



Egypt: New Penalties for Female Genital Mutilation

Publisher [Human Rights Watch](#)

Publication Date 9 September 2016

Cite as Human Rights Watch, *Egypt: New Penalties for Female Genital Mutilation*, 9 September 2016, available at: <http://www.refworld.org/docid/57d2b0d74.html> [accessed 2 January 2017]

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More stringent penalties for female genital mutilation approved by Egypt's parliament on August 31, 2016, are a step toward eliminating the practice, but further legal and other reforms are needed, Human Rights Watch said today. Egyptian authorities should make sure that laws and policies against female genital mutilation are enforced, including holding accountable medical facility directors who allow the practice to take place.

The new penal code amendments provide for prison terms of five to seven years for those who carry out female genital mutilation, sometimes abbreviated as FGM, and up to 15 years if the case results in permanent disability or death.

"Stricter penalties for female genital mutilation in Egypt now reflect the horrific and potentially deadly consequences of this discriminatory practice," said [Rothna Begum](#), Middle East women's rights researcher at Human Rights Watch. "But broader law reform is needed to adequately combat this horrific practice, and all such laws should be enforced to protect tens of thousands of girls at risk."

Under the amendments, anyone who escorts girls to undergo female genital mutilation will face one to three years in prison. However, a [2010 UNICEF report recommended](#) that "[t]he law should take into account the hardship inflicted on families when parents are penalised and should consider the best interests of the child. Preventive and protective measures should be prioritised and punishment should be a last resort."

The Egyptian authorities should promote broader law reform, including dedicated funding for preventing female genital mutilation, Human Rights Watch said.

Female genital mutilation involves the partial or total removal of female genitalia for non-medical purposes. It has no known health benefits and serious adverse health consequences, including death in some cases. Egypt criminalized the practice in 2008, but it continues to be routine, and there has been only one criminal prosecution resulting in a conviction.

A key problem relating to the lack of investigations and prosecutions is the wide social acceptance of the practice. A 2014 demographic and health survey for Egypt, conducted on behalf of the Ministry of Health and Population, found that 92 percent of currently or formerly married girls and women between the ages of 15 and 49 had undergone female genital mutilation. The survey showed that the practice had decreased between 2005 and 2014, but estimated that 56 percent of girls under 19 were expected to undergo it in the future.

The amendments to the penal code retain an unnecessary reference to its article 61, which allows for dropping charges if a defendant committed a crime because of an immediate and "grievous danger" to themselves or a third party. Retaining this clause may encourage judges to drop charges in these cases, Human Rights Watch said. The parliament should revise the amendments to eliminate this clause.

The penal code amendment should be accompanied by broader reforms to give legal force to elements of Egypt's 2015 national strategy to end female genital mutilation, Human Rights Watch said. Egypt should enact legislation to guarantee funding and other resources for a comprehensive response, including prevention programs aimed at changing social attitudes that condone the practice. The government should enforce all relevant laws, while placing the greatest emphasis on prevention and protection of girls.

While the Ministry of Health banned medical personnel from practicing female genital mutilation in 2007, the practice continues to be widespread. The 2014 survey found that trained medical personnel performed the practice in 82 percent of the cases. The Ministry of Health should enforce its ban and introduce procedures to hold accountable medical facility directors who knew or should have known that female genital mutilation was taking place in their facilities and failed to stop it, including removal from their posts, Human Rights Watch said.

In January 2015, an appeals court [convicted a doctor of manslaughter](#) and sentenced him to two years in prison, as well as three months in prison for practicing female genital mutilation. The doctor had performed female genital mutilation in 2013 on Sohair al-Batea, a 13-year-old girl, who died as a result. He served only three months of his sentence after reaching a financial settlement with the family, said Reda al-Danbouki, the lawyer from the Women's Centre for Guidance and Legal Awareness who represented the girl. The girl's father received a three month suspended sentence for taking his daughter to undergo the practice.

Egyptian authorities should develop guidelines and procedures to provide training and change attitudes among police, prosecutors, judges, health professionals, social workers, and teachers to help them address the practice and to provide appropriate protection and services, Human Rights Watch said. For all these efforts, it should consult and work closely with nongovernmental organizations.

"A successful strategy to uproot FGM will require working with the community to change hearts and minds," Begum said.

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