

# The Phenomenon Of Female Circumcision In Egypt: Attitude Of Positive Criminal Law And Divine Laws And The Ways Of Confrontation

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## *Abstract*

Female circumcision is considered one of the oldest false beliefs and the most penetrating the fabric of customs and traditions. This study dealt with the definition of female circumcision, its types and risks, and the position of the heavenly religions and the Egyptian positive law on it. We concluded that although the recent legislative amendments in Egyptian law related to the criminalization of female circumcision, which attempted to avoid most of the legal loopholes that the ancient texts suffered from. We believe that they will not bear the desired results unless they are integrated with governmental and non-governmental efforts to raise awareness of the dangers of the phenomenon female mutilation. Female circumcision finds its justification in common beliefs, which are deeply rooted beliefs that laws will not be enough to change, unless they are integrated with an educational and awareness program.

Keywords Female circumcision, Egyptian positive law, heavenly religions.

## **Introduction**

Many nations, including those located at the banks of River Nile have known and practiced circumcision since ancient times. However, the motives that lie behind executing this process have been divergent. Some of these nations have applied circumcision due to religious beliefs. For example, it was a necessary requirement for all females who should work in temples. Besides, circumcision was associated with religious offerings where man used to sacrifice himself or one of children to the Lord. This type of ritual developed

into submitting part of the body represented by what was cut at circumcision.<sup>1</sup>

It is narrated that the Egyptians have known circumcision from the Assyrians, and sustaining it until the Greek Ruler Antiochus outlawed it, and, as a result, a war broke out between the Jews and the Greek ruler to return circumcision a second time, and to move through the ages from Christianity to Islam.

Female circumcision is deemed as one of the oldest beliefs that is deeply permeated in the fabric of customs and traditions. Besides, it is one of the social practices that the community does not estimate its ferocity due to being widely practiced, and even accepted by women themselves.

However, it should be noted that female circumcision is not confined to Muslims as the Copts practice it as well, in addition to being existent before both Christianity and Islam. We may admit that it is a bloody old habit penetrating deep into history, at a time when Medical Sciences had been still undeveloped and very primitive, while human rights were almost unrecognized.

A study published in 2012 has revealed that more than 140 million females suffer from the effects of genital mutilation, an issue, nowadays indeed, is considered a transcontinental and a cross-cultural act. Furthermore, there are other 3 million females who are in danger of being genitally mutilated in Africa, specifically in the Sub-Saharan and Arab Countries. Statistics in fact confirm that since 2016, more than 200 million females have already been exposed to circumcision.<sup>2</sup>

However, and despite all attempts exerted to reduce such unethical practice, many societies still consider it necessary to cut off a diabolical part or parts of the female's genitals. These societies count on a system of habits and traditions to justify circumcision process, in addition to the religious interpretation, which undoubtedly increases the burden and complicate the challenges.

In Egypt,<sup>3</sup> female circumcision is still widely spread though increasingly condemned. Nonetheless, modern history of the process represents a

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<sup>1</sup> Al-Hawari, Muhammad (1987). Circumcision in Judaism, Christianity and Islam. First Edition, P. 160.

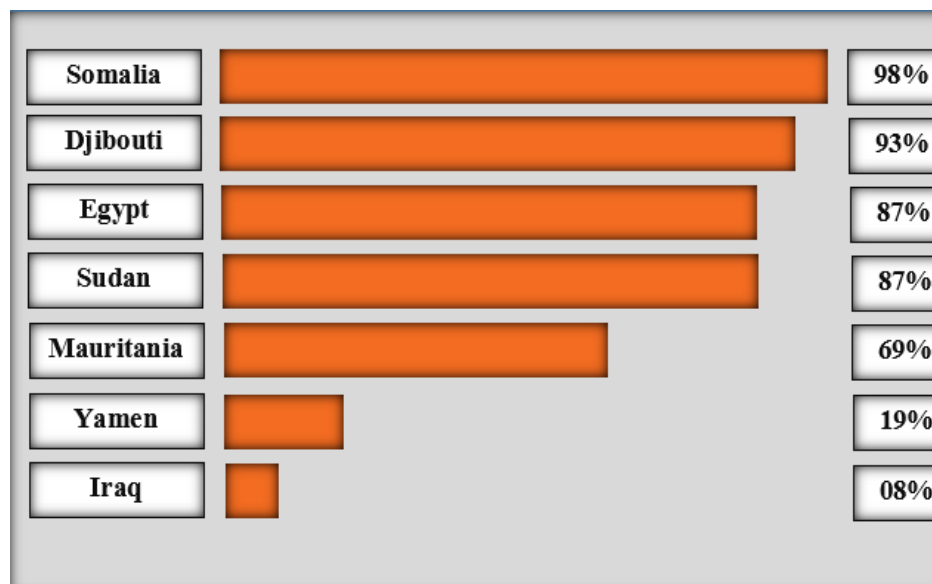
<sup>2</sup> <https://bmcfwomenshealth.biomedcentral.com/articles/10.1186/s12905-019-0863-6#ref-CR2>

<sup>3</sup> Examinations conducted on the Egyptian mummies of women and girls have showed they were subject to circumcision. Researcher Mary Knight referred to the conclusion reached by the pathologist "Grafton Elliot Smith",

special challenge for those who attempt to put an end to it. It is considerable to note that 92% of females, with the age of 15 – 49 years old, have been exposed to one form of circumcision, 72% of these operations have been performed by doctors. Despite the fact that a positive change has taken place among women towards circumcision, there is still a wide support in Egypt to keep on circumcising females.

The Demographic Health Survey of 2008 has showed that 63% of women whose age is between 15 & 49 believe that the circumcision practice should continue.

Female circumcision, however, is considered as part of the social fabric of the Egyptian community. In some cases it is supported by religious beliefs, or at least associated with religion. For instance, it has been noticed that 60% of men prefer circumcised women, whereas it is believed that female circumcision plays an essential role in the prohibition of adultery.<sup>4</sup>



after examining hundreds of mummies during the early twentieth century, which is that the condition of the vaginal area of those mummies appears to be similar to that of the vaginal area of a type III circumcised female. It is argued that during embalming, the skin of the labia was pulled back towards the anus to cover the vulvar fissure, in an attempt to prevent the sexual desecration of the mummy.

- Knight (2001), P. 331, citing Smith, G. Elliot (1906). A Contribution to the Study of Mummification in Egypt. Cairo, L'Institut Egyptien. P. 30, & Ruffer, Marc Armand (1921). Studies in the Paleopathology of Egypt. Chicago: University of Chicago Press. P. 171.

<sup>4</sup> <https://egypt.unfpa.org/ar/topics/>

Reference: UNISEF. Countries selected by DW Crew

[Female Circumcision Percentages for the Age 15 – 49 during the Period 2004 – 2015]

Many conferences and symposiums have been organized for the purpose of identifying the legality of female circumcision in terms of both religions and laws, in addition to clarifying its impairments as well as benefits.

Female circumcision still draws attention among researchers and those who are concerned with social issues due to its continued practicing, raising lots of legal inquiries. Thus, we shall attempt in the current study to focus on three main issues, and they are

- Type Essence of Female Circumcision
- Attitude of Positive Laws towards Female Circumcision

### **1. Type Essence of Female Circumcision**

In this part of our research, we shall deal with definition, types, and justifications of female circumcision, in addition to its dangers.

#### **1.1 Definition of Female Circumcision**

Female Circumcision is defined as the deliberate removal or excision of a woman's external genitalia. This operation most often includes the cutting of the labia and clitoris. It is a process attributed to cultural, religious or other non-curative reasons. However, the World Health Organization (WHO) defines "Female Circumcision" as "any operation that causes damage to the female reproductive organs for non-medical reasons".<sup>5</sup> Moreover, it can be defined as the removal of the skin located over the penetration hole of the vagina, which looks like the crest of a rooster.

In addition to Female Circumcision, it is also termed with other names, such as "Excision of Female Genitals", "Purification", or merely "Cutting".

In a latest amendment to the Egyptian Penal Code, the legislator has established a legal definition to "Female Circumcision", which clarifies that the process refers to the partial or complete removal of external genitalia. In other words, the process might refer to inflicting injuries on those organs without medical justification, and thus coinciding with the one suggested by the World Health Organization. Anyhow, this definition has totally ignored that Egypt suffers from illegal medical practices for Female Circumcision, i.e.

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<sup>5</sup> Female genital mutilation (FGM) involves the partial or total removal of external female genitalia or other injury to the female genital organs for non-medical reasons.

a large number of these operations are made by doctors under the pretext that it is no more than a physiological or health problem. it would have been much better for the Egyptian legislator to add the last statement of the WHO definition, which stipulates that there is no medical necessity for Female Circumcision since it causes harm to girls as well as women.<sup>6</sup>

### 1.2 Types of Female Circumcision

According to the World Health Organization, Female Circumcision is classified into four main types:

1. Clitoridectomy: it refers to the total or partial removal of the clitoris, being the sensitive and erect part of the female reproductive organs. In some rare cases, the prepuce, which is the skin surrounding the clitoris, is also removed.
2. Total or partial removal of the "Clitoris" with the "Labia Minora", and sometimes even the "Labia Majora".
3. Mutilation of Female Genitals through the process of narrowing the vaginal opening with a plug, in addition to cutting the inner or outer labia and moving them to another place, sometimes with the excision of the clitoris.
4. All other damaging operations, including the tingling, piercing and scraping the Clitoris, or the total genital area.

### 1.3 Justifications of Female Circumcision

The communities where "Female Circumcision" is widely practiced, it is often justified in different ways, most importantly are

1. Psychosexual reasons, which aim to control or reduce the sexual desire of girls and women, and thus they shall be relieved, remaining virgin until they get married. Besides, circumcision keeps the circumcised woman faithful to her husband after marriage, and increases the husband's enjoyment and satisfaction.
2. Female Circumcision could be deemed as a cultural habit, which confirms a girl's transition to maturity and her readiness for marriage. It is believed that "Female Circumcision" plays an essential role in the protection of families reputation.

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<sup>6</sup> WHO definition of Female Circumcision in English & Arabic  
[http://www.who.int/topics/female\\_genital\\_mutilation/ar/](http://www.who.int/topics/female_genital_mutilation/ar/)  
[http://www.who.int/topics/female\\_genital\\_mutilation/en/](http://www.who.int/topics/female_genital_mutilation/en/)

3. Female Circumcision might be considered a procedure used for cleaning and beautifying the external female genitalia, as the majority believe that they are unpleasant to look at, and therefore, it is quite necessary to stop growth of the Clitoris.
4. As per old beliefs, "Female Circumcision" reinforces fertility and increases the chances of newborns survival as their death during delivery is attributed to the external female genitalia.
5. Erroneously, Female Circumcision has been linked to religion. Indeed, some Islamic communities do practice circumcision believing that it is a religious obligation though this is not true. Many Islamic societies do not perform this habit, whereas other non-Islamic communities do execute it.<sup>7</sup>

#### 1.4 Dangers of Female Circumcision

It should be noted first of all that "Female Circumcision" is completely different from that of a male. In the latter, i.e. female circumcision, the clitoris is either reduced or totally removed, despite that these excised tissues are erectable, and thus offering women the feeling of orgasm during a sexual intercourse.

But unfortunately, many nations have become accustomed to practicing the habit of "Female Circumcision" due to their belief that removal of this part shall protect the girl and preserve her virginity, simply because her desire for sex would be reduced. Furthermore, some people attribute it wrongfully to religious beliefs. We shall attempt in the forthcoming sub-sections to investigate the damages resulting from "Female Circumcision".<sup>8</sup>

##### 1.4.1 Damages Related to Pregnancy & Childbirth

Female Circumcision causes damages to pregnancy as well as childbirth. These damages can be summarized as follows:

1. Statistics shows that 70% of infertility cases among women in Egypt are due to the polluted tools used in circumcision, in addition to the impure environment, and the fabrics applied by a non-specialist person to stop bleeding. Such state leads to activating microbes, infecting the genital parts, including the uterus, and the fallopian tubes resulting in a state of infertility as the egg cannot reach and settle in the uterus.
2. Childbirth difficulty is often attributed to the obstruction of the vulvar opening due to thick cartilaginous fibers, which replace the tissues and

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<sup>7</sup> [https://gynuity.org/assets/resources/Female\\_Genital\\_Mutilation\\_Arabic.pdf](https://gynuity.org/assets/resources/Female_Genital_Mutilation_Arabic.pdf).

<sup>8</sup> <https://mqaall.com/causes-fgm/>

cells removed in a circumcision operation. It is also caused by lack of Labia Majora Muscles, in addition to attachments that are formed between the two sides of the vulva, which results in narrowing the opening and affecting the child birth process as the fetal head cannot pass smoothly. The whole situation therefore shall have negative effects on both, the mother and her child.

3. Urethra might be injured during the circumcision process, as in most cases, the person in charge of the operation is somehow ignorant of the anatomy of external genital parts, and thus leading to serious complications in the urinary system.

#### **1.4.2 Damages Related to Sexual Life**

A female is often subject to many damages during her sexual life. Some of these damages are as follows:

- a. Sexual desire weakness: medical research has proved that sexual desire among uncircumcised is higher than that of the circumcised. This is attributed to the fact that circumcised females have lost essential parts of their genital system, which play an active role during the sexual intercourse.
- b. Sexual response weakness: it has been scientifically confirmed that female sexual frigidity is a direct result of circumcision. A main symptom of sexual frigidity is lack of desire for the intercourse. Lack of response during the sexual intercourse shall lead to health problems, such as chronic congestion in the pelvis, vaginal secretions, contact difficulty with muscle cramps, and thus leading to psychologically rejecting the whole sexual process. Research has showed that sexual response weakness among circumcised women constitute a rate of 54%, and that 60% of these cases are inclined to reduce the sexual process, whereas 35% of them are totally passive during the intercourse, having no affection at all.
- c. Sexual frigidity and its negative effect: circumcised wives often suffer from pain during the sexual intercourse due to narrowed vagina as a result of the circumcision process, in addition to painful Vaginismus that might occur due to psychological factors with the existence of attachments and scars in the genital area. All these shall lead to a state of frigidity and almost total rejection to the sexual intercourse.
- d. Problems for the husband: there is no doubt that sexual and psychological problems resulting from female circumcision shall be negatively reflected on the husband. Many of these husbands indeed do complain of sexual weakness and premature ejaculation. Besides, it is

remarkable to note that 3% of those husbands are married to a second woman as a solution to their sexual and family problems.

#### 1.4.3 Psychological & Social Damages

Female Circumcision has psychological and social damages as well, and these can be summarized as follows:

1. Pain & dull feelings associated to sex: circumcision is operated while the girl is completely conscious, and without using anesthetic to reduce pain. Such painful operation undoubtedly causes a psychological shock, which keeps the girl wondering about the sin that she has committed so as to be tortured like that. Thus, the circumcision experience is rooted in the girl's subconscious area, and keeps rising whenever she has sex. In other words, for a circumcised girl, sex shall be connected with pain.
2. Genital Trauma: there is no doubt that when a young girl is subject to the process of circumcision in such brutal and inhuman manner, accompanied with severe pain shall lead to a psychological trauma reflected on all situations related to her genital system that she has to undergo later through all her life, including the monthly period, shock of the wedding and removal of her hymen, in addition to the repeated processes of sexual intercourse and childbirth. They all certainly constitute a genital trauma for a circumcised female.
3. Parents' Responsibility: a young girl may consider her parents responsible for all the physical and psychological pain she suffer from because of the circumcision operation.
4. Future Marriage Relationship: according to what the young girl hears from the people around her, she links subconsciously all the pain caused to her by circumcision to marriage, and thus creating a desire for revenge, though unannounced, upon her future husband. We hence may consider circumcision a main reason for lack of sexual compatibility between the two partners, leading as a result to divorce, which constitute about 14.4%.<sup>9</sup>
5. Problems for the husband: it has been confirmed that sexual and psychological problems that result from Female Circumcision are reflected on husbands' life who often complain of sexual deficiency, or premature ejaculation. Besides, 3% of these husbands are married to a second wife as a solution to their sexual and family problems.

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<sup>9</sup> Rizq, Sanya Sulaiman (1905). *Female Circumcision: Physical Abuse*. Anglo-Egyptian Bookshop. First Edition. P. 33.



6. Introversion & Feeling of Injustice: it is somehow very difficult to remove the psychological effect of taking a girl deceitfully, amid a celebration, to be handcuffed, undressed of her underwear, and someone coming close holding amputation tools, and overwhelmed with severe. Such experience shall lead to creating feelings of injustice that could be expressed by symptoms of involuntary urination and social introversion.<sup>10</sup>
7. It has been confirmed that there is a relationship between female circumcision and Acquired Immunodeficiency Syndrome (AIDS), taking into consideration that the circumcision process involves bleeding, being performed through the use of primitive tools, which might be used for more than one girl, and thus increasing the risk of HIV (AIDS) transmission.

## **2. Attitude of Egyptian Positive Law towards Female Circumcision**

It is considerable to note that the Holy Books of Judaism & Christianity have referred to Circumcision, identifying specific provision for the process, while there is no reference to Circumcision of any kind in the Holy Quran, whether for males or females. Accordingly, the legality of Circumcision is more controversial in Islam than the other Monotheistic Religions. Our plan shall be classified into two sub-sections, in the first, we shall investigate the Holy Religions beliefs about Circumcision,<sup>11</sup> whereas in the second, we are going to focus on the attitude of the Egyptian Positive Law.

### **2.1 Attitude of Holy Religions towards Female Circumcision**

We shall investigate the attitude of Divine Laws<sup>12</sup> towards Female Circumcision in two separate categories. in the first category, we study the viewpoint of Islamic Jurisprudence, and in the second category our focus shall be on the position of Judaism and Christianity.

#### **2.1.1 Ruling of Islamic Jurisprudence towards Female Circumcision**

There are two trends in Islamic Jurisprudence towards Female Circumcision:

- a. Attitude of Early Islamic Jurists; and
- b. Attitude of Contemporary Islamic Jurists

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<sup>10</sup> Abdul Fattah, Kamilya (2004). Psychological Harms of Female Circumcision in Egypt. P. 49.

<sup>11</sup> World Health Organization. Regional Office for the Eastern Mediterranean, 1995 <https://apps.who.int/iris/handle/10665/119541>.

<sup>12</sup> Al-Hawari, Muhammad (1987), IBID. P. 160

#### 2.1.1.1 Attitude of Early Islamic Jurists

Early Islamic Jurists are classified into two groups as per their attitude towards Female Circumcision. One group believes that Female Circumcision is compulsory, whereas the second denies that considering it just a habit.<sup>13</sup>

**First Group:** some Shafi'is and Hanbalis assume that Female Circumcision is compulsory, emphasizing that man can force his wife for circumcision, similar to obliging her for prayers, and they justify their assumption by referring to the Holy Quran, the Sunnah of the Prophet, and the tradition.

As for the evidence taken from the Holy Quran, God Al-Mighty says, "Then we revealed to you follow the religion of Abraham inclining toward truth; and he was not of those who associate with Allah". Circumcision has been part of Abraham's beliefs, as he was circumcised at the age of eighty. Besides, Female Circumcision used to be practiced at that time as well. It is claimed that when Sarah granted Hagar to Abraham and the latter got pregnant, the former got envious and swore to cut off three parts of Hagar's body. Abraham feared that she might cut her nose and ears. Hence he gave orders to pierce her ears and circumcise her. Thus, Female Circumcision has become a legislation in memory of Hagar, the first woman to be circumcised.

It is narrated that Prophet Muhammad (PBUH) said that "Circumcision is Sunnah for men and honor for women". The Prophet, therefore, encourages for Female Circumcision since it aims to protect her purity and virginity, decreasing her sexual desire and keeping it under control. It is also narrated that Prophet Muhammad told a woman, performing the job of circumcision, to circumcise but not to cut it all. Interpreters claim that females shall be circumcised, but not to remove all the protruding flesh between the labia above the vulva. It is argued however that removing part of and not all the clitoris is good for both man and woman. The following generations affirmed its commitment to Female Circumcision emphasizing its legality.

**Second Group:** almost all Islamic sects agree that Female Circumcision is non-obligatory, but it is a habit or an honor, justifying their viewpoint by referring to the Holy Quran, the Prophet's Sunnah, and tradition.<sup>14</sup>

God Al-Mighty in his Holy Quran says, "And I will mislead them, and I will arouse in them [sinful] desires and I will command them so they will slit the ears of cattle and I will command them so they will change the creation of

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<sup>13</sup> Al-Sayid, Majdi Fathi (1993). Ruling of Female Circumcision in Islam. Dar Al-Sahaba Lil-Turath. Tanta. P. 69

<sup>14</sup> Al-Shurbasi, Ahmed (1977). When Inquiring about Religion & Life. Volume 2. Dar Al-Jil. PP. 33 & afterwards.

Allah” And whoever takes Satan as an ally instead of Allah has certainly sustained a clear loss.

We may conclude out of these two verses that circumcision, the way it is currently performed, involves a change in God’s creation as parts of the human organs are being removed, and such action therefore is prohibited, considering Female Circumcision as one of these forbidden actions. As for the Prophet’s attitude towards Female Circumcision, and as stated above, he has considered it as an honor to Muslim women and not obligation, emphasizing that in case of circumcising a female, a small piece of the clitoris shall be removed only. It is argued however that God has not created any part of the human body ineffectually or in vain. In other words, God has perfectly formed and designed every human’s organ to do a specific function. Accordingly, it is unfair to circumcise females, being considered as an infringement to God’s Creation.<sup>15</sup>

Finally, we support and approve the viewpoint, which confirms that Female Circumcision is neither obligatory nor Sunnah, but it is merely a habit or an honor. Indeed, there is no evidence that may indicate the legality of Female Circumcision, whether in the Holy Quran or in the Prophet’s Sunnah. If we assume that the Prophet’s sayings (Hadith) are authentic, they all assure that Female Circumcision is an honor and not obligation. It is remarkable to note as well that all the sayings taken as evidence are not strong enough, i.e. there is some doubt in their authenticity.

#### 2.1.1.2 Attitude of Contemporary Islamic Jurists

Female Circumcision has been receiving great attention due to the increase in number of victims, in addition to its social and psychological effects on women’s life. We shall attempt in this section to refer and investigate viewpoints of clergymen as well as scientists concerning the issue of Female Circumcision.

##### a. Viewpoint of Former Egyptian Minister of Al-Awqaf, Dr. Mahmoud Hamdi Zaqzouq

Dr. Mahmoud Zaqzouq believes that assaulting a person, whether man or woman, in any way is unquestionably forbidden in Islam. Moreover, insulting a person whether by word or action, is deemed as a taboo. As a matter of fact, Islam has recommended circumcision for men, a practice that has been established since the time of Abraham, Father of Prophets. Besides,

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<sup>15</sup> Muntasir, Khalid (2007). Circumcision & Violence against Women. Family Bookshop. P. 15.

Scientific Research has confirmed that circumcision protects men of many diseases.

On the other hand, there is no explicit religious text mandating circumcision for females, a practice that has many physical and psychological harms. Accordingly, we cannot acclaim that such violation to woman's body is permitted by Islamic Sharia. It is already known that most countries of the Islamic World do not practice Female Circumcision. In fact, it is an old habit practiced by some African countries without having any rational or legal justification of Islam.

- b. Viewpoint of the Grand Imam Dr. Muhammad Sayed Tantawi, Former Sheikh of Al-Azhar and Former Grand Mufti of the Republic, Sheikh Ali Jumaa

In 2007, Sheikh Al-Azhar, Muhammad Sayed Tantawi, and the Grand Mufti, Sheikh Ali Jumaa, confirmed the fact that Female Circumcision is a crime, and it cannot be taken as part of Islam in any way. It is rather an old African habit, having roots to the time of Pharaohs. Moreover, Tantawi added that all the Prophet's sayings regarding Female Circumcision are not authentic, and there is no text in Islamic Sharia, whether the Holy Qur'an or the Sunnah, that clearly permits Female Circumcision, emphasizing that they should obey what doctors recommend.

In addition to the viewpoints given by Sheikh Al-Azhar and the Grand Mufti, Dar Al-Iftaa issued another fatwa in June 2013, (there is one issued in 2007) in which Female Circumcision has been deemed prohibited, encouraging and demanding relevant authorities to intervene to limit this phenomenon. A third Fatwa, issued in 2015, has confirmed that the prohibition of Female Circumcision is completely consistent with the purposes of Islamic Sharia and the interests of creation.

- c. Statement of Islamic Research Academy regarding Female Circumcision in the Session held on 28<sup>th</sup> June 2007 as well as that of Dar Al-Iftaa in Egypt

All members of Islamic Research Academy (IRA) have agreed that there is no basis in Islamic Sharia or its partial rulings that might necessitate Female Circumcision. It is rather a bad habit, spread and settled in some Muslim communities, and it has been confirmed by undeniable evidence that circumcision is harmful and dangerous to females' health. Accordingly, a media campaign shall be organized so as to inform people of the real dangers of such bad habit.

The IRA has repeatedly emphasized the fact that Female Circumcision is a habit and not a ritual. While Male Circumcision is deemed a ritual agreed

upon by all Islamic sects, Female Circumcision is no more than a habit forbidden by Islamic Sharia.

d. Recommendations of the International Conference of Muslim Scholars regarding the Prohibition of Female Circumcision

The conference strongly rejects Female Circumcision, considering it a process that violates Islamic Sharia and even the common sense of human being. Besides, all fatwas, issued previously and permitting Female Circumcision, have been based on total ignorance of the physical and psychological damages that might cause to females in the future. The conference, therefore, calls for putting an end to practicing this habit, inviting all regional and international institutions to educate people about the bad effect of Female Circumcision. Moreover, laws shall be issued to prohibit and criminalize the practice of Female Circumcision.<sup>16</sup>

### 2.1.2 Rulings of Female Circumcision in Christianity & Judaism

In this section, we shall investigate the rulings of Female Circumcision, first in Christianity, and secondly in Judaism.

#### 2.1.2.1 Rulings of Female Circumcision in Christianity

Due to specific social habits that have no religious or ideological sources, Female Circumcision is also practiced by Coptic Christians in Egypt & Sudan. Similar to Muslims, the Copts have been linking this Pre-Christian habit to chastity and purity, being highly required, as they believe, before as well as after marriage. However, the Egyptian Church has been always rejecting Female Circumcision. For instance, at the end of 13<sup>th</sup> Century, and in an answer to a question regarding the permissibility of circumcising girls, Anba Athanasius, Bishop of Qus said that "such practice is completely forbidden whether before or after baptism".

Christian Scholars have also emphasized the fact God has created man with no defect at all, and every part of the human body has its own role and function. Circumcision therefore distorts God's creation, and thus depriving the female genitals of their natural function, and as determined by God.<sup>17</sup>

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<sup>16</sup> Al-Fanjari, Ahmed Shawqi (1995) *Circumcision in Medicine, Religion & Law*. Dar Al-Amn for Publication & Distribution. P. 12.

<sup>17</sup> Jocelyn Murray, "The Church Missionary Society and the 'Female Circumcision' Issue in Kenya 1929–1932," *Journal of Religion in Africa*, 8(2), 1976, pp. 92–104.

According to the Coptic Catholic Church, mutilation of female genitals is considered a crime and a grave sin that might lead to prohibiting those who implement the circumcision or participate in implementing it from practicing the Holy Secrets, confirming that such practice cannot prevent a person from committing sin, since chastity and purity are rooted inside one's heart, and as the Christ said, "A good man has his own good treasure in his heart".

The legality of circumcision in Christianity has been discarded in the New Testament. Accordingly, most churches do not obligate their followers to be circumcised, leaving it to them to take a decision about it. Nonetheless, there are some Protestant Churches, which impose circumcision on males only. It is claimed, anyhow, that the Christ himself was circumcised after 8 days of his birth. It should be noted after all that Christians are originally Jews, and the Jewish Law approve circumcision, Christians as a result are circumcised as well. It is argued however that a dispute arose later between Judaism and Christianity regarding adherence to the Law of Moses in general with specific focus on circumcision. Christians after that have been given the choice whether to be circumcised or not, except those who convert from Judaism.

As for Female Circumcision, Christian Authorities and Churches in general reject it as it has no religious basis at all, and there is not even a single verse in the Bible, in both Old and New Testaments, advising or ordering this practice. Therefore, the Coptic Orthodox Church and the leaders of Christian churches in Egypt have unanimously rejected since Female Circumcision, considering it an old social habit that has nothing to do with the message of Jesus Christ, who believes that God has created the human body without any defect, and whoever corrupts this body, God shall corrupt him. Apostle Paul says: "the parts that we think are less honorable we treat with special honor. And the parts that are unpresentable are treated with special modesty," (1 Corinthians 12:23).

Christian Law considers Female Circumcision of its three types, in which one, two or more parts of God's holy creation are removed, as follows:

1. A distortion of what God has created for specific purposes in a woman's life, and indeed in the lives of spouses.
2. It might result in severe bleeding that could lead to death.
3. It might cause a psychological shock to a girl still at the beginning of her life.
4. It causes many marital problems, and thus complicating the relationship between the husband and his wife.
5. The third type of circumcision often leads to serious child problems in childbirth.

Finally, we may confirm the fact that Female Circumcision shall not prevent a person from committing sin, since chastity and purity are rooted inside one's heart, and as the Christ said, "A good man has his own good treasure in his heart".

#### 2.1.2.2 Rulings of Female Circumcision in Judaism

According to Judaism, Male Circumcision is considered a Divine Rule, but Female Circumcision is not permitted<sup>18</sup>. It has been stated in Genesis 17:11 & 12 that God said to Abraham, "You are to undergo circumcision, and it will be the sign of the covenant between me and you. And for the generations to come every male among you who is eight days old must be circumcised, including those born in your household or bought with money from a foreigner--those who are not your offspring".

We may determine therefore that the Hebrew Bible does not include and text regarding Female Circumcision.<sup>19</sup> Indeed, all texts focus on circumcising males only. Nonetheless, it should be noted that one Jewish group does circumcise its female, and this group is the Falasha Jews.<sup>20</sup>

### 2.2 Attitude of Egyptian Positive Law towards Female Circumcision

The criminalization process of Female Circumcision in the Egyptian law has passed through several confused legal stages until finally settled on a decisive attitude in which Female Circumcision has been clearly and unambiguously criminalized.

#### 2.2.1 Attitude of Egyptian Positive Law towards Female Circumcision before 2016

After several circumcision operations that led to death of circumcised females, the Egyptian governments started to make changes on the legal system governing Female Circumcision. As a reaction to those events, a Ministerial Resolution No. 271 of 2007 has been issued prohibiting doctors, members of the nursing staff or others performing circumcision operations inside governmental or non-governmental organizations or other places,

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<sup>18</sup> Shaye J. D. Cohen, *Why Aren't Jewish Women Circumcised? Gender and Covenant In Judaism*, Berkeley: University of California Press, 2005, p. 59; (ed.), "Circumcision," *The Oxford Dictionary of the Jewish Religion*, New York: Oxford University Press, 2011,

<sup>19</sup> Al-Sayyid Ashour (No Date). Circumcision in the Divine and Positive Laws. Al-Masry Book Foundation. P. 115

<sup>20</sup> For the Beta Israel and Judaism, see Cohen, Shaye J. D. *Why Aren't Jewish Women Circumcised? Gender and Covenant In Judaism*.

and considering them as violating of the regulations and law related to practicing the Medical Profession.<sup>21</sup>

A year after the issuance of this resolution, the Penal Code was amended in order to stipulate penalties criminalizing Female Circumcision. Article 242 bis has been added, which states that a penalty of imprisonment for a period of no less than three months and no more than two years, or a fine of no less than 1,000 Egyptian pounds and no more than 5,000 per person shall be imposed on those who perform Female Circumcision.

However, and despite the criminalization of Female Circumcision, the related operations have not come to a halt leading to more health complications and even death. In fact, the Governmental Authorities have remained unable to confront those who perform Female Circumcision, especially that the vast majority of them are doctors and nurses.

Two years after the issuance of this law, a girl died while undergoing a circumcision in the summer of 2010 in a doctor's clinic. Although the report has been submitted through a helpline receiving a call from the nurse who has been assisting the doctor during the circumcision, this case never reached the court.

Though the law was issued in 2008, it has remained dead with no effect at all. Nobody indeed has dared to file a complaint against doctors or others accusing them of performing female circumcision.

As indicated by the last population health survey in Egypt in 2014,<sup>22</sup> the average age of girls has been 10.4 years, reflecting the fact that they may not realize what they are experiencing, and if they do, it will be difficult for them to know how to resist or reject the operation. Statistics, however, still do reveal alarming numbers, as 92% of married women, with age ranging between 15-49 years old have been subject to genital mutilation. As for girls under the age of twenty, 56% of them have been circumcised or will be circumcised in the future. Although these percentages display a decrease of 20% in the number of girls who have been circumcised when compared to previous years. This percentage, anyhow, is not commensurate with the amount of resources allocated or the efforts exerted over more than a decade to confront Female Circumcision.

The situation remained the same until the death of another girl during circumcision operation in 2013, being the first case to reach the court after

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<sup>21</sup> Sadda, Nashaat Najeeb Faraj (1994). Female Circumcision & Law. Al- Jumhoriya Newspaper.

<sup>22</sup> [https://eipr.org/sites/default/files/reports/pdf/fgc\\_position\\_paper.pdf](https://eipr.org/sites/default/files/reports/pdf/fgc_position_paper.pdf)



five years since the law has been issued. The doctor involved in the murder, along with the girl's father, were referred to the court on charges of manslaughter. The court decided to acquit both the doctor and the father. However, according to an appeal, the doctor was sentenced to two years imprisonment for manslaughter and three months for performing the operation, in addition to sealing the clinic. On the other hand, the father was sentenced to three-month imprisonment, but suspended. Unfortunately, the verdict issued against the doctor, according to the victim's lawyer, was not implemented, and the girl was not the last victim of Female Circumcision.

Before we shift to the second part of this section, we would like to investigate certain suggestions related to activating the process of criminalizing Female Circumcision.

Death of girls while being circumcised at the hands of doctors has raised a number of questions about the efficacy of the legislative framework, which criminalizes Female Circumcision in Egypt, and whether it really contributes to eradicate this phenomenon, or simply it has failed. For example, why do doctors involved in the practice of circumcision go unpunished? What are the most prominent aspects of ambiguities and contradictions in the text Article No. 242 bis of the Penal Code, and how can they be avoided? This paper seeks to find suitable answers to these questions by critically investigating the application of the Article in question.

We may come up therefore with a number of legal proposals that could promote Article No. 242 bis of the Penal Code and make it more effective. These proposals intends as well to confront the phenomenon of medicament, represented in the increasing number of circumcisions performed by doctors, nurses, or medical practitioners. Such confrontation might lead to proposing amendments to the related Article in order to discourage doctors involved in these shameful practices, in addition to imposing tough regulations on the medical facilities where these operations are performed.

We shall deal with these proposals as follows:

- a. Exempting parents & associates from punishment in case of reporting

It is now known to everyone that reporting cases of circumcision only occurs in cases of the death of the girl. This illegal practice takes place in a framework of consent and confidentiality between the girl's family and the doctor who performs the circumcision, and it is very rare for a third party to report.

Prior to the legal criminalization of circumcision in 2008, parents used to quickly report the death of their daughters, hoping to punish the negligent doctor. But the situation has changed after issuing Article No. 242. Families have become reluctant to report, even in case of death, simply because the new Article stipulates that the punishment shall be imposed on everyone, including the doctor, the parents and the other partners in the crime, such as the nursing staff and medical personnel. Parents have started to realize that they are in a joint situation with the medical staff, sharing them their crime.

Fear of punishment, the family of a girl, being a victim of a circumcision operation performed inside a clinic in Menoufia in 2010, had to bury their child without issuing a burial permit. However, a dispute between the doctor and his nurse led to uncover the details of incident.

In another event, the father admitted to the police and the district health inspector that his daughter died during a circumcision operation. But when the prosecution accused him of being a partner in the crime, he changed his statements and approved the doctor's fabricated account, in which he claimed that he was removing some harmful skin growths.

In such crimes where it is quite difficult to uncover their details, the legislator is required to exempt any of the accomplices in the crime, similar to that of Article No. 84 (a) and Article No. 118 bis (b) of the Penal Code, which exempt accomplices who collaborate with the Judicial Authorities in crimes against the State. Those accomplices could be exempted of any charges if they initiate to provide any information related to circumcision crimes. Exemption might be granted as well to those who provide useful information about other similar crimes.

It is remarkable to note here that Article No. 108 of the Penal Code exempts the briber or the mediator in a bribery if he, whether the briber or the mediator, confesses. Here, in fact, the legislator does not decriminalize the act, but seeking to encourage the crime partners to assist the investigation authorities and uncover the crime as well as its perpetrators.

The proposal, hence, could take the form of a new Article to be added to the Penal Code under No. 242 bis (a). Its text stipulates as follows: "In reference to the penalties prescribed in Article No. 242 bis, any of the accomplices in the crime, except the original perpetrator, in case of initiating to inform the specialized authorities or provide useful information that might assist in the disclosure of the crime, he shall be exempted of these charges, or he receives a mitigation".

It is quite necessary to realize that punishing all people participating in the circumcision operation shall not only lead to avoid reporting, but also shall fear of seeking urgent health assistance from equipped hospitals in cases of serious medical complications, such as acute pain, infection, shock, severe bleeding, etc. In one case, a girl, being a victim of circumcision, has bled for five days before she died. Accordingly, the amendment in question may contribute to saving lives of many girls who are circumcised in poorly-equipped clinics, as it encourages parents or other partners to seek medical without having fear of punishment.

We believe therefore that the proposed amendment may break the cycle of collusion and cover-up created by the current legal situation, and then encouraging parents and partners to charge doctors, not only in case of death, but also in cases of the aforementioned health complications. In other words, the latter cases, i.e. health complications shall be revealed as well since desperate parents will not hesitate when seeking help to save their endangered daughter. Meanwhile, this will certainly contribute in raising awareness towards the dangers of Female Circumcision and its physical as well as psychological effects.

Finally, this amendment does not consider all the accomplices in the crime equally. The doctor or the circumcision performer shall be more responsible than anyone else, because the vast majority of circumcision cases today are carried out by doctors who know for sure that their act is illegal. Due to their studies and medical awareness, in addition to their oath, which they have sworn on the day of their graduation, shall place them in a position of higher responsibility than the parents who may think that they are thus immunizing or protecting their daughters.

b. A wound leading to death instead of manslaughter

Before the criminalizing circumcision, related cases that result in death are often treated as manslaughter cases. Issuance of Article No. 242 has not made a big difference in the legal process of these cases. Indeed, in most cases of death resulting of circumcision, doctors or practitioners, as stated above, are accused of manslaughter.

Such crime which leads to the death of the circumcised girl cannot be described as a wrongful killing. The moral part of Article No. 238 of the Egyptian Penal Code, related to manslaughter, presumes that the physician performs a permissible act in the first place, but his lack of care or lack of certain precautions has led to the victim's death. The correct description and accusation in circumcision cases, is what we find in Article 236 of the Penal Code, which considers the harm or wound that leads to death as a crime,

and the perpetrator, a doctor or a practitioner, shall be sentenced to imprisonment that might reach fifteen years. In cases of manslaughter, the penalty ranges between imprisonment or a fine, which means that doctors may feel that killing a girl during a circumcision operation may end up with a fine of 500 pounds. Such trivial punishment shall definitely permit doctors to continue their shameful and illegal practice. We may wonder here that if death resulting from circumcision is deemed as a wrongful killing, then why do we criminalize circumcision in a separate Article in the Penal Code?

This contradiction between the criminalization of the act in its basis and the negligence in classifying the crimes committed by this act, reveals the lack of procedures taken by prosecutors and judges towards the crime of circumcision. This however reflects the failure of those responsible for anti-circumcision campaigns. They have failed indeed to initiate a real societal dialogue about the importance of criminalizing circumcision with the concerned parties, including the police, prosecution and judiciary.

Here it should be noted that accusing doctors of manslaughter in cases of circumcision contradicts the commendations of the Public Prosecutor in his periodic book No. 20 of 2008 issued on the crime of female circumcision. (240-241, 242, 236 of the Penal Code), They are, in order, the crime of causing a wound that results in a permanent disability, the crime of causing a wound that results in incapability for personal work for a period of more than twenty days, the crime of causing a wound that results in incapability for personal work for a period not exceeding twenty days, and finally the crime of causing a wound that leads to death. These related crimes reflects the legislator's belief that circumcision is an intentional crime..

Accordingly, the Egyptian Initiative for Personal Rights has recommended the addition of a new paragraph to Article 242 bis of the Penal Code, which reads as follows: "If the crime stipulated in the previous paragraph results in the victim's death, the penalty shall be aggravated imprisonment, and the penalty shall be imprisonment if the crime results in a permanent disability".

- c. Expanding the circle of responsibility to include medical facilities where circumcision operations are performed and those who manage them

The World Health Organization completely denies that circumcision operations that are performed by doctors or trained medical personnel are safer than those performed by non-specialized people. On the contrary, the World Health Organization confirms that the medical practice of circumcision carries with it real risks as it might give legitimacy to its practice, or a false belief that it has medical benefits.

For this reason, the Egyptian Initiative for Personal Rights has called for the importance of not being lenient in the face of medicinal circumcision, and scope of responsibility shall be expanded to include the medical institutions where circumcision crime, including their managers and owners, being definitely aware of these operations, without taking the initiative to stop them and or at least report about them. We may refer here to the Health Resolution No. 271 of 2007, which prohibits doctors, members of the nursing staff and others from performing circumcision operations inside or outside medical facilities. This resolution, however, has not placed criminal responsibility on those in charge of medical institutions in which circumcision is performed. Violating this resolution therefore does not impose any criminal accountability on managers and owners of these medical institutions.

It is believed that managers of doctors who perform circumcision operations shall be deemed responsible as well if it is confirmed that they are aware of what is going on. Such procedure shall expand the reporting circle to include not only the affected families but the responsible doctors. Expanding the circle of criminal responsibility will also contribute to resisting medication and doctors' pretexts in perpetrating this crime whatever the motives that lie behind it. We also believe that it would be more appropriate to punish the doctors of higher rank who contributed to this crime by covering it up instead of punishing other partners.

Hence, the Egyptian Initiative for Personal Rights has proposed adding a new article to the Penal Code bearing the number of Article 242 bis (b), which reads as follows: "The manager of the hospital or medical institution or the actual person responsible for it shall be punished with the same penalty stipulated in Article 242 bis if it has been proved that he is aware of the crime committed in the institution that is under his administration without taking the initiative to prevent the crime or report it to the competent authorities."

d. Removal of reference to Article No. 61

Article No. 61 of the Penal Code (Article 61) states that there shall be no punishment for anyone who commits a crime that is necessary to protect himself or others from a grave danger, and there was no way to prevent it but by committing a crime. This provision applies to all crimes in the Penal Code or any other penal law. However, we do not know why the legislator has referred to this text at the beginning of Article No. 242 bis, which criminalizes circumcision.

The reference to Article 61 of the Penal Code at the beginning of the article on circumcision undermines the criminalization of the practice because it

gives the impression that there are cases in which the doctor is forced to commit the crime of circumcision to protect the girl from serious danger sometimes, in contrast to the reality, as the United Nations Population Fund asserts that there is no For any medical reason that justifies circumcision. As we mentioned earlier, Egypt faces a real challenge in persuading doctors to stop practicing circumcision, and the presence of such a reference at the beginning of Article 242 bis presents the doctors with an excellent argument that may exempt them from punishment. It is sufficient for them only to claim that they were removing a fatty cyst or harmful skin growths in the vaginal area, Evidence of misuse of the reference to Article 61 is apparent in the few circumcision incidents published on social media. In one case, the mother of a girl who died as a result of circumcision claimed that she died while removing a sebaceous cyst despite the fact that she underwent circumcision with her twin sister.

Article 61 is also always used by judges who are not convinced of the criminalization of circumcision, and if the crime of circumcision in itself is intentional, what is the reason for excluding cases of necessity that do not actually exist?!

Accordingly, the Egyptian Initiative for Personal Rights recommends deleting the phrase: Taking into account the provisions of Article (61) of the Penal Code from the beginning of the text of Article 242 bis, so that the text is as follows: and not exceeding two years or a fine of not less than one thousand pounds and not exceeding five thousand pounds, whoever causes a wound punishable in Articles 241 and 242 of the Penal Code by performing female circumcision.

### **2.2.2 Attitude of Egyptian Positive Law towards Female Circumcision after 2016**

The proposals - referred to previously - made by the Egyptian Initiative for Personal Rights regarding the criminalization of circumcision met with great resonance with the Egyptian legislator, and one of the first results of these proposals was the adoption of an additional new article related to circumcision bearing the number 242 bis under Law No. 78 of 2016 and became Article 242 bis modified as follows:

“Taking into consideration the provisions of Article 61 of the Penal Code, and without prejudice to any more severe penalty stipulated in other laws, whoever performs female circumcision by removing any of the external genitalia, partially or totally, and inflicting any of the Injuries to those organs

without medical justification, the penalty shall be hard labor imprisonment if this act results in a permanent disability, or if that act leads to death”.

A new article No. 242 bis (a) has also been introduced, and it reads as follows: “A penalty of imprisonment for a period of no less than one year and not exceeding three years shall be imposed on anyone who requests Female Circumcision, and it is circumcised at his request as stipulated in Article 242 bis of this law.”

This legislative trend reflects the determination of successive Egyptian governments to confront the problems of sexual violence. Nonetheless, all these penalties shall remain ineffective for crimes committed against women in general, unless the crime of circumcision is converted into a felony instead of being considered a misdemeanor. In this case, the reporting period shall be extended to ten years, and thus giving the opportunity to circumcised girls themselves to report about these savage crimes.

Civil society organizations have welcomed the response to their demand by adding the intensified circumstance in cases of death and permanent disability. Due to absence of this description, i.e. the intensified circumstance, has led to considering the circumcision crime as a manslaughter.

It is remarkable to note as well that all Human Rights & Feminist Organizations have emphasized the requirement for deleting the reference to Article No. 61 at the beginning of Article No. 242. Such reference indeed provides perpetrators of the circumcision crime the excuse to escape punishment by claiming that the circumcision has been performed for the purpose of saving the girl, or for a medical necessity.

It is quite obvious that intensifying the penalties for the crime of circumcision is somehow a confused trend. On the one hand, it displays an inclination to issue severe punishment against the perpetrators of the crime, meanwhile, reference to Article No 61, with the focus on the medical necessities without completing the definition to suit the local circumstance of the country reflects an opposite desire to protect the perpetrators of this offense.

A new legal definition of the crime of circumcision has been added, which regards the partial or complete removal of the external genitalia or inflicting injuries to those organs without medical justification. This definition is somehow identical to the one provided by the World Health Organization. But we should note that this definition has ignored the fact that Egypt suffers from unprecedented medicalization for female circumcision. Accordingly, the Egyptian legislator should have added the last sentence included in the

definition of the World Health Organization, which says that “There is no medical necessity for circumcision, and it harms girls and women in different ways.” Thus, we shall drop doctors’ pretext that Female Circumcision is a purely physiological or health problem.

We should admit that the new amendments have no clear application mechanisms, i.e. practical procedures to solve lack of reporting problem, especially in light of the increased penalties issued against parents, family members and other partners who, undoubtedly, shall be more unwilling to report even in cases of death and serious complications. In these cases, on the other hand, the government has not responded to the organizations’ demands to extend the legal responsibility to include those in charge of hospitals and medical institutions where Female Circumcision crimes are carried out. Besides, these amendments have not been accompanied by a community campaign to introduce the law to people so as to be aware of the new changes.

Under the influence of media and human rights pressure exerted by civil society organizations on the Egyptian legislator, Law No. 10 of 2021 has been issued to amend some provisions of the Penal Code, taking into account all previous observations and proposals made by these organizations.

Law No. 10 of 2021 amending some provisions of the Penal Code (increasing the penalty for Female Circumcision)

Article No. 01 of this Law stipulates that the texts of Articles 242 bis and 242 bis (a) of the Penal Code shall be replaced by the following texts:

Article 242 bis: “Whoever performs female circumcision by partially or completely removing any part of the external genitalia, or causes injuries to those organs, shall be punished with imprisonment for a period of no less than five years, but if the act results in death, the penalty shall be imprisonment for a period of no less than ten years.

The penalty shall be hard labor imprisonment for a period of no less than five years if the person who performs the circumcision referred to in the previous paragraph is a doctor or a practitioner of the nursing profession. If the act results in a crime of permanent disability, the penalty shall be imprisonment for a period of no less than ten years, but if the act results in death, the penalty shall be imprisonment for a period of no less than fifteen years and not exceeding twenty years.

In addition to the aforementioned penalties, the court shall decide to deprive its perpetrator, doctors and nurses, of practicing the profession for a period of no less than three years and no more than five years, starting



after execution of the penalty, and the closure of the private facility where the circumcision was performed, and if it is licensed, the period of closure shall be Equal to the period of prohibition from practicing the profession with the removal of its plates and banners, whether they are owned by the doctor who committed the crime, or by its actual manager, being aware of the act, without prejudice to the rights of bona fide third parties, in addition to publishing the judgment in two widely spread daily newspapers and on the websites at the expense of the convict ". This amended law comes as a commitment from the Egyptian legislator to confront the phenomenon of Female Circumcision, which constitutes a violation of the holiness of the human body, and such act negatively affects the basic and moral components of society.

It is worth noting that the legislator has not referred to Article No. 61 related to medical necessity, and therefore depriving doctors and other perpetrators of this crime, of their claim that they have performed circumcision for a medical motive.

### 3. The role of education and awareness that complements the role of the criminal law in eliminating Female Genital Mutilation

As much as it is important to ensure the serious implementation of the law criminalizing circumcision, it remains imperative to realize that the cases of circumcision that reach the courts are only a small percentage of the iceberg. Societal change regarding citizens' convictions about circumcision, a change that the state has not succeeded in creating despite its long-term efforts to combat circumcision by adopting a long-term strategy to raise awareness of the dangers of circumcision, and to develop various means to implement the educational program.

#### 3.1 Awareness and Education Strategy on the Dangers of Female Circumcision

Although the recent legislative amendments related to the criminalization of Female Circumcision have avoided all the legal loopholes that the ancient texts have been suffering from, we believe that they shall not be of much benefit unless they are integrated with governmental and non-governmental efforts to raise awareness against the dangers of Female Circumcision phenomenon without confining it to religious beliefs & practices. As a matter of fact, Female circumcision finds its justification in popular views that seek to control woman's body and her sexual lust. and these beliefs are deeply rooted in the societal traditions. Accordingly, official statements shall not be enough to accomplish the required change. In order to achieve this, an awareness and educational program is recommended.

In application of this, the Egyptian initiative has recommended a number of proposals to confront FGM socially and culturally, in addition to seriously implementing the law criminalizing Female Circumcision. It remains imperative to realize that circumcision cases that reach the courts constitute a small percentage of the total number of crises. Human & Feminist Organizations believe that the government's priority in confronting FGM should mainly rely on raising social awareness among people against the dangers of Female Circumcision. Accordingly, we are committed to the following:

- Adopting a Code of Honor with the Physicians Syndicate in order to activate its positive role against those who violate their professional accountability and commit Female Circumcision crime.
- Conducting an intensive training program, which aims to reinforce the supervisory role of health inspectors in the process of discovering and identifying clinics and hospitals that perpetrate the circumcision crime, which is almost known by most residents in these areas. Thus, the role of health inspectors shall not be limited to discovering death cases caused by circumcision, but it has to be more decisive and preventive .
- Adopting a Human Rights Approach when applying the National Campaign against Female Genital Mutilation practices, focusing on Gender Equality and Females right to enjoy a safe and satisfying sex life.
- A greater role is required for Civil Society Institutions in the process of developing the National Campaign messages, in addition to creating feasible mechanisms for activating the Law.
- Adopting Comprehensive Sexuality Education Curricula, which include materials that combat various forms of physical and sexual violence in both private and public spheres, such as harassment, rape, circumcision and beatings, promoting meanwhile the values of citizenship, gender equality and non-discrimination.

### 3.2 Means of Implementing the Educational and Awareness Program

In this section, we shall discuss the program outputs and the role of both International and Local Partners in its implementation.

#### 3.2.1 Program Outcomes

Since 2008, the UNFPA-UNICEF Joint Program has been working to accelerate the abandonment of FGM in a wide range of areas such as legal reform, research and data analysis, promoting the medical and field workers abilities, in addition to direct engagement with local communities and religious leaders. In 2014, the UNFPA-UNICEF joint program launched its

second phase, in which the program started to closely work with the Egyptian Ministry of Health and Population for the purpose of addressing the growing challenge of FGM, strengthening ban on his practice, and mobilizing social change at the community level. Furthermore, the joint program has achieved 9 outputs. They are as follows:

- Effective legislation to combat FGM practices
- Disseminating social and cultural knowledge regarding FGM practices
- Collaborating with key global development partners on a common framework to combat FGM
- Evidence-based data for programming and policies
- Consolidating the existing partnerships as well as establishing new ones
- Expanding the networks of religious leaders who call for the abandonment of FGM
- Information campaigns that focus on the process of abandoning FGM in Sub-Saharan Africa, Sudan and Egypt
- Incorporating the effects, resulting from Female Circumcision practices within the general Strategies of Health.
- Developing and strengthening support to donors for the purpose of establishing a global movement against Female Circumcision.

The Joint Program has also provided aid & support to the National Program for Family Empowerment and Eradication of Female Genital Mutilation, which is under the leadership of the National Population Council. It is remarkable to note as well that the Joint Program has submitted assistance to the National Population Council in the process of implementing its National Strategy of 2014 – 2018.

### **3.2.2 The role of international and local partners in implementing the program outputs**

As stated above, intervention of the United Nations Population Fund (UNFPA) with Local Partners have played a prominent role in achieving the outputs of the FGM Program. UNFPA involvement as part of the Joint Program has included the processes of promoting medical and field workers abilities, as well as direct engagement with local communities and religious leaders, in addition to programs related to Female Empowerment. These activities have been carried out with the cooperation of several partners of the United Nations Population Fund.<sup>23</sup> We shall review hereafter these programs and activities.

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<sup>23</sup> The National Council for Women - The National Council for Childhood and Motherhood - The Coalition of Non-Governmental Organizations - The National

a. National Committee for the Elimination of Female Genital Mutilation

The UNFPA / UNICEF Joint Program has contributed in launching the National Committee Conference for the Elimination of Female Genital Mutilation. Furthermore, it has participated in a number of campaigns, such as # Protect Her From FGM, and a radio program, which has resulted in an increase in the calls received by the National Children's Helpline to inquire about FGM, especially from a religious point of view.

b. Knocking on Doors Campaign

The National Knocking on Doors Campaign has been launched to reach women, girls and their families in rural areas through home visits to raise awareness and provide advice on eliminating FGM, taking into consideration that the Women Rural Pioneers Team has participated indeed in 26 governorates, and in 2019, the campaign reached more than 2 million beneficiaries, including 1,033,934 women, 422,046 men, and 789,542 children.

c. Female Genital Mutilation on TV

The United Nations Population Fund has also provided aid and support the National Council for Women in cooperation with Dr. Nihad Abu al-Qumsan, President of the Egyptian Center for Women's Rights, to develop 5 television episodes, one of them has been "Nihad's Stories", which deals with Female Genital Mutilation, Child Marriage and Violence against Women.

d. Empowering Girls

The United Nations Population Fund (UNFPA) has had an essential role in supporting the National Council for Childhood and Motherhood to launch the "Echo, Echo" initiative, meaning a voice that has an impact / echo, and aiming to represent a community that supports girls in achieving their full potential. The initiative has been focusing on specific activities, such as interactive community theater, intergenerational dialogues, digital platforms and educational entertainment. They all have intended to facilitate social changes in four governorates. Education Dialogues has also been encourage to recognize harmful and negative practices and how to work on eliminating them, including gender discrimination and inequality.

e. Training to address harmful practices

More support has been provided by the UNFPA to the National Council for Childhood and Motherhood by training Non-Governmental Organizations to address harmful practices in four governorates, in addition to activating and implementing “Echo, Echo” initiatives.

In an effort to combat FGM and early marriages in the governorates where these practices are widely spread, UNFPA has provided aid to 31 Community Development Associations to raise awareness against FGM and early marriage practices in three governorates.

Advocacy and communication sessions have been organized in Sohag and Qena with the aim of facilitating knowledge issues to the employees of Community Development Authority, enhancing their capabilities to be advocates in their communities. These meetings have attended by representatives of Health, Youth and Sports Departments, all together with the Ministry of Social Solidarity, and the Guiding Committee to prepare recommendation reports.

f. Community mobilization

Other public activities have been organized, such as a march in Qena with participants holding banners denouncing FGM. Legal support/advice sessions have also convened for women in Asyout to equip them with new information about their legal rights, with a focus on the aspects related to FGM.

Other activities have included intergenerational dialogues in order to bridge the gap between generations, and having young women involved discussions about FGM and early marriage with community representatives and religious leaders.

The United Nations Population Fund, in cooperation with the Noon Foundation, has organized an interactive street theater show on FGM called “Al-Hara TV” which has been displayed at nationwide level. Moreover, and in cooperation with the National Population Council and other UN agencies, UNFPA has launched a National Television Campaign entitled “Enough Circumcision” – which has been widely shown on the National Television until the end of 2015.

g. Policy and Law Enforcement

As part of its support to the National Population Council in the implementation of the National Strategy to Combat Female Genital Mutilation of 2014 – 2018, the United Nations Population Fund along with the Prosecutor Office, a training program for prosecutors have been

developed on FGM at the end of 2014, and in 2015, the training was expanded to include forensic experts and judges. The objective of this training is to raise awareness about all issues related to FGM and to identify loopholes in the current legal procedures that impedes litigation of related cases according to the FGM Act as criminalized by the Penal Code, and finally to provide appropriate law enforcement tools for individuals to avoid falling into Legal means of escape.

It is worth noting that feminist approaches differ in their vision when dealing with societal changes, especially when it comes to convictions and perceptions of women's rights, and specifically their sexual and reproductive ones. It is believed that changes through the development of laws and policies will gradually become part of the convictions accepted by the members of society. On the other hand, others consider this perspective as a superstructure that might lead to separating the legal framework from the prevailing popular convictions, and thus the hoped-for change does not occur because the law remains broken as long as the majority of society does not believe in it. Nonetheless, we find those who argue that convincing society of gender equality, in addition to stopping harmful practices against females requires a change of awareness that comes through grassroots work with local communities.

The National Project to Combat Female Circumcision in Egypt was initiated by the National Council for Motherhood and Childhood in 2003, but the focus on the medical aspect and the unsafe circumcision operations performed by midwives has led the vast majority of families to turn to doctors for circumcision. The last population health survey issued in 2014 indicates that 82% of the circumcision cases for girls under twenty years old have been performed by doctors or health workers, while 38% of married women, ranging in age between 15 - 49 years old have been circumcised by a medically trained person.

Relying on the religious-based approach to combat circumcision has led to the politicizing the FGM issue, and thus transforming girls' bodies into a topic for disputes over religious opinions related to Female Circumcision. Extremist groups have accused the State of adopting a foreign agenda, attempting to corrupt the morals of girls in Egypt by calling for circumcision abandonment.

We believe that the National Population Council, the Ministry of Health and other governmental and semi-governmental bodies that are concerned with the process of fighting circumcision should critically consider the efforts of the past years in combating circumcision, and seriously attempt to identify

the real problems that have confronted the whole process of fighting Female Circumcision.

In 1994, the Ministry of Health decided to identify certain hospitals where Female Circumcision can be legally performed, considering such step as a preliminary procedure to control circumcision. Thus, doctors started to do their operations legitimately, despite the objection of Human Rights & Women organizations to such practices, and in addition to the clear recommendations of the World Health Organization in this regard.

Although the National Strategy to Combat Female Genital Mutilation, issued in 2015, admits that FGM has to be treated as a social and cultural issue, and not merely as a religious and health problem. Some campaigns indeed have begun to focus on the importance of physical safety and the right to be free from violence, but this not enough. A serious approach to circumcision requires more attention that shall be forwarded to the unstated reasons though already known by everybody, and these are related to controlling and reducing the sexual desires of females. Besides, as it is socially believed, circumcision shall make them more fit for marriage and more desirable. These firm convictions make the continuation of circumcision inevitable.

During the past years, we found that some women who have managed to survive the tragedy of circumcision during their childhood due to their families' fear of its dangers, or because of their belief that it is unnecessary, fall again under the weight of this experience at the hands of their husbands, who forced them to do the circumcision so as not to betray them.

Scientifically, there is no causal relationship between circumcision and the lack of sexual desire in women or their inability to reach sexual gratification. Indeed, scientific research has shown that many women who have undergone one of the forms of circumcision are still able to feel sexual pleasure and satisfaction. One of these research papers has concluded that 86% of the research sample of women who underwent various forms of circumcision admit that they could reach the sexual orgasm. The same research indicates that some tissues necessary for sexual arousal are not removed in some cases of circumcision.

As for the last recommendation, it is the need to provide an integrated curriculum for sexual education, which incorporates information on the need to stop violent and harmful practices against women and girls, including Female Genital Mutilation. It should be noted however that a large number of young men and women believe that FGM shall be continued. The persistence of such harmful opinions among the younger generations is a dangerous indicator.

The government's efforts to combat the manifestations of violence against women reflect the absence of political will to bring about real societal change as the focus always occurs after the problem has worsened significantly, and the solutions provided depend on addressing the older generations without much success in changing their beliefs, leaving the younger generations to grow up under the same system of old values, and under the influence of curricula that do not teach them anything about gender equality or how to confront gender-based violence.

The government's approach adopted in addressing the problems is somehow ineffective, simply because the government spends millions of Pounds on campaigns for family planning, combating Female Genital Mutilation or combating sexual harassment without great success, whereas providing an integrated curriculum dealing with sexual education for young people will certainly result in changing the opinions and beliefs of these generations. Such essential step shall undoubtedly lead to putting an end to violence against women, including wife beating, sexual harassment, and Female Genital Mutilation.

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