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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Côte d'Ivoire, Dominican Republic,* Iraq,* Monaco,* Paraguay,
Türkiye* and United States of America: draft resolution**

50/... Elimination of female genital mutilation

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the optional protocols thereto, the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and all other relevant international human rights instruments,

Reaffirming that the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, together with the optional protocols thereto, constitute an important contribution to the legal framework for the protection and promotion of the human rights and fundamental freedoms of women and girls,

Recalling General Assembly resolution 75/160 of 16 December 2020 on intensifying global efforts for the elimination of female genital mutilation, and all other relevant resolutions of the Assembly and the Commission on the Status of Women on measures to eliminate harmful practices that are detrimental to women's and girls' enjoyment of human rights, and Human Rights Council resolution 44/16 of 17 July 2020 on the elimination of female genital mutilation, and other Council resolutions on the same topic,

Recalling also the Vienna Declaration and Programme of Action, which reaffirms that all human rights, including the right to development, are universal, indivisible, interdependent and interrelated, the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action,

* State not a member of the Human Rights Council.

** On behalf of the States Members of the United Nations that are members of the Group of African States.



Recalling further the commitment made by States to achieve gender equality and the empowerment of all women and girls in the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

Recognizing that, female genital mutilation constitutes a grave human rights violation and abuse and a form of extreme violence against women and girls that is inherently linked to deep-rooted harmful stereotypes, negative social norms, perceptions and customs that jeopardize the recognition, enjoyment and exercise of their human rights and fundamental freedoms while posing a serious threat to their dignity, health and well-being,

Recognizing also that female genital mutilation also poses a serious threat to physical integrity and mental, sexual and reproductive, and maternal health, and to the health of new-born children, children and adolescents,

Recognizing further that female genital mutilation is a harmful practice constituting a serious threat to the right of women and girls to the enjoyment of the highest attainable standard of physical and mental health, including physical, mental, sexual and reproductive, maternal, new-born, child and adolescent health, that it has no documented health benefits, that it may give rise to possible adverse obstetric, prenatal and post-partum outcomes and may increase vulnerability to HIV/AIDS, hepatitis B and C, tetanus, sepsis, urine retention and ulceration, as well as to fatal consequences for the mother and child, and that the elimination of this harmful practice can be achieved as a result of a comprehensive movement that involves all public and private stakeholders in society, including women and men, girls and boys, families, communities, religious leaders and local community and traditional leaders,

Recognizing that harmful practices, such as female genital mutilation, when perpetrated against girl children, have particular detrimental consequences for their health and growth, and recalling in that regard the need to guarantee all their human rights and fundamental freedoms and to protect them from all forms of violence and discrimination,

Recognizing also that discriminatory and stereotypical attitudes and behaviours have direct implications for the status and treatment of women and girls, and that such stereotypes impede the implementation of legislative and normative frameworks that promote gender equality and prohibit discrimination on the basis of sex, as well as the full realization of gender equality and the empowerment of women and girls, the respect for and protection and fulfilment of all human rights and fundamental freedoms of women and girls and the development of their full potential as equal partners with men and boys, as well as the achievement of the Sustainable Development Goals,

Bearing in mind that decades of efforts to eliminate female genital mutilation are undermined by cross-border practices, which occur when girls or women from a country that outlaws female genital mutilation are taken across national borders to neighbouring countries that have not outlawed this harmful practice or do not enforce existing criminal laws,

Bearing in mind also the existing phenomenon of cross-border and transnational female genital mutilation, which occurs when women and girls of cross-border and other affected communities living in countries that outlaw female genital mutilation are taken to their countries and communities of origin, where this harmful practice is still socially accepted or not prohibited, to undergo female genital mutilation,

Deeply concerned that, despite increased national, regional and international efforts, the harmful practice of female genital mutilation persists in all parts of a globalized and more interconnected world, where humanitarian situations, armed conflicts, pandemics and other crises exacerbate pre-existing human rights violations or abuses and inequalities and lead to population movements, including migration, forced displacement and asylum seeking, that may result in increasing cases of cross-border and transnational female genital mutilation,

Recognizing that, owing to population movements across national borders and between nations, the prevention and elimination of female genital mutilation should be not only a national development, human rights and public health priority, but increasingly also a global priority requiring international and regional comprehensive, and multi-sectoral, responses in accordance with States obligations under international human rights law and

underpinned by the human rights principles of, inter alia, accountability, participation, transparency, empowerment, sustainability, equality and non-discrimination, and international cooperation,

Considering that the effective prevention of and response to female genital mutilation, including cross-border and transnational female genital mutilation, requires the establishment of national, local and regional cooperation and coordination mechanisms with the joint participation of government entities across sectors, including education, health, justice, social welfare, law enforcement, immigration and asylum and communications and media, and the active engagement of all relevant stakeholders, including regional and international networks, including parliamentarians, national human rights institutions, professional associations, including health-care providers, civil society organizations, human rights groups, women human rights organizations, youth-led organizations, regional networks of traditional and religious leaders and faith-based organizations, men and boys, parents, legal guardians and family members,

Recognizing that the practice of female genital mutilation constitutes torture or ill-treatment and must be prohibited, in accordance with regional and international human rights standards,

Recalling the annual commemoration of the International Day of Zero Tolerance for Female Genital Mutilation, on 6 February, with the aim of enhancing awareness-raising campaigns and to take concrete action against female genital mutilation,

Expressing deep concern at the lack of effective international, regional and bilateral cooperation measures for prosecuting perpetrators and for providing victims and survivors of female genital mutilation with access to remedies and redress, health care and health services, including sexual and reproductive health, mental health and psychosocial counselling, legal assistance and socioeconomic reintegration services,

Recognizing that the criminalization alone of female genital mutilation is insufficient when introduced without complementary, comprehensive and multisectoral measures and support programmes with the engagement of the whole community, including across the health, gender equality and education sectors, and may instead contribute to discrimination and the marginalization of and the loss of livelihoods for affected women and girls and their families,

Noting that ensuring accountability to redress cases of cross-border and transnational female genital mutilation requires not only the establishment of legal protection measures and the provision of legal remedies but also the implementation of a broad range of other measures, including the design, implementation and monitoring of regional, national and subnational policies and programmes as well as local services to ensure women's and girls' enjoyment of their human rights with the free active informed and meaningful participation of women and girls at risk of and affected by female genital mutilation,

Noting with concern that, owing to the absence of regional and national monitoring and data collection mechanisms, weak national indicators in administrative data systems, the absence of robust monitoring and evaluation frameworks to track progress, the absence of standard guidelines on data collection and the absence of regional cooperation agreements to share and manage information, many countries lack accurate and reliable regional and national data on the practice of cross-border and transnational female genital mutilation to deepen their understanding of the situation and to inform international, regional and bilateral cooperation policies and programmes aiming to prevent and eliminate female genital mutilation,

Welcoming the growing global consensus on the need to take appropriate measures to prevent and eradicate female genital mutilation, and considering that this practice, including cross-border and transnational practice of female genital mutilation, cannot be justified on any grounds, including religious or cultural grounds,

Welcoming also various initiatives aimed at ending cross-border and transnational female genital mutilation to galvanise political action, increasing the allocation of financial resources, strengthening partnerships and tracking progress in the elimination of female genital mutilation, such as the Saleema initiative launched by the African Union,

Reaffirming the obligation of States to protect the human rights and fundamental freedoms of women and girls and their commitment to prevent and eliminate the harmful practice of female genital mutilation, and emphasizing in this regard that States have the primary responsibility for preventing and eliminating female genital mutilation and for achieving zero tolerance of the practice, including through international and regional cooperation and coordination,

1. *Condemns* all forms of violence and harmful practices that affect women and girls, in particular female genital mutilation, and urges States to take all necessary measures in accordance with their obligations under applicable international human rights law, including legislative and policy measures, to prohibit female genital mutilation and to protect women and girls, including women and girls, from cross-border and other affected communities from this form of violence;

2. *Urges* States to respect, protect and fulfil the human rights of all women and girls, and to adopt and expedite the implementation of laws, policies and programmes that protect and enable the enjoyment by them of all human rights and fundamental freedoms, including the right to the enjoyment of the highest attainable standard of physical and mental health, including but not limited to sexual and reproductive health;

3. *Calls upon* States to combat racism, racial discrimination, xenophobia and related intolerance against women and girls, and not perpetuate structural racism in addressing cross-border and transnational female genital mutilation by applying pervasive racial, ethnic or religious stereotypes, prejudice or bias in law enforcement, particularly at borders;

4. *Urges* States to adopt and enforce regional and national legislation prohibiting female genital mutilation, in accordance with States' obligations under applicable international human rights law, to ensure its strict application, and to effectively combat cross-border and transnational female genital mutilation, including by:

(a) Enacting and, as appropriate, and harmonizing national laws on relevant matters such as the nature and seriousness of the offence, types of perpetrators, penalties, and assistance and support aimed at restitution, rehabilitation, compensation and satisfaction, guarantees of non-repetition, and other social protection measures, including through the development of regional model laws, using a victim- and survivor-centred approach;

(b) Incorporating in national laws legal clauses allowing the possibility to prosecute national citizens and residents for facilitating cross-border female genital mutilation, including the act of taking a woman or girl to another country in order to have female genital mutilation performed on her;

(c) Developing, as relevant, strong regional and national coordination mechanisms to monitor and evaluate the enforcement of laws in relation to cross-border and transnational female genital mutilation, in partnership with cross-border and other affected communities;

(d) Strengthening transnational police and judicial cooperation in the exchange of information on victims and perpetrators of female genital mutilation, and organizations and persons who facilitate the movement of women and girls across national borders for the purpose of having female genital mutilation performed on them;

5. *Also urges* States to ensure the protection of, and provision of support to, women and girls subjected to or at risk of female genital mutilation, including cross-border and transnational female genital mutilation, and to address the underlying systemic and structural causes in which this harmful practice is rooted by establishing regional and national and multisectoral prevention and response strategies that respond to the needs of women and girls, including supportive legislation and policy, programme and budgetary measures based on integrated, coordinated and collective approaches combining political commitment, civil society engagement and accountability at the regional, national, local and community levels;

6. *Encourages* States to put in place regional, cooperation and coordination mechanisms to prevent and eliminate cross-border and transnational female genital mutilation and ensure their sustainability and effectiveness by providing them with adequate financial resources and capacities so that they can oversee the implementation of

comprehensive and multisectoral regional, national and subnational plans, strategies, policies and programmes, with the active engagement and participation of relevant actors, including international organizations, regional and international networks of parliamentarians, national human rights institutions, professional associations, including of health-care providers, civil society organizations, including human rights groups, women human rights organizations, and youth-led organizations, as well as traditional and religious leaders and faith-based organizations, men and boys, parents, legal guardians and family members, victims and survivors;

7. *Also encourages* States to integrate the prevention of and response to female genital mutilation into national development plans and poverty reduction strategies through the active participation of all relevant ministries, parliamentarians, the judiciary, national human rights institutions, civil society organizations and other relevant stakeholders;

8. *Calls upon* States to take comprehensive, multisectoral and international and regional cooperation measures in partnership with cross-border and other affected communities to prevent and eliminate cross-border and transnational female genital mutilation by:

(a) Addressing the root causes of gender inequality, including negative gender stereotypes and social norms, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations in which women and girls are viewed as subordinate to men and boys, which perpetuate female genital mutilation, by developing and implementing, inter alia, awareness-raising programmes that provide accurate information about the negative impact of female genital mutilation on women and girls and society at large, and by creating bridges for dialogue between cross-border and other affected communities with their communities of origin;

(b) Developing, supporting and promoting educational programmes on human rights, gender equality, health and life skills that challenge the stereotypes and harmful attitudes and practices that sustain female genital mutilation and perpetuate violence and discrimination against women and girls;

(c) Mobilizing and raising the awareness of opinion makers, including politicians at the national and local levels, parliamentarians, religious, traditional and community leaders, civil society organizations, the media, journalists, bloggers and social media influencers on the harmful impact of female genital mutilation on the human rights and well-being of women and girls, including the right to the enjoyment of the highest attainable standard of physical and mental health, on the special protection needs of women and girls from cross-border and other affected communities, including refugees and asylum seekers, and on the important role of parents, families, men and boys and religious and traditional leaders in championing the elimination of the practice;

(d) Protecting and supporting women and girls from cross-border and other affected communities who have been subjected to female genital mutilation and those who are at risk, by developing interdisciplinary, accessible, sustained and coordinated legal, psychosocial, education and health-care services and by raising awareness about the practice of cross-border and transnational female genital mutilation to relevant professionals, including law enforcement and judicial officials, school teachers, social workers and health-care providers, while encouraging them to report cases in which they believe that women or girls are at risk of cross-border or transnational female genital mutilation;

(e) Ensuring that universal health coverage includes the prevention and treatment of the health risks and complications associated with female genital mutilation, including through access at the primary health-care level to female genital mutilation-related protection and care services for women and girls affected by or at risk of female genital mutilation, including cross-border or transnational female genital mutilation;

(f) Stopping the medicalization of female genital mutilation, which includes drafting and disseminating guidance and legal provisions for medical personnel and traditional birth attendants so that they are able to respond to social pressures in their interaction with cross-border and other affected communities and their communities of origin to perform medicalized female genital mutilation;

(g) Ensuring a more holistic and coordinated approach to the humanitarian-development nexus by integrating the prevention of and response to female genital mutilation into humanitarian preparedness and response plans, including in the continuum of essential services for gender-based violence in emergencies, with particular attention to the protection needs of refugees, asylum seekers, migrants and internally displaced women and girls living in cross-border communities;

9. *Urges* States to take measures to develop and strengthen regional and national accountability systems in the context of comprehensive and multisectoral cooperation strategies, policies, plans and budgets to prevent and eliminate cross-border and transnational female genital mutilation, including by:

(a) Holding all relevant duty bearers, such as health-care providers, teachers, religious leaders, traditional authorities, politicians and law enforcement officials, accountable for not complying with or upholding laws and regulations relating to female genital mutilation, in order to prevent and respond in an age- and gender-sensitive manner, to end impunity and to avoid the perpetuation of the practice;

(b) Ensuring timely and effective legal remedies for women and girls at risk of or affected by female genital mutilation, including cross-border and transnational female genital mutilation, including by informing women and girls about their legal rights, removing all barriers to access to legal assistance and remedies, including linguistic barriers, providing gender- and age-sensitive training for law enforcement officials and other relevant authorities, and ensuring that justice processes take into account, as appropriate, the best interests of the child as a primary consideration and the right to privacy at all stages of proceedings;

(c) Ensuring that judicial and administrative protection measures to prevent cross-border and transnational female genital mutilation are used as a last resort consistent with the principles of non-discrimination, physical and psychological integrity and the best interests of the child, and properly informed by ex-ante risk assessments conducted by judicial or government officials in consultation with women and girls at risk of female genital mutilation, their families and relevant community members;

(d) Establishing or strengthening mechanisms to enable safe reporting of cross-border and transnational cases that are likely or have occurred, and to provide referrals to needed services and accurate gender-sensitive and age-appropriate information about female genital mutilation;

(e) Taking, within the general framework of integration policies and in consultation with affected communities, women and girls, young people, parents, legal guardians and family members, effective and specific targeted measures for refugee and migrant women and girls, their families and their communities in order to protect women and girls everywhere from female genital mutilation, including when the practice occurs outside the country of residence;

(f) Assisting regional and national professional associations and trade unions of health-care service providers in adopting declarations, protocols, codes of ethics and internal disciplinary rules prohibiting their members from engaging in cross-border and transnational female genital mutilation;

(g) Ensuring that regional and national strategies and coordination mechanisms to prevent and eliminate female genital mutilation, including cross-border and transnational practices, include transparent forms of monitoring, review and oversight of strategies, policies, programmes and budgets in partnership with cross-border and other affected communities and women and girls at risk of or affected by female genital mutilation in order to improve the quality and responsiveness of prevention and response services;

(h) Developing the capacity of national human rights institutions to monitor progress in the elimination of cross-border and transnational female genital mutilation and investigate human rights violations or abuses by promoting cooperation and joint investigations between national human rights institutions from neighbouring countries and by supporting global and regional networks of national human rights institutions to promote

South-South and North-South cooperation by exchanging of information on regional trends, monitoring frameworks and methodologies and other good practices;

(i) Strengthening and systematizing the collection of data on cross-border and transnational female genital mutilation disaggregated by, inter alia, age, nationality, geographical location and ethnic, migrant, refugee, and migration status, encouraging research, particularly at the university level, transparency, accountability and data-sharing by relevant stakeholders and between countries and cross-border and other affected communities, consistent with privacy and data protection concerns, using the results of research to strengthen international and regional cooperation, policy formulation, public information and awareness-raising activities, and measuring their effectiveness in preventing and eliminating cross-border and transnational female genital mutilation;

(j) Developing and maintaining regional and national information management systems to allow relevant government entities, including law enforcement and judicial officials, health-care providers and social workers to share amongst themselves and with their respective regional peers information on trends, challenges and factors that affect cross-border and transnational female genital mutilation as well as on the status of implementation of concrete initiatives and activities addressing those trends and challenges;

(k) Promoting within cross-border and other affected communities and their communities of origin the free, active, informed and meaningful participation of civil society organizations and of women and girls at risk of or affected by female genital mutilation in social accountability mechanisms to monitor regional and national policies, programmes and budgets as well as local services designed to prevent and eliminate female genital mutilation, and the effective implementation of public declarations of abandonment;

(l) Taking all necessary and appropriate measures to enable the equal participation of affected girls and of youth-led organizations in regional intergovernmental cooperation and coordination mechanism to end cross-border and transnational female genital mutilation, including, but not limited to, by providing youth-friendly information on regional, national and local participation processes, making available financial resources to cover the costs related to their participation, and ensuring that their participation is not instrumentalized or deemed irrelevant by dominant entities within participatory processes;

10. *Calls upon* all States to increase their development cooperation efforts – technical and financial assistance, and South-South and triangular cooperation – in consultation with United Nations bodies, other specialized agencies, and other relevant stakeholders for the effective implementation of regional, national and subnational comprehensive and multisectoral strategies, policies, programmes and action plans to prevent and eliminate cross-border and transnational female genital mutilation, and encourages States and development cooperation agencies to consider increasing their financial support for organizations and programmes that support women and girls affected by or at risk of female genital mutilation, including the Joint Programme on the Elimination of Female Genital Mutilation: Delivering the Global Promise to End Female Genital Mutilation by 2030 of the United Nations Population Fund and the United Nations Children's Fund, and for other initiatives at the local, regional and international levels working on the elimination of cross-border and transnational female genital mutilation;

11. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, United Nations agencies, regional organizations, national human rights institutions, human rights experts and civil society organizations, including women human rights organizations, youth-led organizations, and representatives of cross-border and other affected communities, to prepare a report on human rights challenges and good practices in relation to international and regional cooperation and coordination efforts and the implementation of national and subnational laws, policies, programmes and other initiatives to address cross-border and transnational female genital mutilation, and to submit the report to the Human Rights Council at its fifty-sixth session;

12. *Decides* to continue its consideration of the question of female genital mutilation in accordance with its programme of work.