

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	699
Land:	Somalia
Kilde:	European Asylum Support Office (EASO)
Titel:	COI Query Response. 1. Legal framework - Female Genital Mutilation/Cutting (FGM/C) in Somalia 2. Current prevalence of FGM/C in Somalia, according to socio-economic factors (age, education, ethnicity, religion, place of residence, wealth) 3. Social sanctions / other consequences against girls and their parents refusing FGM/C (ethical and urban/rural dimension)
Udgivet:	23. juli 2019
Optaget på baggrundsmaterialet:	22. august 2019

**COI QUERY**

Country of Origin	Somalia
Question(s)	1. Legal framework - Female Genital Mutilation/Cutting (FGM/C) in Somalia 2. Current prevalence of FGM/C in Somalia, according to socio-economic factors (age, education, ethnicity, religion, place of residence, wealth) 3. Social sanctions / other consequences against girls and their parents refusing FGM/C (ethical and urban/rural dimension)
Date of completion	23 July 2019
Query Code	Q19-2019
Contributing EU+ COI units (if applicable)	---

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The target audience is caseworkers, COI researchers, policy makers, and decision making authorities. The answer was finalised on the 23 July 2019. Any event taking place after this date is not included in this answer.

COI QUERY RESPONSE

Background

The World Health Organization (WHO) states that Female Genital Mutilation/Cutting (FGM/C) 'comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons'.¹

In Somalia, the prevalence of FGM in women aged 15–49 is 98%.² The practice is widespread in the country and is the highest in the world. The majority of girls undergoes FGM/C between ages 5 and 9.³

The majority of Somali girls undergoes FGM/C Type III (infibulation)⁴, the most severe form of FGM/C.⁵

1. Legal framework - Female Genital Mutilation/Cutting (FGM/C) in Somalia

The 2012 Provisional Constitution of Somalia [Article 15 (4)] states that 'female circumcision is a cruel and degrading customary practice, and is tantamount to torture. The circumcision of girls is prohibited'.⁶

The law prohibits FGM/C but does not offer clarification on what constitutes circumcision.⁷

According to different sources, there is currently no national legislation in Somalia that expressly criminalises and punishes FGM/C in the country.⁸

A joint report by 28toomany and the Thomson Reuters Foundation specifies that the existing national legislation does not specifically criminalise the performance, procurement, arrangement and/or assistance to conduct FGM/C. Additionally, there is no legislation criminalising the lack of reporting of FGM/C incidents, the participation of medical professionals in acts of FGM and the practice of cross-border FGM/C.⁹

According to 22toomany, without specific legislation, it is the Somali Penal Code¹⁰ that in general legally frames the practice as a criminal offence, as it causes 'hurt to another'. Article 440(3) defines that hurt is "very grievous" if it results in (b) 'loss of a sense' or (c) 'loss of a limb, or a mutilation which renders the limb useless, or the loss of the use of an organ or of the capacity to procreate'.¹¹

¹ WHO, Female Genital Mutilation, 31 January 2018, [url](#)

² UNICEF, Somalia, Statistical Profile on Female Genital Mutilation, Updated January 2019, [url](#), p. 2; UNICEF, Somalia, Annual Report 2018, [2019], [url](#), p.11

³ UNICEF, Somalia, Statistical Profile on Female Genital Mutilation, Updated January 2019, [url](#), p. 2

⁴ WHO, Female Genital Mutilation, 31 January 2018, [url](#)

⁵ WHO, Female Genital Mutilation, 31 January 2018, [url](#)

⁶ Somalia, Provisional Constitution, 1 August 2012, [url](#), p. 4

⁷ 28 Too Many and Thomson Reuters Foundation, Somalia: The law and FGM, July 2018, [url](#), p. 2

⁸ 28 Too Many and Thomson Reuters Foundation, Somalia: The law and FGM, July 2018, [url](#), p.4 ; OECD, SIGI 2019, Somalia, n.d., [url](#), p. 9

⁹ 28toomany and Thomson Reuters Foundation, Somalia: The law and FGM, July 2018, [url](#), p. 2

¹⁰ Somalia, Penal Code, Legislative Decree No.5 of 16 December 1962, 16 December 1962, available at: [url](#)

¹¹ 28toomany and Thomson Reuters Foundation, Somalia: The law and FGM, July 2018, [url](#), p. 3



In March 2014, the President of Puntland approved an official government policy banning FGM/C.¹²

In 2013, Islamic scholars in Puntland issued a *Fatwa*, a religious decree, ruling that FGM/C is not based on Islamic teachings and banning all forms of the practice.¹³

1.1 Implementation of Legal Framework

There are reports of ongoing incidents of FGM/C in Somalia. In September 2018, three young girls, two of them sisters from a village in Puntland, died due to complications after undergoing FGM/C.¹⁴

On 17 July 2018, a 10 year-old girl died in Somalia after being subjected to the practice.¹⁵ The incident resulted in the first ever prosecution against FGM/C in Somalia, announced on 25 July 2018 by Somalia's Attorney General Ahmed Ali Dahir.¹⁶ According to Reuters, the Attorney General said that 'we are going to prosecute on this straight away. Prosecuting this case will not be delayed. We can do it under the existing penal codes in Somalia'.¹⁷

Issues arose during the prosecution of this case, since the girl's family did not cooperate with the investigators in order to locate the person who performed the FGM.¹⁸ According to BBC, the girl's father stated that he did not want to pursue charges and that he did not hold anyone responsible for the death of his daughter.¹⁹ According to the US Department of State (US DoS) 2018 Country Report on Somalia, no charges were filed.²⁰

2. Current prevalence of FGM/C in Somalia, according to socio-economic factors (age, education, ethnicity, religion, place of residence, wealth)

Various sources used/consulted during the draft of this query response indicate that reliable data collection in Somalia on FGM/C is 'extremely challenging' and that the data is mainly 'self-reported, meaning that it is not gathered via physical examinations' and therefore should be read accordingly.

In Somalia, the prevalence of FGM/C in women aged 15–49 is 98%. According to UNICEF, 'there has been no change in the prevalence of FGM over time'.²¹ The practice is widespread in the country²² and is the highest in the world.²³ The majority of girls undergoes FGM/C between ages 5 and 9.²⁴

¹² UNICEF Somalia, Regional authority in Somalia introduces an official policy to end FGM/C, 14 March 2014, [url](#); Horseed Media, Somalia: Puntland bans Female Genital Mutilation (FGM), 11 March 2014, [url](#)

¹³ UNICEF Somalia, Regional authority in Somalia introduces an official policy to end FGM/C, 14 March 2014, [url](#); UNICEF, Important Religious Ruling against all forms of female circumcision signed in Puntland, North Eastern Somalia, 13 November 2013, [url](#)

¹⁴ NPR, 2 Young Sisters Die After Undergoing Female Genital Mutilation, 14 September 2018, [url](#); VOA News, Third Girl Dies in Somalia After Genital Mutilation, 17 September, [url](#)

¹⁵ BBC News, Somali father defends FGM after daughter, 10, dies, 22 July 2018, [url](#)

¹⁶ Reuters, Somalia announces first prosecution for female genital mutilation, 25 July 2018, [url](#)

¹⁷ Reuters, Somalia announces first prosecution for female genital mutilation, 25 July 2018, [url](#)

¹⁸ Reuters, Somalia's first FGM prosecution 'hampered' by victim's parents, 23 August 2018, [url](#)

¹⁹ BBC, Somali father defends FGM after daughter, 10, dies, 22 July 2018, [url](#)

²⁰ United States, USDoS, 2018 Country Reports on Human Rights Practices: Somalia, 13 March 2019, [url](#)

²¹ UNICEF, Somalia, Statistical Profile on Female Genital Mutilation, Updated January 2019, [url](#), p. 2; UNICEF, Somalia, Annual Report 2018, [2019], [url](#), p.11

²² United States, USDoS, 2018 Country Reports on Human Rights Practices: Somalia, 13 March 2019, [url](#)

²³ UNICEF, Situation Analysis of children in Somalia 2016, 2016, [url](#), p. 8

²⁴ UNICEF, Somalia, Statistical Profile on Female Genital Mutilation, Updated January 2019, [url](#), p. 2

The United Nations Population Fund (UNFPA) 2019 Report states that the FGM/C prevalence among girls aged 15-19 in Somalia in the period 2004-2017 was 97%.²⁵

Differently, a 2017 baseline survey by Save the Children undertaken in 11 district in Somalia indicates that 90% of adolescent girls had undergone FGM/C, showing a slight decrease of the practice.²⁶

UNICEF Somalia indicates that 'there is no significant difference in the incidence of FGM/C between urban and rural populations or between different wealth quintiles and education levels.'²⁷

More specifically, among women aged 15-49 years, 97.1% had undergone some form of FGM/C in urban areas and 98.4% in rural areas. The prevalence rate in that age cluster was 99.2% in the Central South Zone, 98.1% in the North East, and 94.4% in the North West.²⁸

In its 2016 report on FGM/C in South Central Somalia, the Danish Immigration Service (DIS) reporting on one source, indicates that:

'It is possible for some women to avoid having their daughters undergoing the practice of FGM. The women able to withstand the social pressure to have their daughter subjected to FGM would be found in the urban centers of S/C Somalia. In urban centers the communities are not as closely knit as in the rural areas.'²⁹

No particular variations were registered in the percentages of women aged 15-49 who had undergone FGM/C, based on their household's wealth.³⁰

According to 28toomany, 'It is not known to what extent ethnic and clan identities influence the practice of FGM in Somalia and Somaliland.'³¹

3. Social sanctions / other consequences against girls and their parents refusing FGM/C (ethical and urban/rural dimension)

During a workshop hosted by EASO in 2016 on FGM/C, Dr Omar Abdulcadir, a medical doctor and expert on FGM/C in Somalia, from the University of Florence/Regional Referral Center for the Treatment and Prevention of FGM, discussing the repercussions of the refusal to undergo FGM/C, stated:

'The community and the family consider the girl as impure. She cannot read or touch the holy Quran, she must purify to remove the dirty part of her body (*haram*). In the rural area, if the family does not perform this practice, they are covered with shame and are isolated. Their animals cannot mix with animals from other people to graze or drink from wells. So female

²⁵ UNFPA, State of the world population 2019, Unfinished business, 2019, [url](#), p. 162

²⁶ Save the children et al., Changing Social Norms in Somalia: Exploring the Role of Community Perception in FGM/C, Fact Sheet No. 6, September 2017, [url](#)

²⁷ UNICEF, Situation Analysis of children in Somalia 2016, 2016, [url](#), p. 23; UNICEF, Female Genital Mutilation Country Profiles, February 2019, [url](#); MICS, Multiple Indicator Cluster Survey 2006, Somalia, 2006, [url](#), pp. 139-140

²⁸ UNICEF, MICS, Somalia, 2006, [url](#), p.138

²⁹ Denmark, DIS, Thematic Paper: South Central Somalia - Female Genital Mutilation/Cutting, January 2016, [url](#), p. 16

³⁰ UNICEF, MICS, Somalia, 2006, [url](#), p.138

³¹ 28 Too Many, Country Profile: FGM in Somalia and Somaliland, 2019, [url](#), p. 35



genital cutting is a question of respect. The family cannot refuse to do this. A mutilated girl is considered more beautiful, cleaner, more honorable, and can have a husband in the future'.³²

The DIS, quoting two sources indicated that if a girl does not undergo FGM/C, the local community will form a negative opinion of her and she will be stigmatised by the other children. Very few people, according to the same source, can afford to be socially isolated from their community, since in Somalia people are very dependent on their community, due to the 'lack of strong state structures'.³³

The same DIS report, quoting two sources interviewed, indicated that 'there were no negative consequences in terms of getting married', while one stated that there would be no consequences 'or in terms of access to livelihood such as employment'.³⁴

If a mother decides not to let her daughter undergo FGM, according to the DIS, the other women and parents in the community will stigmatise and criticise her. The community can also consider parents who do not let their children undergo FGM/C as 'corrupted by foreign culture'.³⁵

According to UNICEF, there is cultural discrimination towards the women who do not undergo FGM/C. In addition, they might remain unmarried and as a result face emotional and economic hardships.³⁶

According to Dr Abdulcadir, if the parents decide to object to the performance of FGM/C, it is very important that the family is either affluent or has a high standing in society.³⁷

³² Abdulcadir, O., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 45

³³ Denmark, DIS, Thematic Paper: South Central Somalia - Female Genital Mutilation/Cutting, January 2016, [url](#), p. 11

³⁴ Denmark, DIS, Thematic Paper: South Central Somalia - Female Genital Mutilation/Cutting, January 2016, [url](#), p. 11

³⁵ Denmark, DIS, Thematic Paper: South Central Somalia - Female Genital Mutilation/Cutting, January 2016, [url](#), p. 11

³⁶ UNICEF, Eradication of Female Genital Mutilation in Somalia, n.d., [url](#), p. 4

³⁷ Abdulcadir, Osmar, EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 59



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