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## **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.

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