

10.2.2020

To the Parliament of Finland

Statement regarding the Citizen's Initiative to Criminalize Female Genital Mutilation

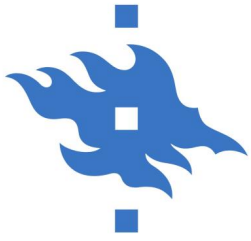
When discussing female genital mutilation (FGM), it is important first to note several key points:

- The case against female genital mutilation can be made on very solid Islamic grounds. A key principle in Islamic legal tradition is that laws should protect human life, religion, intellect, offspring, property.¹ Another Islamic legal principle stipulates that one should cause no harm to others or oneself. The Qur'an and the Prophetic tradition emphasize the importance of ensuring the wellbeing of children.² There is a wealth of solid evidence-based knowledge from social sciences and health that demonstrates that FGM causes grave, multidimensional, and lasting harm to girls and women who are subjected to it. Hence, this practice is categorically against ideals and principles of Islam as a source of normative teachings. Some proponents of this practice try to justify it on religious grounds, citing sayings attributed to Muhammed, the prophet of Islam. However, this is a very tenuous and refutable justification. In fact, well-known Islamic religious institutions such as Al-Azhar in Egypt as well as renown Islamic scholars have produced official fatwas (juristic opinions) and persuasive religious arguments against the practice.³
- The practice pre-dates Islam and is found in numerous non-Muslim communities from various religious backgrounds in Africa and the Middle East and some countries in South East Asia.
- Why some families continue to maintain this practice is not simply explicable by the notion of concern about women's sexuality and how to control it. It is also in some cases part of cultural processes through which individuals (in unequal power relations both in private

¹ This principle is known as maqasid al Sharia (objectives of Sharia).

² Qur'an 6: 151; 2: 234; 81: 8-9. There is a report attributed to Prophet Muhammad that says a parent who has taken care of his/her daughters and raised them well will be rewarded with paradise.

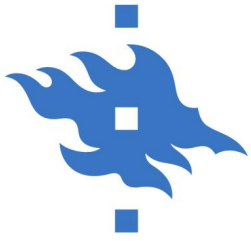
³ The Egyptian religious establishment Al-Azhar and its former Grand Sheikh the late Mohammad Sayed Tantawi issued an official fatwa against the practice in 1996. As early as 1920 the religious scholar Rashid Reda in Egypt argued that the practice had no foundation in Islam. Other notable religious scholars, such as Youssef Al-Qardawi, penned detailed religious arguments against the practice. The Egyptian Islamic scholar Mohamed Selim al-Awa also published a booklet refuting the position of those arguing that the practice is allowed in Islam. See Mohamed Selim al-Awa. *FGM in the Context of Islam*, published by the Egyptian National Council of Childhood and Motherhood



and public sphere) re-enforce their membership and belonging to a particular community; e.g. older women with little power in a larger patriarchal community save face and gain status by perpetuating a practice from whom they themselves suffered tremendously, poor women earn a living by becoming the ones who carry out this practice against other women, etc.

- Over the three decades and a half, there have been global as well as many local efforts to eradicate this practice through multiple approaches involving the criminalization of the practice as well as prevention and awareness raising measures. Research shows that it is the long-term bottom up community-based efforts that work better. This has been documented, for example, in Egypt where the rate of FGM is quite high particularly in rural areas, the practice has been criminalized, and various long-term efforts to eradicate the practice have been undertaken since the 1990s.⁴
- Finland- a country that is increasingly becoming multi-religious and multi-ethnic- has an obligation according to its national laws to ensure that its citizens and residents' right to safety and protection from all forms of harm. Hence, according to the Finnish criminal code, FGM is illegal.
- Finland has also ratified various international conventions that obligate party states to ensure the right of their citizens and residents to fundamental human rights such as protection from harm and mutilation. Examples of these conventions are the Universal Declaration on Human Rights; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention of the Rights of the Child (CRC), the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Accordingly, based on Finland's commitment to these conventions, FGM is illegal in the country.
- Finnish civil society such as *the Human Rights League* and *Fenix* have been undertaking commendable efforts to raise awareness and advocate against the practice. There has also been very good research done by Finnish scholars on the attitudes of Finnish Muslims particularly of Somali background towards FGM; the health needs of Finnish Muslim women who have been subjected to FGM, etc. These results challenge stereotypical ideas about the problem of FGM: for example, the interviewed men did not support FGM.
- Research over the past decade also shows that Muslim communities in Finland (particularly of migrant background, for example Somalis) encounter a host of interconnected problems such as: racism, Islamophobia, low employment rates compared to native Finnish, economic hardships.
- Some would argue that by criminalizing FGM, Finland would be joining other Nordic countries that have already taken this step, some as early as in 1982 (Sweden). However, research in Sweden, for example, shows that the legislation contributed to an atmosphere

⁴ See for example Charolotte Feldman-Jacobs. A State of the Art Synthesis on Female Genital Mutilation Cutting: What Do We Know Now? 2016



of stigmatization, surveillance, and racism against Muslim families; it was used unjustly and detrimentally in acrimonious disputes among Muslim mothers and fathers.⁵ In fact, the criminalization undermined Muslim Swedish women's access to good health care services as the health care providers became more focused on identifying cases of FGM and reporting them to the authorities. Hence, a valid question to be asked is: If we have a separate law for criminalizing FGM in Finland, is there a danger of confronting similar problems? It is likely that a ban against a practice that is carried out by certain individuals in communities facing the interconnected problem of racism and Islamophobia would lead to further stigmatization of such communities.

- It could be argued that one important goal of criminalizing FGM is to send a loud and clear message that the practice is against the values of human safety, dignity, and wellbeing. But such a message would be more effective in raising awareness when it is part of multidimensional plan to confront racism and Islamophobia, while raising awareness about FGM and changing attitudes and views among communities.

In conclusion, I recommend that the advocacy efforts and the debates around FGM be connected to those taking place in Muslim majority contexts (e.g. Egypt, Sudan, Somalia) and more generally in Africa so that the problem of FGM in Finland is recast **NOT** as the problem of Muslim/African minority but rather as part of a transnational problem that warrants the attention of local and global actors. This could be done through establishing forums and venues for fruitful discussions, exchange of ideas and experiences, and exploring areas of cooperation with actors pursuing similar goals in Muslim majority contexts. Additionally, I recommend that the Finnish civil society in conjunction with researchers and policy makers hold a series of roundtables to have a well-rounded discussion about the issue and debate the advantages and disadvantages of the proposed ban.

Sincerely,

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⁵ See for example the numerous publications of Sara Johnsdotter.