

Viewpoints
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Egypt's Fight Against FGM: Is There Hope After All?

Moushira Khattab

Chair of Women in Foreign Policy Group, Egyptian Council for Foreign Affairs; former Public Policy Scholar, Woodrow Wilson Center; former Minister of Family and Population, Egypt; and former Egyptian Ambassador to South Africa and to the Czech and Slovak Republics

On January 26, 2015, an Egyptian court handed a physician a two-year prison sentence with hard labor, a fine, and the closure of his clinic for one year. The ruling is the first of its kind since a law banned female genital mutilation (FGM) in 2008. The victim's father also received a suspended imprisonment sentence. Moushira Khattab takes great pride in having been the initiator and chief engineer of this particular law, in a process which she considers ground-breaking. In this article she argues that only through education can a cultural paradigm shift put an end to such crimes.

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In a historic development, an Egyptian appeals court found Raslan Halawa, a physician who performed female genital mutilation (FGM) on 13-year-old Soheir Al-Batea, which led to her death, guilty of involuntary manslaughter. On January 26, 2015, the court handed Halawa a two-year prison sentence with hard labor. He was also fined and the court ordered his clinic where the FGM procedure was performed to close for one year. While barbaric practices like FGM are unheard of in modern societies, in Egypt we consider this court ruling to be historic because it is the first of its kind since a law banned the practice in 2008. The victim's father also received a three-month suspended sentence. This precedent is cause for celebration in a culture that calls FGM "tahara," or purification, and entitles parents to do as they wish with their children.

Defenders of the rights of children and girls breathed a collective sigh of relief with the sentence against FGM, which unfortunately affects at least 66 percent of Egyptian females. The events which led to the enforcement of Child Law 126/2008 that criminalizes FGM were nerve-wracking, to say the least, for someone like myself. I take great pride in having been the initiator and chief engineer of this particular law, a process which I personally consider groundbreaking, and one which consumed five years of my life and that of many other partners. In an unprecedented societal movement embracing a wide array of stakeholders, we entered uncharted territory and planted the seeds for a cultural paradigm shift. It is, therefore, refreshing to see the law finally being put to active use in the ongoing pursuit of young girls' human rights, albeit at the expense of Soheir Al-Batea.

The case, like many before it, started when Soheir's father, angry for the death of his daughter, reported the death and accused the doctor of gross negligence and manslaughter while performing FGM. The father then retracted his testimony when he realized that he was culpable for taking his daughter to undergo the FGM procedure. As expected, he backtracked and denied that the procedure ever took place. The doctor tried to prove that he did not perform FGM but was just "removing excess skin." The coroner initially found no negligence on the part of the doctor, and the court of misdemeanors dismissed the case acquitting both the doctor and the father after an out of court settlement. It is worth mentioning that the court ruling is, *inter alia*, at the discretion of the judge.

The original result of this FGM case was expected considering the prevailing culture and the turn of events in Egypt since the January 25, 2011 revolution. Dormant conservative values and reactionary religious discourse typically thrive during such political turmoil as a means to negate women's gains. The shift in this case happened when the court accepted the appeal made by the prosecutor general later in 2014. The appeal challenged the medical report after calling for forensic tests to determine the cause of death. It also stated that FGM is a crime punishable by Law 126/2008 and contradicts religious teachings.

The sad reality is that the national hype against FGM has faded with the January 25 revolution. National efforts to combat this heinous crime have been undermined as a result of the Islamist grip on power that characterized much of the four years since the revolution. While Islamists have lost political power, they have not lost their grip on the minds of some Egyptians.

Nineteen months after their ouster, efforts to combat FGM remain crippled with no apparent champion to nurture the seeds of our cultural revolution against FGM. The media's interest in women's issues has sharply declined ever since.

Soheir al-Batea is not the first and will not be the last victim of FGM. The sad reality is that her death did not cause much public uproar. In 2007 when Bodour Shaker lost her life in similar circumstances, hell broke loose with mass funerals in many governorates and hundreds of girls carrying her photo calling for an end to FGM. The government had to get its act together. The ministry of health was put under pressure to issue a decree to punish doctors, paramedical teams, and others who perform FGM. Less than a year after the death of Bodour, parliament adopted the law criminalizing FGM. The criminalization of a deep-rooted habit became feasible in 2008 thanks to a societal movement and national cultural consensus that turned it into a criminal offense. This consensus included villages that declared their determination to abandon the practice. In a domino effect, more than 100 villages demonstrated outstanding courage and broke cultural taboo to say no to FGM. These courageous villagers found support in a cultural environment geared by the media, lawyers, doctors, nurses, religious leaders, and social workers. A Salafi cleric even went to court demanding the abolition of the criminalization of FGM, but the constitutional court upheld the law. The message was clear and incidents of FGM declined sharply. The opposite has been the case since 2011. Incidents of FGM increased as political commitment faded. In the case of Soheir al-Batea, no government agency in charge of human rights or women's and children's issues took legal action to pressure the government into upholding the law. Unable to restore the momentum against the practice, it was crucial to make a statement by marking the first criminal prosecution since the practice was banned in 2008.

The state of Egyptian women is one full of contradictions: on the one hand, Egyptian women are hailed like never before for their political heroism since the eruption of the January 25 revolution. The praise became stronger as some women rallied behind removing the Islamists in power on June 30, 2013. The praise was even warmer when women supported the democratic changes that followed. Yet when it comes to women's inalienable rights, society drags its feet. Shameful forms of violence are still condoned revealing the shocking reality that some Egyptian women have no control over their bodies and the state cannot protect them.

Criminalization of FGM would not have been possible without educating the masses through an enlightened media discourse and religious and educational reform. It needed continuous support through advocacy to create awareness of its provisions, enforcement, and monitoring mechanisms. The enthusiasm continued for a decade, but that was not enough to correct the ills of decades of a misguided culture that uses religion to promote violence as purification. The law is still nascent and fragile.

Today Law 126/2008 does not stand alone. It is supported by a new constitution that provides in Article 60 that "any violation, aggression or mutilation of the human body is a crime punishable by law." This provision on its own bestows constitutional validity and strengthens Law 126/2008. The court verdict could be a start to restore the national movement that was once alive and that inspired other countries.

This leads me to end on a positive note. The revival of the cultural paradigm shift to put an end for such crimes is at our fingertips. I am a firm believer that education is the only fool-proof and future-proof mechanism through which we can put an end to the mentality behind these crimes. Education should not be restricted to schools but rather extend to the media, churches, mosques, hospitals, syndicates, theatres, and youth and women’s clubs. National bodies concerned with human rights must capitalize on the verdict, watch vigilantly, and report any violations. Education is our best hope of establishing a culture that criminalizes all forms of gender-based violence and discrimination and one where parents are by no means above the law. Only then can Soheir Al-Batea’s sad death be somewhat avenged.



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