



UGANDA LAW BARS GENITAL CUTTING

TRIBAL ELDERS' ADVOCACY IS THE KEY



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We have come here today to talk about Female Genital Mutilation.” The speaker is His Excellency Yoweri Museveni, President of Uganda. It is July 1, 2009; the President is addressing more than 5,000 members of the Pokot and Sabiny communities, the only two groups in Uganda that practice Female Genital Cutting (FGM). Also present are ministers and parliamentarians from Uganda and neighbouring Kenya, where the majority of the Pokot live. On this historic occasion, 300 Pokot girls will be honoured with certificates for not having been cut. The President has flown to the mountains of eastern Uganda on the occasion of the first annual Pokot Culture Day.

Mr. Museveni’s visit was the culmination of a 20-year campaign to eradicate FGM launched by leaders of the Sabiny in the early 1990s. (There are some 200,000 Sabiny and 6,000 Pokot in Uganda. Nearly 260,000 more Pokot live across the border in Kenya, as do a smaller number of Sabiny.) An even more important milestone in the campaign was reached on March 17, 2010, when the President signed the Prohibition of Female Genital Mutilation Act, Uganda’s first national law specifically banning all types of FGM. It provides that anyone carrying out or facilitating FGM, including circumcisers (those who perform the procedure), parents or others, is subject to up to five years in prison. If girl dies as a result of the procedure, those involved can be imprisoned for life.

While passing a law against FGM is a major victory, the law in itself by no means guarantees that everyone will automatically stop practicing FGM in this part of the country, where a strong sense of tradition underpins community identity. By custom, the Pokot circumcise girls between the ages of 9 and 14 every year from July through September; the Sabiny do so in December during even-numbered years, such as 2010. With the new law in place and the support of the President and other national leaders, the campaign to educate these communities about the serious health consequences of FGM, and to train members of the police and judiciary in how to enforce the new law, is gathering momentum—supported by the UNFPA-UNICEF Joint Programme on FGM.

“We know that the process of getting people to abandon FGM requires a multi-pronged approach,” says Brenda Malinga, UNFPA National Programme Officer for Gender in Uganda. “The law is just one of the facilitating factors. Now we are disseminating information about the new law,

and, through education, we shall continue to empower the communities to say no to FGM.”

From the beginning, a key aspect of this multi-pronged approach to ending FGM in Uganda has been a respect for local cultural traditions and a commitment to preserving customs that are beneficial to local communities—in other words, identifying and upholding positive aspects of indigenous culture while fighting harmful ones. An annual Sabiny Culture Day was established in 1996 to promote the positive aspects of Sabiny culture. Seeing this, the Pokot lobbied to have their own Culture Day, and the President’s visit in 2009 marked the first such occasion.

In his speech, which was reported in the national press and broadcast on Ugandan radio and television, President Museveni approached the formerly taboo subject of FGM in a frank, non-judgmental way. Praising the ancient culture of the Pokot people, he explained that modern science has revealed that some venerable customs are not, in fact, beneficial, as previously believed, but are actually harmful. He likened abandoning FGM to adopting modern improvements such as wearing eyeglasses or boiling (pasteurizing) milk before drinking it. He explained that FGM can cause life-threatening complications in childbirth, both for mothers and babies. “You say that FGM is culture,” said the President. “Yes, it is culture, but it is culture that was based on insufficient information.... If we find that we were doing something that is, in fact, very dangerous, only because we did not have enough information, then we stop doing it.”

THE LONG ROAD TO A NATIONAL LAW

The process leading up to passage of the FGM law in Uganda involved the commitment and lead-

ership of a number of key individuals at the grassroots level. The story offers useful lessons for other countries striving to eradicate FGM. “What excites us,” says Brenda Malinga of UNFPA, “is that this was not a top-down approach; it was a bottom-up approach.”

It began in 1988, when members of the Sabiny community became concerned that their cultural values were eroding because a growing number of girls had been avoiding genital cutting. “The fathers of these girls were enlightened,” says Beatrice Chelangat, coordinator of REACH, an organization supported by UNFPA. “Every two years during cutting season, these fathers took their daughters for refuge to nearby districts where FGM is not practiced.” The girls’ mothers probably acquiesced to this arrangement.

To determine the extent of Sabiny support for FGM, the local district council of Kapchorwa, led by elder Peter Kamuron, commissioned a study on public attitudes toward FGM in 1988. When the study revealed that most people did support the practice, the council voted 20 to five in favour of a resolution making FGM mandatory. While not legally binding, the resolution empowered and encouraged the community to harass young women who had avoided cutting and to pressure them into submitting to the procedure. “These were no longer girls,” explains Ms. Chelangat. “By this time they were married women—some even held important positions—but they were still called girls because they hadn’t undergone the ritual. So the community felt that they needed to be cut. They believed that if you have not undergone FGM, you remain a girl forever.” Among both the Pokot and Sabiny, tradition stigmatized uncut females and, among other things, barred them from engaging in everyday tasks, such as milking a cow or repairing a house.

With FGM endorsed by the resolution, the uncut adult daughters of the five dissenting council members traveled to Kampala with their fathers to seek the intervention of the central government, which they expected to be sympathetic to their cause. In response, the Minister of Gender and the Minister of Local Government, who happened to be a Sabiny, flew to Kapchorwa to discuss the negative implications of the resolution with the community leaders. The following year, Peter Kamuron and the district council rewrote the resolution, making

FGM optional for adults aged 18 and above. (Kamuron has since become a staunch opponent of FGM and a human rights activist.)

“Considering the level of knowledge in the community, it was not possible for the council to abolish FGM outright,” says Ms. Chelangat. “So the nearest thing was to make it optional.”

ATTACKING FGM ON MANY FRONTS

But the original dissenting elders on the council would not give up on their objective of an unqualified rejection of FGM. They decided they had to work to change local attitudes and convictions about FGM and other issues. In 1992, they established the Sabiny Elders Association under the leadership of George William Cheborion. (With his daughter Jessica, Mr. Cheborion had been part of the group that had traveled to Kampala four years before.) The association’s goal has been to preserve cultural practices that are benign and that promote human rights, such as story-telling, proverbs, community celebrations, mar-

riage ceremonies and traditional foods, while eliminating practices “that are brutal and dehumanize some sections of the community.”^[1] These latter practices included not only FGM and related taboos but traditions such as widow inheritance and revenge killings. The Elders Association also vowed to promote education, especially for girls, and to protect the environment.

In order to mount an effective campaign to stop FGM, the Sabiny Elders needed financial resources and technical support. They approached President Museveni through their fellow Sabiny the Minister of Local Government, and the receptive President contacted UNFPA. In 1996 UNFPA, in collaboration with the Sabiny Elders Association and the Population Secretariat of the Ministry of Finance, launched the Reproductive, Educative and Community Health Project (REACH) based in Kapchorwa. One of REACH’s first actions was to establish Sabiny Culture Day, now in its 15th year.

“REACH’s goal was to facilitate change,” says Ms. Chelangat, “and the change agents were the Elders. Most of us on the REACH staff had just

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^[1] Implementation of Interventions to Eliminate Female Genital Cutting, UNFPA Uganda 2007

“We asked the Elders, the people who are listened to, who are influential, to move around the villages, speak about local problems with the people and discuss possible solutions.” *Beatrice Chelangat, REACH Coordinator*

left university, so it was difficult for us to communicate with the common man in the villages. So we asked the Elders—the people who are listened to and who are influential—to move around the villages, speak about local problems with the people and discuss possible solutions.” As a result of this advocacy work, in 1998 the Elder George Cheborian received UNFPA’s annual Population Award for his leadership in working to abolish FGM. UNFPA continued to support REACH until 2006, when it became part of the UNFPA-UNICEF Joint Programme on FGM.

Another active partner in the campaign was the Hon. Dr. Yekko John Arapkissa, today a Member of Parliament for Kapchorwa. For many years starting in 1978 he had been the only medical doctor serving the Sabinu and Pokot communities in Uganda. Working with REACH, he developed a package of pictorial materials that explained the painful and potentially dangerous health consequences of FGM for mothers and babies, such as the risk of infection and the fact that women who have been cut are often unable to deliver a baby because of scar tissue. Many have to be cut again during childbirth, sometimes with fatal consequences. For many years Dr. Arapkissa traveled around the villages sharing this kind of information with people.

Nevertheless, despite some progress in changing attitudes about FGM, between 1998 and 2002 there was a backlash in the community. Still worried that the local culture was being eroded by these and other reform efforts, a number of influential Sabinu—professors, magistrates, local government leaders, agricultural officers and

teachers—actually formed a pro-FGM group to counteract messages from the Elders and REACH. During the “cutting season” in December 1998, they contributed enough money to give 50,000 Ugandan shillings (about US \$23) to every family who agreed to have a daughter cut, along with a woman’s sarong and a calendar. That year, the number of girls cut nearly doubled, from 544 in 1996 to 1,100 in 1998. The participation of individuals who were well educated clearly suggests that they were defending Sabinu identity more than FGM per se. In a rapidly changing world, there are people everywhere who feel that their cultural identities—indeed, their collective sense of self—are under threat.

An important lesson was learned from the setback in Uganda. It had become clear that in addition to sensitivity toward local culture and persua-



sion, the campaign against FGM had to be bolstered by some kind of legal framework. In 2000, REACH and the Sabiny Elders Association once again petitioned the district council to prohibit FGM. The council refused, saying, “This is our culture. Let it be optional. Those who are cowards—let them refuse FGM. But those who are brave Sabiny and Pokot girls—let them continue with FGM!” “So,” Ms. Chelangat recalls, “we had to go back to the drawing board and come up with another strategy.”

THE LAW GAINS MOMENTUM

In 2004 REACH and the Sabiny Elders contacted an organization called Law and Advocacy for Women in Uganda (LAW Uganda) and asked them to draft a document announcing the principles underlying a law that would prohibit genital cutting. In 2005, 100 community leaders from the 16 sub-counties of Kapchorwa district petitioned local authorities to enact a bylaw based on the LAW Uganda draft. It passed in 2006. UNFPA, LAW Uganda and the Kapchorwa district council then got a district level ordinance prohibiting FGM passed in 2008. “This gave us a strong stepping stone to reach the Parliament and pass the national law,” says Beatrice Chelangat.

The Joint Programme then helped to arrange a meeting between President Museveni, the elders of the Sabiny and Pokot, REACH staff and medical personnel on June 29, 2009. Some 40 people attended and the meeting lasted for about four hours. “We were able to convince the President of the need for a law,” says Brenda Malinga of UNFPA. “He asked questions about FGM and maternal and child health: Does it actually increase maternal mortality? The doctors

“These girls are now people’s wives without being circumcised. Some of them have produced babies. Their husbands appreciate the fact that at delivery more cutting is not necessary.” Apollo Bakan, POZIDEP

Two days later, on Pokot Culture Day, the President spoke out against FGM to the Pokot and Sabiny communities and to all of Uganda via radio and television. Four months later, in November 2009, the Hon. Rebecca Kadaga, Deputy Speaker of Parliament, was the guest of honour on Sabiny Culture Day. At that time, the Sabiny Elders Association, which had already been in discussions with the Ministers of Gender, Health, and Finance, asked Mrs. Kadaga to formally propose in Parliament a national law prohibiting FGM—based on LAW Uganda drafts—and secure funds to educate people about such a law.

She did so and the Prohibition of Female Genital Mutilation Act became law in March, 2010, along with a pledge by the Government of Uganda to provide about US \$90,000 to disseminate information about the new law. The Ministry of Gender, with support from UNFPA, has drafted a Training of Trainers manual designed to prepare community facilitators to carry out dialogues about FGM at the grassroots level. In due course, 100 community facilitators will fan out to conduct community dialogues in five target districts.

With support from UNFPA, LAW Uganda is now producing a booklet of pictograms about the law for people who cannot read English. LAW Uganda will also support law enforcement officers, prosecutors, paralegals and judges in the 16 Kapchorwa sub-counties in the enforcement of the new law.

PROTECTING GIRLS FROM BEING CUT

A key partner in the anti-FGM efforts is the Church of Uganda’s Pokot Zonal Integrated Development Programme (POZIDEP). It was POZIDEP

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