

Human Rights Accountability Mechanisms to End FGM:

COMPENDIUM FOR
ADVOCACY AND
ENGAGEMENT





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Abbreviations and acronyms

ACHPR	African Commission on Human and Peoples' Rights
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
AfCHPR	African Court on Human and Peoples' Rights
AfDB	African Development Bank Group
African Children's Charter	African Charter on the Rights and Welfare of the Child
APRM	African Peer Review Mechanism
ASEAN	Association of South-East Asian Nations
AU	African Union
AUC	African Union Commission
AWO	Arab Women Organization
Banjul Charter	African Charter on Human and Peoples' Rights
Belém do Pará Convention	Inter-American Convention on the Prevention and Eradication of Violence Against Women
BPfA	Beijing Platform for Action
CAT	Convention Against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
COMESA	Common Market for Eastern and Southern Africa
COTLA	Council of Traditional Leaders of Africa
CPD	Commission on Population Development
CRC	Convention on the Rights of the Child
CSO	Civil society organization
CSW	Commission on the Status of Women
EAC	East African Community
EACJ	East African Court of Justice
EALA	East African Legislative Assembly
ECCAS	Economic Community of Central African States
ECOSOC	United Nations Economic and Social Council
ECOWAS	Economic Community of West African States
ECtHR	European Court of Human Rights
EGDC	ECOWAS Gender Development Centre
ESCAP	UN Economic and Social Commission for Asia and the Pacific
ESCR Committee	Committee on Economic, Social and Cultural Rights

EU	European Union
FGM	Female genital mutilation
GANHRI	Global Alliance of National Human Rights Institutions
GBV	Gender-based violence
GREVIO	Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence
HLPF	United Nations High-level Political Forum on Sustainable Development
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICPD	International Conference on Population and Development
IGAD	Intergovernmental Authority on Development
IPU	International Organization of Parliaments
Istanbul Convention	Council of Europe Convention on preventing and combating violence against women and domestic violence
LAS	League of Arab States
Maputo Protocol	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
MESECVI	Follow-up Mechanism to the Belém do Pará Convention
MP	Member of Parliament
NGO	Non-governmental organization
NHRI	National Human Rights Institution
NMIRF	National Mechanism for Implementation, Reporting and Follow-up
OAS	Organization of American States
OHCHR	Office of the High Commissioner for Human Rights
PAP	Pan-African Parliament
PDCI	Population Development Composite Index
RECs	Regional Economic Communities
SAARC	South Asian Association for Regional Cooperation
SADC	Southern African Development Community
SADC-PF	SADC Parliamentary Forum
SAIEVAC	South Asia Initiative to End Violence against Children
SDGs	Sustainable Development Goals
SRHR	Sexual and reproductive health and rights
UN	United Nations
UNCT	United Nations Country Team
UNFPA APRO	United Nations Population Fund - Asia Pacific Regional Office
UNFPA ASRO	United Nations Population Fund - Arab States Regional Office
UNFPA ESARO	United Nations Population Fund - East and Southern Africa Regional Office
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
VNR	Voluntary National Review

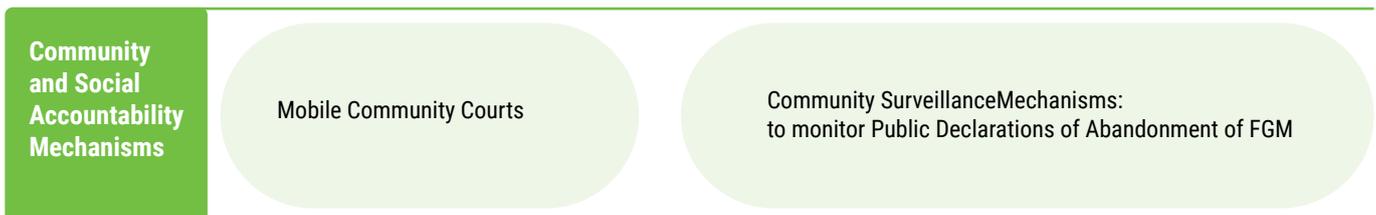
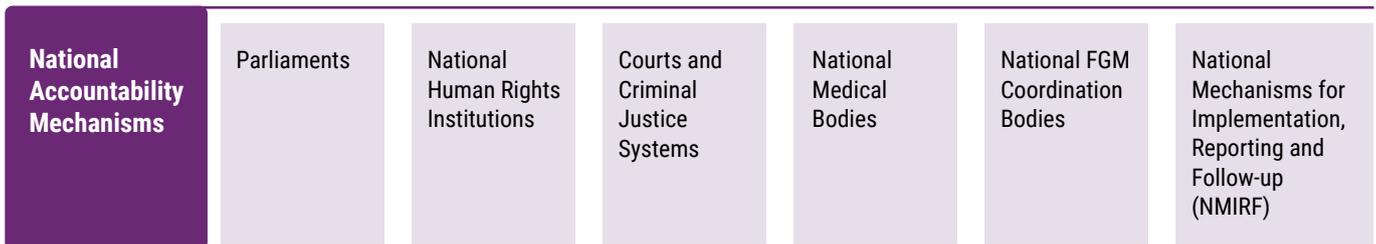
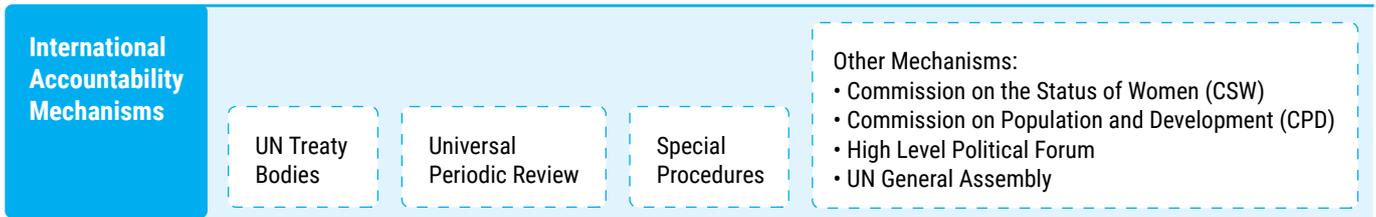


Executive summary

Female genital mutilation (FGM) is a human rights violation deeply rooted in gender inequality and discrimination. FGM violates various human rights under international human rights law including, among others, the rights to equality, life and health and the rights to be free from discrimination, torture and cruel, inhuman and degrading treatment. The failure by States to end this harmful practice against women and girls is a violation of States' obligations to respect, protect and fulfil the enjoyment of all human rights. These obligations are accompanied by certain human rights accountability mechanisms that are critical in holding States to account for implementing their international and regional human rights obligations and commitments.

This report provides a comprehensive compendium of accountability mechanisms at the global, regional, national and community levels that hold national and sub-national governments and regional bodies accountable to their obligations and commitments to eliminating FGM. It provides an overview of the mandate of the relevant accountability mechanisms, information on the methods of engagement and examples of recommendations and decisions by the various accountability mechanisms. Several case studies illustrate successful engagement with accountability mechanisms by United Nations agencies and other stakeholders, demonstrating how such engagement has contributed to progress towards eliminating FGM.

Compendium of accountability mechanisms



Impact of engaging with accountability mechanisms

Strategic engagement around these accountability mechanisms, including by United Nations agencies, has contributed to progress towards eliminating FGM in the following ways:



Consistent engagement with international human rights mechanisms such as the UN Treaty Bodies and the Universal Periodic Review (UPR), combined with advocacy and support for the implementation of their recommendations on ending FGM, have contributed to progress on the ground. In Côte d'Ivoire, for example, the UPR engagement contributed to a shift in societal perceptions about FGM and strengthened culturally-sensitive approaches by the State to address FGM.



Strategic litigation on FGM issues before international, regional and national courts can strengthen legal protection from FGM for women and girls. In Kenya, the High Court upheld the anti-FGM law and recommended the government to strengthen its provisions. In Denmark, the Committee on the Rights of the Child prevented a girl from being deported to Somalia to protect her from being subjected to FGM.



Collaborating with regional and sub-regional mechanisms and strategically using their resolutions and decisions on FGM as part of advocacy can contribute to coordinated and accelerated action. For example, UNFPA and UNICEF leveraged commitments made by the African Union and East African Community to promote and support the development of an Inter-Ministerial Declaration and Costed Regional Action Plan to End Cross-border FGM. Adopted by five East African States, the action plan is being implemented to prevent and address cross-border FGM.



National bodies such as Parliaments and National Human Rights Institutions (NHRIs) can play a critical monitoring and oversight role. This promotes the effective implementation of laws and policies against FGM and ensures adequate budgeting for action plans to end FGM.



Social and community accountability mechanisms can contribute to shifting harmful social norms that underpin FGM. For example, in some countries community members have set up surveillance mechanisms to hold each other to account to meet their commitments to abandon FGM made through public declarations.

Guidance for engaging with accountability mechanisms

Despite the examples of successful engagement, many mechanisms remain underutilized. They have the potential to play a far greater role in ensuring accountability and galvanizing action towards ending FGM. The recommendations and decisions issued by these mechanisms are complementary and mutually reinforcing. United Nations agencies and other stakeholders working on eliminating FGM should develop comprehensive strategies aimed at systematically engaging with accountability mechanisms at all levels. Keeping in mind their respective strengths and weaknesses, the partners should determine which mechanism would be most effective in achieving the specific strategic objectives.

This report provides detailed **programming guidance** for United Nations entities, civil society organizations (CSOs) and other stakeholders regarding how they can strategically approach and engage with accountability mechanisms as part of a broad human rights ecosystem, with each level supporting the other. Approaches to such programming include the following:

- 1 Human rights-based approach:** Strengthen and integrate work on human rights, particularly engaging with accountability mechanisms. Promoting the human rights-based approach includes: ensuring that the design of national and sub-national interventions aligns with regional and international human rights standards on FGM; integrating recommendations of human rights mechanisms into global, regional and national strategies and plans to address FGM; and providing technical and resource support to the regional and country offices of United Nations agencies to facilitate their engagement with accountability mechanisms.
- 2 Integrated approach:** Link efforts to end FGM with work on gender-based violence (GBV) and other harmful practices such as child marriage. In this work, ensure that recommendations from international and regional human rights mechanisms, as well as other national commitments, are integrated. Support governments in developing and implementing integrated national-level action plans and strategies to end FGM and other harmful practices.
- 3 Systematic and consistent engagement:** Systematically and consistently engage with international and regional human rights mechanisms to ensure that FGM is prioritized when they issue recommendations to countries where there is evidence FGM is practised.

- 4 Capacity development:** Build the capacity of all stakeholders, including government, civil society and the country office staff of United Nations agencies, to engage with international and regional human rights mechanisms and to implement the recommendations of these mechanisms.
- 5 Support to civil society:** Provide civil society organizations with technical and financial support to engage with international and regional human rights mechanisms and to support their accountability functions at the national, sub-national and community levels.
- 6 Collaboration:** Collaborate closely with the United Nations Country Team (UNCT) and other UN entities at the country, regional and global levels to produce joint reports and harness the complementarity of the mandates of various agencies. Promote cross-learning and collaboration between regional human rights mechanisms in various regions; as well as between international, regional and national mechanisms. Collaboration can lead to joint recommendations, strategies and efforts to address FGM.
- 7 Communication:** Disseminate recommendations, concluding observations, resolutions, outcome documents and other outputs relating to FGM from international and regional human rights mechanisms widely at the country level to a broad spectrum of stakeholders.
- 8 Implementation:** Facilitate and monitor the implementation of recommendations from international and regional human rights mechanisms, including by providing technical and financial assistance to governments where appropriate to implement specific recommendations, by using the recommendations as advocacy tools and entry points for political dialogue, and using data to keep track on progress.
- 9 Strengthen national and community accountability mechanisms:** Strengthen national accountability mechanisms, such as NHRIs, to monitor FGM as part of their human rights monitoring role. Build the capacity of stakeholders who contribute to these mechanisms such as justice system actors, parliamentarians and government officials to understand and apply human rights-based approaches towards ending FGM.



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Introduction

Female genital mutilation (FGM) is a practice that involves altering or injuring the female genitalia for non-medical reasons. It is internationally recognized as a human rights violation, a form of gender-based violence, and as a harmful practice.

Purpose and objectives

In 2008, the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF) established the "UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change" (Joint Programme), which is currently in its fourth phase of implementation.¹ In order to support evidence-based decision-making and inform programming, an evaluation was carried out in 2021 to assess the Joint Programme's contributions to outputs and outcomes during its third phase. One of the main findings of the evaluation was the need for the Joint Programme to develop a comprehensive strategy that articulates its roles in strengthening and supporting the implementation of accountability systems.² It was envisaged that such a strategy would also map out the different accountability systems at the global, regional and national levels, enabling the identification of further potential areas of support.

Under the leadership of UNFPA, the Joint Programme has responded to this recommendation by collaborating with Equality Now to conduct a mapping and develop a compendium of accountability mechanisms at the global, regional, national and community levels that are relevant in holding national and subnational governments, regional bodies and global institutions accountable and ensuring their compliance with existing and future commitments to ending FGM. The report includes examples of how UNFPA and UNICEF offices have engaged with these mechanisms around FGM. It also includes programming guidance about how to strategically approach and engage with these accountability mechanisms as part of a broad human rights ecosystem, with each level supporting the other. This report is meant as a resource for staff of the Joint Programme and UNFPA/UNICEF regional and country offices along with civil society actors and other stakeholders.

¹ UNFPA, *Joint evaluation of the UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change Phase III (2018-2021)*. www.unfpa.org/joint-evaluation-unfpa-unicef-joint-programme-elimination-female-genital-mutilation-accelerating.

² *Ibid.*, at 88.

Scope

Defining accountability

The African Union (AU) Accountability Framework on the Elimination of Harmful Practices defines accountability as “the obligation of ‘power holders’ or ‘duty-bearers’ to account for or take responsibility for actions or inactions.”³ Accountability is regarded as a combination of mechanisms and processes, facilitating engagement of different stakeholders. Within the context of FGM, accountability entails the fulfillment of obligations and commitments towards eliminating FGM..

This report adopts a similarly broad conception of accountability. It includes a wide range of mechanisms, processes and institutions at the global, regional, national and community levels that can be used to ensure compliance.

Geographic scope

The strategy for Phase IV of the Joint Programme promises that “the programme will be expanding and intensifying its global ‘influence’ by broadening its reach and influence beyond the 17 countries that it currently supports.”⁴ As such, the mapping of accountability mechanisms undertaken for this report is global in scope. Recognizing the high prevalence of FGM in Africa and the Middle East, however, the report provides a more in-depth analysis of the mechanisms in these two regions, while providing a high-level overview of mechanisms in other geographical regions.

The accountability mechanisms at the national and community levels vary depending on the specific context of each country. This report provides a high-level overview of key national and community-level processes and mechanisms that can be used for promoting accountability towards eliminating FGM.

³ African Union (2022). *The African Union Accountability Framework on the Elimination of Harmful Practices*, 23. https://au.int/sites/default/files/newsevents/workingdocuments/41106-wd-AU_ACCOUNTABILITY_FRAMEWORK_ON_THE_ELIMINATION_OF_HARMFUL_PRACTICES-ENGLISH.pdf.

⁴ UNFPA-UNICEF Joint Programme on Elimination of Female Genital Mutilation (2021). *Delivering the Global Promise: End FGM by 2030*, 23. www.unicef.org/media/119261/file/Delivering-the-Global-Promise.pdf.

Overview of the report

Introduction: Purpose, objectives and scope.



Chapter 1: The first chapter provides programming guidance on steps to take to engage strategically and comprehensively with accountability mechanisms.



Chapter 2: The second chapter includes a brief overview of the human rights obligations of States to address FGM under regional and international human rights frameworks.



Chapter 3: The third chapter maps the international human rights mechanisms that can be used to promote accountability towards ending FGM, including the United Nations Treaty Bodies, Special Procedures and the Human Rights Council. It includes an overview of the mandate and powers of these mechanisms, how they relate to the issue of FGM, and how United Nations agencies and other stakeholders can effectively utilize them to hold States accountable.



Chapter 4: An overview of key accountability mechanisms at the national level is provided in chapter four, with a focus on the role of parliaments, national medical bodies and the criminal justice system in promoting accountability of various actors.



Chapter 5: The fifth chapter addresses social and community accountability mechanisms. Recognizing that social, community and sub-national accountability mechanisms vary in each country and can potentially cover a wide range of mechanisms, this chapter specifically addresses the role of two community accountability mechanisms that have been vital in promoting accountability towards ending FGM: mobile community courts and community surveillance mechanisms set up to monitor compliance with public declarations to abandon FGM.



Chapter 6: The sixth chapter addresses regional human rights accountability mechanisms in Africa, at the regional level (through the AU) as well as the sub-regional level, particularly those set up by the Regional Economic Communities (RECs).



Chapter 7: The seventh chapter provides a brief overview of the regional accountability mechanisms available in other regions, namely the Middle East and North Africa, Europe, Asia and the Americas.



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CHAPTER 1

Programming guidance for engaging with accountability mechanisms

The first chapter provides programming guidance on steps to take to engage strategically and comprehensively with accountability mechanisms.

1.1 General steps

Recognize and address FGM as a global issue: It is now widely accepted that FGM is a global phenomenon, with research showing its occurrence in over 90 countries.⁵ The strategy for Phase IV of the Joint Programme emphasizes that “the programme will be expanding and intensifying its global ‘influence’ by broadening its reach and influence beyond the 17 countries that it currently supports.”⁶ In many cases, however, engagement with accountability mechanisms on FGM is limited to a small number of countries. A report by UNFPA, for example, found that only a few countries were a focus of 90 per cent of recommendations in the UPR process.⁷ This demonstrates the need for more sustained global advocacy and awareness-raising around the issue to ensure that addressing FGM in all countries where it takes place is a priority for accountability mechanisms at all levels –international, regional, national and community.

⁵ Equality Now, End FGM European Network & U.S. End FGM/C Network (2020). FGM/C: A Call for a Global Response, 2020. www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/.

⁶ UNFPA-UNICEF Joint Programme on Elimination of Female Genital Mutilation (2022). Delivering the Global Promise: End FGM by 2030. www.unicef.org/media/119261/file/Delivering-the-Global-Promise.pdf.

⁷ UNFPA (2020), *Accountability for Eliminating Female Genital Mutilation: A Focus on the Third Cycle of the Universal Periodic Review*, 5. www.unfpa.org/sites/default/files/resource-pdf/FGM_factsheet_16-online.pdf

Apply a human rights-based approach: The design of national and sub-national interventions should align with regional and international human rights standards. Interventions should use the messaging that FGM is a human rights violation, which is currently not always the case, as found by the evaluation of Phase III of the Joint Programme.⁸ Community-level education and awareness programmes should focus on the human rights-based approach that addresses root causes and highlights FGM as an issue affecting the rights of women and girls. This approach differs from the past focus on the health impacts of FGM.

Prioritize human rights and promotion of accountability: Strengthen and integrate work on human rights, particularly engaging with accountability mechanisms, at the Joint Programme by integrating the work into global, regional and national strategies and plans to address FGM, as well as providing technical and resource support to UNFPA/UNICEF regional and country offices to facilitate their engagement with accountability mechanisms.

Take an integrated approach:

- Engaging with accountability mechanisms is one approach in a broader set of interventions that are required to end FGM. Interventions undertaken with accountability mechanisms need to be integrated with awareness raising, community education, legislative and policy responses, etc. Accountability mechanisms should also inform other interventions.



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⁸ UNICEF & UNFPA (2021). *Joint Evaluation of the UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change, Phase III (2018-2021)*, 19. www.unfpa.org/sites/default/files/2021-12/FGM3eval_report_final%20%281%29.pdf.

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- Ensure that recommendations received from international and regional human rights mechanisms are integrated during the process of supporting governments in developing and implementing national-level action plans and strategies. This also applies to other national commitments such as commitments made during the International Conference on Population and Development (ICPD) or the Generation Equality Forum process.
 - Link engagements with accountability mechanisms on ending FGM with work on child marriage and other associated forms of harmful practices and GBV. Coordinating programming on these issues can also contribute to the development of strong national strategic action plans.⁹

Support consultative processes: Support consultative processes at the national level by bringing on board a wide range of stakeholders, including civil society, prior to government reporting to international and regional human rights mechanisms. Build government capacity to hold participatory and consultative engagement with civil society prior to such reporting. Also support consultative processes to implement recommendations from these mechanisms.

1.2 Engaging strategically with accountability mechanisms at the international and regional level

9.0.1 Overall guidance

Facilitate government reporting: Facilitate government reporting to international and regional human rights mechanisms by: (i) encouraging the government to include information on FGM as part of the state report; (ii) promoting broad-based consultation with a wide range of stakeholders, including civil society, prior to the preparation of state reports; (iii) encouraging governments, National Human Rights Institutions (NHRIs) and civil society to attend and participate in review process, including through providing funding where possible; and (iv) building capacity of governments on engaging with human rights mechanisms.

⁹ UNICEF & UNFPA (2021), at 31.

Engaging with governments during their reporting process to international human rights mechanisms can also provide an opportunity to consolidate partnerships with States towards addressing FGM.

Encourage detailed, fact-based and insightful reporting: Provide detailed alternative/country reports highlighting the specific context and prevalence of FGM in the country, progress made in addressing FGM and the specific gaps in implementation. This will allow the mechanisms to fully understand the situation in the country concerned and provide useful recommendations.

Provide data: Make available United Nations data and information to the government on the prevalence of FGM and the status of laws, policies and programmes and their progress towards ending FGM. This is important for national reporting.

Make specific and tailored recommendations: Ensure that recommendations provided in reports to international and regional human rights mechanisms refer to specific interventions or measures for eliminating FGM that are tailored to the local context, such as the enactment of laws or the introduction of education and awareness programmes.

Consistently engage with mechanisms across every stage of the process: To ensure that recommendations on FGM are consistently given priority, it is important to engage with all the United Nations human rights mechanisms (i.e. all relevant committees, Special Procedures mandates and the Universal Periodic Review) as well as regional human rights mechanisms. They are complementary and mutually reinforcing. Engage with each stage of the reporting and implementation cycle on a perpetual basis.¹⁰

Close collaboration: Collaborate closely with the United Nations Country Team (UNCT) and other United Nations entities in-country and at the regional and global level to produce joint reports and harness the complementarity of the mandates of various agencies. The Office of the High Commissioner for Human Rights (OHCHR) office at the country/regional level or the human rights adviser from OHCHR attached to the UNCT, as well as the UNFPA and UNICEF regional and global human rights advisers can provide a critical link to a number of the international human rights mechanisms and provide technical guidance on engagement. For instance, cooperation between the UNFPA Asia and Pacific Regional Office and UNFPA office in Geneva in 2020–2021 was instrumental in driving progress and building the capacity of States to report to the Universal Periodic

¹⁰ UNICEF & Universal Rights Group (2023). *Realizing Rights, Changing Lives: The Impact of the United Nations Human Rights System on the Enjoyment of Children's Rights*. www.unicef.org/documents/realizing-rights-changing-lives-impact-united-nations-human-rights-system-enjoyment.



Review and other international human rights mechanisms on FGM and other sexual and reproductive health issues.¹¹

Strategic litigation: Submit *amicus* briefs, intervention petitions or other means of providing relevant information to support critical cases on FGM before international and regional human rights mechanisms.

Strengthen staff capacities: Strengthen staff capacities to engage with international and regional human rights mechanisms about FGM, including through cross-regional training of trainers and developing a roster of UNFPA/UNICEF staff with expertise in engaging with international and regional human rights mechanisms who can offer support during these processes.¹²

Refer to internal guidance: Refer to internal guidance and toolkits on engaging with international and regional human rights mechanisms such as the UNICEF Human Rights Engagement Toolkit (available internally on SharePoint) and Elevating Rights and Choices for All: [Guidance Note for Applying a Human Rights-Based Approach to Programming in UNFPA](#).

Support civil society and feminist movements: Provide technical and financial support to civil society organizations (CSOs) and feminist movements to engage with international and regional mechanisms and to attend their sessions. Build the capacity of CSO representatives, FGM survivors and activists on human rights standards relating to FGM and how to use relevant accountability mechanisms. One forthcoming resource is an



¹¹ UNFPA (2022). *UNFPA Engagement with International Human Rights Mechanisms: A Case Study on Triangular Cooperation in the Universal Periodic Review*. https://esaro.unfpa.org/sites/default/files/pub-pdf/unfpa_committee_triangular_cooperationfinal_1_1.pdf

¹² *Ibid*, p. 8.

online course by the Spotlight Initiative Africa Regional Programme in partnership with the African Population and Health Research Center, Population Council Kenya, and the Eastern Africa National Networks of AIDS and Health Service Organizations. The course will build the capacities of CSOs, human rights defenders and other stakeholders to advocate for accountability regarding human rights and engage with the African Union human rights mechanisms.

9.0.2 UN Treaty Bodies

Submit alternative reports to Treaty Bodies: Work with the UNCT to provide information and alternative reports to Treaty Bodies that highlight FGM and include specific recommendations on the gaps in programming towards addressing FGM. The UN inter-agency group on Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) reporting has facilitated reporting by the UNCT to the CEDAW Committee, as well as other Treaty Bodies.

Highlight issues of concern: Provide briefings on specific sexual and reproductive health issues, including FGM, to each human rights Treaty Body. The aim is to enhance their understanding of the relevance of these issues to their respective mandates.

Strengthen the competency and expertise of Treaty Body members: Encourage the nomination of individuals committed to gender equality and the promotion of sexual and reproductive health issues for election to Treaty Bodies.

Promote implementation of recommendations of Treaty Bodies: Disseminate and support the implementation of recommendations by Treaty Bodies. Support National Mechanisms for Implementation, Reporting and Follow-up in countries where they are set up. See Section 2.3 on Promoting National-Level Implementation for more details.

Learn more: Learn more about how to engage the UN Treaty Bodies by referring to these resources:

- Universal Human Rights Index, <https://uhri.ohchr.org/en/>
- UN Sustainable Development Group, webpage on [UN Human Rights Treaty Bodies](#) and the [UNCT Checklist for Engaging with Treaty Bodies](#)
- UNFPA, [Advancing Rights, Transforming Lives: UNFPA strategic engagement with the United Nations human rights system to advance SRHR](#)
- UNICEF, [Implementation Handbook for the Convention on the Rights of the Child](#)

9.0.3 Universal Periodic Review

Prepare the UN's report: Preparation of the contribution to the UN compilation report¹³ should begin well in advance of the deadline for submission. The UN compilation report can be prepared through the UNCT or individually by different UN entities. Guidance is sent to each Resident Coordinator by OHCHR about one year before the UPR. Written submissions should follow the [technical guidance](#) issued by OHCHR.

Recommendations: Recommendations should either refer to recommendations from the previous cycles that have not been fully implemented, or flag violations that have emerged in the meantime.

Promote advocacy with recommending states: Prepare a one-pager with key, action-oriented recommendations on addressing FGM to be shared with permanent missions in Geneva and, if relevant, embassies in-country prior to the UPR review process. Consider attending the UPR Working Group Sessions and participate in side-events and meetings at the Human Rights Council. Engage with permanent missions in Geneva to highlight the issues relating to FGM.

Support implementation: Provide advice or support the implementation of recommendations related to FGM that are issued to the State under Review during the UPR process. A financial mechanism called the [Voluntary Fund for Financial and Technical Assistance](#) operated by OHCHR can support implementation of recommendations at the request of the State. See Section 2.3 on Promoting National-Level Implementation for more details.

Leverage resource mobilization opportunities: United Nations agencies can leverage recommendations for fundraising to support actions to end FGM. Consider approaching donor states in the country that made recommendations on FGM at the Human Rights Council.

Learn more: Learn more about engaging with the UPR through these toolkits and guides:

- Office of the High Commissioner for Human Rights, [Maximizing Use of the Universal Periodic Review at Country Level: Practical Guidance](#)
- UNFPA, [Lessons from the Second Cycle of the Universal Period Review](#)

¹³ The UPR review is based on three documents: (1) the National Report by the State under Review; (2) the Compilation of UN information (containing information in reports by Treaty Bodies, special procedures as well as submissions by UN Country Teams and UN entities); and (3) the Summary of Stakeholders' Submissions (containing information in submissions by national human rights institutions, civil society organizations and regional human rights mechanisms). Source: www.ohchr.org/sites/default/files/2022-03/TechnicalGuidelines4thCycleUNEntities_final.pdf

- UNFPA, [Advancing Rights, Transforming Lives: UNFPA strategic engagement with the United Nations human rights system to advance SRHR](#)
- UNICEF, [Universal Periodic Review – Engagement Toolkit](#)
- UN Sustainable Development Group, webpage on [Universal Periodic Review](#)

9.0.4 Engaging with accountability mechanisms at the regional level

Promote coordination and collaboration across regional mechanisms: Promote collaboration between regional human rights mechanisms in various regions, which can lead to joint recommendations, strategies and efforts to address FGM. Promote collaboration and cross-learning between the AU and League of Arab States (LAS) mechanisms, for example, especially considering that some countries fall under both regional groups. Such cross-learning should also take place across sub-regional mechanisms so that they can learn lessons and good practices from other sub-regional mechanisms.

Leverage international and regional commitments: To drive action at the regional level, leverage commitments made at the international level to address FGM including through the Human Rights Council, United Nations General Assembly (UNGA) resolutions and the Sustainable Development Goals (SDGs). Similarly, leverage commitments made at the regional level such as an AU Heads of States decision on FGM or the indicators within the AU 2063 Agenda. This can drive accountability and action by regional and sub-regional mechanisms such as the African Commission on Human and Peoples’ Rights (ACHPR), the East African Community (EAC) and Economic Community of West African States (ECOWAS).

Follow up with national counterparts: Identify Ministerial counterparts at the national level and follow up to ensure implementation of commitments and outcomes that they have endorsed in regional mechanisms. This may include the LAS, for example, since some of the decisions of the LAS Council/Ministerial Councils are binding on Member States. Work with national-level government officials to remind them of their commitments in regional and sub-regional mechanisms and secure a timeline for implementation. Support implementation by linking outcomes to sustainable programmes within UNFPA/UNICEF country offices.

1.3 Promoting national-level implementation of recommendations and decisions of accountability mechanisms

Wide dissemination: Disseminate recommendations, concluding observations, resolutions, outcome documents and other outputs relating to FGM from international and regional human rights mechanisms widely at the country level to a broad spectrum of stakeholders, including government representatives, field staff and CSOs. This can be done through UN Resident Coordinators, UNCTs, UNFPA/UNICEF country offices and through the United Nations Information Centres. Translation of key recommendations into local languages can support dissemination.

Facilitate implementation: Facilitate implementation of recommendations related to FGM from international and regional human rights mechanisms by providing technical assistance, as well as where possible, financial resources. Create an inventory of good practice examples of technical assistance programmes to assist with such facilitation.

Advocacy tools: Use recommendations, resolutions and decisions from international and regional mechanisms as advocacy tools and entry points for political dialogue. For instance, while the Joint Programme has contributed significantly to supporting the drafting and adoption of Human Rights Council and UNGA resolutions on ending FGM, significant follow-up is needed to ensure that these resolutions are used as advocacy tools at the national level, to galvanize state action and hold governments accountable to implement recommendations in resolutions they have co-sponsored.

Inform programming: Take recommendations from international and regional mechanisms into consideration into the programming process, including when assessing the situation on FGM, developing, reviewing the country programme and the UN cooperation framework, and monitoring and reporting on progress and achievements.

Learn more: Learn about facilitating follow-up and tracking of implementation of human rights recommendations through the following guide:

- United Nations Development Group, [UN Country Team Support to Tracking the Follow-up of Human Rights Recommendations](#)

1.4 Engaging with accountability mechanisms at the national level

Monitor budgetary allocations to hold governments accountable to their promises:

UNFPA/UNICEF country offices should work with UNCTs to monitor budgetary allocations towards ending FGM and also to monitor how the money is being spent. This can also be achieved through empowering CSOs and the public to participate in such budget monitoring and promote public accountability.

Advocate to promote accountability towards ending FGM: Advocate with national governments to promote accountability for ending FGM.

- Advocacy efforts can focus on the ratification of international and regional human rights conventions that prohibit FGM that the country has not ratified, such as CEDAW or the Maputo Protocol. Advocacy can also focus on adequately-costed national legal and policy frameworks, including those addressing cross-border FGM and medicalization of FGM.
- Advocacy initiatives are most successful when supported by a range of actors, including other United Nations agencies at the country level, the UNCT, CSOs, international and multilateral institutions, media, survivors and human rights activists.
- Position advocacy towards ending FGM within existing national priorities, having taken account of the current political atmosphere.
- Invest time in sensitizing key government actors on understanding FGM from a gender and human rights lens as an aspect of accountability.

Build capacity of parliamentarians: Build capacity of parliamentarians to understand FGM as a complex issue through a gender and human rights lens. Such capacity-building programmes should also focus on helping parliamentarians to build their understanding of their budgetary and monitoring roles.

Leverage National Human Rights Institutions as key partners: Work closely with NHRIs towards ending FGM, and provide technical, capacity-building and financial support to NHRIs in collecting data, raising awareness, monitoring the implementation of laws and policies on FGM. Support NHRIs in conducting public inquiries on FGM, as a critical

tool to advance accountability, in line with the primer on public inquiries developed by UNFPA in 2020.¹⁴

Improve access to justice for survivors of FGM:

- ▶ Build capacity of justice sector officials, including police, prosecutors and judges, on gender-sensitive, human rights-based approaches towards investigation, prosecution and adjudication of FGM cases.
- ▶ Provide financial support and build capacity of CSOs to provide paralegal support and other support services to survivors so that they are enabled to access justice.
- ▶ Support the development of Standard Operating Procedures (SOP) or Guidelines for investigation, prosecution and adjudication of FGM cases. In Kenya, for example, the Office of the Director of Public Prosecutions has developed an SOP and manual for prosecution of FGM cases.¹⁵
- ▶ Support the development of mobile applications that enable reporting of cases and connect survivors with legal aid and other services.
- ▶ Support improved data collection and case management systems to improve tracking and monitoring of FGM cases.
- ▶ Provide legal aid and assistance to survivors of FGM, as well as wrap-around support for the medical, educational, psychosocial and other needs of survivors, to enable them to take forward cases of FGM.

¹⁴ UNFPA (2010). *Conducting Public Inquiries to Eliminate Female Genital Mutilation*, www.unfpa.org/sites/default/files/pub-pdf/UNFPA-Conducting_Public_Inquiries_to_Eliminate_Female_Genital_Mutilation.pdf.

¹⁵ Office of the Director of Public Prosecutions (2021). *Standard Operating Procedures Manual and Rapid Reference Guide on Prosecution of Female Genital Mutilation Cases*. www.odpp.go.ke/wp-content/uploads/2021/12/SOP-Manual-Rapid-Reference-Guide-on-Prosecution-of-FGM-Cases.pdf.

1.5 Engaging with accountability mechanisms at the community level

Support CSOs, feminist movements and organizations: Provide technical and financial support to CSOs, human rights defenders and feminist movements working to ensure accountability towards ending FGM. Cooperate with civil society and feminist movements to provide support to social and community accountability mechanisms and to ensure that eradicating FGM is prioritized. Enhance support to feminist movement-building and particularly grassroots anti-FGM activists as they are key actors who consistently mobilize and hold states and other stakeholders accountable.

Establish mobile community courts: Provide technical and financial support to governments who are keen to establish mobile community courts that can take on cases of FGM.

Strengthen support to local and community-based accountability mechanisms: Advocate for sub-national mechanisms and coordinating bodies that monitor implementation of laws and policies against FGM to have sufficient representation from community members and CSOs.





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CHAPTER 2

Human rights obligations of States on addressing FGM under regional and international human rights frameworks

This chapter includes a brief overview of the human rights obligations of States to address FGM under regional and international human rights frameworks.

Under international human rights law, States have binding obligations to respect, promote, protect and fulfil human rights. FGM is a human rights violation under international human rights law and is globally recognized as a harmful practice and an extreme form of violence and discrimination against girls and women.¹⁶ Under existing human rights instruments, FGM is also widely considered as a form of torture and an extreme form of violence and discrimination against women and girls that affects a number of rights – including women’s and girls’ rights to equality and non-discrimination, life, security of the person and dignity, as well as freedom from discrimination and torture, cruel, inhuman or degrading treatment.¹⁷ Therefore, to comply with international human rights law, States have a duty to ensure that the rights of women and girls are upheld and that they are protected from all forms of harmful practices including FGM.

16 World Health Organization (2023, January 31). Female Genital Mutilation. www.who.int/news-room/fact-sheets/detail/female-genital-mutilation.

17 UNFPA (2014). Implementation of the International and Regional Human Rights Framework for the Elimination of Female Genital Mutilation. www.unfpa.org/sites/default/files/pub-pdf/FGMC-humanrights.pdf.

2.1 Typology of States' obligations

Multiple responsibilities related to the elimination of FGM arise from the fact that the practice violates several human rights of women and girls, as set out above. As a general principle of human rights law, States are required to respect, protect and fulfil the enjoyment of all human rights. Therefore, States have a legal obligation to take necessary steps to enable every person to enjoy their human rights.

Obligation to RESPECT

In so far as FGM is concerned, the obligation to respect requires States to refrain from interfering directly or indirectly with the enjoyment of rights. This means, for example, that States ought to ensure that the health system is not used to perform this harmful practice as is the case with [medicalization of FGM](#).¹⁸ States must also refrain from limiting, withholding, censoring or misrepresenting information on the harmful effects of FGM. For instance, in 1997, state-owned Gambia Telecommunications (GAMTEL) had in place a discriminatory policy banning programmes that opposed FGM; which affected the ability of NGOs and other stakeholders to reach the public with anti-FGM messages for many years.¹⁹

Obligation to PROTECT

The obligation to protect requires States to prevent third parties from interfering with the realization of rights. With regards to FGM, this includes the investigation and punishment of persons who perform FGM, including health-care providers, practitioners and others.²⁰ The obligation to protect also requires States to ensure that third parties do not violate the rights of girls and women and that protective measures are in place, such as health, legal and social services. Per CEDAW, this means that States must set in place systems and structures to support “women and children who are victims of harmful practices” by ensuring access to “immediate support services, including medical, psychological and legal services,” as well as emergency medical services.²¹

¹⁸ World Health Organization (2016). *WHO Guidelines on the Management of Health Complications from Female Genital Mutilation*, vii. https://iris.who.int/bitstream/handle/10665/206437/9789241549646_eng.pdf?sequence=1.

¹⁹ Wathi (2016). *Female Genital Mutilation and the Media in Gambia; A Turning of the Tides*. www.wathi.org/laboratoire/tribune/fgm-and-the-media-in-the-gambia-a-turning-of-the-tides/

²⁰ Committee on the Elimination of Discrimination Against Women (2014, November 14). *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices*, CEDAW/C/GC/31. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/134/42/PDF/G1913442.pdf?OpenElement>.

²¹ *Id.*, at 18.

Obligation to FULFIL

The obligation to fulfil requires States to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to enable full enjoyment of rights through the eradication of FGM.²² States must, for instance, provide for sexual and reproductive health care and adopt related national health policies and/or a related national health plan, covering both the public and private sectors. The State must take active measures to deliver health services and to provide these in a manner that respects women's dignity, exercise of choice and autonomy. Steps under the duty to fulfil could include:

- Identification of underlying causes of harmful practices and gender-based violence (GBV) and taking measures to modify social and cultural patterns with a view to eliminating prejudices and practices that are based on the inferiority or superiority of either of the sexes or stereotyped roles of men and women.
- Prevention and elimination of violence against women and girls in both the public and private spheres through adoption of an adequate, comprehensive legislation and other measures, including sanctions where appropriate, to prevent and punish all forms of violence against women and girls including FGM.
- Implementation of policies that protect victims from further harm (social, psychological and health) and ensure that programmes addressing harmful practices and GBV take into account underserved and vulnerable groups such as persons with disabilities to ensure they have access to essential services and redress.
- Development of public education campaigns (in schools for example) and comprehensive training for relevant professionals (such as for health-care workers and law enforcement professionals), to raise awareness about the impact of FGM and to combat root causes, including harmful gender stereotypes.

²² *Id.*, at 9.

2.2 International human rights frameworks relating to FGM

TABLE 1: Rights guaranteed in international human rights treaties

<p>The right to equality and non-discrimination FGM is a practice reserved for women and girls, is rooted in gender inequality and has the effect of nullifying their enjoyment of fundamental rights.</p>	<p>The right to be free from sexual and gender-based violence FGM is a form of gender-based violence, perpetrated against women and girls.</p>	<p>The right to the highest attainable standard of health FGM is linked to short and long-term harm to physical, psychological, and sexual and reproductive health, including during childbirth.</p>
<p>The rights of persons with disabilities FGM can result in disability and maternal morbidity. Women and girls with disabilities who are subject to FGM may face additional barriers in accessing services.</p>	<p>The right to life, physical integrity, liberty and security of person The practice of FGM violates the inherent dignity of woman and girl and causes harm to their bodies, including to sexual organs, sometimes even resulting in death. It may also cause psychological damage.</p>	<p>The right to be free from torture or other cruel, inhuman or degrading treatment or punishment Due to the mental, physical and psychological effects of FGM on girls and women, the practice of FGM is a form of torture and cruel, inhuman and degrading treatment.</p>
<p>The right to an effective remedy Survivors of FGM are often unable to access redress for their injuries.</p>	<p>The rights of the child FGM is commonly performed upon girls from birth to 15 years; and is against the principle of the best interests of the child.</p>	<p>The right to privacy FGM interferes with one of the most intimate aspects of a woman's life and violates the right to bodily autonomy.</p>

9.0.5 United Nations consensus documents condemning FGM

The practice of FGM began to be widely recognized and addressed by the international community as a serious human rights violation only after the 1990s.²³ The following consensus documents adopted by the United Nations have played a significant role in condemning FGM:

²³ UNFPA (2014). *Implementation of the International and Regional Human Rights Framework for the Elimination of Female Genital Mutilation*, 2014. www.unfpa.org/sites/default/files/pub-pdf/FGMC-humanrights.pdf.

- The **Vienna Declaration and Programme of Action of the World Conference on Human Rights**, adopted in 1993, calls for governments to take action to eliminate the practice of FGM despite its firm roots in culture and religion.²⁴ The Declaration urges States to “repeal existing laws and regulations and remove customs and practices which discriminate against and cause harm to the girl child.”²⁵
- The **Programme of Action of the International Conference on Population and Development (ICPD)**, adopted in 1994, urges governments and communities to take urgent steps “to stop the practice of female genital mutilation and protect women and girls from all such similar unnecessary and dangerous practices” and involve “strong community outreach programmes involving village and religious leaders, education and counselling about its impact on girls’ and women’s health, and appropriate treatment and rehabilitation for girls and women who have suffered mutilation.”²⁶
- The **Beijing Declaration and Platform for Action of the Fourth World Conference on Women (BPfA)**, was adopted in 1995.²⁷ It consists of 12 key areas of concern, including “Women and Health”, that highlight the grave health risks posed by FGM. The BPfA urges States to prioritize formal and informal educational programmes that support and enable women to “achieve mutual respect in matters concerning sexuality and fertility.”²⁸ In doing so, States should not only place special focus on programmes for both men and women that emphasize the elimination of harmful attitudes and practices, including FGM, but they should also recognize that some of these practices can be violations of human rights and ethical medical principles.
- The strongest global consensus on the elimination of FGM is enshrined in the 2030 Agenda for Sustainable Development under Goal 5 to “Achieve gender equality and empower all women and girls”.²⁹ Target 5.3 requires all 193 countries that signed on to the Sustainable Development Goals (SDGs) to “Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.”³⁰

²⁴ Vienna Declaration and Programme of Action, June 25, 1993. www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action.

²⁵ *Id.*, at ¶ 49.

²⁶ Programme of Action of the International Conference on Population and Development, 1994. ¶ 4.22, 5.5, 7.6, 7.40. www.unfpa.org/sites/default/files/pub-pdf/programme_of_action_Web%20ENGLISH.pdf.

²⁷ Beijing Declaration and Platform for Action of the Fourth World Conference on Women, 1995. www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf. See also ¶ 39.93, 107, 113,124,232,259 and 277.

²⁸ *Id.*, at ¶ 107.

²⁹ United Nations, *The 2030 Agenda for Sustainable Development*, <https://sdgs.un.org/2030agenda>.

³⁰ *Id.*

United Nations agencies have also reinforced the recognition of FGM as a human rights violation, including through the adoption of a statement: *Eliminating female genital mutilation: an interagency statement OHCHR, UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCR, UNICEF, UNIFEM, WHO.*³¹

2.3 Regional frameworks relating to FGM

REGION	TREATY	PROVISIONS ON ENDING FGM UNDER REGIONAL HUMAN RIGHTS FRAMEWORKS/TREATIES
The Americas	American Convention on Human Rights	<ul style="list-style-type: none"> • The right of every person to have his physical, mental and moral integrity respected • The right not to be subject to cruel, inhuman or degrading punishment or treatment • The rights of the child to measures of protection required by his condition as a minor
	Inter-American Convention on the Prevention and Eradication of Violence Against Women (Belém do Pará Convention)	<ul style="list-style-type: none"> • The right of every women to be from violence • The right to not be subjected to torture • The right to equal protection before and of the law • The right to be free from all forms of discrimination • The right to be valued and educated free of stereotypes patterns of behaviour and social and cultural practices based on concepts of inferiority or subordination

³¹ World Health Organization (2008). *Eliminating Female Genital Mutilation*. www.who.int/publications/i/item/9789241596442.

REGION	TREATY	PROVISIONS ON ENDING FGM UNDER REGIONAL HUMAN RIGHTS FRAMEWORKS/TREATIES
Africa	African Charter on Human and Peoples' Rights (Banjul Charter)	<ul style="list-style-type: none"> • The right to non-discrimination • The right to be equal before the law and to equal protection of the law • The right to life • The right to be free from torture, cruel, inhuman or degrading punishment or treatment • The right to a hearing before competent national courts • The right to enjoy the best attainable state of physical and mental health
	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)	<ul style="list-style-type: none"> • Elimination of discrimination against women • The rights to life, integrity and security of person • Elimination of harmful practices that negatively affect the human rights of women and which are contrary to recognized international standards • Prohibition, through legislative measures backed by sanctions, of all forms of FGM, scarification, medicalization and para-medicalization of FGM and all other practices in order to eliminate them • Access to justice and equal protection before the law
	African Charter on the Rights and Welfare of the Child (African Children's Charter)	<ul style="list-style-type: none"> • The right to life • The right to the best attainable standard of physical, mental and spiritual health • The right to protection against child abuse and torture • The right to protection against harmful social and cultural practices
Europe	Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)	<ul style="list-style-type: none"> • Legislative or other measures against FGM to ensure the criminalization of performing FGM, as well as coercing or procuring a woman or girl to undergo FGM
	European Union Victim's Rights Directive	<ul style="list-style-type: none"> • Provision of support services to victims of violence, including those subjected to FGM



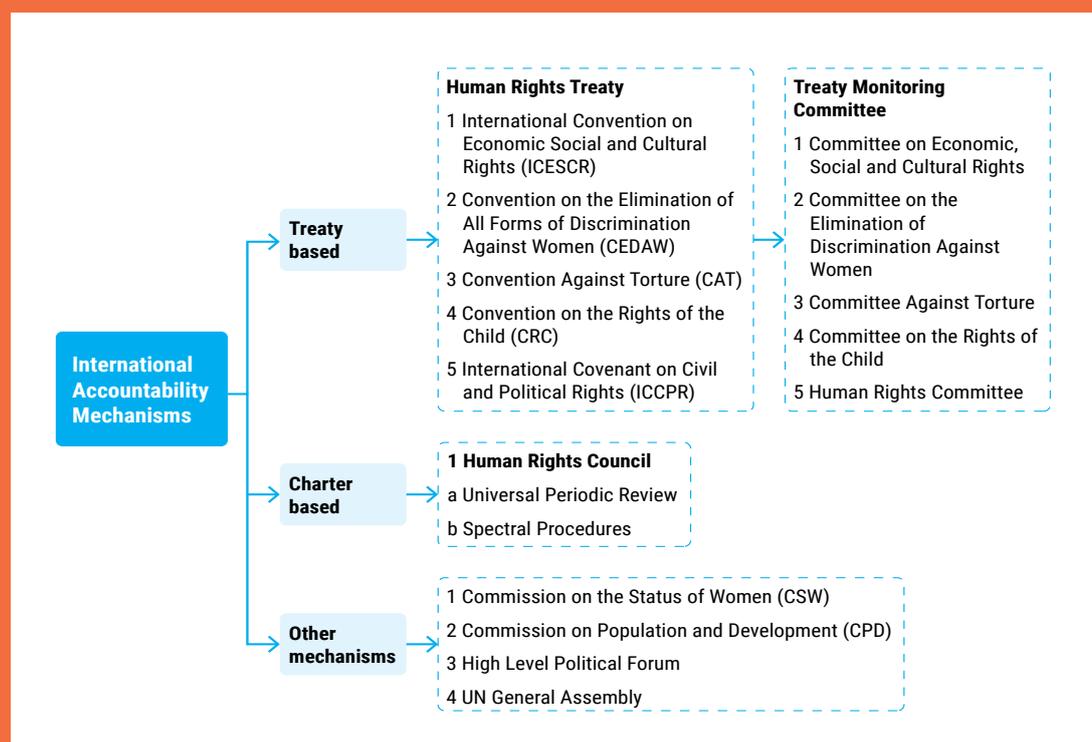
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CHAPTER 3

International accountability mechanisms for ending FGM

This chapter maps the international human rights mechanisms that can be used to promote accountability towards ending FGM, including the United Nations Treaty Bodies, Special Procedures and the Human Rights Council. It includes an overview of the mandate and powers of these mechanisms, how they relate to the issue of FGM, and how United Nations agencies and other stakeholders can effectively utilize them to hold States accountable.

FIGURE 1: Summary of international accountability mechanisms



Treaty-based monitoring mechanisms

Treaty-based bodies are made up of independent experts who have the mandate to monitor the implementation of international human rights treaties that set standards in particular areas of human rights law.³²

There are nine core international human rights treaties:

- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights
- Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child; International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families
- International Convention for the Protection of All Persons from Enforced Disappearance; Convention on the Rights of Persons with Disabilities.³³

³² UN OHCHR, *The Core International Human Rights Instruments and their monitoring bodies*. www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies.

³³ Ibid.

Box 1: Summary: Engaging with UN Treaty Bodies

How often does the Treaty Body review countries? Based on the Treaty Body involved, each country should be reviewed every four to five years. However, due to delays in State reporting, reviews often occur every eight years in practice.

Which countries are covered? All countries that have signed onto the specific treaty are covered by the Treaty Bodies. Check the [Status of Treaty Ratification](#) on the OHCHR website. The CRC has been ratified by all UN Member States except the United States of America, while CEDAW has been ratified by 189 of the 193 UN Member States.

What rights are involved? Since each treaty is thematic in nature, the rights spoken to by the various Treaty Bodies depend on their specific mandate, but range from women and girls' rights and children's rights to economic, social and cultural rights and the right to be free from torture.

What is the nature of Treaty Body recommendations? Recommendations of the Treaty Bodies are often technical, detailed and specific with regard to State obligations on ending FGM. All Treaty Bodies also produce "general comments", also referred to as "general recommendations", which serve as authoritative guides on the interpretation of the particular Treaty that they are monitoring.

Who can submit reports? CSOs, NHRIs and other stakeholders can provide alternative or shadow reports to the Treaty Body. United Nations agencies can also submit reports about the state under review, though these are normally kept confidential and not published.

Where can recommendations be found? All past concluding observations and decisions on complaints issued by Treaty Bodies can be found on the [Universal Human Rights Index](#) and the [UN Treaty Body Database](#).

What are the key strengths of the Treaty Bodies? As they are comprised of human rights experts, Treaty Bodies issue authoritative interpretations of states' human rights obligations; and can often be relied on to issue strong recommendations. Since recommendations on FGM are likely to be technical, detailed, specific and targeted, they are easier for states to implement and monitor.

3.1 Overview of the mandate of Treaty Bodies

The Treaty Bodies perform a number of functions in accordance with the provisions of the treaties that establish them. Their thematic focus and working methods all differ slightly, but in general, they perform the following functions³⁴:

- **Review reports of States Parties:** Treaty Bodies review periodic reports of States Parties on how the substantive rights protected by the relevant treaty are being effectively implemented. This period review of States Parties usually takes place once every four to five years. The Treaty Body will then issue its concerns and recommendations in the form of “concluding observations”.
 - ▷ Refer to the [Master Calendar](#) in the UN Treaty Body Database to determine when a country will come up for review before one of the Treaty Bodies.
 - ▷ The [Universal Human Rights Index](#) and the [UN Treaty Body Database](#) provide easy access to the recommendations issued by Treaty Bodies, as well as by the Universal Periodic Review and Special Procedures.
- **Consider individual complaints:** Many of the core UN human rights treaties are supplemented by optional protocols with a particular focus, which States Parties are encouraged to ratify. Under these protocols, the respective Treaty Bodies may receive individual complaints against States Parties for alleged violations of the rights protected by the treaties ratified by the State Party.³⁵
- **Conduct country inquiries:** Six of the Treaty Bodies³⁶ can initiate country inquiries if they receive reliable information of serious, grave and systemic violation of the relevant treaty by the State Party.
- **Provide expert guidance:** Treaty Bodies can adopt general comments, also known as general recommendations, and organize thematic discussions to interpret the provisions of their treaty or treaties.

³⁴ For a comprehensive overview of the United Nations human rights treaty system, see United Nations Office of the High Commissioner for Human Rights (2012), *Factsheet No. 30 (Rev. 1)*. Available at: www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-30-rev-1-united-nations-human-rights-treaty-system

³⁵ UN OHCHR (2013). *Individual Complaint Procedures under the United Nations Human Rights Treaties*. <https://digitallibrary.un.org/record/750621?ln=en>.

³⁶ Committee on Economic, Social and Cultural Rights; Committee on the Elimination of Discrimination against Women; Committee Against Torture; Committee on the Rights of the Child, Committee on Enforced Disappearances and the Committee on the Rights of Persons with Disabilities.

3.2 Treaty Bodies relevant to FGM

This section focuses on the five bodies that are most relevant to women’s rights or have developed the most jurisprudence on FGM as a harmful practice against women and girls. Other treaties may also be relevant in specific circumstances, such as the Convention on the Rights of Persons with Disabilities.

CORE UN HUMAN RIGHTS TREATY	COMMITTEE RESPONSIBLE FOR MONITORING THE TREATY
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Committee on the Elimination of Discrimination against Women
Convention Against Torture (CAT)	Committee Against Torture <ul style="list-style-type: none"> • Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
Convention on the Rights of the Child (CRC)	Committee on the Rights of the Child
International Covenant on Civil and Political Rights (ICCPR)	Human Rights Committee

In addition to the core human rights treaties, other international conventions could also be used to advocate for the elimination of FGM. For instance, the Convention relating to the Status of Refugees defines who is a refugee, what their rights are, and explains the legal obligations of states.³⁷ So, those fleeing the threat of FGM could qualify for refugee status and will have the rights as guaranteed under this Convention.³⁸

9.0.6 Committee on the Elimination of Discrimination Against Women

The CEDAW Committee has adopted 38 General Recommendations on thematic issues that affect women.³⁹ Among these recommendations, the following provide further analysis and clarifications regarding States’ obligations towards women and girls concerning harmful practices and different forms of violence against women, including FGM:

³⁷ Convention relating to the Status of Refugees, July 28, 1951. www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees.

³⁸ UN High Commissioner for Refugees (March 31, 2010). *Guidance Note on Refugee Claims Relating to Victims of Organized Gangs*. www.refworld.org/docid/4bb21fa02.html.

³⁹ UN OHCHR, *General Recommendations*. www.ohchr.org/en/treaty-bodies/cedaw/general-recommendations.

- **General Recommendation No. 14 on female circumcision** requires States Parties to take appropriate and effective measures with a view to eradicating the practice of FGM through a variety of measures, including the collection and dissemination of information against the practice.⁴⁰ The General Recommendation also requires States to include in their national health policies appropriate strategies aimed at eradicating FGM in public health care. It particularly highlights the need for such strategies to include the special responsibility of health personnel including traditional birth attendants to explain the harmful effects of FGM.
- **General Recommendation No. 19 on violence against women** acknowledges that FGM falls among “widespread practices involving violence and coercion” that are perpetuated by “traditional attitudes by which women are regarded as subordinate to men or having stereotyped roles.”⁴¹ In an update to General Recommendation No. 19, General Recommendation No. 35 on gender-based violence against women specifically recognizes that harmful practices are a form of gender-based violence.⁴²
- **General Recommendation No. 24 on women and health** urges States Parties to take robust measures against FGM through policies and measures on health care.⁴³ These measures should address the health rights of women from the perspective of women’s needs, interests and sexual and reproductive health.
- **Joint General Recommendation No. 31 of the CEDAW Committee and General Comment No. 18 of the CRC on harmful practices (as updated in 2019)** requires States Parties to implement well-defined, rights-based and locally relevant holistic strategies for the prevention and elimination of harmful practices, including FGM.⁴⁴ In particular, the Joint General Recommendation requires states to “explicitly prohibit by law and adequately sanction or criminalize harmful practices, in accordance with the gravity of the offence and harm caused, provide for means of prevention,

⁴⁰ CEDAW Committee (1990). *General recommendation No. 14: Female circumcision*. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FGEC%2F3729&Lang=en.

⁴¹ CEDAW Committee (1992). *General recommendation No. 19: Violence Against Women*, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FGEC%2F3731&Lang=en.

⁴² CEDAW Committee (2017). *General recommendation No. 35: Gender Based Violence Against Women, Updating General Recommendation No. 19*. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F35&Lang=en.

⁴³ CEDAW Committee (1999). *General recommendation No. 24: Women and Health*. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FGEC%2F4738&Lang=en.

⁴⁴ CEDAW Committee (2014). *Joint General Recommendation No. 31 of the CEDAW Committee and General Comment No. 18 of the CRC on harmful practices* (Rev. 1 as revised in 2019). https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FGC%2F31%2FREV.1&Lang=en.

protection, recovery, reintegration and redress for victims and combat impunity for harmful practices.”⁴⁵

The CEDAW Committee has made numerous concluding observations on FGM to Member States, some examples of which are provided below:

- ▷ **Germany (2023):** *Provide information on support measures available to survivors of female genital mutilation; adequately fund mandatory training for health professionals and social workers on identifying potential victims of female genital mutilation and referring them to adequate support services; and ensure that perpetrators are brought to justice.*
- ▷ **Mauritania (2023):** *Ensure the strict application and wide dissemination of the General Child Protection Code (2018), strengthen awareness-raising campaigns, in particular among religious and community leaders, health professionals, teachers, parents and girls, in cooperation with civil society, on the criminal nature of female genital mutilation, its adverse effects on the human rights, physical integrity, health and dignity of women and girls, its long-term physical and psychological consequences and the need to eradicate it and its underlying cultural justifications, in particular in the Hodh el Gharbi, Tagant and Guidimaka regions of the State Party.*
- ▷ **Maldives (2021):** *Criminalize female genital mutilation/cutting and provide education and information on the criminal nature and harmful effects of the practice, take proactive measures to protect women and girls from female genital mutilation/cutting, and prosecute clerics promoting the practice.*

⁴⁵ CEDAW Committee (2014). *Joint General Recommendation No. 31 of the CEDAW Committee and General Comment No. 18 of the CRC on harmful practices* (Rev. 1 as revised in 2019), ¶ 13. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2FC%2FGC%2F31%2FREV.1&Lang=en.

9.0.7 Committee on the Rights of the Child

The Committee on the Rights of the Child (CRC Committee) oversees and monitors implementation of the Convention on the Rights of the Child (CRC), which is the most widely ratified human rights treaty in the world. The Convention has been ratified by all countries that have high FGM prevalence.⁴⁶ The CRC Committee has adopted 25 General Comments⁴⁷ focusing on a variety of issues including harmful practices. The most relevant of these is **General Comment No. 18 on harmful practices**, mentioned above, which the CRC Committee adopted jointly with the CEDAW Committee.⁴⁸ Another relevant normative guidance issued by the CRC Committee is **General Comment No. 4 on Adolescent health and development**.⁴⁹ This General Comment urges States Parties to develop and implement awareness-raising campaigns, education programmes and legislation to address norms and stereotypes that contribute to harmful traditional practices.⁵⁰

The CRC Committee in its concluding observations explicitly recommended that governments enact legislation prohibiting FGM and conduct awareness-raising programmes. Recommendations issued by the CRC Committee include the following examples:

- ▷ **Panama (2017):** *Investigate the possible existence of female genital mutilation in its indigenous population in the border area with the Colombian coast and—if the findings prove the existence of this practice on the territory of the State Party—take the necessary measures to end the practice.*
- ▷ **Oman (2023):** *Ensure that the executive regulations of the Law of the Child, which designates female genital mutilation as a harmful traditional practice, is enforced through sanctions, and undertake sustained comprehensive efforts to prevent female genital mutilation throughout the country.*

⁴⁶ As of 2023, the United States of America is the only country that has which has not ratified the CRC.

⁴⁷ United Nations office of the High Commissioner for Human Rights, *General Comments*, www.ohchr.org/en/treaty-bodies/crc/general-comments.

⁴⁸ *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices* (2019), CEDAW/C/GC/31/REV.1. www.ohchr.org/en/documents/general-comments-and-recommendations/joint-general-recommendation-no-31-committee;

⁴⁹ UN Committee on the Rights of the Child (2003). *General comment No. 4: Adolescent Health and Development in the Context of the Convention on the Rights of the Child*, CRC/GC/2003/4. www.refworld.org/docid/4538834f0.html.

⁵⁰ *Id.*, at ¶ 20.

9.0.8 Human Rights Committee

One of the General Comments adopted by the Human Rights Committee that is particularly relevant to FGM is General Comment No. 28 on the equality of rights between men and women. It urges States to take more robust measures to eliminate FGM and while reporting, provide information on its extent, and on measures taken by the State Party to eliminate FGM, including measures of protection and available legal remedies.⁵¹ The Human Rights Committee has issued several concluding observations relating to FGM:

- ▷ **United States (2023):** *The State Party should intensify its efforts to prevent, combat and eradicate all forms of violence against women and girls, in particular by...Encouraging states to pass legislation that prohibits and criminalizes all forms of FGM and to effectively implement the Stop FGM Act.*
- ▷ **Senegal (2019):** *Strictly enforce Act No. 99-05 of 29 January 1999, which contains provisions on the prohibition of female genital mutilation, by ensuring that practitioners are prosecuted and convicted.*
- ▷ **Liberia (2018):** *Strengthen awareness-raising and education programmes on the discriminatory and long-term harmful effects of female genital mutilation, among other harmful practices, in consultation with women's groups and relevant human rights civil society organizations, and ensure that the communities where such practices are widespread are targeted in order to bring about a change in mindsets.*



⁵¹ Human Rights Committee (2000), CCPR General Comment No. 28: Article 3, ¶ 11. www.refworld.org/docid/45139c9b4.htm.

9.0.9 Committee against Torture

The Committee against Torture (CAT Committee) monitors the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁵² It is composed of 10 independent experts. The core mandate of the CAT Committee is to examine reports of torture. It has recognized FGM as a grave form of violence against women and girls that amounts to torture.

Since establishment, the CAT Committee has published four General Comments on issues relating to torture and its victims.⁵³ The Committee's General Comment No. 2 on the Implementation of Article 2 (Prohibition of Torture) by States Parties explicitly recognizes FGM as a form of torture and notes that "[s]ince the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to States Parties' failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking."⁵⁴

The CAT Committee has increasingly been addressing FGM in its concluding observations and issued recommendations:

- ▶ **Ethiopia (2023):** *The State Party should ensure effective implementation of the National Strategy and Action Plan on harmful traditional practices against women and children and the national costed road map to end child marriage and female genital mutilation/cutting by 2025, including by strengthening targeted measures to address discriminatory attitudes at the community level, including among actors in customary justice systems.*
- ▶ **Niger (2019):** *Continue its efforts to train those who work in the criminal justice system on the effective implementation of the law against female genital mutilation and pursue existing awareness-raising campaigns.*

⁵² UN OHCHR, *Committee Against Torture*. www.ohchr.org/en/treaty-bodies/cat.

⁵³ UN OHCHR, *General Comments*. www.ohchr.org/en/treaty-bodies/cat/general-comments.

⁵⁴ Committee Against Torture, *General Comment No. 2*, ¶ 18, CAT/C/GC/2. <https://daccess-ods.un.org/tmp/607964.657247067.html>.

9.0.10 Committee on Economic, Social and Cultural Rights

The Committee on Economic, Social and Cultural Rights (ESCR Committee) monitors States Parties' implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁵⁵ To date, the ESCR Committee has adopted several General Comments, including on issues such as women's and girls' right to health. In particular, **General Comment No. 22 on the right to sexual and reproductive health** highlights the importance of States taking preventive, promotional and remedial action to shield all individuals from harmful practices that deny them their full sexual and reproductive health, including FGM.⁵⁶ The General Comment also calls on States to enact and enforce the legal prohibition of harmful practices and GBV, including FGM.

Similarly, the ESCR Committee's **General Comment No. 14 on the right to the highest attainable standard of health** underscores the need to adopt effective and appropriate measures to abolish harmful traditional practices affecting the health of children, particularly girls, including FGM.⁵⁷ The General Comment also requires States to prevent third parties from coercing women to undergo traditional practices such as FGM. The ESCR Committee on FGM has issued the following concluding observations:

- ▷ **Burkina Faso (2016):** *The Committee invites the State Party... [t]o redouble its efforts to combat female genital mutilation by such means as acting on the findings of studies, corroborated by empirical data, on the root causes of this practice and conducting regular awareness-raising campaigns against it.*
- ▷ **Djibouti (2013):** *Strengthen the capacity of traditional and religious leaders to speak out against all forms of gender-based discrimination, including forms of violence against women such as female genital mutilation.*

9.0.11 Engaging UN human rights Treaty Bodies

In order to ensure Treaty Bodies have a realistic and accurate picture of the human rights situation in that country, CSOs can participate in human rights monitoring and engage with the relevant Committees. This role involves the active collection, evidence,

⁵⁵ UN OHCHR, *Committee on Economic, Social and Cultural Rights*, <https://www.ohchr.org/en/treaty-bodies/cescr>

⁵⁶ Committee on Economic, Social and Cultural Rights (2016). *General Comment No. 22 on the right to sexual and reproductive health*, E/C.12/GC/22. www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-22-2016-right-sexual-and

⁵⁷ Committee on Economic, Social and Cultural Rights (2000). *General Comment No. 14: The right to the highest attainable standard of health*. www.refworld.org/pdfid/4538838d0.pdf.

analysis and use of information to assess and address human rights concerns, and may include providing recommendations for the Committee in the form of shadow reports.⁵⁸ United Nations agencies, funds and programmes and UNCTs are also encouraged to actively engage with the human rights Treaty Bodies as appropriate and pursuant to their individual mandates. This could include participating in the sessions and submitting data and information of relevance to Treaty Bodies.

There are a number of ways to engage in the Treaty Body monitoring process to raise issues of concern regarding the protection of women and girls from FGM:

I. **Submit written information and material, in the form of alternative or shadow reports⁵⁹** on how the State Party conducts itself, to human rights Treaty Bodies during the following stages:

- ▷ In preparation for the Pre-Sessional Working Group to support the Treaty Body's preparation and adoption of the List of Issues and List of Issues Prior to Reporting (LOIPR).⁶⁰ With the simplified reporting procedure increasingly being adopted by Treaty Bodies, engagement by UN agencies and CSOs with the LOIPR process is of strategic importance to drive the areas of focus in the dialogue with the State Party, for example on progress of implementation of previous recommendations.⁶¹
- ▷ For the consideration of the Treaty Body during its examination of the State Party's report.
- ▷ For the consideration of the Treaty Body's procedure for follow-up to Concluding Observations.

Since 2005, an inter-agency group on CEDAW reporting has facilitated reporting by UNCTs to the CEDAW Committee, as well as other Treaty Bodies.⁶² United Nations agencies often

⁵⁸ See, United Nations office of the High Commissioner for Human Rights (2013). *A Practical Guide for Civil Society: How to Follow Up on United Nations Human Rights Recommendations*. www.ohchr.org/en/publications/policy-and-methodological-publications/how-follow-united-nations-human-rights.

⁵⁹ An alternative report is one which is produced by civil society in the absence of a State party report, while a shadow report is undertaken when a State Party report has been produced.

⁶⁰ ISHR Academy, *Understanding the Treaty Bodies*, <https://academy.ishr.ch/learn/treaty-bodies/periodic-reviews--what-do-the-treaty-bodies-do> ("In the simplified reporting procedure, the process is commenced by the Treaty Body preparing a list of issues prior to reporting (LOIPR) before a State submits its report. Under the simplified reporting procedure, the State party's response to the LOIPR constitutes the State report to be reviewed under that particular treaty. The aim of this procedure is to streamline the reporting process by removing the need for States both to submit a report and then respond to a list of issues and questions.")

⁶¹ See UNFPA & Universal Rights Group (2023). *Advancing Rights, Transforming Lives: UNFPA strategic engagement with the United Nations human rights system to advance sexual and reproductive health and rights*. www.unfpa.org/publications/realisingrights.

⁶² UN Sustainable Development Group, *UN Human Rights Treaty Bodies*. <https://unsdg.un.org/2030-agenda/strengthening-international-human-rights/un-treaty-bodies>.

collaborate with the UNCT reporting or submit separate alternate reports. For instance, UNICEF regularly submits alternative reports to the CRC for most countries under review. Case studies with examples of the impact of reporting to Treaty Bodies by United Nations agencies have been published by both UNICEF⁶³ and UNFPA.⁶⁴

II. Participate in human rights Treaty Body sessions as an observer or through oral statements

in order to brief the Treaty Body based on the written submissions and answer questions that the members of the Committee may have on particular issues (depending on the rules of each human rights Treaty Body).⁶⁵ For instance, the pre-sessional Working Group meetings of the CRC Committee are open to UNICEF and other specialized agencies invited by the CRC Committee to provide expert advice, as well as to CSOs and children.⁶⁶ The CRC Committee only invites partners whose information is “particularly relevant to its consideration of the State Party’s report” and who can provide “first-hand information that is complementary to information already available to the Committee.”⁶⁷

III. Submit an individual complaint to human rights Treaty Bodies to highlight specific cases or areas of concern, if the State Party has ratified the Optional Protocol allowing complaints.⁶⁸ The Optional Protocols to the ICESCR, CEDAW, CAT, CRC and the ICCPR establish complaint and inquiry procedures.⁶⁹

⁶³ UNICEF & Universal Rights Group (2023). *Realizing Rights, Changing Lives: The Impact of the United Nations Human Rights System on the Enjoyment of Children’s Rights*. www.unicef.org/documents/realizing-rights-changing-lives-impact-united-nations-human-rights-system-enjoyment.

⁶⁴ UNFPA & Universal Rights Group (2023). *Advancing Rights, Transforming Lives: UNFPA strategic engagement with the United Nations human rights system to advance sexual and reproductive health and rights*. www.unfpa.org/publications/realisingrights.

⁶⁵ The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on Migrant Workers allocate time to oral submissions during their reporting sessions. United Nations Office of the High Commissioner for Human Rights (2008), *Working with the United Nations Human Rights Programme, A Handbook for Civil Society*, 53. www.ohchr.org/en/publications/special-issue-publications/working-united-nations-human-rights-programme-handbook.

⁶⁶ UNICEF (2007). *Implementation Handbook on the Convention of the Rights of the Child*, 647. www.unicef.org/lac/media/22071/file/Implementation%20Handbook%20for%20the%20CRC.pdf.

⁶⁷ UN OHCHR, *Information for civil society, NGOs and NHRIs*. www.ohchr.org/en/treaty-bodies/crc/information-civil-society-ngos-and-nhris.

⁶⁸ UN OHCHR (2013). *Fact Sheet No. 07 (Rev. 2): Individual Complaints Procedures under the United Nations Human Rights Treaties*. www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-07-rev-2-individual-complaints-procedures-under-united.

⁶⁹ Optional Protocol to the Covenant on Economic, Social and Cultural Rights, December 10, 2008. www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-international-covenant-economic-social-and; Optional Protocol to the Convention on the Elimination of Discrimination against Women, October 6, 1999. www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-elimination-all-forms; Optional Protocol to the Convention on the Rights of the Child on a communications procedure, December 19, 2011. www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications; Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 18, 2002. www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel; Optional Protocol to the International Covenant on Civil and Political Rights, December 16, 1966. www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-international-covenant-civil-and-political.

In June 2023, the CRC Committee decided on an individual communication against Denmark filed by parents on behalf of their daughter, whose asylum claim based on the risk of being subjected to FGM in her home country of Somalia had been rejected by the Danish government. The CRC Committee found that the State Party failed to consider the best interests of the child when assessing her alleged risk of being subjected to FGM if deported to Somalia and to take proper safeguards to ensure the child's well-being upon return. Thus, it found that deportation of the girl to Somalia would violate the provisions of the CRC and that the State was obliged to refrain from carrying out the deportation.⁷⁰

IV. Provide reliable information to the Treaty Body on serious, grave or systematic violations by a State Party to the Convention to generate confidential inquiries, provided the State has opted into this procedure (for example through ratification of the treaty's Optional Protocol).⁷¹ For instance, the CEDAW Committee conducted an inquiry on FGM in Mali, based on information received from three organizations.⁷² In 2020, the CEDAW Committee published its report which found that Mali failed to comply with its obligation to adopt and enforce a law prohibiting FGM, thereby violating the right of Malian women to live free from GBV and discrimination. It also issued 31 specific recommendations to the Malian government to take action to end FGM.

V. Submit country-specific, evidence-based information and contribute to the development of General Comments or General Recommendations, which interpret specific articles of a treaty.⁷³ Over 30 groups and individuals provided inputs and recommendations to inform the development of the Joint CEDAW/CRC General Comment No. 31 on Harmful Practices. The inputs received are publicly accessible on the OHCHR website.⁷⁴

⁷⁰ *F.M.A. and H.K.A. (on behalf of S.H.K.) v. Denmark*, communication No. 140/2021, UN Committee on the Rights of the Child (CRC), 9 June 2023, available at: www.refworld.org/cases,CRC,64b167b54.html.

⁷¹ Four Treaty Bodies – the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances (once established) – may initiate confidential inquiries if they receive reliable information containing well-founded indications of serious, grave or systematic violations of their respective conventions in a State party. Inquiries may not be undertaken with respect to States Parties that have opted out of this procedure, and have thereby explicitly excluded the competence of the relevant committee to conduct an inquiry. For more information, see United Nations Office of the High Commissioner for Human Rights (2008). *Working with the United Nations Human Rights Programme, A Handbook for Civil Society*, 43-43. www.ohchr.org/en/publications/special-issue-publications/working-united-nations-human-rights-programme-handbook.

⁷² UN OHCHR (2020). *Mali: Failure to criminalize FGM a violation of women's fundamental rights - UN experts*, www.ohchr.org/en/news/2020/06/mali-failure-criminalise-fgm-violation-womens-fundamental-rights-un-experts.

⁷³ UN OHCHR, *General Comments*. www.ohchr.org/en/treaty-bodies/general-comments.

⁷⁴ UN OHCHR, *Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices*. www.ohchr.org/en/documents/general-comments-and-recommendations/joint-general-recommendation-no-31-committee.

VI. Contribute to Days of general discussion/thematic debates that focus on a particular theme or issue of concern.⁷⁵

VII. Promote national-level implementation of Treaty Body recommendations. UN agencies, CSOs and other stakeholders play a critical role in promoting national-level implementation of recommendations. They promote implementation in several ways:

- ▷ Disseminating recommendations, communications and reports of Treaty Bodies by organizing events, including thematic discussions, roundtables, seminars, public conferences, media and workshops at the national and local levels to raise awareness of the concluding observations or other recommendations. Through these methods, the implementation of recommendations can be pursued as a democratic process, bringing together various stakeholders including government, CSOs, national human rights institutions, judges and lawyers among others to develop strategies.
- ▷ Engaging with and supporting governments and CSOs to implement specific recommendations, e.g. on the collection of data, implementing awareness-raising programmes, training of law enforcement, etc.
- ▷ Advocating for recommendations by Treaty Bodies on FGM to be incorporated into laws, policies, national action plans and strategies that are adopted or revised by the government.
- ▷ Leveraging recommendations in conversations with development partners to promote financing of programmatic activities on the elimination of FGM.
- ▷ Monitoring the human rights situation in the country and assessing the steps taken to implement the concluding observations by State bodies.

⁷⁵ These thematic discussions are usually open to external participants, such as United Nations partners, delegations from States Parties and civil society actors, particularly NGOs, academic institutions, professional associations and individual experts. Their outcome may assist the human rights Treaty Body in the drafting of a new general comment. It can also help States and other stakeholders understand the treaty's requirements. For more information, see United Nations Office of the High Commissioner for Human Rights, *Working with the United Nations Human Rights Programme, A Handbook for Civil Society*, 44. www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf.



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Charter-based monitoring mechanisms

Charter-based bodies draw their mandate from and have evolved under the UN Charter. They include the Human Rights Council and its attendant mechanisms such as the Universal Periodic Review (UPR) and Special Procedures.

3.3 Human Rights Council

The Human Rights Council is an intergovernmental body within the United Nations system. It is made up of 47 States and is based in Geneva.⁷⁶ One of the key accountability mechanisms of the Human Rights Council is the UPR, which reviews human rights conditions in all UN Member States and subjects the States to peer-review.⁷⁷ The Human Rights Council also works through the Special Procedures, which comprise independent experts appointed by the Council to mandates as Special Rapporteurs, Independent Experts, Special Representatives or members of Working Groups. These experts are appointed to monitor, advise and report on thematic issues or situations of human rights in specific countries. More detailed information on the UPR and the Special Procedures are provided in following sections of this chapter.

The Human Rights Council has passed bi-annual resolutions on the elimination of FGM since 2014.⁷⁸ Its latest resolution, passed in its 50th session in 2022, highlights the issue of cross-border FGM and transnational protection.⁷⁹ Working with states to support, co-sponsor and engage with the bi-annual resolution on FGM (the next resolution is scheduled to be adopted in 2024) is an important intervention relating to the Human Rights Council to promote accountability for ending FGM. Resolutions draw the international community's attention to important aspects of human rights issues relating to FGM. While not binding, resolutions can be effective tools in advocating with states to take action on specific issues, especially with states who have themselves co-sponsored the resolution and thereby indicated their commitment to and acceptance

⁷⁶ United Nations Human Rights Council, *Welcome to the Human Rights Council*. www.ohchr.org/en/hr-bodies/hrc/about-council.

⁷⁷ United Nations Human Rights Council, *Universal Periodic Review*. www.ohchr.org/en/hr-bodies/upr/upr-home

⁷⁸ See, Human Rights Council Resolutions on FGM. Human Rights Council Resolution 27/22, *Intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation*, A/HRC/RES/27/22 (26 September 2014); Human Rights Council Resolution 32/21, *Elimination of female genital mutilation*, A/HRC/RES/32/21 (1 July 2016); Human Rights Council Resolution 38/6, *Elimination of female genital mutilation*, A/HRC/RES/38/6 (2 July 2018); Human Rights Council Resolution 44/L.20, *Elimination of female genital mutilation*, A/HRC/44/L.20 (17 July 2022); Human Rights Council Resolution 50/L15, *Elimination of female genital mutilation*, A/HRC/50/L.15/Rev.1 (1 July 2022).

⁷⁹ Human Rights Council (2022). *Elimination of Female Genital Mutilation*, A/HRC/50/L.15/Rev.1. <https://digitallibrary.un.org/record/3981001?ln=en>.

of the recommendations included in the resolution. For instance, HRC resolutions can be used as advocacy tools for promoting specific actions such as ending the medicalization of FGM, including by disseminating guidance and legal provisions for medical personnel and traditional birth attendants, as recommended in the 2018 resolution,⁸⁰ or putting in place specific legal and policy measures to address cross-border FGM as highlighted in the 2022 resolution.⁸¹

The Human Rights Council's resolutions on FGM can also lead to other opportunities to promote accountability towards ending FGM. For instance, in 2018, the Human Rights Council adopted Resolution 38/6, in which it requested the United Nations High Commissioner for Human Rights (OHCHR) to organize a meeting to discuss progress, gaps and challenges in the prevention and elimination of FGM.⁸² An expert group meeting on FGM was conducted in Addis Ababa in 2019 and its outcome report was submitted to the Human Rights Council in 2020, which identified pivotal actions which need to be taken to eliminate FGM.⁸³ The recommendations were addressed to a wide range of stakeholders including governments, CSOs, the Joint Programme and funders. UNFPA, for example, took on the recommendation on the need for more research on the impact of cross-border FGM and developed a report on the dynamics, causes and impact of cross-border FGM in East Africa. This then informed the development of a subsequent Inter-Ministerial Declaration and Costed Regional Action Plan to End Cross-border FGM (see the case study on page xx for more details).

⁸⁰ Human Rights Council (2018). *Elimination of Female Genital Mutilation, A/HRC/RES/38/6*. https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/38/6.

⁸¹ Human Rights Council (2022). *Elimination of Female Genital Mutilation, A/HRC/50/L.15/Rev.1*. <https://digitallibrary.un.org/record/3981001?ln=en>.

⁸² Human Rights Council (2018). *Elimination of Female Genital Mutilation, A/HRC/RES/38/6*. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/230/72/PDF/G1823072.pdf?OpenElement>.

⁸³ Human Rights Council (2020). *Expert group meeting on the elimination of female genital mutilation, A/HRC/44/33*. <https://digitallibrary.un.org/record/3865565?ln=en>.

3.4 Universal Periodic Review

Box 2: Summary: Engaging with Universal Periodic Review

How often are countries reviewed? States are reviewed every 4 ½ years. The UPR cycle follows a strict schedule and there are rarely any delays.

Which countries are covered? All UN Member States are subject to the UPR.

What rights are involved? The UPR, as a universal human rights mechanism, covers all human rights within its scope.

What is the nature of recommendations? Recommendations from the UPR are delivered from one United Nations Member State to another and recommendations can be formally accepted or noted by the State under review. Recommendations are usually not as detailed or specific as those issued by expert mechanisms.

Who can submit reports? CSOs, UN agencies and other stakeholders can provide reports to the UPR. There is a formal compilation of UN information (including recommendations of Special Procedures, Treaty Bodies and reports by United Nations Country Teams or UNFPA/UNICEF country offices) that is public and shared with Member States during the UPR.

Where can recommendations be found? All recommendations issued by the UPR can be found on the OHCHR website on [UPR Documentation](#) or on the [Universal Human Rights Index](#).

What are the key strengths of the UPR? Since the UPR is a state-driven, peer-review process, recommendations at the UPR are often given significant weight by States. Accepted recommendations also inherently come with political buy-in from the State in question. The universal nature of the mechanism can help reach all countries.

9.0.12 Overview of the UPR process

The UPR is a State-driven, peer-review process under the Human Rights Council through which all UN Member States are given the opportunity to review the human rights compliance and record of all other UN Member States.⁸⁴ It is a significant space for advocacy; and political and policy dialogue, including on ending FGM. The UPR space

⁸⁴ United Nations Office of the High Commissioner for Human Rights, *Universal Periodic Review*. www.ohchr.org/en/hr-bodies/upr/upr-home

is a valuable platform for engaging national stakeholders to follow up on international commitments and advance accountability on ending FGM.⁸⁵

The UPR is the only human rights mechanism that reviews the human rights situation in all 193 UN Member States, which can be critical in reaching governments. For example, in 2011, though Somalia had not ratified the CRC or CEDAW, the first cycle of the UPR provided an important space for promoting accountability; the Somali government received nine recommendations to eliminate FGM, including one to pass a law against it.⁸⁶

The UPR review cycle consists of a 4-and-a-half year period in which all UN Member States' human rights records are reviewed, including their efforts to end harmful practices. Universal Periodic Reviews take place through an interactive discussion between the State under review and other UN Member States during a meeting of the UPR Working Group. The process concludes with a series of recommendations.⁸⁷

UNFPA's review of recommendations found that 5 to 6 per cent of recommendations in past cycles have related to FGM, and that 90 per cent of these recommendations were accepted by the state under review.⁸⁸ The stable level of engagement and acceptance of recommendations relating to gender equality and FGM observed at the UPR show that the UPR process is a critical space for advocacy towards ending FGM. States take UPR recommendations seriously, as demonstrated by high-level representation and commitments made during the process.⁸⁹

All recommendations issued by the UPR can be found on the OHCHR website on [UPR Documentation](#) or on the [Universal Human Rights Index](#). Some examples of recommendations on FGM issued by the UPR are as follows:

▶ [Recommendation to Sri Lanka \(2023\)](#): *Adopt a law prohibiting all forms of female genital mutilation and establish a national plan of action to eradicate the practice throughout the country, including by allocating sufficient resources for prevention and education. (Costa Rica)*

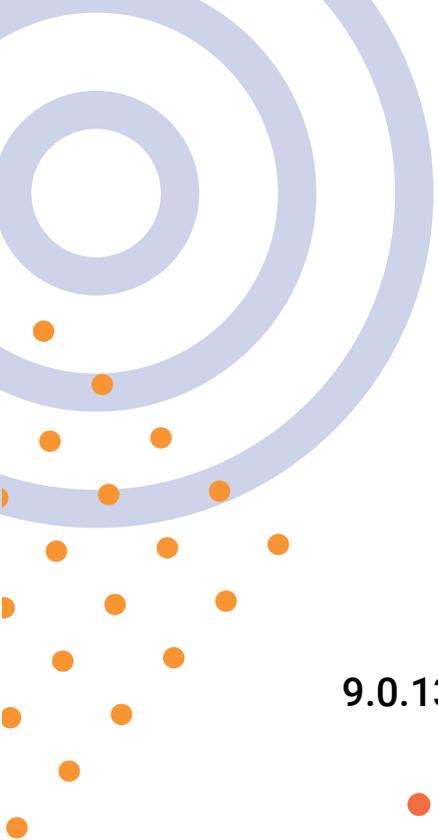
⁸⁵ UNFPA conducted assessments in 2014 and in 2018 of the UPR's first cycle (2008-2011) and second cycle (2012-2016). Both studies found that gender equality and sexual and reproductive health and reproductive rights are well featured within the outcomes of the UPR, with a good rate of acceptance and follow-up of these outcomes by Member States. UNFPA (2020), *Accountability for Eliminating Female Genital Mutilation: A Focus on the Third Cycle of the Universal Periodic Review*. www.unfpa.org/sites/default/files/resource-pdf/FGM_factsheet_16-online.pdf.

⁸⁶ UN Human Rights Council (2011). *Report of the Working Group on the Universal Periodic Review: Somalia, A/HRC/18/6*. www.refworld.org/docid/4e72e7662.html.

⁸⁷ UNFPA (2020). *Accountability for Eliminating Female Genital Mutilation: A Focus on the Third Cycle of the Universal Periodic Review*. www.unfpa.org/sites/default/files/resource-pdf/FGM_factsheet_16-online.pdf.

⁸⁸ Among the recommendations related to Goal 5 for gender equality, those on FGM accounted for about 5 per cent during the UPR's second cycle and 6 per cent in the third cycle to date. UNFPA (2020). *Accountability for Eliminating Female Genital Mutilation: A Focus on the Third Cycle of the Universal Periodic Review*. www.unfpa.org/sites/default/files/resource-pdf/FGM_factsheet_16-online.pdf.

⁸⁹ UNICEF, *Universal Periodic Review – Engagement Toolkit*. www.unicef.org/media/75361/file/Engagement-Toolkit-UPR.pdf.



- ▷ [Recommendation to Benin \(2023\)](#): *Ensure the application of Act No. 2021-11 punishing the practice of female genital mutilation by investigating this type of practice, punishing the perpetrators of such acts and conducting awareness-raising campaigns among the relevant local populations. (Burkina Faso)*
- ▷ [Recommendation to Sudan \(2022\)](#): *Step up efforts to eradicate female genital mutilation, including intensifying awareness campaigns on the health and psychological risks associated with this phenomenon. (Mauritania)*

9.0.13 Engaging with the UPR

- **Provide written input:** Approximately six months before the review, the documents on which reviews are based are prepared, i.e. the national report, the compilation of UN information (including recommendations of Special Procedures, Treaty Bodies and reports by UNCT or UNFPA/UNICEF country offices) and the summary of other stakeholders' information. All three are equally important as they offer different perspectives on the human rights situation in a country and assess the level of implementation of previous recommendations. UNFPA/UNICEF country offices can either contribute to the written submissions of the UNCT or make their own submissions highlighting the issue of FGM. Written submissions should follow the [technical guidance](#) issued by OHCHR. Written input can also be provided during the mid-term review.
- **Organize national consultations:** United Nations entities, UNFPA/UNICEF country offices, CSOs and other entities who want to get involved can hold in-country consultations and dialogues with other rights-based actors, the government and NHRIs. These consultations and dialogues can inform the state report and facilitate government reporting, build capacity of stakeholders to engage with the UPR processes, and make available UN information to the government to include in the national report.

Box 3: Case study: Triangular cooperation on the UPR by UNFPA

The UNFPA Technical Division launched a learning package on UNFPA engagement with the UPR in 2015. This learning package served as the base for the UNFPA East and Southern Africa Regional Office (ESARO) and the Asia Pacific Regional Office (APRO) to scale up engagements with human rights mechanisms, including the UPR in 2020, with support from the UNFPA office in Geneva. UNFPA ESARO, in partnership with OHCHR, developed virtual training for a variety of stakeholders on strengthening engagement with the UPR process, including on integrating sexual and reproductive health and rights and FGM issues within the UPR. UNFPA APRO requested all countries to appoint a human rights focal point to enable greater focus on human rights in programming. It then rolled out a virtual training developed by ESARO and the Geneva Office, in order to enhance the understanding of the UPR process for country office staff.

This triangular cooperation led to a joint APRO-ESARO-Geneva offices UPR Advocacy Session for countries reporting in 2021 and 2022. The session targeted eight countries from East and Southern Africa and five countries from Asia and the Pacific that were presenting their UPR reports. The training strengthened country engagement with the UPR process around sexual and reproductive health and rights. As a result of these activities, for example, the National Human Rights Institution of Malaysia was empowered through its engagement with the UPR to visualize FGM as a national problem and seek accountability.⁹⁰

- **Engage with recommending states:** A State's recommendations at the UPR are usually developed in collaboration by the recommending State's Embassy in the State under review (where such exists), the Ministry of Foreign Affairs in capital and the Permanent Mission in Geneva. UNFPA/ UNICEF country offices and CSOs can engage with government officials at all three levels to influence the recommendations and highlight FGM as a priority issue.
- **Make oral statements:** Accredited stakeholders, including United Nations agencies, can also attend and observe the session of the UPR Working Group and make oral statements during the regular sessions of the Human Rights Council when the outcomes of the State reviews are considered and adopted.
- **Promote implementation and follow-up:** Once the UPR Working Group issues its report, United Nations entities and CSOs can advocate with the State under review to accept the recommendations relevant to FGM before

⁹⁰ See for further details: UNFPA (2022). *UNFPA Engagement with International Human Rights Mechanisms: A Case Study on Triangular Cooperation in the Universal Periodic Review*. https://esaro.unfpa.org/sites/default/files/pub-pdf/unfpa_committee_triangular_cooperationfinal_1_1.pdf

the Human Rights Council officially adopts the Working Group report. After the UPR sessions are over, the UPR recommendations can be used as advocacy tools and entry points for policy dialogue on implementation of specific recommendations, such as the passage of a law or the introduction of awareness-raising measures.⁹¹ This is especially true for accepted recommendations since they have already been formally accepted by the State under review. It is important to continuously track and measure the implementation of UPR recommendations in order to accurately report back on and inform future recommendations. The implementation of recommendations can be promoted in a number of ways, including through the dissemination of recommendations at the national level, mobilizing civil society, supporting governments to implement specific programmes and considering recommendations while developing country work plans and strategies (similar to the measures highlighted in the section on Treaty Bodies above).

- **Leverage resource mobilization opportunities:** United Nations agencies can also leverage recommendations for fundraising for actions to end FGM by approaching donor states in the country that made recommendations on FGM at the Human Rights Council.



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⁹¹ UN OHCHR (2019). *Maximizing the use of the Universal Periodic Review at country level: Practical Guidance*. www.ohchr.org/sites/default/files/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf

Box 4: Case study: Leveraging international human rights mechanisms to address FGM in Côte d'Ivoire

Advocacy by UNFPA to ensure that critical recommendations on FGM are issued during the UPR process has been progressively more successful in Côte d'Ivoire. The UNCT does not submit a separate report to the UPR, but feeds information into the UPR process via the United Nations system report, which is drafted by the United Nations Operation in Côte d'Ivoire. While the United Nations system report submitted for the State's first UPR review in 2009 only briefly referenced the issue of FGM, the report submitted ahead of the 2014 review included a far more detailed assessment of the situation. This included repeated expressions of concern at the lack of prosecutions under Law number 98-757 which criminalized FGM. As a result, the outcome of the 2014 UPR included 10 recommendations pertaining to FGM, compared with only four in 2009.

UNFPA then worked to support the government with implementation of UPR and Treaty Body recommendations regarding improved enforcement of the law. This support has focused on implementation of projects aimed at sensitizing judges, lawyers and police officers about the negative impacts of FGM on the rights and dignity of women and girls, so that they will be more willing to investigate and prosecute cases and be better able to respond to the needs of victims. UNFPA has also supported the government to roll out the National Strategy to Combat GBV (2015–2020), which included implementing measures from a range of substantive recommendations from Treaty Bodies; including establishment of GBV platforms across the country to spearhead government efforts to prevent and protect women and girls from FGM.⁹²

⁹² For the full case study on Côte d'Ivoire, please refer to: UNFPA & Universal Rights Group (2023). *Advancing Rights, Transforming Lives: UNFPA strategic engagement with the United Nations human rights system to advance sexual and reproductive health and rights*. www.unfpa.org/publications/realisingrights.

3.5 Special Procedures

Box 5: Summary: Engaging with Special Procedures

How often are countries reviewed? There is no periodic and regular review of States by the Special Procedures, unlike the UPR or the Treaty Bodies. Communications can be submitted based on emerging human rights situations; and country visits requested at any time.

Which countries are covered? All UN Member States are subject to receive communications from the Special Procedures. Country Visits are undertaken only if the State has accepted receiving country visits.

What rights are involved? Special Procedures have either thematic mandates (which cover specific human rights such as the right to non-discrimination and equality and the right to health etc.) or country mandates (whose scope is decided by the specific HRC resolution setting up the mandate).

What is the nature of recommendations? Recommendations from the Special Procedures are usually issued as part of communications or in the report submitted after country visits, which means they are often politically nuanced and realistic as they are based on ground realities.

Who can submit reports? CSOs, United Nations agencies and other stakeholders can provide information during country visits. CSOs, activists, survivors and affected persons can submit a request for a communication (with the consent of the survivor/victim if the communication involves a specific case of rights violation against an individual or group of persons).

Where can recommendations be found? All recommendations issued by the Special Procedures can be found on the [Universal Human Rights Index](#).

What are the key strengths of the Special Procedures? The communications procedure of the Special Procedures holds a distinct advantage as it is universally applicable to all member States. Additionally, Special Procedures can often respond quickly to urgent situations by issuing open statements or writing letters to the State, as they are not bound to by periodic review cycles.

What are some of the critical Special Procedure mandates relevant to the issue of FGM? Some of the critical Special Procedure mandates relevant to the issue of FGM are the Special Rapporteur on Violence against Women, the Working Group on Discrimination against Women and Girls, and the Special Rapporteur on Health. In addition to the above mandates, other mandates may also engage on issues relating to FGM depending on the specific context. The Special Rapporteur on the extrajudicial, summary or arbitrary executions may be relevant in cases where a victim has died as a result of FGM. Similarly, if the issue is related to backlash against or restrictions on human rights activists speaking about FGM, the Special Rapporteurs on the right to freedom of opinion and expression and human rights defenders may be relevant.



The UN Special Procedures of the Human Rights Council are independent human rights experts mandated to “report and advise on human rights from a thematic or country-specific perspective.”⁹³ As of October 2022, there are 45 thematic and 14 country mandates.

- Special Procedure mandate holders can take a variety of actions:
- Organize country visits to assess the general human rights situation in a country, as well as the institutional, legal, judicial, administrative and de facto situation under their respective mandates.
- Send communications to States and others on key issues of concern: reported past human rights violations; ongoing or potential human rights violations; and concerns relating to bills, legislation, policies or practices that fail to comply with international human rights law. Engage in advocacy, raise public awareness and provide advice for technical cooperation.
- Submit annual thematic reports to the United Nations General Assembly (UNGA) and the Human Rights Council.

Through thematic reports, Special Procedures mandate holders have helped to identify the root causes of FGM, analyse patterns and complexities relating to eliminating FGM, highlight good practices around the world and issue recommendations. For example, in the report made by the Special Rapporteur on Violence against Women and Girls, titled *25 Years in Review of the Beijing Platform for Action*, observations were made on gains achieved at the national level through the adoption and amendment of laws against FGM in a number of African countries.⁹⁴

There are many ways to engage with Special Procedures:

- **Communications:** An individual submission can be made if a woman or girl or group of women or girls have been subjected to FGM. Send the individual submission or complaint to the Special Procedures, including to the Special Rapporteur on Violence against Women and the Working Group on discrimination against women and girls. This is an opportunity to receive urgent support, mainly because it does not require applicants to have exhausted domestic remedies before submitting their complaints. Communications are aimed at “soliciting a response on the measures taken to stop, investigate the violations, punish those responsibly and provide

⁹³ UN OHCHR, *About special procedures*. www.ohchr.org/en/special-procedures-human-rights-council.

⁹⁴ UN Special Rapporteur on violence against women, its causes and consequences (2020). *25 Years in Review of the Beijing Platform for Action*. www.ohchr.org/sites/default/files/Booklet_BPA.pdf.

remedies to victims” and need to be “as comprehensive, detailed and precise as possible.”⁹⁵ The general purpose of communications activities are to raise the awareness of the government and any other parties on the alleged human rights violations and ask that violations are prevented, stopped, investigated and/or that remedial action is taken. For example, the Special Rapporteurs on Violence against Women, and Extrajudicial Executions and Health issued a joint communication in response to the death of Maseray Sei, a 21-year-old woman who died from FGM-related complications in December 2021 in Sierra Leone.⁹⁶ The communication called for the Government of Sierra Leone to put in place stronger measures to prevent and penalize FGM and to end impunity for the practice.

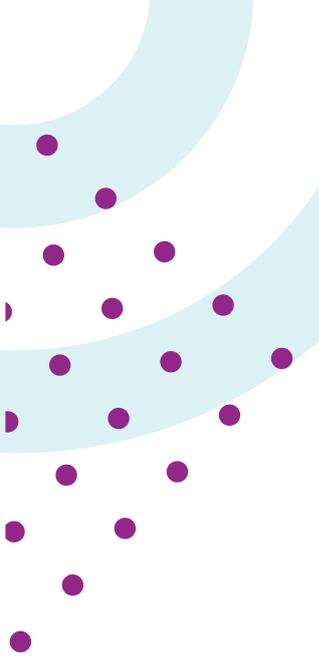
- **Respond to calls for input for thematic reports:** The Special Procedures mandate holders request input from States, civil society, United Nations agencies and a broad range of experts by issuing a call for input for thematic reports, usually submitted to the Human Rights Council or UNGA. This is done through carrying out expert panel consultations or open calls for written submissions.
- **Conduct country visits:** Recommendations to address FGM can also be included in reports from country visits by the thematic mandates. Stakeholders can engage with the mandate holders before and during the country visit to provide information on the human rights situation and inform the recommendations in the report. For instance, the Working Group on Discrimination against Women and Girls, after a country visit to Maldives in 2022, raised concerns about the lack of legislation against FGM in their final report.⁹⁷

▷ Refer to the [calendar of forthcoming visits](#) by Special Procedures mandate holders to check if your country is scheduled to receive a visit.

⁹⁵ UN OHCHR, *What are communications?* www.ohchr.org/en/special-procedures-human-rights-council/what-are-communications.

⁹⁶ UN OHCHR (2022). *Sierra Leone: End impunity for female genital mutilation, says UN human rights experts*. www.ohchr.org/en/press-releases/2022/08/sierra-leone-end-impunity-female-genital-mutilation-say-un-human-rights.

⁹⁷ Human Rights Council (2023). *Visit to Maldives: Report of the Working Group on discrimination against women and girls, A/HRC/53/39/Add.2*. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/071/32/PDF/G2307132.pdf?OpenElement>.



3.6 Enhancing synergies between human rights accountability mechanisms

The three main human rights accountability mechanisms delineated above – Treaty Bodies, UPR and Special Procedures – all have distinct strengths and weaknesses. It is important to leverage all three mechanisms to eliminate FGM. The recommendations of these mechanisms to States on FGM can be complementary and mutually reinforcing.⁹⁸ Additionally, progress or gaps in the implementation of recommendations issued on FGM by one mechanism can be reported on to another mechanism. Previous recommendations can also be reinforced.

These mechanisms have advantages and differences:

Treaty Bodies:

- Treaty Bodies can issue authoritative interpretations of human rights standards and State obligations, such as the Joint CEDAW/CRC General Comment No. 31 on Harmful Practices.
- Recommendations to States by Treaty Bodies on FGM are technical, detailed and targeted. This makes them easier to implement and monitor. For example, the Treaty Body recommendations on FGM highlighted above refer to specific gaps in laws and policies, focus on unique issues such as the provision of asylum to girls fleeing FGM, or detail the need for states to target high-prevalence regions in awareness programmes.

The longer time available for dialogue with government representatives during the Treaty Body review provides more opportunity for constructive dialogue and detailed insights on addressing FGM.

Special Procedures:

- Recommendations to States by Special Procedures are based on information gathered during visits by mandate-holders to countries, and thus are politically nuanced and realistic.⁹⁹

⁹⁸ UNFPA & Universal Rights Group (2023). *Advancing Rights, Transforming Lives: UNFPA strategic engagement with the United Nations human rights system to advance sexual and reproductive health and rights*. www.unfpa.org/publications/realisingrights.

⁹⁹ Ibid.

- The communications procedure of the Special Procedures holds a distinct advantage as it is universally applicable to all UN Member States, as opposed to individual complaints to the Treaty Bodies that can only be made if the State Party has ratified the relevant Optional Protocol (which, in general, have low levels of ratification).
- Special Procedures can respond quickly to urgent situations by issuing open statements or writing letters to the State such as, for example, in the case of the death of a woman or girl due to FGM or imminent proposals to repeal legal protections against FGM.

Universal Periodic Review:

- The UPR is an inherently political process. Since UPR recommendations are delivered from one State to another and can be formally accepted by the State under review, accepted recommendations come with political buy-in.¹⁰⁰
- The UPR has the advantage of a regular cycle. Each State comes under review approximately every five years, without delays. In contrast, the Treaty Body cycle is often delayed by delays in the submission of the State Periodic Report.¹⁰¹
- Given that the UPR covers all human rights, it can be difficult to ensure that FGM is prominently highlighted in recommendations. Even when FGM is included, the UPR recommendations may be more general in nature as it is a state-led process (rather than expert-led in the case of Treaty Bodies and Special Procedures). A recommendation may be given to strengthen all efforts to combat FGM, for example.

¹⁰⁰ UNICEF & Universal Rights Group (2023). *Realizing Rights, Changing Lives: The Impact of the United Nations Human Rights System on the Enjoyment of Children's Rights*. www.unicef.org/documents/realizing-rights-changing-lives-impact-united-nations-human-rights-system-enjoyment.

¹⁰¹ UNICEF, *UPR Engagement Toolkit*.



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Other international mechanisms

Other international mechanisms can be used to promote accountability towards addressing FGM:

3.7 Commission on the Status of Women

The Commission on the Status of Women (CSW) is the functional commission of the Economic and Social Council (ECOSOC) and the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women.¹⁰² It plays a leading role in monitoring and reviewing progress and problems in implementing the Beijing Declaration and Platform for Action and in mainstreaming a gender perspective in United Nations activities.¹⁰³ To date, the CSW has several resolutions related to FGM, including ones passed in 2007, 2008 and 2010.¹⁰⁴ In each of these resolutions, and in many agreed conclusions of the Commission on the Status of Women, States were urged to take steps to eliminate all harmful traditional practices, in particular all types of FGM, whether committed within or outside a medical institution.

The main accountability tool of the CSW is the opportunity for any individual, non-governmental organization or group to submit a communication relating to information on alleged violations of human rights affecting the status of women, including with relation to FGM. While the CSW does not take decisions on communications submitted to it, these communications are shared with the relevant State and replies are sought, before being analysed by a Working Group on Communications on the Status of Women. These communications are considered part of CSW's annual programme of work in order to "identify emerging trends and patterns of injustice and discriminatory practices against women for purposes of policy formulation and development of strategies for the promotion of gender equality."¹⁰⁵ The emerging trends are meant to inform the work and priorities of ECOSOC. Some of the trends already identified in recent years include the failure of States to adequately investigate, prosecute and punish perpetrators of violence against women and girls and forced marriage.

¹⁰² UN Women, *Commission on the Status of Women*. www.unwomen.org/en/csw.

¹⁰³ Economic and Social Council (1996). *Resolution 1996/6*, 20. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N97/775/21/IMG/N9777521.pdf?OpenElement>.

¹⁰⁴ Commission on the Status of Women (2010). *Ending female genital mutilation, Resolution 54/7, contained in E/CN.6/2010/11*. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N10/305/76/PDF/N1030576.pdf?OpenElement>; Commission on the Status of Women (2008), *Ending female genital mutilation, Resolution 52/2, contained in E/CN.6/2008/11*. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N08/290/62/PDF/N0829062.pdf?OpenElement>; Commission on the Status of Women (2007), *Ending female genital mutilation, Resolution 51/2, contained in E/CN.6/2007/9*.

¹⁰⁵ UN Women. Communications procedure of the Commission on the Status of Women. Available at: www.unwomen.org/en/csw/communications-procedure.

3.8 Commission on Population and Development

The Commission on Population and Development (CPD) is a functional commission assisting the UN ECOSOC. It is tasked to monitor, review and assess the implementation of the ICPD Programme of Action at the national, regional and international levels and advise the Council thereon. The ICPD Programme of Action calls for women's reproductive health and rights to take centre stage including by ending harmful practices such as FGM and child marriage.¹⁰⁶ The ICPD and the monitoring mechanism through the Commission's space comprise an important area for advocacy on ending FGM.

There are several avenues through which United Nations agencies and civil society can engage the Commission on ending FGM:

- Collect evidence on FGM and the ICPD Programme of Action in general, and how they affect young people and women and girls (e.g. create factsheets, reports, campaigns) and distribute this widely among the general population, relevant ministries, youth advocates and delegates.
- Advocate for the meaningful consultation and inclusion of the ending FGM agenda at the CPD, including for the participation of advocates working on FGM in delegations.
- Advocate with delegations to include issues related to ending FGM and proposed language in the outcome documents of the CPD. The outcome documents are important tools for advocacy, as they are formal agreements that can be used to hold governments accountable for turning their words into action.
- Document and share the commitments made at the CPD as widely as possible to increase national awareness and commitment.
- Engage with the government and offer support to help implement the agreements and monitor and evaluate their progress. This can be done by tracking policies and budget spending, and also by holding focus group discussions and interviews with advocates working on FGM to measure the impact.

¹⁰⁶ UNFPA (2014). *International Conference on Population and Development Programme of Action*. www.unfpa.org/publications/international-conference-population-and-development-programme-action.

3.9 High-Level Political Forum on Sustainable Development

The High Level Political Forum (HLPF) is the main United Nations platform on sustainable development and it has a central role in the follow-up and review of the [2030 Agenda for Sustainable Development](#) and the [SDGs](#) at the global level. The Forum adopts intergovernmental negotiated political declarations. The HLPF is a useful place for advocacy on FGM as it allows for the thematic review of Goal 5, which addresses gender equality and empowerment of all women and girls, and includes a specific indicator on FGM prevalence.

As part of its follow-up and review mechanisms, the 2030 Agenda encourages member states to “conduct regular and inclusive reviews of progress at the national and sub-national levels, which are country-led and country-driven.”¹⁰⁷ The Voluntary National Review (VNR) is expected to serve as a basis for the regular reviews by the HLPF, to review countries’ progress towards realizing the SDGs. Engagement by UN agencies and CSOs in the VNR process can take place through two ways:

- **Supporting governments in preparation of robust** voluntary national review reports: For instance, UNFPA Indonesia collaborated with the Ministry of National Development Planning (Bappenas) to produce a cross-sectoral report on the inclusion of people with disabilities for Indonesia’s 2021 VNR.¹⁰⁸
- **Providing inputs to the HLPF process:** ECOSOC invites [inputs](#) from inter-governmental bodies, including UN agencies to the HLPF.¹⁰⁹ Depending on the theme identified for the particular HLPF, these inputs can also highlight the issue of FGM. Further, the information in the Common Country Analysis is often used to support the VNR process. The Common Country Analysis is the UN system’s independent, impartial and collective assessment and analysis of a country’s situation in developing the Cooperation Framework. It examines progress, gaps, opportunities and bottlenecks vis-à-vis a country’s commitment to achieving the 2030 Agenda, UN norms and standards and the principles of the Charter of the United Nations.¹¹⁰

¹⁰⁷ General Assembly (2015). *Transforming our World: The 2030 Agenda for Sustainable Development*, A/Res/70/1, ¶ 79. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/291/89/PDF/N1529189.pdf?OpenElement>.

¹⁰⁸ UNFPA (2021). *Voluntary National Review: The Inclusion of People with Disabilities*. <https://indonesia.unfpa.org/en/publications/2021-voluntary-national-review-vnr-inclusion-people-disabilities>.

¹⁰⁹ United Nations, *Inputs to the High-Level Political Forum*. <https://hlpf.un.org/inputs>.

¹¹⁰ UNDESA (2022). *Enabling Transformation: The Role of the UN Resident Co-ordinator Offices and Country Teams in Support of the Voluntary National Reviews on the 2030 Agenda*. <https://hlpf.un.org/sites/default/files/2022-06/Enabling%20Transformation.pdf>

3.10 United Nations General Assembly

The United Nations General Assembly (UNGA) is the main policy-making organ of the UN. It is comprised of all 193 Member States.¹¹¹ It has six main committees as well as other subsidiary bodies. Among the main committees is the Third Committee (Social, Humanitarian and Cultural Committee), which passes resolutions on FGM. Non-governmental organizations (NGOs) and UN agencies can attend and address meetings of the UNGA and committee meetings.

In 2012, the UNGA declared 6 February as the International Day of Zero Tolerance for FGM, as part of its first resolution on “Intensifying global efforts for the elimination of female genital mutilations.”¹¹² The UNGA has also passed specific bi-annual resolutions on intensifying global efforts for the elimination of FGM since 2012.¹¹³ In November 2022, the Third Committee of the UNGA passed the latest UNGA resolution on FGM.¹¹⁴ These resolutions have urged States to take a number of measures, including to:

- Strengthen advocacy and awareness-raising programmes and mobilize girls and boys to take an active role in developing programmes to eliminate FGM.
- Take all necessary measures to protect girls and women from FGM, including by enacting and enforcing legislation to prohibit this form of violence and to end impunity and enact policies, protocols and rules to ensure the effective implementation of national legislative frameworks on eliminating FGM.
- Increase awareness and commitment to the promotion and protection of the rights of girls and appropriate responses to rights violations with regard to FGM.
- Adopt a comprehensive approach that engages local community practitioners of FGM in community-based initiatives.

¹¹¹ United Nations. UN High-Level Political Forum on Sustainable Development, *Inputs to the High-level Political Forum on Sustainable Development*. <https://hlpf.un.org/inputs>.

¹¹² United Nations, *International Day of Zero Tolerance for Female Genital Mutilation, February 6*. www.un.org/en/observances/female-genital-mutilation-day

¹¹³ UN General Assembly, *Intensifying global efforts for the elimination of female genital mutilation*, 2 February 2017, A/RES/71/168. www.refworld.org/docid/589c75f44.html; UN General Assembly, *Intensifying global efforts for the elimination of female genital mutilations*, 26 July 2016, A/71/209. www.refworld.org/docid/57c3d8d54.html; UN General Assembly, *Intensifying global efforts for the elimination of female genital mutilations*, 5 March 2013, A/RES/67/146. www.refworld.org/docid/51e67bc64.html; UN General Assembly, *Intensifying global efforts for the elimination of female genital mutilation*, 16 November 2012, A/C.3/67/L.21/Rev.1. www.refworld.org/docid/50cee2052.html; UN General Assembly, *Traditional or customary practices affecting the health of women and girls*, 1 February 1999, A/RES/53/117. www.refworld.org/docid/3b00f52b42.html.

¹¹⁴ UN General Assembly (2022). *Intensifying global efforts for the elimination of Female Genital Mutilation*, A/C.3/77/L.18/Rev.1. https://digitallibrary.un.org/record/3994149/files/A_C.3_77_L.18_Rev.1-EN.pdf.

- Develop social and psychological support services and care and take measures to improve health, including sexual and reproductive health, in order to assist women and girls subjected to this violence.

Based on requests in a number of UNGA resolutions (including the latest 2022 resolution),¹¹⁵ the UN Secretary-General submits a bi-annual report that provides information on the global prevalence of FGM and its impacts on women and girls, making specific reference to available recent data and evidence on best practices, progress and recommendations.¹¹⁶ The report of the UN Secretary-General informs the content of the UNGA resolution and is based on information provided by Member States, UN agencies and other stakeholders. Cumulatively, these efforts have strengthened the global call for action to stop this harmful practice against women and girls.



¹¹⁵ *Ibid.*

¹¹⁶ UN General Assembly (2022). *Report of the Secretary-General, Intensifying global efforts for the elimination of female genital mutilation, A/77/312*. www.unwomen.org/en/digital-library/publications/2022/07/intensifying-global-efforts-for-the-elimination-of-female-genital-mutilations-report-of-the-secretary-general-2022.



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CHAPTER 4

National accountability mechanisms

This chapter provides an overview of key accountability mechanisms at the national level, with a focus on the role of parliaments, national medical bodies and the criminal justice system in promoting accountability of various actors.

4.1 Parliaments

Parliaments, as the legislative body of the government, can play a decisive role in combating FGM through their key functions, which enable them to take the following measures:

- Adopt comprehensive anti-FGM laws aimed at ending FGM and protecting the rights of women and girls to be free from all forms of discrimination, violence and abuse. Of the 92 countries where there is evidence of FGM taking place, 51 countries have specifically prohibited FGM under their national laws.¹¹⁷
- Ensure necessary budgetary allocation and resources to support initiatives to end FGM. Members of Parliament (MPs) also have a key role to play in monitoring the spending of budgets allocated and demanding accountability from government departments on their spending. Further, they can monitor in their own constituencies whether the funds allocated to ending FGM initiatives have reached their intended recipients on the ground.
- Oversee and monitor the actions of the Executive Branch in combating the issue through a national plan of action, policy-level changes or through awareness-building efforts, educational programmes, etc. For instance, in the United States, the STOP FGM Act 2020 mandates the Attorney

¹¹⁷ Equality Now, End FGM European Network & U.S. End FGM/C Network (2020). FGM/C: A Call for a Global Response, 2020. www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/.

General to provide an annual report to the United States Congress with the latest data on the number of women and girls affected by FGM, as well as information on actions taken by federal state and local agencies to protect women and girls from FGM and to educate and assist communities and key stakeholders about FGM.¹¹⁸

Parliaments in various countries often exercise their accountability function through sub-legislative/parliamentary bodies mainly comprising MPs. These sub-legislative bodies deal with areas of concern or issues at the national level. In countries where FGM has been identified as an issue, the sub-legislative bodies primarily push for change by adopting national legal and policy frameworks to end FGM and by monitoring their implementation. For example, in the United Kingdom, the House of Commons and House of Lords work through parliamentary committees.¹¹⁹ These committees examine issues in detail, from government policy and proposed new laws to broader topics like the economy. FGM currently falls under the Home Affairs Committee, which has opened an inquiry to scrutinize what “needs to be done to protect girls at risk of FGM and why there has not yet been a successful prosecution in the UK.”¹²⁰ The outcome of this inquiry will inform and shape policy-level reform to better tackle the issue of FGM in the United Kingdom.

In countries with no dedicated body on FGM, parliamentary bodies such as the Women’s Parliamentary Caucus, Forum or Parliamentary Standing Committees on Women and Children’s Affairs unite parliamentarians towards common goals on women’s rights and championing gender equality interests at the legislative level. These are potential spaces to advocate for strengthening accountability, evidence gathering, budgetary allocation and monitoring and evaluation around ending FGM. Similarly, Parliamentary Forums on Children or Children’s Parliaments, which are set up in a number of countries, can serve as key spaces to promote accountability towards eliminating FGM. For instance, in Nigeria, the President inaugurated the National Children’s Parliament, which is implemented by the Federal Ministry for Women’s Affairs in collaboration with UNICEF and other partners.¹²¹ It is made up of children aged 7 to 18, and has had sittings before the President, Cabinet and the National Assembly. Resolutions of the Children’s Parliament have called on the government to implement legislation against FGM and on traditional leaders to sign legal documents to prevent FGM in their regions.

¹¹⁸ See, Stop Female Genital Mutilation Act, 2020, § 4; see, also, Department of Justice (2021), *2021 Annual Report of the Attorney General under the STOP FGM Act*. www.justice.gov/criminal-hrsp/file/1566396/download.

¹¹⁹ UK Parliament, *Female Genital Mutilation Inquiry*. <https://committees.parliament.uk/work/3200/female-genital-mutilation-inquiry/publications/>.

¹²⁰ *Ibid.*

¹²¹ This Day (June 27, 2022), *Children Parliament Calls on Traditional Rulers to Sign against FGM, Child Marriage*. www.thisdaylive.com/index.php/2022/06/27/children-parliament-calls-on-traditional-rulers-to-sign-against-fgm-child-marriage.

Global alliances of parliamentarians can also influence advocacy towards ending FGM. The International Organization of Parliaments (IPU), established through Article 1 of the Statutes of the Inter-Parliamentary Union in 1889, is the focal point for worldwide parliamentary dialogue and considers questions of international interest and concern and expresses its views on such issues to bring about action by parliaments and parliamentarians.¹²² It also contributes to defending and promoting human rights – an essential factor of parliamentary democracy and development. The IPU also cooperates with regional inter-parliamentary organizations, the UN and international intergovernmental and NGOs on various issues, including FGM. They also facilitate discussions and dialogues with the participation of MPs from countries where FGM is practised, to invite recommendations for change.

These efforts from the IPU maintain pressure and focus on eradicating FGM and encourage parliamentarians on a national level to take robust measures to end the practice. In Sierra Leone, parliamentarians have formed a Parliamentary Caucus on FGM.¹²³ The idea for forming a caucus specific to FGM emerged from a three-day workshop supported by the IPU in 2020, where all the parliamentarians of Sierra Leone met to discuss FGM. The Parliamentary Caucus on FGM was created in Sierra Leone to ensure continuity for further capacity building, strengthen MPs' ability to advocate for change, give voice to FGM abandonment efforts and implement a monitoring and evaluation framework to gauge progress.¹²⁴

4.2 National Human Rights Institutions

NHRIs are state bodies with a constitutional and/or legislative mandate to protect and promote human rights. They include National Human Rights Commissions, ombudsperson offices, consultative bodies, public interest defenders, human rights centres, institutes and hybrid bodies. According to the Paris Principles, the set of international standards approved by the United Nations General Assembly in 1993 that frame and guide the work of NHRIs, cooperation with the United Nations and its various agencies, regional institutions and with other NHRIs, is a key aspect of their work.¹²⁵ To this end, NHRIs at the International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

¹²² Inter-Parliamentary Union, www.ipu.org/.

¹²³ Inter-Parliamentary Union (November 25, 2020). *Sierra Leone's Caucus on Female Genital Mutilation holds inaugural meeting*. www.ipu.org/news/news-in-brief/2020-11/sierra-leones-caucus-female-genital-mutilation-holds-inaugural-meeting.

¹²⁴ *Ibid.*

¹²⁵ GANHRI, *Paris Principles*. <https://ganhri.org/paris-principles/>.

in Jordan in 2012 committed in the Amman Declaration to “forge strategic partnerships with UN agencies such as UN Women, UNDP, UNICEF, UNFPA, and OHCHR to strengthen cooperation with, and the capacities of, NHRIs to more effectively promote and protect women’s and girls’ human rights”.¹²⁶

On a national level, the role of NHRIs is to address discrimination in all its forms and to promote the protection of civil, political, economic, social and cultural rights. They carry out this work through national-level capacity strengthening, awareness raising, monitoring and investigating individual complaints and structural problems, enforcing decisions, referring matters requiring prosecution, providing education on human rights and advising on law reform. NHRIs have a role to monitor States’ actions to end FGM

The Nigeria Human Rights Commission, for example, produced a training manual on human rights and other related issues of FGM, in collaboration with the UNFPA and the Civil Resource Documentation Development Centre. The aim was to strengthen the capacity of national officials to apply international human rights standards and report to Treaty Bodies.¹²⁷

NHRIs in most countries have thematic sub-groups that are consulted by government ministries and authorities. These sub-groups also work closely with CSOs on key areas of human rights concerns. Sub-groups related to furthering the rights of women and girls can, therefore, provide opportunities for advocacy as they can influence national-level plans of action or policies to include State-led initiatives to end FGM. For example, in Nigeria, the National Human Rights Commission (NHRC) is a member of the National Technical Committee on Ending FGM, which is co-chaired by the Ministry of Health and the Ministry of Women Affairs. It is also a part of state-level committees such as the State Child Rights Implementation Committee. This helps them push for accountability towards the implementation of laws and policies on FGM.

Internationally, NHRIs add to the accountability process of State obligations through the submission of so-called “shadow reports”, alongside the State Party report and shadow reports submitted by CSOs. The reports are for the Human Rights Council’s UPR and international human rights Treaty Bodies as part of the Council’s monitoring and reporting mandate on the human rights situation of a country. Engagement, collaboration and advocacy with NHRIs is essential in the accountability process to end FGM as NHRIs can report on the FGM situation of a nation and recommend steps to end this harmful practice.

¹²⁶ United Nations (2013). Amman Declaration, ¶ 11, 7 November, 2012. <https://ganhri.org/wp-content/uploads/2020/01/Amman-PoA-FINAL-EN.pdf>.

¹²⁷ Daily Trust (February 8, 2022), *NHRC seeks to end female genital mutilation*. <https://dailytrust.com/nhrc-seeks-end-to-female-genital-mutilation/>.

Under the Amman Declaration, NHRIs pledge to “encourage and aid the compilation of an evidence base (e.g. data, inquiries, research) concerning the exercise of reproductive rights and the right to sexual and reproductive health.”¹²⁸ This includes “cases of de jure and de facto discrimination in access to sexual and reproductive health care information and services, forced sterilization, forced abortion, child marriage, forced marriage, female genital mutilation/ cutting, biased sex selection, and other harmful practices.”¹²⁹

As part of this commitment, public inquiries by NHRIs on the issue of FGM, through multi-stakeholder and transparent processes, can be a critical tool in advancing accountability. Through these inquiries, NHRIs can make links between global, regional and national human rights commitments and obligations on FGM, identify bottlenecks at every level of government and boost social demand for accountability towards ending FGM.¹³⁰

Box 6: Case study: The role of the National Human Rights Commission (NHRC) of Nigeria in promoting accountability towards ending FGM

In 2017, the National Human Rights Commission (NHRC) in Nigeria, in collaboration with the UNFPA and the Civil Resource Documentation Development Centre, produced a training manual on “Integrating FGM Indicators into the Nigeria’s Human Rights Treaty Reporting Template”.¹³¹ The manual analysed existing provisions and jurisprudence in various international treaties on addressing FGM and laid out indicators for reporting on FGM to various Treaty Bodies. It was developed by the NHRC to (i) promote use of international human rights standards to cover protection and supervisory gaps in the national legal framework on FGM; and (ii) to assist the Nigerian government in developing a robust institutional framework to ensure efficient discharge of its reporting obligations to various international human rights mechanisms, which did not exist at the time.

Following the launch of the manual, the NHRC, with support from the UNFPA Nigeria Country Office, implemented a series of training sessions with various stakeholders including government representatives, police, law enforcement officers, staff from sexual assault referral centres and CSOs. Stakeholders were made aware of the existing legal framework on FGM in Nigeria, and received training on FGM reporting to international and regional accountability mechanisms.

¹²⁸ UNFPA (2020). *Conducting Public Inquiries to Eliminate Female Genital Mutilation*, 3, https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA-Conducting_Public_Inquiries_to_Eliminate_Female_Genital_Mutilation.pdf.

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*, at 10.

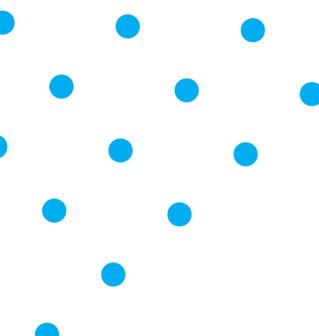
¹³¹ NHRC & UNFPA (2017). *Integrating FGM Indicators into the Nigeria’s Human Rights Treaty Reporting Template*. https://nigeria.unfpa.org/sites/default/files/pub-pdf/manual_on_integrating_fgm_indicators.pdf.

Key outcomes from the training include:

- CSOs have increased awareness of their role as key actors in reporting violations to the NHRC. This resulted in the NHRC receiving a complaint on FGM in 2022, which is currently being investigated.
- The government has started to prioritize FGM as a critical issue in reporting to Treaty Bodies. For instance, in follow-up information submitted to the concluding observations issued by the CAT Committee in 2021, the NHRC supported the Ministry of Justice in submitting information about available policies and national action plans to prevent and respond to FGM.
- The Ministry of Youth agreed to mainstream awareness-raising on FGM into their youth-focused activities. The Ministry of Local Government and Community Affairs, which implements pre-marital counselling for couples (mandatory in some states) also agreed to address FGM in its pre-marital counselling services.
- There is increased interest from the Ministry of Justice to undertake activities with the NHRC to improve access to justice for survivors of FGM. To improve accountability, the NHRC plans to conduct access to justice trainings for judiciary, prosecutors, law enforcement and other legal professionals on how to apply anti-FGM laws and improve prosecutions in five focal states.

The NHRC staff have also benefited from capacity-building sessions by UNFPA. This has contributed to a greater commitment by the NHRC to mainstream FGM and other sexual and reproductive health and rights issues within their own activities, including organizing national dialogues and sensitization activities with children, traditional leaders and community members to raise awareness of the legal prohibition on FGM in Nigeria.





4.3 Courts and criminal justice systems

Under national legal frameworks, courts and criminal justice systems offer critical avenues for accountability towards ending FGM, both at the state and individual responsibility levels. In the absence of anti-FGM laws, lawyers and CSOs on a national level can rely on the constitution, international human rights conventions and customary laws to base strategic litigation seeking the elimination of FGM, including through requiring the State to adopt legislation to prohibit the practice. In India, for instance, a public interest litigation case was filed before the Supreme Court of India seeking a declaration that the practice of FGM was unconstitutional and for directions to the government to take action to eradicate the practice.¹³²

In countries with anti-FGM laws, strategic litigation can be used by CSOs and UN agencies who can work with victim-survivors of FGM to present their case and seek effective enforcement of existing laws on FGM. In Uganda, for instance, the Joint Programme supported the prosecution of a surgeon who performed FGM on four girls. In 2022, the Moroto Chief Magistrates Court found the surgeon guilty and sentenced her to a four-year jail term.¹³³ This was only the second conviction under Uganda's anti-FGM law, which was passed in 2010.¹³⁴

Courts are also the spaces where remedies for FGM are sought and, depending on legal provisions, such remedies can extend to recovery/rehabilitation measures to address the harmful consequences of FGM. For example, the Scottish law on FGM allows its Courts to impose new FGM Protection Orders in Scotland to protect others from FGM happening to them, safeguard a person from further harm if FGM has already happened, and prevent or reduce the likelihood of FGM offences.¹³⁵ It is a criminal offence to breach an FGM Protection Order under the Prohibition of Female Genital Mutilation (Scotland) Act 2005.

Accountability towards eliminating FGM also includes an important facet of holding individual perpetrators responsible and ensuring access to justice for survivors of FGM. However, in most countries, rates of prosecution and conviction for FGM remain abysmally low (with notable exceptions in certain countries such as Burkina Faso and France). Even where prosecutions have taken place, many have failed. In the United States, for example, though the federal anti-FGM law has been in place since 1996, the

¹³² Sunita Tiwari v. Union of India WP, (Civil) No. 286 (2017).

¹³³ Nile Post (November 9, 2022), *Women Sentenced for Four Years for Aiding Female Genital Mutilation of Four Girls*. <https://nilepost.co.ug/2022/11/09/woman-sentenced-to-four-years-for-aiding-in-female-genital-mutilation-of-four-girls/>.

¹³⁴ Chimp Reports (November 9, 2022). *Moroto: FGM Traditional Surgeon Convicted to 4 Years Imprisonment*, <https://chimpreports.com/moroto-fgm-traditional-surgeon-convicted-to-4-years-imprisonment/>.

¹³⁵ The Scottish Parliament, *Female Genital Mutilation (Protection and Guidance)*. www.parliament.scot/bills-and-laws/bills/female-genital-mutilation-protection-and-guidance-scotland-bill.

first prosecution began in 2017 and resulted in acquittal on all charges.¹³⁶ In the United Kingdom, numerous attempts at prosecution failed through the years before the first conviction finally took place in 2019.¹³⁷ In other countries, despite convictions in high-profile cases, such as in Liberia¹³⁸ and Egypt,¹³⁹ sentences are never implemented. Justice system actors across different countries often point to similar reasons to justify low rates of prosecution and conviction in FGM cases, including the secrecy surrounding the practice, the reluctance of survivors to come forward with complaints, intimidation of and security threats to survivors and witnesses, difficulties in obtaining evidence and the like. In this context, initiatives to build the capacity of justice system actors, strengthen justice delivery and improve access to justice for survivors of FGM are critical.

Improving access to justice for FGM survivors can be achieved through various efforts, including by investing resources and energy into building the capacity of justice sector actors, such as lawyers, judges, prosecutors and police, who must be aware of the different dynamics at play when dealing with cases of FGM as a human rights violation, which is highly technical in nature and often requires the involvement of other experts from diverse fields.¹⁴⁰ Therefore, CSOs and UN agencies can work with grassroots groups and legal aid organizations to eradicate the barriers FGM victims-survivors face in every stage of the criminal justice system. This can include strengthening justice system processes, improving data collection and monitoring of cases and building capacity of CSOs on the justice process.

In Kenya, for instance, the Joint Programme and UNICEF Kenya supported the development of a mobile app, Pasha, which not only enables reporting of FGM cases, but also provides the status on reported cases of FGM and highlights any bottlenecks in case management.¹⁴¹ As such, the app works to strengthen the accountability of the police, public prosecutors, village chiefs and health and education officials.

Implementing support services such as national helplines, shelters, victim support centres and crisis centres to support survivors of FGM can also enable reporting of cases

¹³⁶ U.S. v Jumana Nagarwala, 438 F. Supp. 3d 821 (E.D. Mich. 2020).

¹³⁷ The New York Times (February 1, 2019). *British Jury Delivers First Conviction for Female Genital Cutting*. www.nytimes.com/2019/02/01/world/europe/female-genital-mutilation-conviction-britain.html.

¹³⁸ New Narratives (June 4, 2013). *Living in Fear: After Liberia's First FGC Conviction, Victim Still Harassed, Haunted*. <https://newnarratives.org/alumni/tecee-boley/lawless-liberia-legal-failure-renews-global-calls-for-female-genital-cut-law/>.

¹³⁹ Vice News (December 12, 2015). *We Found the First Egyptian Doctor Convicted of FGM Manslaughter — And He's Still Practicing*. www.vice.com/en/article/qv5wn7/we-found-the-first-egyptian-doctor-to-be-convicted-for-fgm-manslaughter-and-hes-still-practicing.

¹⁴⁰ Equality Now (January 7, 2016). *Litigation and Advocacy Tool to End Harmful Practices*. www.equalitynow.org/resource/litigation-and-advocacy-tool-to-end-harmful-practices/.

¹⁴¹ UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change (2020). *FGM Elimination and COVID-19: Sustaining the Momentum*, 36. www.unicef.org/media/107636/file/FGM%20case%20studies%202020.pdf.

to the justice sector. In countries such as Burkina Faso and Uganda, the helplines “SOS Excision” and “SAUTI 116” are used to report girls at risk of FGM and alert the local police, who can then intervene and prevent girls from being cut.¹⁴² It also refers survivors to support services, including those for reconstructive surgery.¹⁴³

Box 7: Strategic litigation as an accountability measure for addressing FGM

Litigation before national, regional and international courts and human rights bodies can be a powerful tool to hold various stakeholders to account for their human rights obligations to prevent, address and respond to FGM. For instance, in 2021, women’s rights organizations in Mali¹⁴⁴ jointly filed a case at the ECOWAS Court of Justice to challenge Mali’s failure to prohibit FGM by not having in place a legal and policy framework that would criminalize the practice and offer redress to victims/survivors.¹⁴⁵ Similarly, in India, a public interest litigation case was filed before the Supreme Court of India seeking a declaration that the practice of FGM was unconstitutional and for directions to the government to take action against FGM.¹⁴⁶

While both these cases remain pending, other cases before national courts have resulted in progressive judgments that uphold the human rights of women and girls to be protected from FGM. In Kenya, the constitutionality of the Prohibition of Female Genital Mutilation Act, 2011 was challenged on the basis that it allegedly violated women’s rights to practice their culture and was discriminatory because it did not prohibit Type IV FGM. The High Court of Kenya upheld the constitutionality of the law as the right to culture can be limited when it violates other rights and directed the government to amend the law to prohibit all forms of FGM.¹⁴⁷ Crucially, the Court also upheld the provision of the law which stated that consent could not be a defence to the act of FGM, even in cases where FGM was performed on adult women. The successful defence of the Anti-FGM law was made possible by the coordinated efforts of the State organs who were respondents in the case and CSOs who joined the case as interested parties in support of the law.

¹⁴² *Ibid.*, at 4.

¹⁴³ Equality Now & UNFPA (December, 2021). *Use of the Multi-Sectoral Approach to Ending Gender-Based Violence and Female Genital Mutilation in Africa*, 22. www.equalitynow.org/resource/use-of-the-multi-sectoral-approach-to-ending-gender-based-violence-and-female-genital-mutilation-in-africa/.

¹⁴⁴ Namely, the Association Malienne pour le Suivi et l’Orientation des Pratiques Traditionnelles and Association pour le Progrès et la Défense des Droits des Femmes, along with Equality Now and Institute for Human Rights and Development in Africa.

¹⁴⁵ Equality Now (April 12, 2021). *Women’s Rights Organizations Challenge Mali’s Lack of Anti-FGM Law at the ECOWAS Court of Justice*. www.equalitynow.org/press_release/mali_fgm_ecowas_2021/.

¹⁴⁶ Sunita Tiwari v. Union of India WP, No. 286 (Civil, 2017).

¹⁴⁷ Tatu Kamau v. The Attorney General, KEHC 450 (KLR, 2021). <http://kenyalaw.org/caselaw/cases/view/209223/>.

Such constitutional challenges to long-standing anti-FGM laws (as in Kenya) are part of a growing backlash against women's and girls' rights, often relying on arguments relating to the right to culture and religion to try and overturn the many gains that have been made to protect women and girls from FGM. In this context, strategic litigation plays a key role, both to hold states to account for their human rights obligations, as well as to defend existing laws from constitutional challenge.

Human rights lawyers, grassroots activists, research institutions and CSOs have played a key role in these cases, as petitioners, intervenors, expert witnesses or by filing *amicus curiae* (friend of the court) briefs, and often require capacity-building, as well as technical and financial support to continue this work.

UN agencies have also supported strategic litigation cases in other areas through *amicus* briefs. For instance, the UNICEF Latin America and Caribbean Regional Office submitted an *amicus* brief before the Inter-American Court of Human Rights in a case relating to the migration of children.¹⁴⁸ The OHCHR has also submitted multiple *amicus* briefs, including leading on the preparation of a joint UN *amicus* brief before the International Criminal Court in the case of *The Prosecutor v. Dominic Ongwen* on the issue of conflict-related sexual violence and forced marriage.¹⁴⁹

Advocacy with UN Special Procedures to support ongoing litigation through *amicus* briefs can also be a useful intervention. A number of UN Special Procedure mandate holders have filed such *amicus* briefs, notably the UN Working Group on Discrimination against Women and Girls before the ACERWC in a recent case challenging the Tanzanian government's ban on access to education for pregnant schoolgirls.¹⁵⁰

4.4 National medical bodies

National medical bodies and associations are responsible for preparing programmes and training to improve the health system's quality, including licensing and registration, and promoting the collective interests of physicians, health professionals and patients on a country level. Given their role, these bodies can promote accountability for health-care professionals who perform FGM, including by taking disciplinary action and revoking licences of health-care practitioners who perform FGM. These bodies can also raise

¹⁴⁸ See UNICEF, *Amicus Curiae submitted before the Inter-American Court of Human Rights*, UNICEF Regional Office for Latin America and the Caribbean, 17 February 2012.

¹⁴⁹ Joint Submission by the United Nations on Reparations pursuant to Rule 103 of the Rules of Procedure and Evidence, *Amicus Curiae Submission*, *The Prosecutor v. Dominick Ongwen*, ICC-02/04-01/15-1972 (2022). www.icc-cpi.int/court-record/icc-02/04-01/15-1972.

¹⁵⁰ United Nations Human Rights Council's Working Group on Discrimination against Women and Girls (2019). Third-party submission on Communication no. 0012/Com/001/2019, *Legal and Human Rights Centre and Center for Reproductive Rights (on behalf of Tanzanian girls) against the United Republic of Tanzania*. www.ohchr.org/sites/default/files/2021-11/ACERWC-amicus-curiae-ANZANIA.pdf.





awareness among medical professionals on FGM as a human rights violation – the infringement of bodily autonomy, choice, sexual and reproductive health and rights and physical and mental health implications – to encourage a rights-based approach in their practices. CSOs and UN agencies can work with these bodies to develop training, manuals or resources to enable a progressive shift and prevent the medicalization of FGM. For instance, in 2017, the National Midwives Associations of Djibouti and Sudan, along with representatives of several National Doctors Syndicates, Medical Councils and Associations from Egypt, Somalia, Sudan and Yemen issued a joint statement on the medicalization of FGM, and pledged to make recommendations to the concerned authorities to penalize any health-care professionals in their organizations who are found to have performed FGM.¹⁵¹

4.5 National coordination bodies or mechanisms for FGM

Over 80 per cent of countries with prevalence data on FGM have some form of coordination body or mechanism to align stakeholders and streamline and coordinate efforts towards ending FGM.¹⁵² These structures can take the form of boards, alliances, national committees, working groups or task forces. They also often promote monitoring and implementation of FGM eradication programmes and, in some countries, have meaningfully involved civil society and community actors in their efforts to end FGM. CSOs and UN agencies can either engage with these bodies where they exist to collaborate on efforts to end FGM and, in countries where there is a law but no such mechanisms in place, advocate for its creation and implementation.

In Kenya, for example, an Anti-Female Genital Mutilation Board was formed under the Ministry of Public Service, Youth and Gender Affairs as a Semi-Autonomous Government Agency in 2013 following the enactment of the Prohibition of Female Genital Mutilation Act, 2011.¹⁵³ The board is tasked with upholding the dignity and empowerment of girls and women in Kenya through coordinating initiatives, creating awareness and advocating against FGM.

¹⁵¹ SAHIYO (November 20, 2017). *Medical organisations in five African nations issue statement against the medicalisation of FGM/C*. <https://sahiyo.com/2017/11/20/medical-organisations-in-five-african-nations-issue-statement-against-the-medicalisation-of-fgm-c/>.

¹⁵² UNFPA & UNICEF (2020). *Enabling Environments for Eliminating Female Genital Mutilation: Towards a Comprehensive, Multi-Sectoral Approach*. www.unicef.org/media/84536/file/FGM-Policy-Brief.pdf.

¹⁵³ Anti FGM Board, *Welcome to Anti-FGM Board*, <https://www.antifgmboard.go.ke/>.

In Eritrea, the Ministry of Health, Ministry of Labour and Social Welfare and the National Union of Eritrean Women worked with the UNFPA-UNICEF Joint Programme to set up a National Steering Committee on ending FGM, child marriage and other forms of GBV in 2017.¹⁵⁴ The National Steering Committee helped to improve coordination among various actors in addressing FGM. It also strengthened protection systems by establishing Child and Women's Rights Committees at the sub-national, district and village levels. These Committees are multi-stakeholder and include the participation of representatives from government institutions, the National Union of Women, local Assembly leaders, religious leaders, children and other stakeholders.

4.6 National Mechanisms for Implementation, Reporting and Follow-up

National Mechanisms for Implementation, Reporting and Follow-up (NMIRFs) are government structures mandated to coordinate, prepare reports to, and engage with international and regional human rights mechanisms, including the UN Treaty Bodies, the UPR and Special Procedures. They also address the implementation gap by initiating, coordinating and tracking national follow-up and implementation of obligations and recommendations emanating from these mechanisms. States and the United Nations have, in recent years, put more focus on establishing and reinforcing these national mechanisms.¹⁵⁵ NMIRFs are useful mechanisms to help the State to track progress in promoting rights. Such mechanisms coordinate engagement, dialogue and cooperation among all stakeholders, including the human rights and development communities, that help foster human rights-based and people-centred development at the country level.

¹⁵⁴ UNICEF (April, 2021). *Case Study on Ending Female Genital Mutilation in the State of Eritrea*. www.unicef.org/esa/media/8916/file/Eritrea-Case-Study-FGM-2021.pdf.

¹⁵⁵ UN OHCHR, *National Mechanisms for Implementation, Reporting and Follow-up*. www.ohchr.org/en/treaty-bodies/national-mechanisms-implementation-reporting-and-follow.



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CHAPTER 5

Community and social accountability mechanisms

This chapter addresses social and community accountability mechanisms. Recognizing that social, community and sub-national accountability mechanisms vary in each country and can potentially cover a wide range of mechanisms, this chapter specifically addresses the role of two community accountability mechanisms that have been vital in promoting accountability towards ending FGM: mobile community courts and community surveillance mechanisms set up to monitor compliance with public declarations to abandon FGM.

According to the initiative High Impact Practices in Family Planning, social accountability has the following key distinct features of interventions:

- It operates at the subnational level, where the community and the power holder/duty bearers.
- It has a high degree of community influence and involvement.
- It is collaborative rather than confrontational.
- It facilitates community voice while also bolstering power-holder responsiveness to the claims made by communities.
- It has a structured, facilitated and transparent process that creates a safe and inclusive space for dialogue and negotiation.¹⁵⁶

For the social accountability process to be successful, it is crucial to take into account the local context at the beginning and allow for sufficient time and resources to support

¹⁵⁶ High Impact Practices in Family Planning (August, 2022). Social accountability to improve family planning information and services. Available at: www.fphighimpactpractices.org/briefs/socialaccountability/.

building social accountability, including taking a longer-term view, rather than focusing on short-term gains.

Eradicating FGM would require transforming social, cultural and gender norms that underpin and perpetuate the practice. Social accountability mechanisms become crucial as they can play a critical role in transforming social norms and shifting community attitudes and perceptions towards FGM.

While social and community accountability can be enhanced through various approaches and mechanisms within community, social and health systems, for the purposes of this report, focus has been placed on two such mechanisms: mobile community courts and surveillance mechanisms to monitor compliance with public declarations towards the abandonment of FGM.

5.1 Mobile community courts

Mobile community courts are used in some countries, notably in Burkina Faso, as an innovative approach to enforcing legislation. In Burkina Faso, these courts take cases of FGM to practicing communities to raise awareness about the law, and so that communities can attend the hearings, instead of having case hearings in the capital city.¹⁵⁷ The hearings are usually widely covered by the local media and radio, contributing to increased awareness about the impact and consequences of FGM. The mobile courts enhance the discussion and dialogue on FGM, provide visible support and commitment to ending the practice and foster collaboration between the communities and the justice system. These also enable the transformation of social norms underpinning the practice of FGM. The reporting of cases to mobile courts is enabled by the government's operation of a hotline, "SOS Excision" established in 1990. The hotline receives anonymous tips as well as complaints of FGM and helps survivors access support services.¹⁵⁸

The use of these mobile courts, combined with other multi-faceted measures such as translation of the law into local languages, generation of strong political will and training of judicial actors¹⁵⁹ has contributed to Burkina Faso having one of the highest rates of

¹⁵⁷ UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change (2020). *FGM Elimination and COVID-19: Sustaining the Momentum*, 4. www.unicef.org/media/107636/file/FGM%20case%20studies%202020.pdf.

¹⁵⁸ UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation, *Burkina Faso has a Strong Law against FGM/C but Winning Hearts and Minds remains crucial*. www.unfpa.org/sites/default/files/resource-pdf/burkinafaso.pdf.

¹⁵⁹ See, Population Council (2020). *When and How the Law is Effective in Reducing the Practice of FGM/C: A Cross Border Study in Burkina Faso and Mali*. https://knowledgecommons.popcouncil.org/cgi/viewcontent.cgi?article=2152&context=departments_sbsr-rh.

successful prosecution and conviction in cases of FGM across the world. In 2020 alone, 394 people were sentenced for practicing FGM.¹⁶⁰

Mobile community courts are used to address cases of GBV and sexual violence in a number of countries, though their use in cases of FGM thus far has been fairly limited. However, other countries are beginning to value the use of community courts in promoting accountability in FGM cases. For instance, in August 2023, the Federal Government of Nigeria announced that it will be establishing mobile courts to prosecute perpetrators of sexual abuse and FGM.¹⁶¹

5.2 Surveillance mechanisms to monitor compliance with public declarations

A public declaration of abandonment of FGM involves a collective formal public ceremony involving one or more communities that brings together a wide range of stakeholders within the community including traditional and religious leaders, former cutters and community members who come together to make a specific commitment to abandon FGM.¹⁶² It is increasingly being used as one of the most common approaches towards eliminating FGM. These public declarations can take different forms, such as community-wide declarations in a public event, signed statements by community leaders, or declarations by traditional leaders.

These public declarations are widely recognized as a key step in the process of “real and sustained change within communities,”¹⁶³ as they may signal a commitment to abandon the practice as well as facilitate a shift in community-level social norms. There have been a growing number of public declarations de-linking FGM from religion and supporting of abandonment of the practice. This has created a shift among religious leaders, many of whom have gone from endorsing the practice to actively condemning it.¹⁶⁴

¹⁶⁰ UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change (2020). *FGM Elimination and COVID-19: Sustaining the Momentum*, 4. www.unicef.org/media/107636/file/FGM%20case%20studies%202020.pdf.

¹⁶¹ The Vanguard (September 1, 2023). *FG to establish mobile courts on FGM, sexual harassment in schools, others – Minister*. www.vanguardngr.com/2023/09/fg-to-establish-mobile-courts-on-fgm-sexual-harassment-in-schools-others-minister/.

¹⁶² UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation (2020). *Accelerating Change, Measuring Effectiveness of Female Genital Mutilation Elimination: A Compendium of Indicators*, p. 47. www.unfpa.org/sites/default/files/pub-pdf/026_UF_CompendiumOfIndicatorsFGM_21-online_F.pdf

¹⁶³ World Health Organization (2008). *Eliminating Female Genital Mutilation: An Inter-Agency Statement*. www.un.org/womenwatch/daw/csw/csw52/statements_missions/Interagency_Statement_on_Eliminating_FGM.pdf

¹⁶⁴ UNFPA, *Female Genital Mutilation Frequently Asked Questions*. www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions.

Some proclamations by traditional or religious leaders also include specific provisions on penalties for those who fail to abide by the declaration. For instance, when the National Council of Chiefs and Elders in Liberia issued a three-year suspension on FGM in February 2022, their proclamation was issued jointly with the Government of Liberia.¹⁶⁵ It included a section noting that any traditional leader or zoe (cutter) who performs FGM in violation of the proclamation would be penalized according to traditional laws and practices; as well as under the national Penal Law.¹⁶⁶

For public declarations to be effective, however, they need to be accompanied by post-declaration follow-up and support aimed at ensuring compliance and the accountability of those who declared abandonment.¹⁶⁷ Such follow-up actions often include setting up surveillance and monitoring mechanisms and imposing sanctions on those who fail to abide by the declarations.¹⁶⁸ In Senegal for instance, it was the local authorities who followed through on the public declarations by reporting the few violations that occurred.¹⁶⁹ In addition, country examples from Kenya show how some of these community-led surveillance programmes included periodic, real-time monitoring by trained field workers of a cohort of schoolgirls at risk of FGM. This was supported by crisis intervention including a hotline, law enforcement point of contact, alternate housing for girls who were facing imminent cutting and awareness-raising to motivate targeted communities to eradicate FGM.¹⁷⁰ In Nigeria, under the Spotlight Initiative Africa Regional Programme, UNICEF supported the establishment of over 250 community surveillance committees.¹⁷¹ These committees act as watchdogs within the community, monitor cases of FGM and other forms of violence against women and facilitate reporting of cases to the police when violations occur.¹⁷² These community surveillance networks also undertake awareness-raising activities and prevent cases of FGM by protecting

¹⁶⁵ United Nations Liberia (22 February, 2022). *Government of Liberia & Partners Launch Anti-SGBV Call Center; National Council of Chiefs and Elders Announce 3-year Moratorium on FGM*. <https://liberia.un.org/en/172950-government-liberia-partners-launch-anti-sgbv-call-center-national-council-chiefs-and-elders>.

¹⁶⁶ *Ibid.*

¹⁶⁷ UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change (2020). *Measuring Effectiveness of Female Genital Mutilation Elimination: A Compendium of Indicators*, 48. www.unfpa.org/sites/default/files/pub-pdf/026_UF_CompendiumOfIndicatorsFGM_21-online_F.pdf.

¹⁶⁸ UNFPA-UNICEF Joint Programme on Elimination of Female Genital Mutilation, *Delivering the Global Promise: End FGM by 2030*. www.unicef.org/media/119261/file/Delivering-the-Global-Promise.pdf.

¹⁶⁹ In Senegal, by 2011, 5,315 Tostan partner communities had participated in 56 public declarations to abandon FGM/C which was a successful strategy. OXFAM (2020), *Communities Changing Social Norms to End Female Genital Cutting in West Africa*. <https://oxfamilibrary.openrepository.com/bitstream/10546/621088/7/cs->

¹⁷⁰ ICRW (2021). *Technology and Community Empowered Programming to Eliminate FGM: Promising Finds from a Program in Kuria, Kenya*. .

¹⁷¹ Spotlight Initiative (November, 2021). See *Something, Say Something: Community Surveillance Committees foster courage in Nigeria*. www.spotlightinitiative.org/news/see-something-say-something-community-surveillance-committees-foster-courage-nigeria.

¹⁷² *Ibid.*

girls at risk when they hear about imminent cases of FGM being planned.¹⁷³ The community surveillance mechanisms are a form of social accountability with members in the community holding each other accountable to upholding new social norms of the community, which have been shifted from the negative and harmful social norms that promote FGM.

Box 8: Case study: Empowering sub-national mechanisms in Kenya

Two accountability mechanisms have the potential to be transformed into social accountability mechanisms in Kenya: the Anti-FGM Steering Committees and the Children Advisory Councils.

The Anti-FGM Steering Committees are established by the National Policy for the Eradication of Female Genital Mutilation (2019)¹⁷⁴ at the county and sub-county level. These Steering Committees are established and operational in the 22 counties with the highest prevalence of FGM in Kenya. Membership comprises state actors from the national and county governments, with high-level county government officials and non-state actors. The Steering Committees were established to accelerate the eradication of FGM by localizing the fight against FGM by facilitating collaboration between government actors and community leaders. The Committees have also been established at the ward level by partner CSOs, in collaboration with the Anti-FGM Board.

Children Advisory Councils are established under the Children Act 2022 in every county.¹⁷⁵ Each Council is composed mostly of state actors along with some non-state actors.

In practice, however, a crucial missing link in both the Anti-FGM Steering Committees and the Children Advisory Councils is the involvement of the community as they are not represented in these sub-national bodies. Most of the members of the Steering Committees are representatives of CSOs and community-based organizations, while the Children Advisory Councils do not even have such participation. There needs to be strengthened representation and ownership of these committees both by county governments and community members in order to enhance their effectiveness.

¹⁷³ UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change (2020). *FGM Elimination and COVID-19: Sustaining the Momentum*, 35. www.unicef.org/media/107636/file/FGM%20case%20studies%202020.pdf.

¹⁷⁴ Republic of Kenya (2019). *Sessional Paper 3 of 2019: National Policy for the Eradication of Female Genital Mutilation*. <https://repository.kippra.or.ke/bitstream/handle/123456789/552/NATIONAL-POLICY-FOR-THE-ERADICATION-OF-FEMALE-GENITAL-MUTILATION-.pdf?sequence=3&isAllowed=y>.

¹⁷⁵ Childrens' Act (2022), <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2029%20of%202022>



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CHAPTER 6

Regional and sub-regional accountability mechanisms for ending FGM in Africa

Chapter 6 addresses human rights accountability mechanisms in Africa at the regional level through the African Union (AU) as well as the sub-regional level, particularly those set up by the Regional Economic Communities (RECs).

In Africa, accountability mechanisms can be utilized to enhance state responsibility in addressing FGM. An outline of these mechanisms is provided in the following sections.

6.1 Regional mechanisms at the African Union

The African Union, guided by priority 6.1.2. of Agenda 2063, is working to deliver on the commitment to eliminate within this generation “...all harmful social norms and customary practices against women and girls and those that promote violence.”¹⁷⁶ Agenda 2063 presents a 10-year action plan covering 2014–2023 that highlights key priorities with a focus on gender equality and women’s empowerment and establishes linkages with CSOs, including on building capacity at all levels, to champion accountability and action on all relevant commitments for young and adolescent girls and women.¹⁷⁷

¹⁷⁶ African Union (2015). Agenda 2063, 156. https://au.int/sites/default/files/documents/33126-doc-framework_document_book.pdf.

¹⁷⁷ African Union, The First-Ten Year Implementation Plan, <https://au.int/en/agenda2063/ftyip>.

The African Union Commission (AUC) provides a comprehensive accountability framework on the elimination of harmful practices through the organs of the AU, which has tools for monitoring progress and challenges within their reporting mechanisms.¹⁷⁸ The AU Accountability Framework aims to hold States accountable for implementing their obligations under a strong continental human rights framework that protects and safeguards the rights of girls and women from harmful practices, including FGM.

TABLE 2: List of mechanisms for accountability at the AU level

Treaty-based bodies	<ul style="list-style-type: none"> • African Commission on Human and Peoples Rights (ACHPR) • African Committee of Experts on the Rights and Welfare of the Child (ACERWC) • African Court on Human and People's Rights (AfCHPR)
Political bodies	<ul style="list-style-type: none"> • AU Assembly of Heads of State • African Union Commission (AUC) and the AUC Women Gender and Development Directorate (AUC-WGYD) • Pan African Parliament (PAP) • African Peer Review Mechanism (APRM)

¹⁷⁸ African Union (2022). *The African Union Accountability Framework on the Elimination of Harmful Practices*. https://au.int/sites/default/files/newsevents/workingdocuments/41106-wd-AU_ACCOUNTABILITY_FRAMEWORK_ON_THE_ELIMINATION_OF_HARMFUL_PRACTICES_ENGLISH.pdf.

TABLE 3: Mechanisms for accountability at the African Union level

TREATY-BASED BODIES

	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
Accountability Mechanism : African Commission on Human and Peoples' Rights (ACHPR)	<p>Mandate: Monitor the implementation of the African Charter on Human and Peoples' Rights (African Charter or Banjul Charter) and the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol) by States Parties</p> <p>Composition: 11 independent experts in the field of human rights elected by States Parties</p> <p>Seat: Banjul, The Gambia</p>	<ul style="list-style-type: none"> Review reports of States Parties and issue concluding observations Receive and consider individual complaints regarding alleged violations of the Banjul Charter and Maputo Protocol Receive and consider inter-state complaints Formulate normative instruments to guide States Parties in fulfilling their obligations Undertake country visits to investigate human rights violations or promote the African Charter and/or Maputo Protocol Conduct research and publish studies on human rights issues 	<ul style="list-style-type: none"> Development of a joint general comment with the ACERWC on FGM (2023)¹⁷⁹ Publication of press releases and statements on FGM situations in specific countries, such as the joint press release with the ACERWC on FGM in the Gambia, 14 September 2023 Issuance of recommendations on FGM during State periodic reviews and country visits 	<ul style="list-style-type: none"> Submitting shadow or alternative reports; UN agencies can also support reporting by States Parties or submission of shadow reports by CSOs Participating in sessions of the ACHPR as an observer or through oral submissions Submitting individual complaints of alleged human rights violations (if domestic remedies have been exhausted) Submitting information during country visits Contributing to the development of resolutions, general comments and studies Engaging with the ACHPR special mechanisms, particularly the Special Rapporteur on the Rights of Women in Africa Supporting implementation of recommendations, concluding observations and decisions

¹⁷⁹ ACERWC and ACHPR (2023). *Joint General Comment on Female Genital Mutilation*. www.acerwc.africa/sites/default/files/2023-11/Joint%20General%20Comment_ACHPR-ACERWC_on%20FGM%20%283%29.pdf.

	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
Accountability Mechanism: <u>African Commission on Human and Peoples Rights (ACHPR)</u>	<p>Mandate: Monitor the implementation of the African Charter on the Rights and Welfare of the Child (African Children's Charter) by States Parties</p> <p>Composition: 11 independent experts in the field of child rights elected from States Parties</p> <p>Seat: Maseru, Lesotho</p>	<ul style="list-style-type: none"> • Review reports of States Parties and issue concluding observations • Receive and consider individual complaints regarding alleged violations of the African Children's Charter • Formulate normative instruments to guide States Parties in fulfilling their obligations • Undertake studies on grave or systematic violations of human rights • Undertake country visits to investigate human rights violations or promote the African Children's Charter • Conduct research and publish studies on child rights issues 	<ul style="list-style-type: none"> • Designation of a Special Rapporteur on Child Marriage and Other Harmful Practices • Development of a joint general comment with the ACERWC on FGM (2023) • Issuance of recommendations on FGM. For instance, the concluding observations in 2019 to Benin commended Benin for adopting legislation to outlaw FGM and recommended sensitization of the public on FGM and criminalization of offenders. • Highlighting FGM in country and follow-up visit reports. For instance, during follow-up visit to Sierra Leone in August 2023, ACERWC commented with concern on the continued prevalence of FGM and recommended expedited adoption of amendments to the Child Rights Act to prohibit FGM. 	<ul style="list-style-type: none"> • Submitting shadow or alternative reports; UN agencies can also support reporting by States Parties of submission of shadow reports by CSOs • Participating in the sessions of the African Children's Committee as an observer or through oral submissions • Submitting individual complaints of alleged child rights violations (if domestic remedies have been exhausted) • Submitting information during country visits • Contributing to the development of general comments and studies • Engaging with the Special Rapporteur on child marriage and other harmful practices • Supporting implementation of recommendations, concluding observations and decisions

	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
Accountability Mechanism: African Court on Human and Peoples' Rights (AfCHPR)	<p>Mandate: Complement the protective mandate of the ACHPR and issue decisions on cases filed in accordance with the provisions of the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights</p> <p>Composition: 11 independent judges with competence in the field of human rights</p> <p>Seat: Arusha, Tanzania</p>	<ul style="list-style-type: none"> • Adjudicate cases alleging violations of the Banjul Charter, Maputo Protocol and other relevant regional human rights treaties and issue binding judgments • Deliver advisory opinions on requests submitted by relevant actors • Interpret the Banjul Charter • Issue provisional measures for urgent matters or to avoid irreparable harm from occurring 	<ul style="list-style-type: none"> • The Court has yet to issue a decision on FGM • Decisions on GBV and child marriage include principles applicable to FGM. For example, in a case against Mali, the AfCHPR found that lowering the minimum age of marriage to 16 for girls violated the Right to Equality and Non-Discrimination under the Banjul Charter and the Maputo Protocol. 	<ul style="list-style-type: none"> • Instituting cases before the AfCHPR after exhausting available local remedies. Individuals and NGOs (with observer status before the ACHPR) can only directly file cases if the State Party has filed a declaration before the AfCHPR allowing such access. As of 2023, only eight States had done so.¹⁸⁰ • Submitting <i>amicus</i> (friend of the court) briefs to support interpretation and application of legal provisions • Promoting implementation of AfCHPR decisions • Supporting CSOs to institute cases

¹⁸⁰ Amnesty International (2023). *Why the African Court should matter to you*. www.amnesty.org/en/latest/campaigns/2023/06/why-the-african-court-should-matter-to-you/.

POLITICAL BODIES

	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
Accountability Mechanism: African Union (AU) Assembly of Heads of State and Government	<ul style="list-style-type: none"> • Mandate: Key policy and decision-making organ of the AU, formed under AU Constitutive Act • Composition: Heads of state and government of all AU Member States • Seat: Addis Ababa, Ethiopia 	<ul style="list-style-type: none"> • Determine common policies of the AU • Receive, consider and take decisions on reports and recommendations from the other organs of the AU • Monitor the implementation of policies and decisions of the AU as well as ensure compliance by all AU Member States 	<ul style="list-style-type: none"> • Adoption of Resolution Assembly/AU/Dec. 737 (XXXII) on galvanizing political commitment towards the elimination of FGM in Africa • Adoption of Resolution Assembly/AU/Dec. 383 (XVIII) on support of the first draft resolution at the UNGA to ban FGM in the world • Endorsement of the Saleema Initiative on eliminating FGM 	<ul style="list-style-type: none"> • Engaging with the AU Assembly during its annual summits and advocating for adoption of resolutions on FGM • Participating in the Gender is My Agenda (GIMAC) pre-summit meetings • Promote continued appointments of the AU Champion for Eliminating FGM and support the AU Champion in promoting accountability to end FGM
Accountability Mechanism: Women, Gender and Youth Directorate (WGYD) of the African Union Commission (AUC)	<p>Mandate: Advance gender equality and empowerment within the AU and its Member States; Governed by the AU Constitutive Act and the Statute of the Commission of the African Union</p> <p>Composition: Staff</p> <p>Seat: Addis Ababa, Ethiopia</p>	<ul style="list-style-type: none"> • Implementation of initiatives based on adopted policies to promote gender equality and empowerment • The Maputo Protocol Scorecard and Index is a toolkit aimed at enhancing accountability and evaluating the advancements made by Member States in fulfilling their obligations under the Maputo Protocol. 	<ul style="list-style-type: none"> • Development of an Accountability Framework on Harmful Practices • Launch of Saleema Youth Victorious Ambassadors' Campaign • Development of an African Gender Scorecard, which has a specific indicator on FGM 	<ul style="list-style-type: none"> • Collaborating with the WGYD in implementing initiatives on ending FGM • Promoting use of the African Gender Scorecard and the Maputo Protocol Scorecard and Index • Popularizing the Accountability Framework on Harmful Practices with Member States

	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
Accountability Mechanism: Pan-African Parliament (PAP)	<p>Mandate: Provide a platform for African legislative representatives to be more involved in decision-making.</p> <p>Composition: Member State representatives</p> <p>Seat: Midrand, South Africa</p>	<ul style="list-style-type: none"> • PAP does not have legislative powers, but it has consultative, advisory and budgetary oversight powers within the AU • Develop Model Laws and submit to AU Assembly Heads of State for approval • Pass Resolutions by the Plenary of the PAP • PAP has 10 permanent committees which can oversee development of AU policies and programmes and advocate with member states to promote human rights 	<ul style="list-style-type: none"> • Annual Women’s Conference: In 2017, UNFPA collaborated with PAP and CSOs to organize the Women’s Conference under the theme of promoting international and regional human rights instruments, especially those related to FGM. In the outcome document of the conference, the PAP issued recommendations to the AU and other stakeholders on the actions needed for elimination of FGM. 	<ul style="list-style-type: none"> • Engaging with permanent committees on issues related to FGM, particularly the Committee on Gender, Family, Youth and People with Disabilities, the Committee on Health, Labour and Social Affairs and the Committee on Justice and Human Rights • Collaborating with PAP Women’s Caucus to monitor implementation of commitments by Member States to end FGM • Highlighting FGM in the Annual Women’s Conference
African Peer Review Mechanism (APRM)	<ul style="list-style-type: none"> • Mandate: Peer review of state compliance with AU and international governance commitments • Composition: The APR Forum is a Committee of Participating Heads of State and Government which issues the final review 	<ul style="list-style-type: none"> • Country Self-Assessment and preparation of a national programme of action by State under Review • External independent evaluation through country review missions • Technical Assessments by the APR Panel of Eminent Persons which drafts recommendations to the country that are approved by Heads of State. • Peer review by member states and issuance of recommendations 	<ul style="list-style-type: none"> • Recommendations on FGM included in Country Review Report. For example, the Country Review Report of Egypt published in 2020 highlights the continued prevalence of FGM, while acknowledging the efforts taken by the Egyptian government so far to address the practice. 	<ul style="list-style-type: none"> • Supporting the State under Review to engage in broad-based consultations prior to developing the national programme of action; and carrying out technical assessment to support planning and implementation of the national programme of action¹⁸¹ • Providing recommendations during country review missions • Promoting implementation of recommendations issued by the APRM

¹⁸¹ German Development Institute (2009). *The African Peer Review Mechanism as a Tool to Improve Governance? Lessons from Ghana*. www.files.ethz.ch/isn/114013/Study%2045e.pdf.

6.2 Sub-regional mechanisms

Regional Economic Communities are regional groupings of African countries whose primary objective is to promote economic integration among member nations within their respective regions.¹⁸² RECs have the potential to influence and monitor their Member States in ratifying, domesticating, implementing and reporting on regional and international instruments regarding ending harmful practices.¹⁸³ There are eight RECs, of which two are in the process of refining their operational mechanisms, the Arab Maghreb Union and Community of Sahel–Saharan States (CEN–SAD).

TABLE 4: List of key accountability mechanisms in the RECs

Economic Community of Central African States (ECCAS)	<ul style="list-style-type: none"> • ECCAS Conference of Heads of State and Government • Department of Gender Promotion, Human and Social Development • Future potential mechanisms (Community Parliament of ECCAS and Community Court of Justice)
Economic Community of West African States (ECOWAS)	<ul style="list-style-type: none"> • ECOWAS Gender Development Centre (EGDC) • Forum of ECOWAS First Ladies • ECOWAS Parliament • The ECOWAS Community Court of Justice • West African Health Organization • The ECOWAS Commission
Southern African Development Community (SADC)	<ul style="list-style-type: none"> • Gender Unit within SADC Secretariat • SADC Committee of SADC Ministers Responsible for Gender Women's Affairs • SADC Parliamentary Forum (SADC – PF)
East African Community (EAC)	<ul style="list-style-type: none"> • East African Legislative Assembly (EALA) • East African Court of Justice (EACJ) • Summit and Council of Ministers • EAC Secretariat
Common Market for Eastern and Southern Africa (COMESA)	<ul style="list-style-type: none"> • COMESA Secretariat • COMESA Court of Justice
Intergovernmental Authority on Development (IGAD)	<ul style="list-style-type: none"> • Assembly of Heads of State and Government • Council of Ministers • Committee of Ambassadors • Secretariat • Women's Desk
Arab Maghreb Union	<ul style="list-style-type: none"> • Pending as of publication date
Community of Sahel–Saharan States (CEN–SAD)	<ul style="list-style-type: none"> • Pending as of publication date

¹⁸² African Union, *Regional Economic Communities*, <https://au.int/en/organs/recs>.

¹⁸³ The AU Campaign to End Child Marriage in Africa aims to empower Member States' experts, RECs, and CSOs to address child marriage effectively and has held capacity-building workshops for RECs to achieve this goal.

TABLE 5: Key accountability mechanisms in the RECs

ACCOUNTABILITY MECHANISM	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES (ECCAS)				
ECCAS Conference of Heads of State and Government	<p>Mandate: Supreme policy organ of ECCAS</p> <p>Composition: Heads of State or Government of ECCAS Member States</p>	<ul style="list-style-type: none"> Overall policy direction and control of the functions of ECCAS Adopt ECCAS legal instruments 	<ul style="list-style-type: none"> Adoption of ECCAS Gender Policy, 2014 	<ul style="list-style-type: none"> Engage with the ECCAS Conference during its ordinary meetings
ECOWAS				
ECOWAS Community Court of Justice	<p>Mandate: Ensure observance of law and principles of equity in interpretation and application of the ECOWAS Treaty and subsidiary legal instruments</p> <p>Composition: Five independent judges</p>	<ul style="list-style-type: none"> Decide cases of violations of human rights occurring in Member States. ECOWAS can apply regional treaties like the Banjul Charter, African Children’s Charter and the Maputo Protocol in addition to ECOWAS treaties. Deliver advisory opinions 	<ul style="list-style-type: none"> Currently adjudicating cases on FGM filed against Mali and Sierra Leone 	<ul style="list-style-type: none"> Submit cases on FGM to the Court (no requirement to exhaust domestic remedies)
ECOWAS Gender Development Centre (EGDC)	<p>Mandate: Collaborate with Member States to promote gender equality and women’s empowerment across various policies, strategies and programmes</p> <p>Composition: Director of the EGDC and staff</p>	<ul style="list-style-type: none"> Mainstream Gender in ECOWAS institutions and Member States Implement the ECOWAS Gender Policy and Strategic Plan Conduct research, sensitization, training and capacity building 	<ul style="list-style-type: none"> Development of EGDC Strategic Plan 2023-2027, which outlines strategies on addressing harmful practices Adoption of ECOWAS Regional Plan of Action for Combating Obstetric Fistula 2016-2019, which included an outcome on enforcement of anti-FGM laws 	<ul style="list-style-type: none"> Collaborate with the EGDC in implementing initiatives on ending FGM Support development of declarations that can be adopted by Heads of States

ACCOUNTABILITY MECHANISM	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
ECOWAS Parliament	<p>Mandate: A forum for dialogue, consultation and consensus for representatives of the people of West Africa with the aim of promoting integration</p> <p>Composition: 115 Members of Parliament (with at least five from each State)</p>	<ul style="list-style-type: none"> Promote and defend principles of human rights, democracy, the rule of law, transparency, accountability and good governance Contribute to the effective implementation of objectives and policies of ECOWAS 	<ul style="list-style-type: none"> Establishment of the Standing Committee on Social Affairs, Gender and Women Empowerment to, among other functions, lead on addressing FGM Development of a regional strategy to end all forms of suppression against women 	<ul style="list-style-type: none"> Collaborate with the Parliament in implementing initiatives on ending FGM Advocate for passage of regional law on FGM
Forum of ECOWAS First Ladies	<p>Mandate: Mobilize and strengthen political commitment on issues of concern in West Africa</p> <p>Composition: First Ladies of the 15 ECOWAS Member States</p>	<ul style="list-style-type: none"> Convene high-level meetings to raise awareness and mobilize the necessary political commitment to address issues of concern in West Africa 	<ul style="list-style-type: none"> Adoption of the Declaration on the Elimination of Gender-Based Violence, Including FGM, 2017 Adoption of the Niamey Declaration of ECOWAS First Ladies: Call to End Child Marriage and Promote Education and Empowerment of Girls, 2019 	<ul style="list-style-type: none"> Collaborate with the Forum in implementing initiatives on ending FGM
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)				
SADC Summit of Heads of State or Government	<p>Mandate: Supreme policy-making institution of SADC</p> <p>Composition: Heads of State or Government of SADC Member States</p>	<ul style="list-style-type: none"> Overall policy direction and control of the functions of SADC Adopt SADC legal instruments 	<ul style="list-style-type: none"> Adoption of the Revised SADC Protocol on Gender and Development Adoption of the SADC Declaration on Gender and Development 	<ul style="list-style-type: none"> Engage with the SADC Summit during its ordinary meetings Participate in meetings of the SADC Civil Society Forum
Committee of SADC Ministers of Gender and Women's Affairs	<p>Mandate: Ensure implementation of the SADC Revised Protocol on Gender and Development</p> <p>Composition: Gender/Women's Affairs Ministers of Member States</p>	<ul style="list-style-type: none"> Track progress and raise concerns and challenges in implementing SADC gender programmes at the national and regional levels Monitor implementation of the Protocol on Gender 	<ul style="list-style-type: none"> Adoption of the SADC Regional Strategy and Framework of Action Addressing Gender Based Violence (2018-2030) 	<ul style="list-style-type: none"> Collaborate with the Secretariat in implementing initiatives on ending FGM

ACCOUNTABILITY MECHANISM	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
SADC Parliamentary Forum (SADC-PF)	<p>Mandate: Provide a platform for parliamentarians to promote and improve regional integration in the SADC region</p> <p>Composition: Presiding officers of the national parliaments of Member States and up to five representatives designated by each national parliament</p>	<ul style="list-style-type: none"> Promote human rights, gender equality, good governance, democracy and transparency Standing Committee on Gender Equality, Women's Advancement and Youth Development oversees gender mainstreaming at the SADC PF and national parliaments Adopt Model Laws and monitor their implementation 	<ul style="list-style-type: none"> Adoption of the SADC Model Law on Gender-Based Violence, which includes a provision on FGM Adoption of the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage 	<ul style="list-style-type: none"> Collaborate with the SADC PF in implementing initiatives on FGM Engage the Regional Parliamentary Model Laws Oversight Committee to monitor implementation of Model Law on GBV
EAST AFRICAN COMMUNITY (EAC)				
East African Court of Justice (EACJ)	<p>Mandate: Ensure adherence to law in interpretation and application of EAC Treaty</p> <p>Composition: Maximum of 15 judges, with up to 10 judges in the First Instance Division and up to five in the Appellate Division</p>	<ul style="list-style-type: none"> Determine cases of violations of the objectives and principles of the EAC, which include human rights Deliver advisory opinions on request by an EAC organs or Member States 	<ul style="list-style-type: none"> The Banjul Charter has emerged as a basis for claims of human rights violations that can be made before the EACJ, which means violations related to FGM could potentially be brought before the EACJ 	<ul style="list-style-type: none"> Submit cases on FGM to the Court (no requirement to exhaust local remedies)
EAC Summit of Heads of State and Government	<p>Mandate: Key policy and decision-making organ of the EAC</p> <p>Composition: Heads of State and Government of EAC Member States</p>	<ul style="list-style-type: none"> Give general directions and impetus as to the development and achievement of the objectives of the EAC Consider reports submitted to it by the EAC Council of Ministers Review the state of peace, security and good governance within the EAC 	<ul style="list-style-type: none"> EAC Summit has to provide assent to all bills passed by the East African Legislative Assembly 	<ul style="list-style-type: none"> Engage with the EAC Summit during its ordinary meetings Participate in meetings of the East African Civil Society Organizations Forum

ACCOUNTABILITY MECHANISM	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
East African Legislative Assembly (EALA)	<p>Mandate: Legislative organ of the EAC</p> <p>Composition: Nine members elected by each Member State and ex-officio members</p>	<ul style="list-style-type: none"> Legislating, providing oversight and liaising with the National Assemblies of Member States Direct lawmaking powers (but Bills must be approved by Summit of Heads of State) 	<ul style="list-style-type: none"> Adoption of the EAC Prohibition of FGM Bill, 2016 (yet to be enacted) Adoption of Resolution urging EAC to take Action Against the Practice of FGM, 2010 	<ul style="list-style-type: none"> Collaborate with the Parliament in implementing initiatives on FGM Advocate for regional law on FGM
COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA (COMESA)				
COMESA Authority of Heads of State and Government	<p>Mandate: Supreme policy organ of COMESA</p> <p>Composition: Heads of state and government of COMESA Member States</p>	<ul style="list-style-type: none"> Responsible for the general policy and direction and control of the performance of the executive functions of COMESA and the achievement of its aims and objectives 	<ul style="list-style-type: none"> Adoption of the COMESA Social Charter, which has a focus area on elimination of harmful practices Development of the COMESA Strategic Plan 2021-2025, which seeks to undertake studies on harmful practices 	<ul style="list-style-type: none"> Engage with the Authority during its ordinary meetings
COMESA Court of Justice	<p>Mandate: Ensure adherence to the law in the interpretation and application of the COMESA Treaty</p> <p>Composition: Twelve judges, seven in First Instance Division and five in Appellate Division</p>	<ul style="list-style-type: none"> Adjudicate all matters referred to it pursuant to the COMESA Treaty Give advisory opinions regarding questions of law arising from COMESA Treaty 	<p><i>Note: To date, the COMESA Court of Justice has largely decided on matters related to trade and employment, as opposed to human rights.</i></p>	<ul style="list-style-type: none"> Submit cases on FGM to the Court (domestic remedies must be exhausted first)

ACCOUNTABILITY MECHANISM	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	EXAMPLES OF ENGAGEMENT ON FGM	METHODS OF ENGAGEMENT
INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT				
IGAD Assembly of Head of State of Government	<p>Mandate: Supreme policy-making and regulatory organ of the IGAD</p> <p>Composition: Heads of State or Government of IGAD Member States</p>	<ul style="list-style-type: none"> Determine the objectives, guidelines and programmes of IGAD Issue decisions and recommendations on policies for IGAD 	<ul style="list-style-type: none"> Established the Gender Affairs programme in IGAD Secretariat which can monitor the ratification and implementation of Maputo Protocol and CEDAW by Member States 	<ul style="list-style-type: none"> Secure political commitment and goodwill towards anti-FGM activities at Assembly of Heads of State
Council of Ministers	<p>Mandate: Formulates policy and approves work programmes and budgets</p> <p>Composition: All Foreign Affairs Ministers and one other Focal Minister designated by each Member State.</p>	<ul style="list-style-type: none"> Formulate policy and approve work programmes and annual budgets of the IGAD Secretariat during its biannual sessions 	<ul style="list-style-type: none"> 2010 Declaration by Ministers responsible for gender affairs to uphold the recommendation of the IGAD Gender Experts Meeting to mitigate harmful cultural practices 	<ul style="list-style-type: none"> Collaborate with Council of Ministers to position FGM programming as a priority and set up necessary framework for its eradication
ARAB MAGHREB UNION				
COMMUNITY OF SAHEL-SAHARAN STATES (CEN-SAD)				

Box 9: Case study: Kenya issues governmental statement and costed action plan to end cross-border FGM

In April 2019, the Government of Kenya hosted an inaugural regional inter-ministerial meeting in Mombasa, Kenya, with the support of UNFPA and UNICEF country offices.¹⁸⁴ The meeting brought together government representatives, and representatives of United Nations agencies and CSOs from five countries: Ethiopia, Kenya, Somalia, Tanzania and Uganda. A regional technical working group was formed and tasked with developing a regional declaration and an action plan on ending cross-border FGM.¹⁸⁵

Subsequent deliberations supported by UNFPA resulted in the government's adoption of the Inter-Ministerial Declaration and Costed Regional Action Plan to End Cross-border FGM.¹⁸⁶ The action plan aims to implement the Decision on Galvanizing Political Commitment Towards the Elimination of Female Genital Mutilation in Africa of the 32nd Ordinary Session of the African Union Heads of State and Government Summit, February 2019. The process of formulating the plan provided an opportunity for the region to identify broad priorities, initiate strategic actions and determine responsibilities among different actors. It also ensured that anti-FGM campaign activities are seen not as standalone efforts but rather as an integral part of the African Union's discussions, in line with the Saleema Initiative.

The Action Plan establishes a regional framework for both State and non-State entities to strengthen prevention, protection and prosecution initiatives aimed at stopping cross-border FGM in Ethiopia, Kenya, Somalia, Tanzania and Uganda. Additionally, it outlines a regional mechanism that will assist in supporting both regional and national endeavours.

The Action Plan was not developed through official EAC mechanisms as it also included non-EAC Member States such as Ethiopia and Somalia. However, the existence of commitments at the AU and EAC level, including the AU Heads of State and Government decision from 2019 and the EAC Prohibition of FGM Bill 2016, were critical rallying points to garner the necessary political will from the Ministers of participating States to enact the declaration and action plan. The process of rallying support for the action plan was also supported by prior research by the UNFPA East and Southern Africa Regional Office,¹⁸⁷ which helped to highlight FGM prevalence and establish how the failure to address cross-border FGM could undo the gains made nationally to address FGM.

¹⁸⁴ UNFPA (2019). *1st Regional Inter-Ministerial Meeting to End Cross-Border FGM*. <https://kenya.unfpa.org/en/publications/ending-cross-border-fgm>

¹⁸⁵ *Ibid.*

¹⁸⁶ UNFPA ESARO (2022). *Costed Regional Action Plan to End Cross-Border Female Genital Mutilation*. <https://esaro.unfpa.org/en/publications/costed-regional-action-plan-end-cross-border-female-genital-mutilation>.

¹⁸⁷ UNFPA (2019). *Beyond the crossing: Female Genital Mutilation Across Borders, Ethiopia, Kenya, Somalia, Tanzania and Uganda*. www.unfpa.org/sites/default/files/pub-pdf/Beyond_the_Crossing_Female_Genital_Mutilation_Across_Borders_Final.pdf.

6.3 Other institutions

Non-traditional institutions such as health and financial institutions can sometimes prove to be key partners in promoting accountability towards ending FGM. For instance, the African Development Bank (AfDB) monitors countries' progress in realizing women's rights through its Gender and Women Empowerment Division. One of the ways it does this is through its Country Gender Profiles, which it prepares in collaboration with the countries themselves and UN Women.¹⁸⁸ The profiles evaluate gender equality and offer recommendations to enhance efforts towards achieving gender equality. For example, the 2022 Country Gender Profile of Somalia reported on the measures taken by the Government of Somalia to end FGM and early or forced childhood marriage.¹⁸⁹ In its recommendations, it highlights the need to enact the draft FGM bill, and for NGOs to assist in conducting local social dialogue and advocacy with GBV leaders to promote new attitudes towards GBV and harmful practices, including on local radio.

The Council of Traditional Leaders of Africa (COTLA) is a network of traditional leaders across Africa established in February 2019.¹⁹⁰ COTLA seeks to steer the transformation and eradication of negative cultural practices, customs and traditions to end child marriage, FGM and other harmful practices. It does this through implementing alternative rites of passage that respect women and girls' rights, issuing decrees and signing declarations to ban child marriage in local chiefdoms, supporting public declarations of FGM abandonment and facilitating women and girls' access to GBV services, including health services, psychosocial support and the justice system, including the police. In 2021, COTLA committed to the elimination of violence against women and girls.¹⁹¹ It promised to eliminate harmful practices including FGM by implementing community-based approaches, advocating for laws and policies ending early and child marriage, supporting grassroots movements against FGM by holding dialogues with community actors and establishing monitoring mechanisms to track the progress.

¹⁸⁸ African Development Bank Group, *Country Gender Profiles*, www.afdb.org/en/documents/category/country-gender-profiles.

¹⁸⁹ African Development Bank Group (April 6, 2022). *Somalia - Country Gender Profile*. www.afdb.org/en/documents/somalia-country-gender-profile.

¹⁹⁰ UN Women Africa (2021). *Commitment of the Council of Traditional Leaders of Africa (COTLA) towards the elimination of violence against women and girls*. <https://africa.unwomen.org/en/digital-library/publications/2021/09/commitment-of-the-council-of-traditional-leaders-of-africa>.

¹⁹¹ UN Women Africa (2021). *Commitment of the Council of Traditional Leaders of Africa (COTLA) towards the elimination of violence against women and girls*. <https://africa.unwomen.org/en/digital-library/publications/2021/09/commitment-of-the-council-of-traditional-leaders-of-africa>.



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CHAPTER 7

Regional human rights mechanisms for ending FGM in other regions

Chapter 7 provides a brief overview of the regional accountability mechanisms available in other regions, namely the Middle East and North Africa, Europe, Asia and the Americas.

7.1 Middle East and North Africa

The second version of the Arab Charter on Human Rights was adopted by the League of Arab States (LAS) in 2004.¹⁹² The LAS has a number of mechanisms that could potentially be used to promote accountability for meeting human rights commitments, including on FGM.¹⁹³ A brief overview of the relevant mechanisms is provided below.

TABLE 6: Mechanisms in the Middle East and North Africa

Charter-based mechanisms	<ul style="list-style-type: none">• Arab Human Rights Committees (also known as Charter Committee)
Political mechanisms	<ul style="list-style-type: none">• Permanent Arab Committee for Human Rights• The Council of the League of Arab States• Arab Parliament
Other mechanisms	<ul style="list-style-type: none">• The Arab Council for Population and Development• Arab Women Organization (AWO)

¹⁹² United Nations (2004). Arab Charter on Human Rights, 2004. <https://digitallibrary.un.org/record/551368?ln=en>.

¹⁹³ For a detailed explanation of the human rights mechanisms established by the League of Arab States, see, Open Society Foundations, Cairo Institute for Human Rights Studies (2015). The League of Arab States Human Rights Standards and Mechanisms, Towards further Civil Society Engagement: A Manual for Practitioners. www.opensocietyfoundations.org/publications/league-arab-states-human-rights-standards-and-mechanisms.

BOX 10: Case Study: Collaboration between the UNFPA Arab States Regional Office and the League of Arab States

A collaborative effort between the UNFPA Arab States Regional Office (ASRO) and League of Arab States (LAS) culminated in the creation of a joint work plan focused on ending FGM for 2023, situated within the purview of LAS's Policy and Population Department. In October 2023, a regional event was held in commemoration of the 11th anniversary of the International Day of the Girl Child. The event was co-organized by UNFPA ASRO, LAS and the UNICEF MENA Regional Office. It was the first regional high-level meeting to end FGM medicalization within the region. Government representatives, health professionals, judiciary, CSOs and UN agencies from nine countries met to discuss strategic approaches and multi-sectoral collaboration for strong policy and legal framework and training of health-care providers to strengthen the commitment to end FGM in all its forms, including the medicalization of this harmful practice. The meeting resulted in recommendations to enforce legislation, build capacity of the judiciary, train health-care providers, foster multi-sectoral collaboration and learn from other regional contexts to end FGM in the Arab States.



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TABLE 7: Accountability mechanisms in other regions

ACCOUNTABILITY MECHANISM	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	HOW TO ENGAGE THE MECHANISM
CHARTER-BASED MECHANISMS			
Arab Human Rights Committee	<p>Mandate: Established by the Arab Charter on Human Rights to oversee the implementation of the Arab Charter</p> <p>Composition: Seven independent members</p>	<ul style="list-style-type: none"> Review reports of States Parties Interpret the Arab Charter Request information from Arab League bodies and institutions <p><i>Note: The Committee does not have any enforcement mechanisms or special procedures, which limits its ability to hold member states accountable</i></p>	<ul style="list-style-type: none"> Submit shadow reports prior to review of State Party report (required to be submitted every three years) Participate in closed meetings with the Committee members prior to the State Review to provide oral submissions Advocate and collaborate with the Committee to highlight FGM as a key human rights issue in the MENA region
POLITICAL MECHANISMS			
Permanent Arab Committee for Human Rights	<p>Mandate: Established as a permanent specialized committee to establish the rules of cooperation among Member States of the LAS in the field of human rights</p> <p>Composition: Representatives of all Member States</p>	<ul style="list-style-type: none"> Formulate an Arab position on human rights issues Draft and study human rights treaties Promote the implementation of human rights treaties and recommendations Provide recommendations on any human rights issues referred to it 	<ul style="list-style-type: none"> Work with the Permanent Committee to organize a thematic discussion on FGM, as it organizes specific discussions related to themes selected each year on Arab Human Rights Day on 16 March Advocacy and collaboration with the Permanent Committee to highlight issues of FGM and ensure that it is prioritized as a key human rights issue in the MENA region
The Council of the LAS and Ministerial Councils	<p>Mandate: Highest political and decision-making body of the LAS</p> <p>Composition: There are three levels of the Council: Summits of Heads of States, Ministers of Foreign Affairs, and Permanent Representatives. There are also 13 specialized Ministerial Councils of Member States for cooperation on various issues including Interior, Justice, Health, Youth and Sports and Social Affairs</p>	<ul style="list-style-type: none"> Issue resolutions and declarations. For example, an LAS Ministerial Conference led to the passing of the Arab Declaration on Belonging and Identity regarding equal nationality rights for women and men. Adopt and develop Model Laws through the Council of Ministers of Justice <p><i>Note: The Ministerial Council of Foreign Affairs approved the Statute of the Arab Court of Human Rights in 2014. The statute has not yet achieved minimum ratification requirements, and has thus not yet come into effect.</i></p>	<ul style="list-style-type: none"> Advocate and support the organization of a Ministerial Conference that passes a declaration or resolution on ending FGM Support and promote development of a Model Law on FGM Advocate for FGM to be highlighted as a key issue in resolutions and strategic plans adopted by the Ministerial Councils. For instance, one of the pillars of the Arab Strategic Plan on improving Maternal, Child and Adolescent Health, developed pursuant to a resolution of the Council of Ministers of Health, focuses on ending harmful practices.

ACCOUNTABILITY MECHANISM	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	HOW TO ENGAGE THE MECHANISM
Arab Parliament	<p>Mandate: To give the people of the Arab world a voice within the LAS</p> <p>Composition: Four parliamentary members from each member state</p>	<ul style="list-style-type: none"> • Conduct research and provide recommendations to the Council of the LAS and Summit of the Heads of State • The Parliament has consultative powers; it does not have legislative or oversight powers • Monitor implementation of human rights through the Arab Human Rights Index, which will be launched by the Arab Observatory for Human Rights 	<ul style="list-style-type: none"> • Support research on FGM in the MENA region • Advocate for indicators on FGM to be included in the Arab Human Rights Index and support monitoring by the Arab Observatory for Human Rights
OTHER MECHANISMS			
Arab Council for Population and Development	<p>Mandate: Monitor implementation of the Cairo Declaration, Regional Conference on Population and Development in the Arab States (ICPD Beyond 2014)</p> <p>Composition: All Member States of the League of Arab States</p>	<ul style="list-style-type: none"> • Strengthen cooperation and communication, the sharing of information and expertise in the field of population and development among Arab countries • Offer technical assistance to Member States and help Arab national councils draw population strategies in line with their national needs 	<ul style="list-style-type: none"> • Promote implementation of the Population Development Composite Index (PDCI), which tracks achievement of the ICPD Programme of Action and related SDGs • Strengthen technical capacity of members of the Council to engage on issues relating to FGM while advising national governments
Arab Women Organization (AWO)	<p>Mandate: Empower Arab women and build their capacities to promote progress in Arab societies</p> <p>Composition: The Supreme Council of AWO consists of Arab First Ladies or their representatives; the Executive Council is made up of representatives from member states specializing in women's issues</p>	<ul style="list-style-type: none"> • Collect and disseminate data and research regarding the status of Arab women and their issues • Coordinate local and national efforts pertaining to women issues • Develop model programmes to improve the status of Arab women in all fields • Organize seminars and workshops to coordinate joint Arab action regarding women issues 	<ul style="list-style-type: none"> • Support and participate in the general conferences regularly organized by AWO and highlight FGM • Support the AWO to issue an updated strategy on Violence against Women and Girls that also addresses FGM, e.g. the Arab Strategy for combating Violence Against Women (2011–2020) adopted by the AWO

Box 11: Using the Population Development Composite Index as a tool for accountability

The Population Development Composite Index (PDCI)¹⁹⁴ is a tool that tracks achievements towards the ICPD Programme of Action and related SDGs from a population development lens. It was launched by the UNFPA Arab States Regional Office and the LAS in July 2021. The dignity and human rights pillar of the PDCI includes an indicator on FGM prevalence.¹⁹⁵ The PDCI is meant to help government bodies, parliamentarians, NGOs and regional entities working in the population and development field at the national level to benchmark, monitor and evaluate the progress of the SDGs from a population lens and to reach evidence-based policy directions.

Since the launch of the PDCI, UNFPA ASRO has conducted several advocacy events and training workshops with government authorities such as the Arab Council for Population and Development as well as national statistical offices to popularize the index. Currently, some countries in the region have initiated the process of developing the national and sub-national level reports under the PDCI. In Somalia, for example, this effort is being supported by the UNFPA Country Office. High-level meetings to present the index are being planned in other countries.

¹⁹⁴ UNFPA Arab States (2021). *The Population Development Composite Index 2020 Report*. <https://arabstates.unfpa.org/en/publications/population-development-composite-index-2020-report>.

¹⁹⁵ UNFPA (2020). ICPD Population Development Composite Index (PDCI): Towards people-centred SDGs, *Pilot Study for Arab States*, 2020. <https://arabstates.unfpa.org/sites/default/files/pub-pdf/PDCI.Report.EN%20layout%20final%20for%20web%2012-1-2020.pdf>.

7.2 Europe

Accountability mechanism in the European system can and have been used to promote state accountability towards addressing FGM.¹⁹⁶ A brief overview of these mechanisms is provided below, with a focus on the three main accountability mechanisms:

TABLE 8: List of mechanisms in Europe

Convention-based mechanisms	<ul style="list-style-type: none"> • European Court of Human Rights (ECtHR) • The Council of Europe's Group of Experts on Action Against Violence Against Women and Domestic Violence (GREVIO)
Political mechanisms	<ul style="list-style-type: none"> • The Council of Europe, which issued a Declaration on the need to intensify the efforts to prevent and combat FGM¹⁹⁷ • European Parliament • European Commission, which issues action plans on FGM • Council of European Union, which is planning to adopt a directive on violence against women

TABLE 9: Accountability mechanisms in Europe

ACCOUNTABILITY MECHANISM	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	HOW TO ENGAGE THE MECHANISM
CONVENTION-BASED MECHANISMS			
European Court of Human Rights (ECtHR)	<p>Mandate: Ensure observance to the European Convention on Human Rights and its protocols</p> <p>Composition: 45 judges, one from each State Party</p>	<ul style="list-style-type: none"> • Rule on individual or state applications alleging violations of the European Convention on Human Rights and its protocols. The ECtHR has made decisions in cases regarding the risk of FGM in cases where a woman faces expulsion from a country.¹⁹⁸ 	<ul style="list-style-type: none"> • Submit cases and <i>amicus</i> briefs on FGM to the ECtHR • Support CSOs in taking cases to the ECtHR

¹⁹⁶ See also, End FGM European Network, *Our Policy Achievements*, <https://endfgm.eu/what-we-do/policy-influencing-and-advocacy/our-policy-achievements/>.

¹⁹⁷ Council of Europe (2017). Declaration of the Committee of Ministers on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe (September 13, 2017). https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680747e57

¹⁹⁸ See European Court of Human Rights (November, 2022). *Factsheet - Violence against Women*. www.echr.coe.int/documents/d/echr/FS_Violence_Woman_ENG.

<p>Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)</p>	<p>Mandate: Monitor Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)</p> <p>Composition: 15 independent experts</p>	<ul style="list-style-type: none"> • Publish reports evaluating measures taken by States Parties to implement Istanbul Convention • Organize country visits • Initiate a special inquiry procedure in cases of a serious, massive or persistent pattern of violence • Issue general recommendations 	<ul style="list-style-type: none"> • Submit information to GREVIO on FGM during State Party reviews • Participate in Country Visits
<p>CONVENTION-BASED MECHANISMS</p>			
<p>European Parliament</p>	<p>Mandate: Legislative arm of the EU (along with the Council of the European Union)</p> <p>Composition: Members elected by voters in all member states</p>	<ul style="list-style-type: none"> • Adopt resolutions on various issues, including FGM such as 2020 resolution on An EU strategy to put an end to female genital mutilation around the world • Pass directives 	<ul style="list-style-type: none"> • Advocate for resolutions and directives on FGM. For example, it advocates for adoption of the proposed directive on violence against women, which would criminalize FGM across the EU.



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7.3 Americas

A brief overview of the key mechanisms in the Inter-American human rights system established by the Organization of American States (OAS) which could be used to promote accountability for meeting commitments on ending FGM are provided below:

TABLE 10: Accountability mechanisms in the Americas

ACCOUNTABILITY MECHANISM	MANDATE AND COMPOSITION	ACCOUNTABILITY TOOLS	HOW TO ENGAGE THE MECHANISM
Inter-American Commission on Human Rights	<p>Mandate: Promote respect for and defence of human rights in the Americas region and implementation of the American Convention on Human Rights and the American Declaration on the Rights and Duties of Man</p> <p>Composition: Seven independent experts</p>	<ul style="list-style-type: none"> • Make recommendations to governments • Appoint Special Rapporteurs on thematic areas • Receive and consider individual complaints and inter-state complaints or communications alleging violations of the American Convention on Human Rights • Undertake on-site visits 	<ul style="list-style-type: none"> • Submit complaints to the Commission on FGM • Participate in Commission sessions and highlight FGM • Engage with the Special Rapporteurs on the Rights of Women and the Rights of the Child
Inter-American Court of Human Rights	<p>Mandate: Promote human rights in the region and receive individual complaints</p> <p>Composition: Seven judges</p>	<ul style="list-style-type: none"> • Decide on cases referred by the Inter-American Commission • Issue Advisory Opinions to States Parties 	<ul style="list-style-type: none"> • Submit cases (through the Commission) and <i>amicus</i> briefs on FGM
Follow-up Mechanism to the Belém do Pará Convention (MESECVI)	<p>Mandate: Monitor implementation of the Belém do Pará Convention</p> <p>Composition: Independent Experts from each State Party</p>	<ul style="list-style-type: none"> • Review States Parties' progress on implementation of the Belém do Pará Convention and issue recommendations • Develop hemispheric reports on thematic issues and adopt Model Laws 	<ul style="list-style-type: none"> • Highlight FGM in review of States Parties

7.4 Asia and the Pacific

The region of Asia and the Pacific does not have a regional intergovernmental accountability mechanism to protect and promote human rights, unlike other regions. The following mechanisms can potentially be used to promote accountability for addressing FGM, however. They may apply only to certain countries within the region.

TABLE 11: Accountability mechanisms in Asia and the Pacific

<p>Charter-based mechanisms</p>	<ul style="list-style-type: none"> • UN Economic and Social Commission for Asia and the Pacific (UN ESCAP) hosts and coordinates intergovernmental consultations and forums at the regional level, including the Asia Pacific Forum on Sustainable Development and the Asian and Pacific Population Conference, which provide the opportunity to highlight FGM in regional Ministerial declarations and outcome documents.
<p>Political mechanisms</p>	<ul style="list-style-type: none"> • ASEAN Inter-Governmental Commission on Human Rights is a consultative body of the Association of South-East Asian Nations (ASEAN), a political and economic union of 10 countries from South-East Asia. It has a mandate to promote and protect human rights in the region, though it cannot receive or investigate complaints of human rights violations.¹⁹⁹ It conducts public awareness programmes, undertakes thematic studies, promotes capacity building, encourages ratification of international instruments and advises member states on human rights. • South Asian Association for Regional Cooperation (SAARC): SAARC, comprising the eight South Asian countries, does not have a human rights body or a treaty for its members on human rights issues. The SAARC Social Charter, which includes empowerment of women and protection of children within its objectives, requires National Coordination Committees to be constituted to produce country reports on progress. • South Asia Initiative to End Violence Against Children (SAIVAC): is an inter-governmental body comprising the eight South Asian countries in partnership with children and CSOs, and is an apex body of SAARC.²⁰⁰ SAIVAC has developed a work plan to end violence against children at regional and national level that is a strategic framework to coordinate, standardize and monitor progress annually.

¹⁹⁹ See, International Justice Resource Center, *Asia*, <https://ijrcenter.org/regional/asia/>.

²⁰⁰ End Violence Against Children, *South Asian Initiative to End Violence Against Children*. www.end-violence.org/grants/south-asian-initiative-end-violence-against-children-saievac-regional.

