessed on 15 June 2012)

UN 'The implementation of the Human Rights of Women: Traditional Practices affecting the health of women and the girl child' E/ CN.4/SUB.2/1999/14 9 July 1999 available at: [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.Sub.2.1999.14.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.Sub.2.1999.14.En?Opendocument) (accessed on 21 May 2012).

UN 'Chapter four: Becoming a Party to the Convention and the Optional Protocol' Available at: <http://www.un.org/disabilities/default.asp?id=231> (accessed on 22 July 2012).

UN General Assembly Res. No 34/18 UN Doc A/RES/34/180 1979 Reservations available at: <http://www.untreaty.un.org/ENGLISH/bible/englishinternetbible/partIV/treaty10.asp> (accessed on 10 July 2012).

UN General Assembly on traditional or customary practices affecting the health of women and girls A/RES/52/99 adopted 9 February 1998 available at: <http://www.undemocracy.com/A-RES-52-99.pdf> (accessed on 18 July 2012).

UN Office for the Co-ordination of Humanitarian Affairs Integrated Regional Information Networks Hawo Nagash 'My biggest fear is that somebody will take my daughters and circumcise them' February 2009 available at:

<http://www.irinnews.org/Report.aspx?ReportId=82837> (accessed 30 September 2012).

UN 'Report of the International Conference on Population and Development' N E.95 XIII. 18 Cairo 4-15 September 1994 available at:

<http://www.un.org/popin/icpd/conference/offeng/poa.html> (accessed on 18 July 2012).

UN 'Report of the Fourth World Conference on Women' Beijing 4-15 September 1995

Available at: <http://www.un.org/esa/gopher-data/conf/fwcw/off/a-20.en> (accessed on 17 July 2012).

UNFPA 'Statement of the international day of against female genital mutilation' Message of Thoraya Ahmed Obaid, Executive Director UNFPA 06 February 2007 available

at: <http://www.unfpa.org/news/news.cfm?ID=927> (accessed on 09 October 2012).

UNFPA 'Strategic Response to FGM/C' available at:

http://www.unfpa.org/gender/practices3_2.htm#medicalization_FGM (accessed on 12 November 2012).

UNFPA 'Eradication of FGM/FGC' available at:

<http://www.friendsofunfpa.org/netcommunity/page.aspx?pid=978> (accessed on 02 September 2012).

UNFPA 'culturally sensitive approaches Uganda: Winning support from the custodians of cultural' available at: http://www.unfpa.org/culture/case_studies/uganda_study.htm (accessed on 02 September 2012).

UNHCR 'Eliminating Female Genital Mutilation: An interagency statement' February

2008, Available at: <http://www.unhcr.org/refworld/docid/47c6aa6e2.html> (accessed on 27 April 2012).

UNHCR 'Somalia: 2012 UNHCR country operations profile' available at:

<http://www.unhcr.org/pages/49e483ad6.html> (accessed on 04 October 2012).

UNHCR 'Report on the Human Rights and Security in Central and Southern Somalia: Joint British-Nordic Fact-Finding Mission to Nairobi 7–21 January 2004' published 17 March 2004 33 available at:

<http://www.unhcr.org/refworld/docid/405b2d804.html> (accessed 24 September 2012).

UNICEF 'Fighting Female Genital Mutilation/Cutting in Ethiopia's Somali region' available at: http://www.unicef.org/ethiopia/ET_real_2006_FGM.pdf (accessed on 07 June 2012)

UNICEF 'At a glance: Somalia, Statistics' Unicef 2010 available at:

http://www.unicef.org/infobycountry/somalia_statistics.html (accessed on 17 September 2012).

UNICEF 'Global databases' 2011 Available at:

http://www.childinfo.org/fgmc_progress.html (accessed on 20 May 2012).

UNICEF 'The dynamics of social change towards the abandonment of Female Genital Mutilation/Cutting in Five African countries' UNICEF Innocenti Research Centre October 2010, Available at: <http://www-prod.unicef-irc.org> (accessed on 04 March 2012).

UNICEF 'Legislation reform to support the abandonment of Female Genital Mutilation/Cutting' 2010 available at:

http://www.unicef.ie/downloads/UNICEF_Legislative_Reform_to_support_the_Abandonment_of_FGM/C_August_2010.pdf (accessed on 28 August 2012).

UNICEF 'Changing a harmful social convention: female genital mutilation' Innocenti

Digest Florence UNICEF 2005 available at: <http://www.unicef-irc.org/publications/396> (accessed on 11 July 2012).

UNICEF Somalia Newsletter 'Education a beacon of hope for Somalia's future' Special issue on Education February 2009 Available at:

http://www.unicef.org/somalia/SOM_NewsletterCarruurteenna-Feb272009fnlc.pdf (accessed on 18 October 2012).

UNICEF 'Changing a Harmful Social Convention: Female Genital

Mutilation/Cutting' Alexia Lewnes UNICEF 2005 ISBN: 88-89129-24-7 available at:

- http://www2.hu-berlin.de/sexology/BIB/fgm2005.htm#6_6U (accessed on 22 July 2012).
- UNICEF ‘United Nations in Somalia Hawa Aden Mohamed: a woman of courage’ 7 March 2011 available at: <http://www.unctsom.org/unicefstory.html> (accessed 25 September 2012).
- US Embassy Blog Nairobi ‘International Day of Zero Tolerance for Female Genital Mutilation/ Cutting’ available at: <http://blogs.usembassy.gov/nairobi/2012/02/06/international-day-of-zero-tolerance-for-female-genital-mutilationcutting/> (accessed on 22 July 2012).
- US Legal definitions, available at: <http://www.definitions.uslegal.com/i/in-dubio-pro-reo/> (accessed on 12 July 2012).
- US States Department Human Rights Report 2010 available at: <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154369.htm> (accessed on 12 July 2012).
- USAID ‘Strategy for ending Female Genital cutting’ Bureau for Global health July 2004 available at: http://www.transition.usaid.gov/our_work/global_health/pop/techargeas/fgc/fgc_strategy.pdf (accessed on 12 August 2012).
- Vaginismus.com ‘What is dyspareunia? What is the connection between dyspareunia and vaginismus?’ available at: <http://www.vaginismus.com/faqs/vaginismus-questions/dyspareunia-diagnosis-treatment?gclid=CMjYtbefyrMCFaTKtAod3x8AHA> (accessed on 12 November 2012).
- Vienna Declaration and program of Action World Conference on Human Rights adopted in 1993 available at: <http://www.document.un.org/> (accessed on 10 July 2012).
- Ward M ‘Movement against female genital mutilation sweeping Senegal’ International Federation of Gynecology and Obstetrics 19 October 2011 available at: <http://www.figo.org/news/movement-against-female-genital-mutilation-sweeping-senegal-004988> (accessed on 01 September 2012).
- Waris Dirie Foundation ‘The campaign’ available at: <http://www.stop-fgm-now.com/> (accessed on 01 October 2012).

- WHO 'Female Genital Mutilation and other Harmful Practices: FGM Factual overview and classification' World Health Organization 2008 Available at:
<http://www.who.int/reproductivehealth/topics/fgm/overview/en/> (accessed on 15 September 2012).
- WHO 'Female Genital Mutilation report of a WHO technical working group' Geneva 17-19 July 1995 available at: <http://www.who.int/frh-whd/FGM/technical.htm> (accessed on 21 August 2012).
- Women Deliver 'New Somali Constitution bans Female Genital Cutting' August 2012 available at: <http://www.womendeliver.org/updates/entry/new-somali-constitution-bans-female-genital-cutting> (accessed on 17 September 2012).
- World Bank 'Female Genital Mutilation/Cutting in Somalia' November 2004 22-25 Available at:
http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf (accessed 30 September 2012).
- World Bank & UNFPA 'Somalia: Female Genital Mutilation/Cutting in Somalia' World Bank & UN Population Fund, New York available at:
<http://web.worldbank.org/Wbsite/external/topics/extgender/0,,contentMDK:20275883~pagePK:148956~piPK:216618~theSitePK336868,00.html> (accessed on 15 June 2012).
- The World Bank United Nations Population Fund, Female Genital Mutilation/Cutting in Somalia, Washington DC 2004 available from: http://siteresources.worldbank.org/INTSOMALIA/Data%20and%20Reference/20316684/FGM_Final_Report.pdf (accessed on 29 August 2012).
- World Health Organization 'Female Genital Mutilation' Fact Sheet No. 241 June 2000 available at: <http://www.who.int/mediacentre/factsheets/fs241/en/> (accessed on 13 May 2012).
- WorldNetDaily New Stanek WND.com column No compromise on female genital mutilation available at: <http://www.jillstanek.com/new-stanek-column-no-compromis.html> (accessed on 10 October 2012).

10. Reports

UN Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995

UN Report of the International Conference on Population and Development (N E. 95 XIII.
18 Cairo 4-15 September 1994)

