

Good Practice

National Law against Female Genital Mutilation/ Cutting



Author: Karin Weber

June 2012

Description & Context

In Eastern Uganda Female Genital Mutilation and Cutting (FGM/C) is a common practice among the polygamous *Tepeth*, *Sebei* and *Pokot* ethnic groups who reside in the bordering districts with Kenya, namely *Moroto*, *Nakapiripirit*, *Amudat*, *Kapchorwa*, *Kween* and *Bukwo* District. The practise came from neighbouring Kenya and is seen as rite of passage for girls to transform into women. Girls between the ages of 11-14 are being cut. The cutting takes place once a year just after the harvest season. After being mutilated in groups the girls stay in a recovery shelter for up to three months. Additional ceremonies are being done during this period to prepare the girls for marriage and to have children. The end of the healing period is marked by another ceremony. At this time the girls are officially available for marriage offers, including so-called bride prices often in the form of a large number of cows for the family of the girl. Mutilators have a high status within the community and benefit directly from large payments by the parents during the cutting season as well as tokens of appreciations by the community throughout the year.

Under the 1995 Constitution of the Republic of Uganda, the Penal Code and the Children's Act the practice FGM/C was prohibited. However these laws were not specific enough, did not provide protection for the victims of FGM/C and implementation proved to be challenging. In order to overcome this challenge, Kapchorwa Local Government passed an ordinance banning FGM/C in the district in 2006. The punishment provided for in the ordinance was only 6 months in prison, which was in line with the Local Governments Act. This punishment was found not deterrent enough to reduce the prevalence of FGM/C in the district.

“The UNFPA/UNICEF Joint Programme on FGM/C has made a huge difference in terms of resources and pushed the project to enact and implement the law prohibiting FGM/C forward”

Maria Jurua, Law Uganda

Objectives

The overall objective of the project of Law and Advocacy for Women in Uganda (Law-Uganda), supported by the UNFPA/UNICEF Joint Programme on FGM/C, is to reduce the prevalence of FGM/C through effective enactment of a law and enforcement and creation of awareness of the law. More specifically Law-Uganda aims 1) to facilitate FGM abandonment through enactment of a specific law prohibiting FGM/C 2) to build capacity of law enforcement officers to implement the law so as to reduce the prevalence of FGM/C and 3) to use the law to provide protection to girls from FGM through seeking compensation for injuries suffered as a result of FGM/C.

Strategies and Implementation

Law-Uganda was requested to support the development of a national law prohibiting FGM/C. By working together with the Ministry of Gender, Labor and Social Development (MGLSD), local MPs, government authorities and community leaders the draft bill on the prohibition of FGM/C was developed. The bill was passed in 2010. The Prohibition of FGM/C Act 2010 provides for the criminalization, protection and prevention of FGM/C. Since its enactment, capacity building efforts of law enforcement officers, prosecutors, paralegals, local council leaders and community members have been done. In addition guidelines on the use of the law were developed by MGLSD to provide guidance to police and prosecutors on how to implement the law and provide protection to victims of FGM/C.

Community awareness activities have been conducted and child protection committees have been set up within the practising communities. Child protection committees consist of community members, police, teachers and health workers. In addition, simplified versions of the FGM/C law have been developed and disseminated in the local languages.

The local district authorities involved in this programme have been responsible for coordination and monitoring and evaluation. In Moroto for example the district leads a district alliance team on FGM/C that meets monthly on a rotational chairing basis. The alliance team has members from the education sector, health sector, church, civil society organizations, youth, local leaders and the UN. A clear division of labor has been developed among all stakeholders involved to avoid duplications and to ensure effective implementation in all different sub counties. As stated by Mossess Lokoro from the Moroto local government: *“The district involves the community groups, elders, youth, political leaders, police, technical staff and the Church to ensure that all existing structures are being used to fight FGM/C”*. Lastly, the local government has put in place community development programmes to benefit the communities who have abandoned FGM/C.

Key challenges

The main challenge within this programme has been the fact that the practice of FGM/C went underground after the enactment of the law in 2010. Instead of openly celebrating FGM/C ceremonies communities now practise FGM/C in secret and in most cases of FGM/C that are presently practiced the girls are being cut on the other side of the border in Kenya. In addition community members and leaders often do not cooperate with the police because they want to protect their culture and practice and penetrating into the communities to obtain information on FGM/C has been challenging for police officers. Organisations and authorities try to overcome this challenge by conducting community dialogues in hard to reach areas and to provide information about the harmful effects of FGM/C through radio programmes and dissemination of simplified versions of the law in local languages. It is also expected that the law adopted in Kenya in 2011 will contribute to effective implementation of the law



Child protection team of the police in Amudat District

on both sides of the border. Another challenge is the high turnover of police officers that are being transferred every six month because of the hardship in the districts that still practice FGM/C. Continuous training and printed guidelines are used to overcome this challenge. Finally it has been challenging to collect medical evidence for FGM/C victims and suspects, since health workers are not always cooperating with the police in filling in certain forms needed for court cases. Moreover in some cases health workers ask money from both the victim and suspect’s side to perform medical examination even though this is supposed to be free. Local authorities need to be involved to ensure health workers conform to national policy. The current form to collect evidence after a sexual assault, including FGM/C, is being revised and at present both registered nurses, midwives, clinical officers and/or medical doctors are allowed to complete the form.

Progress and Results

Officers from Law-Uganda, district police and local government all agree that the programme has contributed significantly to the implementation of the FGM/C law and a reduction in the prevalence of FGM/C in Eastern Uganda. Since the enactment of the FGM/C law 20 arrests have been made that are currently pending investigations as well as two prosecutions and one successfully completed prosecution with a sentence of a caution. In this case the magistrate cautioned the girls because they were only 14 and 13 years old which is in accordance with the Children's Act which provides for provisions on how to sentence young children. Several communities have publically abandoned the practice of FGM/C and cases of FGM/C are rare these days.

The programme has effectively built the capacity of local government and police officers who not only ensure the enforcement of the law, but also conduct sensitisation activities with the communities themselves. As explained by police sergeant Langoz Albert Okello: *"I was trained by Law-Uganda in Amudat district. When Child Protection Committees would report plans for FGM/C across the border to the police we would go to the respective community to sensitize the father, the girl and the cutter about the FGM/C law and to tell them "if you do this [FGM/C] you will be prosecuted"."*

Following the 2010 anti FGM/C law in Uganda, Kenya passed a copy of the Ugandan law in Kenya in 2011. Since Kenya passed their law coordination efforts between the Ugandan and Kenyan police in the bordering districts have been strengthened and both forces now work jointly to abandon FGM/C



Local government team in Moroto District

Conclusion and Lessons Learned

The 2010 anti FGM/C law has been a major step towards abandonment of FGM/C in Uganda. The participatory process of developing the law has greatly contributed towards increased ownership at the local level. In addition the integrated approach to implementation of the law at the district level and close involvement of all stakeholders has increased effective implementation and coordination on the ground. The integration of FGM/C into local district development plans also ensures sustainability of the programme. Implementers have learned that communities need to take the lead in FGM/C abandonment. Especially working with Child Protection Committees and community leaders has proven to be effective. FGM/C abandonment requires the involvement of all stakeholders as well as sufficient time. *"A project-based time bound approach is not good"*, according to Mossess Lokoro from the Moroto local government, *"especially not for cultural related issues such as FGM/C. It takes time to change people's knowledge, attitude and practice and to create alternative livelihoods for the ex-cutters"*. In addition, the enactment of the law on its own is not enough, continuous awareness of the law is the key to implementation and enforcement of the law. As stated by Moroto police officer Malombe David *"The abandonment of FGM/C doesn't call for forceful action, we need to go into the communities and talk to the people and mutilators. The police cannot go on their own and enforce the FGM/C law; this becomes too strict"*. Finally working together with high political leaders, including President Museveni of Uganda, has contributed to sending out powerful messages on FGM/C abandonment in the communities.

Recommendations and Next Steps

Continuous efforts are needed to ensure successful implementation of the anti FGM/C law and to fully abandon FGM/C in Uganda. It has been recommended to continue capacity building activities for the police authorities in the practising districts, especially in the area of training guidelines and material on the implementation of the FGM/C law and facilitating of transport and communication. Police officers have suggested using radio and drama shows in the local languages as well as illustrated posters to increase awareness on the harmful effects of FGM/C in the communities, especially the (illiterate) people in remote areas.

In the current programme the health sector has been left out whereas it is considered as a crucial part of FGM/C abandonment, especially in the collection of evidence for successful prosecution and to ensure a referral system between the police, health sector and prosecutors. In addition the current programme mainly focuses on the prevention of FGM/C and not so much on the treatment of victims of FGM/C (for example fistula repair operations). Another aspect that deserves much more attention in future programmes is the importance of education as an empowering tool for young girls to say 'No' to FGM/C. Following successful implementation in Kenya local authorities and organisations are advocating for the creation of a girl boarding school and a safety centre for girls that escape early marriage and FGM/C and who cannot return to their communities. Furthermore, to ensure sustainability of the programme communities should be encouraged to pass by-laws prohibiting FGM/C in their respective areas. Finally, all stakeholders involved in the programme have expressed the wish for exchange visits between practising districts and countries to facilitate knowledge sharing and learning from each other's experiences.

Sources and Contact Persons

Primary sources

- Documented good practice by Law-Uganda April 2012
- Interview with Maria Jurua, Law Uganda on May 25th 2012
- Focus Group Discussion with seven police officers in Moroto May 31st 2012
- Interview with District Authorities Moroto on May 31st 2012
- Focus Group Discussion with five police officers in Amudat June 1st 2012
- Interview with District Authorities Amudat on June 1st 2012

Contact persons

Law-Uganda: Maria Jurua, Law Uganda, law.uganda@gmail.com
UNFPA Uganda: Miranda Tabifor, tabifor@unfpa.org and Esther Cherop, cherop@unfpa.org
UNICEF Uganda: Agnes Karani, akarani@unicef.org and Yoko Kobayashi, ykobayashi@unicef.org
Author: Karin Weber, karin@karinweber.info and www.karinweber.info