

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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1. [Please provide information on the practice of FGM in Uganda.](#)
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Female genital mutilation (FGM) is also known as female genital cutting (FGC) and female circumcision. The Sebei are also known as the Sabiny.

**RESPONSE**

A seminar paper dated May 2004 by a Santa Clara University law student provides information on the Sebei of Uganda including demographics, daily life, legal structure, contracts, offenses and sorcery. The paper is included as Attachment 1. Kapchorwa district is highlighted on the attached map of Uganda (Benintendi, Lori 2004, *The Sebei of Uganda*, David D. Friedman's Homepage, May [http://www.daviddfriedman.com/Academic/Course\\_Pages/legal\\_systems\\_very\\_different\\_05/final\\_papers\\_04/benitendi\\_sebei\\_04.html](http://www.daviddfriedman.com/Academic/Course_Pages/legal_systems_very_different_05/final_papers_04/benitendi_sebei_04.html) – Accessed 23 May 2005 – Attachment 1; and 'Uganda – Service Point Density as of 31st December 2004' 2006, The Microfinance Gateway website, March [http://www.microfinancegateway.org/uploaded\\_files/Uganda\\_LargeMap.pdf](http://www.microfinancegateway.org/uploaded_files/Uganda_LargeMap.pdf) – Accessed 25 February 2009 – Attachment 2).

## 1. Please provide information on the practice of FGM in Uganda.

According to the World Health Organization, 0.6% is the estimated prevalence of FGM in girls and women aged 15-49 years in Uganda. According to the US Department of State, the prevalence of FGM in Uganda is less than 5% of the female population (US Department of State 2001, *Prevalence of the Practice of Female Genital Mutilation (FGM): Laws Prohibiting FGM and their Enforcement; Recommendations on How to Best Work to Eliminate FGM*, p.47 – Attachment 3; and World Health Organization 2008, *Eliminating female genital mutilation: an interagency statement UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCHR, UNHCR, UNICEF, UNIFEM, WHO*, UNHCR website, Annex 3, p.29 – Attachment 4).

According to the US Department of State, FGM in Uganda “was practiced by the Sabinu ethnic group in rural Kapchorwa District and the Pokot ethnic group along the northeastern border with Kenya”. An article dated 12 December 2008 in *The Monitor* reports that “FGM is mainly carried out among the Sabinu tribe in Kapchorwa and Bukwo districts, and the Pokot in Nakapiripirit District. Other districts where groups that carry out the practice have settled include Isingiro, Kamuli, Kamwenge and Bugiri.” An article dated 14 December 2008 in *New Vision* reports that FGM “is most prevalent in Kapchorwa, Bukwo and Karamoja. Studies, however, indicate that the practice also exists in Kamuli, Kamwenge, Isingiro and Masindi” (Naturinda, Sheila 2008, ‘Female cut could earn culprits 7 years in jail’, *The Monitor*, 12 December

[http://www.monitor.co.ug/artman/publish/news/Female\\_cut\\_could\\_earn\\_culprits\\_7\\_years\\_in\\_jail\\_76710.shtml](http://www.monitor.co.ug/artman/publish/news/Female_cut_could_earn_culprits_7_years_in_jail_76710.shtml) – Accessed 25 February 2009 – Attachment 5; ‘Uganda: Criminalise Female Genital Mutilation’ 2008, *New Vision*, 14 December, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 6; and US Department of State 2009, *2008 Country Reports on Human Rights Practices – Uganda*, 25 February, Section 5 ‘Children’ – Attachment 7).

According to the US Department of State, FGM Type I and II are practiced in Uganda:

**1. Type I (commonly referred to as clitoridectomy):** Excision (removal) of the clitoral hood with or without removal of all or part of the clitoris.

**2. Type II (commonly referred to as excision):** Excision (removal) of the clitoris together with part or all of the labia minora (the inner vaginal lips). This is the most widely practiced form (US Department of State 2001, *Prevalence of the Practice of Female Genital Mutilation (FGM): Laws Prohibiting FGM and their Enforcement; Recommendations on How to Best Work to Eliminate FGM*, p.5 – Attachment 3).

## 2. Is the practice prevalent amongst members of the Sebei tribe in Kapchorwa?

An article dated 10 June 2008 in *The Monitor* reports that “Reach [Reproductive Educative and Community Health] was established in Kapchorwa in 1996 to improve the reproductive health conditions and discard the harmful practice of FGM and 12 years down the road, the practice has dropped to about 36 percent.” An article dated 30 June 2008 in *New Vision* reports that REACH programme statistics show that “6198 women underwent genital mutilation between 1990 and 2004 in Kapchorwa” (Mafabi, David 2008, ‘Uganda: Resisting the Cut’, *The Monitor*, 10 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 8; and Ssenkaaba, Stephen 2008, ‘Uganda: Genital Mutilation –

Women Grapple With a Deadly Tradition', *New Vision*, 30 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 9).

## 2008

An article dated 6 January 2009 in *New Vision* reports that “[s]ome 500 girls were circumcised in Sebei region over the Christmas period [2008]” (‘FGM can be defeated by joint effort’ 2009, *New Vision*, 6 January <http://www.newvision.co.ug/D/8/14/667148> – Accessed 25 February 2009 – Attachment 10). An article dated 5 February 2009 in *New Vision* reports that during the 2008 season, “over 500 girls were circumcised” in Kapchorwa district. The article also reports that in 2008 “about 900 girls underwent the ritual in Sebei”. The article provides the following explanation on the increase in the number of female circumcisions performed:

After realising the ills of FGM in the 1990s, many educated Sabiny joined the international community to fight the practice that was not only causing grave harm to the health of the girls, but also hindered their education.

A community-based non-governmental organisation, Reproductive Educative and Community Health (REACH) spearheaded the advocacy and health education campaigns against FGM. Dr. Steven Chebrot, the former area MP and Jane Francis Kuka, former Woman MP, took part. Indeed, the campaign had a big impact. At least half of the girls that were to undergo FGM denounced it. With the help of the Italian Mission under a lady called Sister Isabella, girls were given scholarships to study at Gamatui Girls’ School in Kapchorwa.

As a part-time teacher at Gamatui Girls’ School, I saw over 100 girls denounce FGM every week and embrace education. I learnt that due to poverty, parents were circumcising their girls to marry them off to get bride price. Parents who had wanted their girls to get free education would threaten to circumcise them. And when the mission heard this, they would offer the girls scholarships.

However, when the politicians saw scholarships ‘flying’ to these girls, they looked for ways of making their relatives benefit, even when they were not eligible. This is how the FGM campaign was bogged down. The children of the poor stopped benefiting and the scholarships went to the rich. The Sabiny started hating politicians for “influencing who gets scholarships.”

...It is against this background that the people of Sebei stopped fighting FGM. When the sponsors of the girls saw the programme being washed down by the politicians, they withdrew their support.

It is for this reason that FGM emerged once again. Several attempts by REACH to sensitise the people hit a snag because, unlike the previous programme that used to come with scholarships and benefits like heifers for the girls and the ‘surgeons’, this one is only based on messages, which messages, the community says “are not edible” (Womakuyu, Frederick 2009, ‘Only educating girls can help eradicate female circumcision’, *New Vision*, 5 February <http://www.newvision.co.ug/D/8/459/670476> – Accessed 25 February 2009 – Attachment 11).

An article dated 31 December 2008 in *New Vision* reports that health experts in Bukwo, say that female circumcision “has increased by almost 90% this year from 40% in 2006.” Reach started a sensitisation programme in Bukwo in 2006:

The elders say REACH had promised to set up a girls' school in the district, sponsor the education of the girls and give the 'surgeons' heifers, but they did not.

"We saw no need to stop the practice because many girls come from poor families and cannot afford fees. So the only option they have is to get circumcised and get married," an elder said.

Sunday Kokop, a 'surgeon' also said politicians from the area are promoting the practice. "Many people in the area support the practice, so politicians do not want to talk against it for fear of losing support," she adds.

Kiprotich [District Speaker] adds that the practice is widespread in neighbouring Kenya, which has made the people of Bukwo to continue with it (Womakuyu, Frederick 2008, 'Uganda: Sebei Lose Battle Against Female Circumcision', *New Vision*, 31 December, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 12).

An article dated 30 June 2008 in *New Vision* reports that George William Cheborion, Chairperson of the Village Elder's Association of Kapchorwa said the areas most affected by FGM in Kapchorwa district includes the sub-counties of "Kwanyiny, Benet, Kwosir, Kaproron, Binyiny, Kaptanya, Tegeres, Chema, Sipi and Kawowo" (Ssenkaaba, Stephen 2008, 'Uganda: Genital Mutilation – Women Grapple With a Deadly Tradition', *New Vision*, 30 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 9).

Many sources provide information on the number of female circumcisions performed on Sebei females during the circumcision season. Sources vary on the number performed and the various figures are indicated after the year. It is not always clear whether the sources are reporting female circumcisions in Kapchorwa or the total number of circumcisions performed on Sebei in the two Sebei districts of Kapchorwa and Bukwo.

**2006:** 226 and 426 (Kirunda, Kakaire, A. 2007, 'Uganda: Sabinu Need Radio and Girls' School to End FGM', *The Monitor*, 16 April, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 13; 'Uganda: Women petition court to outlaw FGM' 2007, *IRIN News*, 30 April <http://www.irinnews.org/Report.aspx?ReportId=71867> – Accessed 25 February 2009 – Attachment 14; Mafabi, David 2008, 'Uganda: Resisting the Cut', *The Monitor*, 10 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 8; Ssenkaaba, Stephen 2008, 'Uganda: Genital Mutilation – Women Grapple With a Deadly Tradition', *New Vision*, 30 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 9; and Mafabi, David 2008, 'FGM down in Kapchorwa', *The Monitor*, 4 December [http://www.monitor.co.ug/artman/publish/news/FGM\\_down\\_in\\_Kapchorwa\\_76204.shtml](http://www.monitor.co.ug/artman/publish/news/FGM_down_in_Kapchorwa_76204.shtml) – Accessed 25 February 2009 – Attachment 15).

**2004:** 544, 594 and 595 (Etengu, Nathan 2005, '600 Women Circumcised', *New Vision*, 25 January, allAfrica.com website <http://www.allafrica.com/> – Accessed 24 May 2005 – Attachment 16; 'Uganda: Women petition court to outlaw FGM' 2007, *Irin News*, 30 April <http://www.irinnews.org/Report.aspx?ReportId=71867> – Accessed 25 February 2009 – Attachment 14; Mafabi, David 2008, 'Uganda: Resisting the Cut', *The Monitor*, 10 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 8; Ssenkaaba, Stephen 2008, 'Uganda: Genital Mutilation – Women Grapple With a Deadly Tradition', *New Vision*, 30 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 9; and Mafabi, David 2008, 'FGM down in Kapchorwa', *Daily*

*Monitor*, 4 December

[http://www.monitor.co.ug/artman/publish/news/FGM\\_down\\_in\\_Kapchorwa\\_76204.shtml](http://www.monitor.co.ug/artman/publish/news/FGM_down_in_Kapchorwa_76204.shtml) – Accessed 25 February 2009 – Attachment 15).

**2002:** 586, 622 and 647 (US Department of State 2003, *Country Reports on Human Rights Practices 2002 – Uganda*, 31 March, Section 5 ‘Women’ – Attachment 17; ‘Uganda: Women petition court to outlaw FGM’ 2007, *IRIN News*, 30 April

<http://www.irinnews.org/Report.aspx?ReportId=71867> – Accessed 25 February 2009 – Attachment 14; and Mafabi, David 2008, ‘FGM down in Kapchorwa’, *Daily Monitor*, 4 December

[http://www.monitor.co.ug/artman/publish/news/FGM\\_down\\_in\\_Kapchorwa\\_76204.shtml](http://www.monitor.co.ug/artman/publish/news/FGM_down_in_Kapchorwa_76204.shtml) – Accessed 25 February 2009 – Attachment 15).

**2000:** 621 (US Department of State 2003, *Country Reports on Human Rights Practices 2002 – Uganda*, 31 March, Section 5 Women – Attachment 17; and Mafabi, David 2008, ‘Uganda: Resisting the Cut’, *The Monitor*, 10 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 8).

An article dated 9 December 2002 in *The Monitor* reports that 971 Sabiny girls underwent FGM in 1990, 854 in 1994 and 544 in 1996 (Wetaka, Ahmed 2002, ‘Female Circumcision Nosedives, As Reach Project Takes Root’, *The Monitor*, 9 December, allAfrica.com website <http://www.allafrica.com/> – Accessed 24 May 2005 – Attachment 18).

### **3. If so, what is the particular procedure followed amongst the Sebei?**

According to Sara Horsfall, Texas Wesleyan University and Rebecca Salonen, Godparents Association Inc, “Among the Sabiny, the type of FGM practiced is excision, where the clitoris and labia minora are cut away. “Spontaneous infibulation,” the knitting together of the wound through scar tissue, often occurs, but no stitching is traditionally involved to close the wound. It is considered the female parallel to male circumcision.” An article dated 22 December 2008 in *New Vision* reports in “Kapchorwa and Bukwa in Uganda, the type of FGM practiced is Type 2” (Horsfall, Sara & Salonen, Rebecca 2000, *Female Genital Mutilation and Associated Gender and Political Issues Among the Sabiny of Uganda*, March, Stop FGM website <http://www.stopfgm.org/stopfgm/doc/EN/90.pdf> – Accessed 24 May – Attachment 19; and Mwesigwa, Catherine 2008, ‘Uganda: Criminalise Fgm Now to Save Young Girls’, *New Vision*, 22 December, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 20).

Horsfall and Salonen, in their March 2000 report entitled *Female Genital Mutilation and Associated Gender and Political Issues Among the Sabiny of Uganda* provide the following information on the festivities associated with and the reasons for female circumcision:

Circumcision season falls during the November/December school holidays of even-numbered years for both boys and girls, though some are cut in the off-years if they wish to marry. Girls who avoid cutting usually relent under heavy social pressure and intimidation from relative and neighbors despite the promise of lifelong pain and the possibility of death (Kuka 1998). Even a woman who manages to get married prior to cutting is likely to be pressured into it after marriage by her in-laws.

A three-week festival accompanies circumcision and cutting when girls of about 15 years old and boys of 17 or 18 from throughout the region are initiated. It is a big occasion for

everyone. Once the season is declared open by the elders, for about three weeks male circumcision candidates run through the villages of the District, collecting gifts and congratulations from friends and relatives, who often join in the run to the next village. During this time, a boy collects the foundation for the bride price to be offered for a newly circumcised girl to be his wife. Female cutting candidates do not tour the district but remain in the family homestead, where they are prepared for what is to come.

There is feasting and merry making. Local maize beer is brewed for the occasion and sipped by adults gathered around a pot using special three-or four foot long straws. Beer drinking is so important to the festivities that ceremonies were traditionally timed to coincide with large maize harvests.

On the night before the cutting is to take place, age cohorts and school mates gather together, separated by gender. Girls dance all night and the accompanying singing and drumming resounds throughout the area. Around dawn the next morning, the “secrets” and history of the culture are imparted to the initiation candidates. Young men and women are exhorted never to reveal their tribal secrets to uncircumcised Sabiny or to outsiders. Then comes the cutting and circumcision, performed in separate places. (Traditionally men could not be present during the ceremonies for girls, but this appears to have changed somewhat in recent years.) Sabiny girls are expected to be brave during the procedure. They are not restrained. They lie down in turn on the cutting mat with their arms extended over their heads. After pulling up their skirts and arranging their legs to allow the procedure they do not blink an eye in reaction to the cuts. After the excision, the girls are allowed to recover without much aftercare. The wound is traditionally treated with cow’s urine.

Cutting and circumcision not only make the passage into adulthood, they mark the beginning of community and civic responsibility. Prior to the cutting, a girl is not allowed to speak in public, in front of those who have already been circumcised. She is considered “only a girl,” and may not even undertake important women’s tasks such as milking cows and drawing grain from the communal granary. However, after she is cut she is accepted as a woman, with all the prerogatives granted by the Sabiny, including full rights to leadership as an elder among the tribe (Horsfall, Sara & Salonen, Rebecca 2000, *Female Genital Mutilation and Associated Gender and Political Issues Among the Sabiny of Uganda*, March, Stop FGM website <http://www.stopfgm.org/stopfgm/doc/EN/90.pdf> – Accessed 24 May – Attachment 19).

An article dated 13 October 2008 in *New Vision*, Sam Anguria, member of the Gulu Gender-Based Violence Group provides useful information on the cultural significance of FGM to the Sabiny:

The Sabiny attach a lot of importance to female genital mutilation (FGM), which explains why it has existed for centuries.

Firstly, it is a rite of passage for preparing young girls for womanhood, marriage and responsibility.

Regardless of age, an uncircumcised woman is considered a girl and cannot be trusted with any position of responsibility, including talking in public. She is considered a coward and a shame to the clan and family. Therefore, one would rather please the clan and family by getting circumcised other than remaining a “girl.”

Secondly, an uncircumcised woman is a victim of stigma and discrimination. She cannot perform certain responsibilities like milking cows, getting food from the granaries and collecting cow-dung from kraals for plastering huts.

Few peers would have her as a friend and she is always a laughing stock for the community.

This is because she is considered unclean. This stigma may explain why uncircumcised Sabiny women who elope into marriage go back to their parents for circumcision.

Thirdly, before the circumcision, the candidates are taken to secluded places where they meet with elderly women to talk to them on how to “manage” their homes, including their husbands.

Confidential information is passed on to the candidates and they are told never to reveal the information until death. They are told that breaking this rule leads to premature death.

Fourthly, when a girl braves circumcision she brings a lot of pride to the family and she is showered with lots of gifts. It is also assurance that she is fit for marriage and therefore a source of bride wealth for the family (Anguria, Sam 2008, ‘Uganda: It is Wrong for Police to Fight Against FGM’, *New Vision*, 13 October, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 21).

#### **4. At what age are girls required to undergo FGM?**

According to Horsfall and Salonen, among the Sabiny circumcision is performed on “girls of about 15 years” of age. According to the US Department of State, “Initiation ceremonies take place in December of even numbered years on girls between ages of 14 and 16.” An article dated 22 March 2008 in *The Monitor* reports that among the Sabiny, “[g]irls aged 12 to 14 are eligible and its practitioners consider it an automatic qualification for marriage.” An article dated 10 June 2008 in *The Monitor* reports that “Sabiny and Pokot FGM initiation ceremonies are carried out amongst girls between the age of 14 and 16 years”. An article dated 5 January 2009 in *New Vision* reports that among the Sabiny “young girls, normally 14 years old” undergo FGM (Horsfall, Sara & Salonen, Rebecca 2000, *Female Genital Mutilation and Associated Gender and Political Issues Among the Sabiny of Uganda*, March, Stop FGM website <http://www.stopfgm.org/stopfgm/doc/EN/90.pdf> – Accessed 24 May – Attachment 19; US Department of State 2001, Prevalence of the Practice of Female Genital Mutilation (FGM): Laws Prohibiting FGM and their Enforcement; Recommendations on How to Best Work to Eliminate FGM, p.47 – Attachment 3; Nandutu, Agness 2008, ‘Uganda: the Fight Against Female Circumcision’, *The Monitor*, 22 March, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 22; Mafabi, David 2008, ‘Uganda: Resisting the Cut’, *The Monitor*, 10 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 8; and Odongtho, Charles 2009, ‘Uganda: ‘Surgeons’ Want Compensation Before They Lay Down Their Knives’, *New Vision*, 5 January, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 23).

According to Minority Rights Group International, “Girls who had previously been spared in adolescence are being forcefully mutilated upon marriage.” Patrick Kitiyo, a Councillor for the Family Planning Association of Uganda “states that those who have not undergone the procedure: ...are referred to as “girls” and elders look at them as people who have nothing developmental to contribute to any debate and because society has also deemed it a taboo for them to climb into granaries or even collect cow dung, these women have been forced to undertake circumcision to avoid harassment’ “. An article dated 10 January 2009 in *The Monitor* reports on the circumcision of 20 married women in a village in Kapchorwa. The article notes that these women “had successfully survived the knife but the sanctions by the

society and the overall stigma were so severe, life became unbearable. After running out of options and ideas the poor women, desperate and frustrated, yielded to the knife” (Kipuri, Naomi & Ridgewell, Andrew 2008, *A Double Bind: The Exclusion of Pastoralist Women in the East and Horn of Africa*, Minority Rights Group International, 12 December, p.14 – Attachment 24; and Tegulle, Gawayya 2009, ‘Sabiny married women turn to circumcision’, *The Monitor*, 10 January [http://www.monitor.co.ug/artman/publish/opinions/Sabiny\\_married\\_women\\_turn\\_to\\_circumcision\\_77984.shtml](http://www.monitor.co.ug/artman/publish/opinions/Sabiny_married_women_turn_to_circumcision_77984.shtml) – Accessed 25 February 2009 – Attachment 25).

## 5. What is the attitude of the authorities towards FGM?

An article dated 22 March 2008 in *The Monitor* reports that FGM “is not a subject often heard in the corridors of Uganda’s Parliament even if there are at least two circumcised female legislators, and scores of MP’s who oppose the practice.” The article notes that the “practice is restricted to the mountainous eastern districts of Kapchorwa and Bukwo which is one reason why it is hardly an issue of public debate.” The article reports that “female legislators from the area are against the practice but unable to step forward to speak against it for “political reasons”” (Nandutu, Agness 2008, ‘Uganda: the Fight Against Female Circumcision’, *The Monitor*, 22 March, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 22).

Minority Rights Group International reports that in Uganda “only a small minority still practise FGM and few parliamentarians see its significance in their own constituencies, as Winifred Masiko, Chair of the Uganda Women Parliamentary Association (UWOPA) explains: *We used to have a minister who came from that area [Sabiny] and she talked against FGM and wasn’t voted back, which was an indication that it is not an issue that is appreciated yet; anyone who raises it will not be voted for’*” (Kipuri, Naomi & Ridgewell, Andrew 2008, *A Double Bind: The Exclusion of Pastoralist Women in the East and Horn of Africa*, Minority Rights Group International, 12 December, p.14 – Attachment 24).

An article dated 5 January 2009 in *New Vision* reports on “the political implications of bringing down the culture of a people.” The article reports:

In the 2001 Parliament, Jane Frances Kuka, then a minister and MP for Kapchorwa District, lost her seat because of her opposition to the practice in her culture. Similar fears are still expressed among local politicians in the area.

Moses Mwanga, the district council speaker of Kapchorwa Local Government said he has sacrificed his job at the expense of the campaign against FGM. “It is important that we first mobilise the community so that they appreciate the magnitude of the problem,” he said.

“The worst are the elders in the community who put so much pressure on the women. They need total sensitisation” (Odongtho, Charles 2009, ‘Uganda: ‘Surgeons’ Want Compensation Before They Lay Down Their Knives’, *New Vision*, 5 January, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 23).

## 6. Have there been concerted efforts to prevent or ban the practice?

An article dated 22 December 2008 in *New Vision* reports that “Uganda outlawed FGM in 1989, but there is no law to charge those who practice it.” The US Department of State reports that there “was no national law against FGM” in Uganda ((Mwesigwa, Catherine

2008, 'Uganda: Criminalise Fgm Now to Save Young Girls', *New Vision*, 22 December, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 20; and US Department of State 2009, *2008 Country Reports on Human Rights Practices – Uganda*, 25 February, Section 5 'Children' – Attachment 7).

Member of the East African Parliament, Dora Byamukama is the “brainchild” behind the draft law entitled “The Prohibition of Female Genital Cutting Bill”. Member of Parliament for Kiinkizi East, Dr Chris Baryomunsi will propose the private bill before the main plenary of Parliament for debate “soon after the Easter holiday” in 2009. According to the Deputy Speaker of Parliament, the Attorney General “has promised that the law will be in place by March next year [2010]” (Nandutu, Agness 2008, 'Uganda: the Fight Against Female Circumcision', *The Monitor*, 22 March, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 22; and Odongtho, Charles 2009, 'Uganda: 'Surgeons' Want Compensation Before They Lay Down Their Knives', *New Vision*, 5 January, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 23).

#### *The Monitor* reports:

In its current form the draft law proposes a 5-7 year prison sentence for “any person who violates or attempts to violate the physical integrity of the female genital organ or aids a person to perform the act”.

If the circumcision results in death the offender would be guilty of a felony and face 10 years in jail. The law does not consider cultural tradition and ritual a valid defence (Nandutu, Agness 2008, 'Uganda: the Fight Against Female Circumcision', *The Monitor*, 22 March, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 22).

#### *New Vision* reports:

“Any person who violates or attempts to violate the physical integrity of the female genital organ or one who causes the grievous harm or anyone who aids, abets, cancels or procures a person to perform any of those acts should be liable under our law and we are suggesting imprisonment of about seven years,” Baryomunsi adds (Odongtho, Charles 2009, 'Uganda: 'Surgeons' Want Compensation Before They Lay Down Their Knives', *New Vision*, 5 January, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 23).

Please note that this is not the first time a bill criminalising FGM was proposed in Uganda. For more information please see Question two of *Research Response UGA17343* dated 27 May 2005.

Article 24 and Article 33(6) of the *Constitution of the Republic of Uganda 1995* may prohibit FGM:

No person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment.

...Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status ('Chapter 4 – Human Rights & Freedoms', *The Constitution of the Republic of Uganda 1995*, Parliament of Uganda website <http://www.parliament.go.ug/chapt4.htm> – Accessed 24 May 2005 – Attachment 26).

No information on the Constitution being used to stop or prevent FGM was found amongst the sources consulted. An article dated 30 April 2007 by *IRIN News* reports that the group, Law and Advocacy for Women have petitioned the Ugandan Constitutional Court “seeking a declaration that the practice [FGM] is unconstitutional”. An article dated 20 June 2007 in *The Monitor* reports that the Attorney General of Uganda said in response to this petition that the act of FGM is legal. The article reports that “the AG submitted that FGM is lawful and does not contravene any provisions of the Constitution” (‘Uganda: Women petition court to outlaw FGM’ 2007, *IRIN News*, 30 April <http://www.irinnews.org/Report.aspx?ReportId=71867> – Accessed 25 February 2009 – Attachment 14; and Afedraru, Lominda 2007, ‘Uganda: Genital Mutilation Legal – AG’, *The Monitor*, 20 June, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 27).

According to the US Department of State, “in 2006 the subcounties of Kapchorwa and Bukwo districts passed by-laws to make FGM illegal.” The US Department of State also reports that on 10 October 2008 “Kapchorwa District passed another by-law that provides for the arrest and prosecution of FGM practitioners and collaborators.” *New Vision* notes that local governments in Uganda “cannot impose a jail term exceeding six months” and therefore the by-law “cannot impose deterrent punishment.” *BBC News* reports that Nelson Chelimo, Kapchorwa District Chairman “said the council had submitted legislation to parliament for the ban to become law nationwide” (‘Ugandans ban female circumcision’ 2008, *BBC News*, 15 October <http://news.bbc.co.uk/2/hi/africa/7672236.stm> – Accessed 25 February 2009 – Attachment 28; ‘Uganda: Criminalise Female Genital Mutilation’ 2008, *New Vision*, 14 December, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 6; and US Department of State 2009, *2008 Country Reports on Human Rights Practices – Uganda*, 25 February, Section 5 ‘Children’ – Attachment 7).

## **7. Are perpetrators punished?**

An article dated 7 October 2008 in *New Vision* reports that Christopher Chepkurui, Bukwo Resident District Commissioner “has directed the Police to arrest people who encourage female genital mutilation.” An article dated 11 October 2008 in *New Vision* reports that Jane Kuka, Kapchorwa Resident District Commissioner “has warned parents who are preparing their daughters for circumcision to stop it or face arrests” (Edyegu, Daniel 2008, ‘Bukwo RDC orders arrest of female circumcision promoters’, *New Vision*, 7 October <http://www.newvision.co.ug/PA/8/17/653437> – Accessed 25 February 2009 – Attachment 29; and Muzungyo, Rashid 2008, ‘Uganda: Kapchorwa RDC Warns on Female Circumcision’, *New Vision*, 11 October, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 30).

No reports were found amongst the sources consulted on the arrest or imprisonment of those who encourage or perform FGM.

## **8. Is protection available to potential victims?**

An article dated 6 January 2009 in *New Vision* reports that poverty not culture may be why the practice of FGM continues in Kapchorwa:

The sensitisation programme undertaken by the Reproductive, Educative and Community Health (REACH) project, had reduced FGM in Kapchorwa. Unfortunately, REACH seems to

have gone back on its promise to set up a girls' school in the district, sponsor the education of girls and give the 'surgeons' heifers. This strongly suggests that it is not because of culture alone that FGM has persisted. Underlying the practice of FGM is poverty. Circumcised girls find social security in marriage and their parents get richer through bride price.

The traditional 'surgeons' earn a living from it ('FGM can be defeated by joint effort' 2009, *New Vision*, 6 January <http://www.newvision.co.ug/D/8/14/667148> – Accessed 25 February 2009 – Attachment 10).

An article dated 10 January 2009 in *The Monitor* reports on the ability of Sabinu women to avoid FGM:

It is possible to leave your own life as a woman when you are educated and financially independent; but it is a different ball game when you are illiterate and wholly dependent on husband and relatives for survival.

This is the dilemma of the typical Sabinu woman: suffer the knife and society smiles or shun it and preserve your bodily integrity and society shuns you. This is a dangerous trend that renders useless most of the efforts that have been injected into fighting (Tegulle, Gawayia 2009, 'Sabinu married women turn to circumcision', *The Monitor*, 10 January [http://www.monitor.co.ug/artman/publish/opinions/Sabinu\\_married\\_women\\_turn\\_to\\_circumcision\\_77984.shtml](http://www.monitor.co.ug/artman/publish/opinions/Sabinu_married_women_turn_to_circumcision_77984.shtml) – Accessed 25 February 2009 – Attachment 25).

Since 1998 the Godparents' Association (GPA), an American volunteer organisation, has been helping Ugandan girls avoid FGM by paying for their education:

It is our belief and experience that education is the only short-or long-term strategy to stop FGM. Although resisting being cut requires enormous courage and willpower on the part of girls who belong to cultures that practice FGM, determination alone is not enough. At present, girls who choose not to be cut have no place in their home communities, and they need the life options that education can provide. If they remain dependent in village life, they will eventually be coerced and submit to FGM, followed by an early marriage. There will be no more school for them, no matter how talented they may be – only a life of cultivating fields and caring for babies. Their communities, their nation, and the world will be deprived of the contributions these bright, motivated young women might have offered. The Godparents Association is looking for sponsors who will donate the funds to pay secondary-school fees for girls who have already taken the most important step, saying no to female circumcision. Your sponsorship of a young woman will truly save her life ('Save a Girl's Life and rescue her from forced Female Genital Mutilation' (undated), Godparents' Association website <http://godparents.net/default.htm> – Accessed 27 February 2009 – Attachment 31).

An article dated 17 January 2008 in *The Monitor* reports on Betty Chelangat, 23 years and Monica Chebichira, 25 years who have refused to submit to female circumcision in Kapchorwa. The article reports that this refusal "has all but ostracised them from their community in" Kapchorwa. Chelangat and Chebichira "say their parents, relatives and the community have for the last 10 years been trying to force them to under go Female genital Mutilation so they could be regarded as mature women in society." When they were 14 years, they were mandated to be circumcised but ran away and sought refuge with relatives in Kenya during holidays. Chelangat "says the two have not been able to visit their home areas during circumcision period since 1998." Chelangat and Chebichira say they could not have escaped without the help of GPA who paid their school fees through to the end of university. According to Chebichira, "We are among the few lucky ones to escape the knife. Many of our friends tried to resist but were forced". The article continues:

Ms Chebichira says they faced all kinds of intimidation from the community whenever they went home.

“Referring to us as cowards and non Sabin girls was quite intimidating but this could not make us surrender. We are proud that they have not succeeded in circumcising us,” she said.

...She [Chebichira] said although many NGOs are out there to fight the practice, the majority of people still submit to FGM.

“Many girls are quietly being forced to be circumcised,” she says.

She said the girls are told that if they are not circumcised, they would be thrown out of the community and that no man would marry them (Nandutu, Agness 2008, ‘Uganda: We Escaped Female Circumcision’, *The Monitor*, 17 January, allAfrica.com website <http://allafrica.com/> – Accessed 25 February 2009 – Attachment 32).

An article posted on the Reproductive Health Outlook (RHO) website reports that FGM is being eliminated in Kapchorwa through a partnership between the Sabin Elders Association and the REACH project funded by UN Population Fund:

The partners’ work in replacing FGM with a symbolic ritual has been so successful that the head of the Elders association, G.W. Cheborian, received the 1998 United Nations Population Award and its \$25,000 prize to supplement the work of the Association.

...As recently as 1990, the Sabin chiefs were staunch defenders of FGM, even clashing with the government of Uganda over the issue. Then, in 1992, the chiefs formed the Elders Association and decided to methodically review their traditional practices. They decided that FGM was indeed a destructive tradition and began an effort to eliminate it.

The goal of the REACH project was to build upon the work of the Sabin Elders Association to enhance reproductive health of women and girls through discarding FGM, promoting positive community values, and providing accessible reproductive health services. Specific objectives included sensitization of specific target groups including traditional birth attendants, improved reproductive health services, and a newly established district population coordination structure. Efforts to eliminate FGM were developed in partnership with the Sabin Elders, and focused on celebrating positive cultural values through retaining certain aspects of the FGM ceremony, like feasting and gift-giving. An annual “Cultural Day” was instituted to promote healthy traditions and openly dispel myths about harmful practices. Community seminars and workshops are held regularly, often with participation of the Sabin Elders Association. Peer education activities and health worker training are ongoing.

Other organizations are involved too, helping strengthen and extend program bonds including the Family Planning Association of Uganda, the International Planned Parenthood Federation, and the Norwegian Agency for Development (‘Harmful Traditional Health Practices: Program Examples – Uganda’ (undated), Reproductive Health Outlook website [http://www.rho.org/html/hthps\\_progexamples.htm#uganda-sabin](http://www.rho.org/html/hthps_progexamples.htm#uganda-sabin) – Accessed 24 May 2005 – Attachment 33).

## 9. [deleted]

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Norwegian Agency for Development Cooperation <http://www.norad.no/>

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

#### **United Nations (UN)**

UN <http://www.un.org/>

UN Refugee Agency – Refworld <http://www.unhcr.org/cgi-bin/texis/vtx/rsd>

World Health Organization <http://www.who.int/>

#### **Non-Government Organisations**

Amnesty International <http://www.amnesty.org/>

Freedom House <http://www.freedomhouse.org/>

Human Rights Watch <http://www.hrw.org/>

#### **International News & Politics**

allAfrica.com <http://allafrica.com/>

BBC News <http://news.bbc.co.uk/>

IRIN News <http://www.irinnews.org/>

The Monitor <http://www.monitor.co.ug/>

New Vision <http://www.newvision.co.ug/>

#### **Search Engines**

Google <http://www.google.com.au/>

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FACTIVA (news database)

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ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

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