

## **The Practice of Female Genital Mutilation (FGM) in the Kurdish Regions**

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Hello, my name is Pranjali Acharya. I am here today to speak on behalf of the Kurdish Human Rights Project and I'd like to thank the organisers of tonight's event for inviting me here today.

Some of you may already have heard of the Kurdish Human Rights Project (also known as 'KHRP') and will be familiar with our work. However for those of you who have not heard of us, KHRP is a non-partisan, international, NGO based here in London. For the past 16 years, we have been working to highlight the gross human rights violations occurring in Turkey, Iran, Iraq, Syria, Armenia and Azerbaijan. We work to promote and protect the human rights of all peoples within the Kurdish regions, using human rights advocacy, litigation, monitoring, capacity-building work, and public awareness.

Since KHRP works on a broad spectrum of human rights violations across the Kurdish regions, what I would like to do is give some examples of how human rights tools used elsewhere, can also be utilised to help increase awareness of Female Genital Mutilation and to help eradicate its practice. However, I will first start by reiterating a bit more about the situation in Kurdistan, Iraq as well as some of our thoughts on the practice from a cross-regional perspective.

As highlighted by the film you have just seen and in the previous presentation, Female Genital Mutilation (FGM)— also known as female circumcision or female genital

cutting— refers to the cutting of a girl’s clitoris. According to the United Nations Fourth World Conference, which resulted in the Beijing Platform, Violence against Women encompasses “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women”. This includes threats of such acts, coercion or arbitrary deprivation of liberty, irrespective of whether it occurs in public or private life. Therefore, it is indisputable that FGM is a flagrant form of violence against women.

The particular reasons given for the practice vary as debates continue as to whether FGM is rooted in religion and/ or cultural traditions. Commonly reported motives be they religious or culturally-inspired, include wanting to curb the sexual desire of women and girls to preserve their sexual honour before and during marriage, and also for reasons of cleanliness, hygiene and increased fertility, among others. The psychological and social effects of FGM are widely reported, with FGM helping to strengthen traditional gender relations by enforcing male dominance vis-à-vis female subservience.

It is important to note that while new opportunities for women have been created through regional autonomy in Kurdistan, Iraq, violence against them, or at least reports of this, have increased. As already touched upon earlier this evening, in some rural areas in northern Iraq, new research indicates that the practice of FGM is more widespread than originally thought.<sup>i</sup> Areas where FGM seems to be common are the poorer areas, amongst displaced people and within the region where the Sorani Kurdish dialect is spoken, including around Halabja, Germian and Kirkuk. The previous speaker has already outlined the research findings of WADI. This is supported by a widespread survey on FGM by Norwegian People’s Aid in 2007. Though some doubt has been cast on the technical expertise of those carrying it out, KHRP was told that the survey revealed the practice to be more prevalent than earlier, anecdotal studies, suggested.

According to their findings, FGM, though more prevalent in rural areas, is also common in cities and as many as 70% of the female population of Kurdistan have endured this violent act.<sup>ii</sup>

Though the practice of FGM is prevalent in Kurdistan, Iraq, it is not one which is unique to this region or to Kurds. On the contrary, FGM has widely been seen as an 'African phenomenon', a premise which recent research on the extent of its practice in Kurdistan, Iraq and throughout the Middle East is increasingly challenging. That said, other debates continue as to whether the practice of FGM in countries in the Middle East and predominantly Islamic parts of the African subcontinent is indicative of its roots in Islam.

There are of course arguments which support and contest this notion. In KHRP's experience, there is to date, little hard evidence of the practice of FGM in Turkey, Iran, or Syria – the other parts of the Kurdish regions in which we work which intersect across the Middle East. However, it has been reported to us on several occasions that women in Turkey have been mutilated. And, as highlighted by WADI, the practice may not only exist in Iraq but also in neighbouring Syria where living conditions and cultural and religious practices are comparable. However it may remain undetected because there is a lack of understanding and awareness of rights and because in the context of underdeveloped civil society structures and rampant repression of civil society groups, FGM has not been adequately investigated.

What we do know is that across the Kurdish regions in which KHRP works, patriarchal social structures, regional underdevelopment and the impact of conflict mean that women battle against discrimination on multiple fronts. Moreover, access to political

representation and adequate legal remedies that might provide redress to gender discrimination, is often undermined by these very factors.

Yet, it is important to note that these problems have been and continue to be ignored and misused for political agendas. In Turkey particularly, but also in Iran, the state authorities have periodically and strategically highlighted the issue of honour-based violence to demonstrate 'the inferiority of Kurdish culture' and make the argument to the international community that Kurds cannot live peacefully, especially if left to live amongst themselves. ...Portraying them as a 'backwards culture...'

Misguidedly buying into this illogical argument— which ignores the history of conflict in the region and the globally recognised links between post-traumatic stress and violence against women— as well as the endemic practice of honour-based violence across the entire Middle and near East, equally prevalent in Turkish, Persian and Arabic society, some in Kurdish political movements and society have often wilfully chosen to ignore the specific struggles of women in the name of 'the greater political struggle for Kurds', claiming that women's rights will be addressed after the conflict is resolved.

However, KHRP believes that the practice of FGM is a serious one that warrants urgent attention. As a non-partisan international NGO, we believe it is important that when talking about FGM, we do not simply apportion the practice to a single religion, continent, or people. What is more, we must not accept ideas of cultural relativism that permit acceptance of the practice and allow government and non-governmental actors to get away with simply saying 'it takes time', which serves to negate serious efforts to tackle the problem.

It is also important that we recognise that as with other forms of honour-based violence, the practice of FGM has its roots within the context of complex patriarchal social structures, particularly in impoverished regions where the concept of rights is underdeveloped, there are few educational opportunities, and honour-based violence—be it in the name of religion or cultural tradition— is sanctioned against women.

To put the practice into a wider context, I would like to quote some of the Key Facts about FGM as highlighted by the World Health Organisation:

- FGM includes procedures that intentionally alter or injure female genital organs for non-medical reasons.
- An estimated 100 to 140 million girls and women worldwide are currently living with the consequences of FGM.
- The procedure has no health benefits for girls and women.
- Procedures can cause severe bleeding and problems urinating, and later, potential childbirth complications and newborn deaths.
- It is mostly carried out on young girls sometime between infancy and 15 years of age.

In 2002, the United Nations General Assembly Third Committee resolution on *Working Towards the Elimination of Crimes Committed in the Name of Honour* reiterated the Beijing Platform for Action. It stressed the need to treat crimes committed in the name of honour as a criminal offence punishable by law and recognised that inadequate data on such violence hinders informed policy analysis and efforts to eliminate such crimes. The General Assembly also emphasized that there is a need to raise awareness involving *inter alia* community leaders with the aim of changing attitudes and behaviour.

Kurdish communities are certainly becoming increasingly aware of the practice of FGM. New penalties have been introduced for practising FGM in Kurdistan, Iraq and in April 2007, 14,000 people signed a petition for a law against FGM, which was supported by 68 parliamentarians who signed the first draft of a Bill outlawing its practice. Some Muslim clerics and local NGOs have also begun to campaign and support women's groups in the struggle against widespread FGM.

Nevertheless, information is slow to filter through the population and penalty threats have little effect on traditional practices in one's own home. Such is the taboo and sensitivity which still persists that even though the Kurdistan Regional Government (KRG) has been largely supportive of campaigns against FGM and promised to tackle the practice, they failed to take decisive action when presented with a historic opportunity to outlaw it. In February 2008, the Kurdistan Parliament rejected the draft Bill which proposed criminalising FGM— the first legislation of its kind in the Middle East.

Furthermore, while there is increasing awareness of the practice of FGM among Kurdish communities,<sup>iii</sup> the full scope of such violence is yet to be fully understood. Nonetheless, that the media now openly discuss and indeed are critical of the KRG for failing to act against the issue is further demonstrative of important developments that have been made towards tackling and working towards the eradication of the practice in the region.

In addition, although 'activists admit threats of legal action rarely have any effect on traditional practitioners in the villages, who work in the secrecy of their own homes',<sup>iv</sup> KHRP still believes it is an important first step in helping to frame the discourse of women's rights and a woman's right to bodily integrity.

Although the enforcement of internationally agreed standards can appear particularly difficult regarding women's rights when human rights violations against them are sanctioned by tradition, KHRP has learned over the last 16 years, it IS possible.

KHRP has used many tactics to ensure that women's rights are seen as integral to a healthy, vibrant and democratic society in the Kurdish regions. For instance, through capacity-building workshops for tribal leaders, women, NGOs, human rights activists and those in government, it is possible to help increase awareness of international human rights principles, how the advancement of the rights of women is vital to the overall advancement of human rights, and the importance of men and women working together in achieving this objective.

KHRP has found that one of the most effective ways to promote women's rights in the region is through its gender mainstreaming tactics. Looking at gender-specific barriers in all of our training programmes allows women's rights to become a natural part of human rights discourse. Advocates who may passively defend women's rights become armed with knowledge about women's rights tools and this enables them to make stronger domestic cases that involve discrimination or violence against a person because of gender.

As was the case in Rwanda, women in the Kurdish regions find that it is much easier to get men involved and interested when the dialogue is about rights that protect the community and when they do not feel vulnerable to accusations of abuse. Using the case of domestic violence, and demonstrating how it negatively impacts on the community, especially using examples of how this hurts the family/ community network between mothers and sons or fathers and daughters, men, who often feel like the 'enemy' when

women's rights are discussed, start to take on board the importance of supporting women.

As we have found across our human rights work, trainings, alongside the publication and dissemination of training manuals and research reports, can also serve as important tools to transfer knowledge to survivors of human rights violations, their families and local advocates of how they can make submissions to international human rights bodies. These can help individuals to not only seek redress, but also help to raise awareness of and trends in the practice of FGM.

For example, a joint initiative between KHRP and the Kurdish Women's Project (KWP) saw the creation of the Charter for the Rights and Freedoms of Women in the Kurdish Regions and Diaspora. This followed three years of development in consultation with women across the region. The Charter was launched in the House of Lords and the Kurdistan National Assembly in Erbil in 2004. This was followed in 2005, by a training manual on the enforcement of the Charter in order to promote grassroots implementation.

Although the Charter is not legally binding, it provides Kurdish men and women with a comprehensive view of strategies to seek redress in the event of their human rights being violated, as the principles represent already existing international standards. For example, its relevance has been validated by the numerous reports of judges in the KRG citing the Charter in their judgements.

Furthermore, as illustrated in KHRP's groundbreaking case, *Aydin vs. Turkey* before the European Court of Human Rights, it is possible to help reframe the discussion of



women's rights and to tackle particular types of gender-based violence which are often shrouded in secrecy.

For the first time in international law, this ruling succeeded in classifying rape 'by or with' the acquiescence of state agents as 'torture' in the Council of Europe. By so doing, it demonstrated that rape was not merely an individual criminal act but was in fact a systematic method of warfare employed by the state. This, combined with a number of KHRP trial observations that reported consistently on systematic state violence against women, saw the new Turkish Penal Code in 2001 bring significant changes to the definition of rape. Beyond Turkey, the ruling transformed the way that rape and sexual violence against women came to be discussed and treated across the international community. It also increased awareness of the rights of women and encouraged many more victims of rape and sexual violence to come forward and report abuse, many of whom before were too afraid to speak out in fear of dishonouring and bringing shame on their family.

Turkey and Iraq do have specific legal obligations as signatories to a number of international treaties protecting women's rights. And as this example shows, by using strategic casework successfully and through the implementation of new legislation, it is possible for seemingly theoretical concepts of women's rights to become part of human rights discourse, legislation and case-law. By so doing, it can serve as an important tool to help bring FGM away from the privacy of 'traditional' practices within the home and into a more public legal framework that is compliant with internationally agreed human rights norms.

In conclusion, as an undisputed act of violence against women, waiting for a resolution to the Kurdish question or shying away from the problem of FGM in fear of offending

cultural sensibilities, must not succeed in perpetuating its practice. Irrespective of where the practice originated, it is important to recognise that it has evolved and has become embedded within various cultural and religious contexts in the Kurdish regions and many other parts of the world. In order to effect meaningful change and put a stop to FGM, a concerted and united effort by community leaders, local civil society groups, national governments and international NGOs is imperative.

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<sup>i</sup> Nazaneen Rashid, *DFID's Roundtable conference on Violence Against Women in Iraqi Kurdistan*, <<http://www.kwahk.org/articles.asp?id=33>>, (last accessed 13 Feb. 2007).

<sup>ii</sup> Interview with Soran Qadir Saeed, Program Manager, Norwegian People's Aid, Sulaymaniyah, Iraq, 16 January 2007; Interview with NGOs in Erbil, Iraq, 16 January 2007.

<sup>iii</sup> <http://www.kurdmedia.com/articles.asp?id=11772>

<sup>iv</sup> Ibid.