Fundamental People’s Rites?

Examining the Persistence of Female Genital Mutilation through a Human Rights Framework

A case study of the Maasai Tribe in Narok County, Rift Valley Province, Kenya

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Abstract

Female genital mutilation has been practiced for thousands of years, but only in recent decades it has met with sharp criticism due to its adverse impacts on the affected girls and women. An anti-FGM global movement emerged in 1979 leading to a development of a human right approach to FGM eradication condemning the practice as a violation of fundamental human rights and labeling it a gender based violence and harmful cultural practice. Nevertheless, the universally proclaimed human rights principles emerging from a liberalist Western culture are often contradictory to traditional and cultural values of the non-western societies. Consequently, the universalist approach has met with criticism from other movements including cultural relativists justifying the practice of FGM on the basis of its inherent value for the local culture.

In Kenya, the universal anti-FGM human rights framework has been enacted into the domestic legal framework, however, the persistence of FGM remains almost absolute in some communities. In this research study, the FGM persistence will be analyzed in context of the Maasai tribe exploring the cultural, socioeconomic and political motives behind the maintenance of the custom. Understanding the local factors enhancing FGM persistence will then enable the identification of local institutions that can facilitate an effective implementation of the universal human rights principles in a culturally sensitive manner using the receptor approach.
# Table of Contents

## INTRODUCTION

Background to the Problem..............................................................................................................1  
Problem Statement..........................................................................................................................2  
Research Question..........................................................................................................................3  
Orientation........................................................................................................................................3  
Theoretical Framework....................................................................................................................4

## METHODOLOGICAL APPROACH

Methodology....................................................................................................................................10  
Objectives of the Research..............................................................................................................13  
Significance of the Research ...........................................................................................................13  
Anticipated Challenges....................................................................................................................14  
Hypothesis.........................................................................................................................................15

## CHAPTER I: The Theoretical Foundation of Female Genital Mutilation

1.1. Definition of the Term..............................................................................................................16  
1.2 Categories of FGM..................................................................................................................17  
1.3 Contextualizing FGM: Historical Evolution and Geographical Location.........................18  
   1.3.1 Historical Evolution...........................................................................................................18  
   1.3.1.1 Development of Anti-FGM Movement on the International Level.........................20  
   1.3.1.2 Past Attempts to Eradicate FGM in Kenya.................................................................23  
   1.3.2 Geographical Location and Prevalence.........................................................................24  
1.4 Reasons for the Practice of FGM..............................................................................................26  
   1.4.1 Religion..........................................................................................................................26  
   1.4.2 Social and Cultural Reasons..........................................................................................26  
   1.4.3 Gender............................................................................................................................28  
   1.4.4 Aesthetics and hygiene.................................................................................................28  
   1.4.5 Chastity and Virginity.....................................................................................................28  
   1.4.6 Community Narratives and Superstition......................................................................29  
   1.4.7 Economic Reasons.........................................................................................................29  
   1.4.8 Political Justifications......................................................................................................30  
1.5 Alleged Harmful Consequences of FGM.................................................................................30  
   1.5.1 Health Consequences.....................................................................................................30  
   1.5.2 Impact on Education.......................................................................................................32  
   1.5.3 Economic Consequences...............................................................................................32
CHAPTER II: Female Genital Mutilation as a Human Rights Issue

2.1 FGM through the Lenses of Universalism........................................................................34
2.2 Challenges of the Universalist Approach.........................................................................36
2.3 International HR Framework Applicable to the FGM Eradication in Kenya..............37

- 2.3.1 The Universal Declaration of Human Rights.........................................................37
- 2.3.2 International Covenant on Economic, Social and Cultural Rights......................39
- 2.3.3 International Covenant on Civil and Political Rights.............................................40
- 2.3.4 The Convention on the Rights of the Child ..........................................................41
- 2.3.5 The Convention on the Elimination of All Forms of Discrimination Against Women..................................................................................................................43
- 2.3.6 The United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities (1993)........................................45
- 2.3.7 The Beijing Declaration and the Platform of Action.............................................46

2.4 The Regional Human Rights Framework in Africa......................................................46

- 2.4.1 The African Charter on Human and People’s Rights..............................................46
- 2.4.2 The African Charter on the Rights and Welfare of the Child ................................48

2.5 The Domestic Legal Framework and National Policies on FGM in Kenya..............49

- 2.5.1 The Key National Anti-FGM Policies.....................................................................50
- 2.5.2 The Legal Documents Outlawing FGM in Kenya.................................................50
  - 2.5.2.1 Children’s Act.................................................................................................50
  - 2.5.2.2 Prohibition of Female Genital Mutilation Act ............................................51

2.6 Communicating Human Rights on the Local Level......................................................53

CHAPTER III: FGM in The Context of the Maasai Community in Kenya

3.1 FGM Through the Lenses of Cultural Relativism.........................................................55
3.2 The Problem of Culture.................................................................................................57
3.3 Research Findings and Data Analysis:
   The Factors Enhancing Persistence of FGM in the Maasai Community......................57

   3.3.1 CULTURAL FACTORS.........................................................................................58
   - 3.3.1.1 The Historical Context of FGM.................................................................58
   - 3.3.1.2 The Continuity of the Culture....................................................................59
   - 3.3.1.3 Superstition .............................................................................................60

   3.3.2 SOCIAL FACTORS............................................................................................63
CHAPTER IV: Recommendations and Discussion

4.1 Applying the Receptor Approach to FGM Elimination.............................................81
4.2 Discussion..................................................................................................................85

CONCLUSION ….........................................................................................................89

BIBLIOGRAPHY
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