



Egypt: Enforce FGM law & prosecute those responsible for Soheir al-Batea's death



Soheir al-Batea. Photo: Al-Masry Al-Youm

On 6 June 2013, 13-year-old Soheir al-Batea died after a doctor performed female genital mutilation (FGM) on her at the behest of her father in a clinic in the Daqahliya Governorate, north-east of Cairo. Reportedly, Dr. Raslan Fadl who performed the procedure was interrogated by prosecutors and released on bail pending investigation. According to some reports, the cause of death was “a sharp drop in blood pressure resulting from shock trauma” but the cause of death will be confirmed once the medical examiner’s report is released. Soheir’s death tragically highlights FGM as a violation of the human rights of girls and women with serious health risks

regardless of performance inside or outside a medical establishment.

According to the World Health Organization (WHO), FGM refers to all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons. FGM can have lifelong health consequences including chronic infection, severe pain during urination, menstruation, sexual intercourse, and childbirth, and psychological trauma. No one knows how many girls die from FGM due to lack of proper documentation. Reasons given for the practice include religion, custom, suppressing sexual desire, ‘cleanliness’ and marriageability. According to the 2008 Demographic Health Survey in Egypt the prevalence rate of FGM among women and girls aged 15-49 is 91%. FGM in Egypt is usually performed slightly before puberty or at puberty.

The Egyptian Ministry of Health issued a ministerial decree in 2007 closing a loophole in the previous 1996 decree by banning everyone, including health professionals, from performing FGM in governmental or non-governmental hospitals. In June of the following year FGM was criminalized in the Egyptian penal code. Despite this ban, medicalization is on the rise in Egypt with an estimated 72% of procedures being performed by doctors in private clinics. Human rights organizations in Egypt such as the Center for Egyptian Women’s Legal Assistance (CEWLA) and the Egyptian Coalition for Children’s Rights (ECCR) are working tirelessly to ensure the effective implementation of the FGM law and justice for Soheir. They are concerned at reports that the Ministry of Health is pushing for the police report on Soheir’s case to record the crime as “medical negligence” instead of FGM and manslaughter. Conducting FGM is punishable under the penal code with penalties ranging from three months to two years in prison or fines of up to 5,000 Egyptian pounds (\$715) while manslaughter carries a prison sentence of up to five years and/or fines of up to 500 Egyptian pounds (\$71). CEWLA, the ECCR and other groups working on women’s rights issues fear that without strong messages from the government, such as proper implementation of the law and swift punishment for the perpetrators, FGM may become more acceptable in post 2011 revolution Egypt, with women’s rights increasingly taking a back seat at all levels. Islamist parliamentarians recently pushed for the decriminalization of FGM in Parliament.

The WHO, of which Egypt is a Member State, has consistently stated that “under no circumstances should FGM be performed by health professionals or in health establishments.” In a 2010 interagency publication, “Global strategy to stop health-care providers from performing female genital mutilation,” a number of organizations including UN bodies and the WHO found that “[t]he involvement of health-care providers in the performance of FGM is likely to create a sense of legitimacy for the practice. It gives the impression that the procedure is good for health, or at least that it is harmless. This can further contribute to institutionalization of the practice, rendering it a routine procedure and even leading to its spread into cultural groups that currently do not practice it.” The World

Health Assembly of the WHO passed a resolution in 2008 urging all member states to accelerate work towards the elimination of FGM, to enact and enforce legislation against the practice and to prohibit performance of FGM by any person including medical professionals.

Egypt is party to a number of international and regional human rights treaties that mandate the protection of women and girls from the practice of FGM, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Covenant on Civil and Political Rights (ICCPR), the Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on the Rights and Welfare of the Child and the African Charter on Human and Peoples' Rights. Both the CEDAW Committee and the Committee on the Rights of the Child have exhorted Egypt to end the impunity for perpetrators of FGM and, following Soheir's death, UNICEF and UNFPA released a joint statement urging "all relevant authorities to exert their outmost efforts to fully enforce the law."

Equality Now joins CEWLA and the ECCR in calling on the Egyptian government to effectively enforce the 2008 FGM law and provide justice for Soheir by ensuring that the doctor who performed the procedure and Soheir's father are both prosecuted and punished for the crimes of FGM and manslaughter. We call on the government of Egypt to increase anti-FGM efforts in post 2011 revolution Egypt by promptly prosecuting and punishing all violators and to support and enhance community education to change cultural perception and beliefs on FGM and acknowledging FGM as a human rights violation with harmful consequences. We further call on the government to ensure that health care providers are given comprehensive education and training on the health and human rights implications of FGM and refrain from performing any form of the practice.

WHAT YOU CAN DO

Please join Equality Now and our partners CEWLA and the ECCR in calling on the government of Egypt to live up to its domestic and international obligations by:

- Effectively enforcing its 2008 FGM law by properly investigating and fully prosecuting violations and in particular ensuring that the doctor who performed the procedure and Soheir's father are both prosecuted for FGM and manslaughter and punished to the full extent of the law
- Supporting and enhancing community education to change cultural perception and beliefs on FGM and acknowledging FGM as a human rights violation with harmful consequences
- Ensuring that health care providers are given comprehensive education and training on the health and human rights implications of FGM and refrain from performing any form of the practice

Letters should go to:

- President Morsi, El Etahadiya Presidential Palace, Merghiny St., Heliopolis, Cairo, EGYPT
Fax & Tel.: +202 239 019 980; Twitter: @EgyPresidency, @MuhammadMorsi
- Prime Minister Mr. Hesham Qandil, Magless El Shaàb Street, Al Kasr El Einy, Cairo, EGYPT
Tel.: +202 2793 5000, Fax: +202 2795 8048, Email: pm@cabinet.gov.eg
- Minister of Justice, Judge Mohamed Ahmed Soliman, Lazoghly Square, Cairo, EGYPT
Tel.: +202 279 22263, Fax: +202 279 58103, Email: mjustice@moj.gov.eg
- Minister of Health & Population, Dr. Mohamed Mostafa Hamed, 3 Magless El Shaàb Street, Al Kasr El Einy, Cairo, EGYPT
Tel.: +202 2795 1821, Fax: + 202 2795 3966, Email: webmaster@mohp.gov.eg

Please keep Equality Now updated on your work and send copies of any replies you receive to:

Equality Now, P.O. Box 20646, Columbus Circle Station, New York, NY 10023 USA, Fax: +1-212-586-1611; or
Equality Now, P.O. Box 2018 - 00202, Nairobi, KENYA, Fax: +254-20-271-9868; or
Equality Now, 1 Birdcage Walk, London SW1H 9JJ, UK, Fax: +44-207-973-1292
Email: info@equalitynow.org / Website: www.equalitynow.org / Twitter: @equalitynow