



Kenya - Researched and compiled by the Refugee Documentation Centre of Ireland on 8 October 2009

Information on the current situation and treatment of women in relation to FGM.

An August 2009 *IRIN News* article states:

“The practice of female genital mutilation/cutting (FGM/C), once the foundation of womanhood among the Meru, is slowly dying out as people become more aware of the physical risks involved and its reinforcement of women’s inferior position in society. There is still some resistance, however, with many believing abandoning FGM/C will undermine Meru values still considered intrinsic to young girls becoming women in the community.

“Female circumcision rites had a dual role; the cut, yes, but there was also the period of seclusion following the cut, during which girls were schooled in the ways of women in Meru society – how they should behave in polite society, how they should interact with men and how to be a respectable member of society,” said Gilbert Musai, of the Roman Catholic Diocese of Meru, which, with the Catholic Relief Services NGO, runs an alternative rite-of-passage (ARP) that teaches local girls both new and old-school values as a replacement for FGM/C. “We are trying to find a way to link the old system to the new system.” (*IRIN News* (31 August 2009) *Kenya: Killing the cut but keeping tradition alive*)

The article continues under the heading ‘Old and new practices’ as follows:

“FGM/C has been illegal since 2001 under the Children’s Act, and as a result, the counselling portion of the rite has been lost – circumcisers perform their duties under the cover of darkness, never spending enough time with the girls to impart traditional values. The ARP fulfils that role.” (*ibid*)

Under the heading ‘Mixed support’, the article continues:

““My older sisters are all circumcised and so far, I have refused to give in to the pressure to be cut,” she told *IRIN/PlusNews*. “My parents believe that they will get more goats [bride price] for me if I am circumcised; I think that’s why they are insisting on it.”

In the meantime, her parents have refused to pay for any further education or to support Doris in her quest to open a dress-making business.

The women who carry out the procedure are equally resistant to change - not only are they losing their position as valued and respected members of society, they are also losing income.

“These women get goats, local brew and cash in exchange for their services – one girl’s circumcision can bring as much as 5,000 shillings [about US\$70], so you can understand their resistance,” M’eruaki said.

The diocese has tried to start a dialogue with the circumcisers, said M’eruaki, convincing some to join local micro-finance schemes to find alternative income. However, the illegal nature of the practice means they are very hard to reach.” (ibid)

Section 5 of the 2008 *United States Department of State Country Report on Human Rights Practices for Kenya*, under the heading ‘Children’, states:

“The law prohibits FGM, but it was still practiced, particularly in rural areas. FGM usually was performed at an early age. According to UNICEF, one-third of women between the ages of 15 and 49 had undergone FGM. Of the country’s 42 ethnic groups, only four (the Luo, Luhya, Teso, and Turkana who together constituted approximately 25 percent of the population) did not traditionally practice FGM. According to the Ministry of Gender and Children Affairs, 90 percent of girls among Somali, Kisii, Kuria, and Maasai communities had undergone the procedure. The rates among other communities were: Taita Taveta (62 percent); Kalenjin (48 percent); Embu (44 percent); and Meru (42 percent). FGM was less practiced among the Kikuyu and Kamba with 34 percent and 37 percent respectively. There were public awareness programs to prevent the practice, in which government officials often participated. In September the government launched a National FGM Coordinating Committee to provide guidance to organizations fighting FGM.

Some churches and NGOs provided shelter to girls who fled their homes to avoid FGM, but community elders frequently interfered with attempts to stop the practice.

In December more than 100 girls in Bomet district were subjected to FGM, causing the district commissioner to instruct police to arrest anyone perpetrating FGM. The media also reported in December that more than 200 girls in Marakwet District were forcibly subjected to FGM. However, no arrests were reported in either Bomet or Marakwet.

Various communities and NGOs have instituted "no cut" initiation rites for girls as an alternative to FGM. According to the Family Planning Association of Kenya, its "no cut" program, called Ntanira na Kithomo (Initiate Me through Education), contributed to a 13 percent decline in the prevalence of FGM in Meru North District in 2005. However, NGO activists have noted that other districts have seen an increase in FGM.” (United States Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Country Reports on Human Rights Practices – Kenya*

A December 2008 *IRIN News* report states:

“NAIROBI, 17 December 2008 (IRIN) - Hundreds of girls between seven and 17 are seeking refuge in church compounds in western Kenya to avoid the

ritual removal of their clitorises, a practice that remains common despite its illegality.

"Local authorities must ensure that these girls are not ostracised by the community and that their education is not disrupted," Andrew Timpson, a senior protection officer for the UN Children's Fund (UNICEF) in Kenya, told IRIN on 16 December.

Timpson made a field visit to Kuria East and Kuria West districts in early December to examine the condition and protection needs of 342 girls who had fled their homes to avoid undergoing female genital mutilation/cutting (FGM/C).

He said FGM/C was a major problem and that the girls who sought refuge at two churches were a small group. "It is possible that several hundred girls aged 15 to 16 may have been circumcised." (IRIN News (17 December 2009) *Kenya: Hiding from the cruellest cut*)

Under the heading 'Safety concerns', the report continues:

"Relief aid for the girls has been provided by the government and agencies such as World Vision, the Maranatha Church and their Swedish partners. Other involved in efforts promoting the abandonment of FGM/C in the Kuria district include Action Aid, ADRA and GTZ/MOH and World Vision.

According to a UNICEF-commissioned study, the practice is still prevalent in most of Kenya.

"Available evidence shows that female circumcision is still common, particularly in rural areas and among women who have received less education," according to the study, undertaken for UNICEF by Anne Khasakhala of the University of Nairobi's Population Studies and Research Institute.

One of the main reasons is the celebration and feasting that accompanies the ceremony and the bride wealth brought during the marriage negotiations, Khasakhala said.

FGM prevalence rates in the two Kuria districts range between 75 and 90 percent, according to the study, with the age at circumcision between 12 and 14." (ibid)

Section 2.4 of Part 1 of a December 2008 *World Organisation Against Torture (OMCT)* document under the heading 'Harmful traditional practices', reports:

"Female Genital Mutilations are still widely practised, especially with the Maasai, Kisii, and Somali communities in Kenya. In spite of the enactment of the Children's Act (2001) which prohibits female genital mutilation, it is noted a continued prevalence of the practice in some areas of the country. In addition, women over 18 years of age are usually pressured or forced into undergoing the practice

A newspaper article featured in the Standard Newspaper of 9th August 2008 reported that 'over 90 percent of all women over 20 years in Laikipia North District in Kenya are circumcised'. Laikipia North District, in the Rift Valley Province of Kenya, is predominantly inhabited by the Maasai and Samburu communities who practise FGM. In the predominantly pastoralist communities, hundreds of girls undergo circumcision every school holiday. In these communities, it is generally by the parents that children may get pregnant before being circumcised, a situation considered a curse.

The initiative to eliminate FGM has been largely the efforts of the Civil Society Organizations. In addition, while some administration officers especially those in marginalised areas have been helpful in rescuing girls and apprehending those perpetrating FGM, a good number have indeed condoned the practise in their areas and even participated in celebrations of FGM. More concrete and practical efforts have to be made by the government on the issue, which will extend to provision of safe house facilities for girls who are under threat or who have been rescued and the punishment of administration and police officers found in condoning or participating in the practise. Stiff penalties should also be meted out to parents who are found having given away their daughter to be forcefully married." (World Organisation Against Torture (OMCT) (3 December 2008) *Violence against Women and Children in Kenya*, p.15-16)

An August 2006 *UN Children's Fund (UNICEF)* report under the heading 'Increasing the pressure', states:

"Despite the overall decline in the practice across Kenya, FGM is still carried out in 60 of the country's 75 districts. Some 99 per cent of girls who are 'cut' undergo infibulation, the most radical and severe form of cutting.

A UNICEF study conducted in Garissa and Myale in 2004 found that about 60 per cent of FGM practitioners felt increasing pressure to abandon the rite. Almost half said religious leaders provided the strongest impetus to abandon the practice, while 40 per cent cited an increased awareness of girls' rights.

Only about 1 in 10 practitioners said the strongest motive for stopping the tradition was a greater understanding of its adverse effects on girls and women.

UNICEF and the Population Council, an international non-governmental organization, are training health service providers in Kenya to promote safer maternal health and provide increased psychosocial support for women affected by FGM." (UN Children's Fund (UNICEF) (24 August 2006) *Education and awareness make progress against female genital cutting in Kenya*)

A November 2005 *Panapress* report states:

"Officials and anti-FGM crusaders, the Centre Against Torture, or CAT, who carried out a survey in three districts of the region found out that the girls aged between eight and 12 years old underwent the operation.

The majority of them sat for their secondary school entrance examination early this month, they noted.

CAT programme coordinator David Koros compiled the report, which blames chiefs and village elders of reluctance to fight FGM "because they are part and parcel of it."

Local politicians are also on the receiving end of CAT's tirade, with the official accusing them of failing to address "this harmful practice" for fear of losing voters.

The report revealed that most FGM cases are hardly reported to relevant authorities as most locals valued the practice as a transition into adulthood." (Panapress (29 November 2005) *FGM still rife in Kenya despite campaigns*)

References:

IRIN News (31 August 2009) *Kenya: Killing the cut but keeping tradition alive*
<http://www.irinnews.org/Report.aspx?ReportId=85933>

(Accessed 6 October 2009)

IRIN News (17 December 2009) *Kenya: Hiding from the cruellest cut*
<http://www.irinnews.org/Report.aspx?ReportId=81994>

(Accessed 6 October 2009)

Panapress (29 November 2005) *FGM still rife in Kenya despite campaigns*
<http://www.panapress.com/newslatf.asp?code=eng099953&dte=29/11/2005>

(Accessed 6 October 2009)

UN Children's Fund (UNICEF) (24 August 2006) *Education and awareness make progress against female genital cutting in Kenya*

http://www.unicef.org/infobycountry/kenya_35433.html

(Accessed 6 October 2009)

United States Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Country Reports on Human Rights Practices - Kenya*

<http://www.state.gov/g/drl/rls/hrrpt/2008/af/119007.htm>

(Accessed 6 October 2009)

World Organisation Against Torture (OMCT) (3 December 2008) *Violence against Women and Children in Kenya*

http://www.omct.org/pdf/UNTB/2008/alt_report_on_violence_against_women_children_kenya.pdf

(Accessed 6 October 2009)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted:

All Africa
Amnesty International
BBC News
European Country of Origin Information Network
Freedom House
Human Rights Watch
International Crisis Group
Immigration and Refugee Board of Canada
IRIN News
Lexis Nexis
Refugee Documentation Centre Query Database
UK Home Office
UNHCR Refworld
United Nations Children's Fund (UNICEF)
United States Department of State
World Organisation Against Torture (OMCT)