

## FEMALE GENITAL MUTILATION ASSESSEMENT IN NIGERIA: THE ADEQUACY OF THE LAW.\*1 \*\*2

### **Abstract**

*Female Genital Mutilation (FGM) is a germane problem experienced by women and girls not only peculiar to Nigeria but Africa at large. It is a violation of women and girls' right and also a public health challenge it is a form of gender based violence against women and girls. Historically, in the Nigerian society FGM has been viewed as a norm because our culture encourages the act but in recent years due to the prevalence of FGM in Nigeria and the risks associated with it. It has gained both domestic and international concern as a form of gender based violence against women. Using the doctrinal approach, this paper analyses female genital mutilation in Nigeria, the rationale for the practice,, types, effects and also peruses the international and domestic legal framework for FGM in the Nigerian society with a view to determine the adequacy or otherwise of these laws in combating FGM in Nigeria .This paper also finds that there is a legal framework for FGM in Nigeria but most of the laws on FGM are either obsolete or inadequate to cover the cases which falls under the purview of FGM in Nigeria. This paper concludes by recommending that the obsolete laws on FGM be repealed while a new one be re-enacted and duly implemented, while the inadequate laws be amended to include the emerging issues arising from incidences of FGM and adequate sanctions be added as punishment for the perpetrators of such act against women and girls.*

**Keywords:** *FGM, Women, Girls, law, Nigeria*

### **1. Introduction**

Female Genital Mutilation (FGM)<sup>3</sup> is a violation of a woman's right to dignity. It is a form of violence in Nigeria and Africa at large, experienced by women and girls. It is a barbaric procedure of female circumcision. This act is deeply rooted in traditional and religious beliefs. It has become accepted as part of our patriarchal institution which seeks to subjugate women and their sexuality,<sup>4</sup> FGM/Circumcision is a harmful practice proven to impact the physical and mental health of affected women and girls<sup>6</sup> from the moment of the cutting, with prolonged and irreversible consequences during their entire lives<sup>5</sup>. Female Genital Mutilation (FGM) is a procedure performed on a woman or girl

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<sup>3</sup> Also referred to as female circumcision.

<sup>4</sup> Y. Olomojobi, *Human Rights on Gender, sex and the law* (Princeton & Associates Publishing Co. Ltd, 2013).

<sup>5</sup> Compendium of International and National Legal Frameworks on Female Genital Mutilation <https://openknowledge.worldbank.org> accessed 12 May 2021.

to alter or injure her genitalia for non-medical reasons. It most often involves the partial or total removal of her external genital<sup>6</sup> more than 200 million girls and women alive today have been subjected to the practice, according to data from 30 countries where population data exist.<sup>7</sup>

This paper seeks to examine the conceptual definition of FGM, the rationale for the practices, types, effects and also peruses the international and domestic legal framework for FGM in Nigeria with a view to determine the adequacy or otherwise of these laws in combating FGM in Nigeria. It further peruses the current and emerging challenges towards the control of FGM in Nigeria and further proffers suggestion for legal methods and public enlightenment to combat the menace.

The paper is divided into five parts. Part one is on the general introduction, part two analyses the concept of FGM, part three examines the rationale for the practice of FGM in Nigeria, types and effects of FGM. Part four considers the legal framework for female genital mutilation in Nigeria. Part five peruses the current and emerging challenges towards FGM control in Nigeria. Part six deals with the way forward and conclusion.

## **2. Conceptual Definition of Female Genital Mutilation**

Female genital mutilation (FGM) comprises all procedures that involve altering or injuring the female genitalia for non-medical reasons and is recognized internationally as a violation of the human rights, the health and the integrity of girls and women.<sup>8</sup> Girls who undergo female genital mutilation face short-term complications such as severe pain, shock, excessive bleeding, infections, and difficulty in passing urine, as well as long-term consequences for their sexual and reproductive health and mental health.<sup>9</sup>

Female genital mutilation<sup>10</sup> (FGM) is internationally recognized as a violation of the human rights of girls and women, reflecting deep rooted inequality between the sexes. Since FGM is almost always carried out on minors, it is also a violation of the rights of children.<sup>11</sup>

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<sup>6</sup> WHO, Female Genital Mutilation (2020) <<httpwho.int>> accessed 12 May 2021.

<sup>7</sup> UNICEF, Female Genital Mutilation/cutting: a global Concern (2016) <<https://data.unicef.org>> accessed 12 May 2021.

<sup>8</sup> WHO, What is FGM? (2020) <<httpendfgm.eu>> accessed 12 May 2021.

<sup>9</sup> *Ibid.*

<sup>10</sup> Also referred to as 'female genital cutting' or 'female circumcision'

<sup>11</sup> WHO, Understanding and addressing violence against women (2020) <<httpendfgm.eu>> accessed 12 May 2021.

FGM involves imposed incisions or excisions on and of the female external genitalia for sociocultural as opposed to medical reasons. Some authors have described it as a form of gender-based torture<sup>12</sup>

FGM/C has been associated with wide ranging medical, economic, sociocultural and women rights consequences and is presently receiving global, multifaceted attention to eradicate the practice albeit with slow progress over the years<sup>13</sup>

### **3.0 The Rationale for the Practice of FGM in Nigeria**

Nigeria has more than two hundred and fifty ethnic nationalities with diverse cultures that dictate people's patterns of behaviours. The dynamic nature of the society demands that these patterns of behaviour should be modified or eradicated for the sake of modernization and development. The traditional practice of Female Genital Mutilation (FGM) is one of these behaviours, but unlike other distinctive behaviours, it is a prevalent practice in all the Nigerian ethnic nationalities<sup>14</sup> In Nigeria, of the six largest ethnic groups, the Yoruba, Hausa, Fulani, Ibo, Ijaw, and Kanuri, only the Fulani do not practice any form<sup>15</sup>

The social rationale for the apparent difficulty in eradicating FGM in Nigeria lies in the influence of cultural and religious beliefs. These beliefs are interwoven with traditional beliefs<sup>16</sup> FGM is seen as a rite of passage or initiation into womanhood. It is usually done at puberty just before menstruation or marriage. In some communities, a girl is unfit for marriage until FGM is done. In extreme cases, it is both a stigma and a taboo for a girl to get married without being cut as the practice is believed to preserve virginity before marriage. FGM is thus believed to confer better marriage prospects to the girls who have been cut.<sup>17</sup> It is customary tradition that once a woman is not circumcised, she is considered as a social outcast<sup>18</sup>. Another rationale for the practice of FGM is also a religious/cultural obligation e.g. rite of passage into adulthood, Female Genital Cutting as part of Naming ceremony etc.

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<sup>12</sup>A.T Odukogbe & ors, 'Female genital mutilation/cutting in Africa' (2017) ;6(2). *Transl Androl Urol*138-148. <[http:// 10.21037/tau.2016.12.01](http://10.21037/tau.2016.12.01)> accessed 20 May 2021

<sup>13</sup> J.K Muteshi and others, 'The ongoing violence against women: Female Genital Mutilation/Cutting' (2016) (13):(44) *Reprod Health*

<sup>14</sup> J. O Wogu & ors, 'An Evaluation of the Impact of Media Campaign Against Female Genital Mutilation (FGM) in the Rural Communities of Enugu State, Nigeria' (2019)(11)(14) *Global Journal of Health Sciences*.

<sup>15</sup> Senior Cordinator for International women's Issues. Report on FGM or FG Cutting (2005).<<http://www.onlinenigeria daily news>> accessed 27 July 2021

<sup>16</sup> Y. Olomjobi, *op cit*.

<sup>17</sup> B. Daniyan, Ekwedigwe K, Sunday-Adeoye I, Yakubu E, Uguru S, *et al.* (2018) Review of the Practice of Female Genital Mutilation in Nigeria. *Epidemiology (Sunnyvale)* 8: 356. doi:10.4172/2161-1165.1000356

<sup>18</sup> Y. Olomjobi *op cit*

In some traditions in Nigeria, women are considered emotionally weak and are unable to control their sexuality. FGM is employed as a tool to effectively control women's sexuality and ensure chastity, thereby preventing premarital sex and ensuring a woman's faithfulness to her husband<sup>19</sup>

Curiously, it is one practice that is embraced by practitioners of all the major faiths prevalent on the continent<sup>20</sup>

The perceived religious prerequisite emanating from Christianity and Islam is that Female Circumcision is sanctioned by the sacrosanct commandments of God but it does not exist in these Holy books. For Islam and Christianity, God commanded circumcision among the male and no reference was made concerning the Female<sup>21</sup>

### 3.1 Types and Effects of Female Genital Mutilation

According to WHO, FGM/C is defined as "all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons." In the medical literature, four main types of FGM/C are recognized:

- Type 1: Only Prepuce removal or prepuce removal plus partial or total removal of the clitoris (also referred to as clitoridectomy)
- Type 2: Removal of the clitoris plus a portion of or all of the labia minora (excision);<sup>22</sup>
- Type 3: Excision of parts or the whole of the clitoris, labia minora and labia majora and stitching or narrowing of the introitus, with a very small outlet for passage of urine and menstruum. This is also known as infibulation;
- Type 4: Other harmful procedures to the female genitalia for non-medical purposes. Examples are—pricking, piercing, incising, scraping and cauterization. Others are hymenectomy, cutting of the vagina and introduction of corrosive substances or herbs into the vagina to cause bleeding or to tighten or narrow the vagina.<sup>23</sup>

The range of health complications associated with FGM is wide. On account of the poor surgical skills of most practitioners of FGM/C, the absence of antiseptic techniques and non-use of anaesthetic agents, the procedures are associated with several complications.

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<sup>19</sup> OC Ekwueme, HU Ezegwui, Ezeoke U, Dispelling the myths and beliefs toward female genital cutting of woman: assessing general outpatient services at a tertiary health institution in Enugu State, Nigeria (2010) (7) . East Afr J Public Health 64-67.

<sup>20</sup> A. Akin- Akintunde, 'female genital mutilation/cutting in Africa' 2016 6(2) <<http://tau.amegroups.com>> accessed 25 March 2021

<sup>21</sup> See Chapter 10 for detailed analysis of the Qur'an and Genesis 17: 9-14 of the Bible.

<sup>22</sup> Jewel Llamas Female Circumcision: The History, the Current Prevalence and the Approach to a Patient (2017) <https://med.virginia.edu> accessed 20 march 2021.

<sup>23</sup> A. Akin- Akintunde *op cit*

<sup>24</sup>These sequelae may occur during or immediately after the operations, while others manifest in the medium and long-term to cause poor quality of life for the patient or result in mortality or both. The immediate complications include excruciating pain (when anaesthetic agents are not used), haemorrhage, shock, acute urinary retention, injury to adjacent tissues and death.<sup>25</sup>

The mental and psychological agony attached with FGM is deemed the most serious complication because the problem does not manifest outwardly for help to be offered. The young girl is in constant fear of the procedure and after the ritual she dreads sex because of anticipated pain and dreads childbirth because of complications caused by FGM. Such girls may not complain but end up becoming frigid and withdrawn resulting in marital disharmony.<sup>26</sup>

#### **4. Legal Framework for Female Genital Mutilation in Nigeria**

In recent years, there have been persistent efforts to enhance the protection of women and girl child's right through international, regional and national enactment of laws and policies<sup>27</sup> geared towards the eradication of FGM. Nigeria ratified the United Nations Convention on the rights of the child (CRC)<sup>28</sup> and it is a human right treaty which deals with child, Article 24(3) states that '*state parties shall take all effective and appropriate measure with a view to abolishing traditional practices prejudicial to the health of children*'

Nigeria signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985<sup>29</sup> CEDAW provides the basis for ensuring equality between men and women. CEDAW condemns discrimination against women by incorporating the principles of equality of men and women in the constitutions<sup>30</sup>.

By ratifying CEDAW, Nigeria will eliminate discriminatory law and practices against women but the Nigerian government is yet to domesticate CEDAW in accordance with the constitution of Federal Republic of Nigeria<sup>31</sup>

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<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> TC Okeke & Ors An Overview of Female Genital Mutilation in Nigeria (2012) (2)(1) Ann Med Health Sci Res. <ncbi.nlm.nih.gov> accessed 25 may 2021

<sup>27</sup> A. Akin- Akintunde *op cit.*

<sup>28</sup> Convention on the rights of the Child (1989) 1577 UNTS 3 which came into force on 20<sup>th</sup> November 1989.

<sup>29</sup> CEDAW, G.A Res. 34/180, U.N Doc. A/Res/34/180 (Sept 3, 1981).

<sup>30</sup> CEDAW, Article 2.

<sup>31</sup> Section 12 of the 1999 CFRN (as amended)

The African charter on Human and Peoples' Rights (The African Charter) was entered into force on October 21, 1986.<sup>32</sup> Women rights were recognized in Article 2, 3 and 18 (3) respectively.

Nigeria also ratified the Protocol to the African Charter on Human and Peoples' Rights in 2005.<sup>33</sup> **Article 1** of the African Charter as earlier stated defines violence against women<sup>34</sup>

**Article 3 (1)** states that every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights:

- (2) Every woman shall have the right to respect as a person and to the free development of her personality
- (3) States parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women:
- (4) States parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence."

Furthermore, the African Protocol on Women's Rights 2003, Article 5 states that:

*'State parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards. States parties shall take all necessary legislative and other measures to eliminate such practices, including*

*(b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalization and para-medicalization of female genital mutilation and all other practices in order to eradicate them;*

*(d) Protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance*

Nigeria has ratified this instrument and is therefore bound to implement its provisions once domesticated. The Convention against Torture & other cruel, inhuman or degrading treatment also prohibits discriminatory law and practices against women but the Nigerian government is yet to sign it.

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<sup>32</sup> African charter on Human and Peoples' Rights IHRDA (2012) <http://www.ihrda.org> accessed on 17 July 2020

<sup>33</sup> African Commission on human and People's Rights, Protocol to the African charter on human and Peoples' Rights on the rights of women in African, available at: accessed 28 July 2020 at 8:00pm.

<sup>34</sup> African Charter, Article 4a.

Nigeria has a federal system of government comprising 36 states, and a mixed legal system of English common law, Islamic law (in 12 northern states) and traditional law. The legal system is complex and both levels of government play a role in the enactment of laws prohibiting FGM in Nigeria: although the federal government is responsible for passing general laws, the state governments must then adopt and implement them in their respective states.<sup>35</sup> Such incorporating enactments clearly state that the treaty provisions “are in force”. All fundamental rights entrenched in the constitution and treaties on human rights are applicable throughout Nigeria by virtue of the fact that they have been ratified or acceded to by Nigeria. The consequence of failing to get ratification of an Act or treaty by a majority of the various State Houses of Assembly in Nigeria – where a matter to be legislated upon falls outside the purview of the Exclusive Legislative List – such law enacted by the National Assembly will be made to govern only the FCT, Abuja<sup>36</sup>.

#### **4.1 The Constitution of the Federal Republic of Nigeria 1999 (as amended 2011)**

The 1999 constitution of the Federal Republic of Nigeria (as amended) and the African Charter on Human and peoples’ right constitute the core framework for the recognition and protection of fundamental human rights in Nigeria. Female Genital Mutilation is a violation of WOMAN’S Right to dignity, which the Nigerian Constitution is against its violation. The 1999 Constitution (as amended)<sup>37</sup> provides for in chapter IV Fundamental Rights. Section 15(2) and Section 17(2)<sup>38</sup> prohibits discrimination and set out equality of rights respectively, Section 34 (1) of the Constitution provides that:

“Every individual is entitled to respect for the dignity of his person, and accordingly, no person should be subjected to torture or to inhuman or degrading treatment.”

A pertinent failure of this law is the lack of Federal Statute prohibiting female Genital Mutilation which claims hundreds of lives annually.<sup>39</sup> Female Genital Mutilation is a form of inhuman and degrading treatment melted out to a girl child, it is a barbaric procedure of female circumcision. The constitution does not specifically define Female Genital Mutilation neither does it specifically refer to violence against women and girls, harmful traditional practices or FGM, however Female Genital Mutilation is subsumed under the section as it amounts to a form of violence under Gender based violence which can also come into play under domestic violence.

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<sup>35</sup> WHO: *op cit*.

<sup>36</sup> International Organization for Migration (IOM), Assessment of Borno and Adamawa states for the project on strengthening response mechanisms and accountability to gender-based violence and trafficking in persons in North-East Nigeria [2019] *International Organization for Migration* 23

<sup>37</sup> CFRN 1999 as amended (2011) CAP C23 LFN 2010

<sup>38</sup> *Id.*

<sup>39</sup> Olomojobi *op cit*.

#### 4.2 Violence against Persons (Prohibition) Act, 2015<sup>40</sup>

This Act was signed by the former President Good-luck Jonathan on 25th of May 2015. The Act deals with incident of Female Genital Mutilation, the act is the first federal law attempting to prohibit FGM across the whole country. The VAPP Act aims to eliminate gender-based violence in private and public life by criminalizing and setting out the punishment for acts including rape (but not spousal rape), incest, domestic violence, stalking, harmful traditional practices and FGM. The VAPP Act does not provide a clear definition of FGM;

Section 6(1) provides that, ‘The circumcision or genital mutilation of the girl child or woman is hereby prohibited.’

Section 6(2) criminalises and punishes anyone who performs, or engages another to perform, female circumcision or genital mutilation will be liable to a term of imprisonment not exceeding 4 years or to a fine not exceeding N200, 000 or both.

Section 6(3) criminalises and punishes anyone who attempts to perform, or engage another to perform, the practice will be liable to a term of imprisonment not exceeding 2 years or to a fine not exceeding N100, 000 or both.

Finally, Section 6(4) criminalises and punishes those who incite, aid, abet or counsel another to perform or attempt to perform FGM will be liable to a term of imprisonment not exceeding 2years or to a fine not exceeding N100, 000 or both. The VAPP Act does not expressly criminalise failure to report FGM that has taken place or is due to take place.

Harmful practices that risk the spread of HIV (for example, through unclean instruments used by traditional FGM practitioners) are also addressed in the, HIV and AIDS (Anti-Discrimination) Act, 2014, under Section 3(3), which states, ‘No culture, practice or tradition shall encourage practices that expose people to the risk of HIV infection.’<sup>41</sup>

Prior to the VAPP Act, several states had already enacted state laws dealing with child abuse, child protection issues, violence against women and girls and criminalising the practice of FGM, including: Osun State<sup>42</sup>, Bayelsa State<sup>43</sup>, Ogun<sup>44</sup>Cross River State<sup>45</sup>,

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<sup>40</sup> Violence Against Persons (Prohibition Act), 2015 (VAPP)

<sup>41</sup> An Act To Make Provision for the Prevention of HIV and AIDS-Based Discrimination and Protect the Fundamental Human Rights and Dignity of People Living with and Affected by HIV and AIDS for Related Matters (2014) Available at <http://lawnigeria.com/LawsOfTheFederation/HIV-and-AIDS-%28Anti-Discrimination%29-Act,-2014.html>.

<sup>42</sup> Osun State Female Circumcision & Genital Mutilation (Prohibition) law (2000)

<sup>43</sup> FGM (Prohibition) Law (2002)

<sup>44</sup> Ogun State Female Circumcision & Genital Mutilation (Prohibition) law (2000)

Ebonyi State<sup>46</sup>, Edo State<sup>47</sup>, Enugu State<sup>48</sup>Rivers State. In some countries where FGM has become illegal, the practice has been pushed underground and across borders to avoid prosecution. Nigeria shares borders with other countries where the existence and enforcement of laws varies widely, including Benin, Cameroon and Niger.<sup>49</sup> There is a lack of information on whether the movement across national borders for the purpose of FGM is an issue for Nigeria.<sup>50</sup>

The VAPP Act does not directly address cross-border FGM: it neither criminalizes nor punishes FGM carried out on or by Nigerian citizens in other countries. Despite the laudable progress made in this act, the Act is only applicable to the FCT only. It has to be ratified by the House of Assembly of each state in Nigeria for it to be applicable.<sup>51</sup>

### **4.3 The Child's Right Act, 2003**

The Child's Right Act was enacted in 2003 with the objective of protecting the rights of children<sup>52</sup>. It defines a child as anyone who is less than 18 years old.<sup>53</sup> The Act in section 1 states that every action concerning a child whether undertaken by an individual, public or private body, institutions or service, court of law, or administrative or legislative authority, the best interest of the child shall be the primary consideration. In addition, the Act does not specifically define Female Genital Mutilation neither does it specifically refer to violence against women and girls but Section 33(1) of the Act provides that a person who exploits a child in any form or way not already mentioned in this part of the Act which is prejudicial to the welfare of the child commits an offence and will be liable on conviction to a fine of five hundred thousand Naira or imprisonment to a term of five years, or to both such fine and imprisonment.

### **5. The Current and Emerging Challenges Towards FGM Control in Nigeria**

Globally, 200 million women and girls have been mutilated. In Nigeria alone, 20 million women and girls have been mutilated and this figure represents 10% of the global total. What this figure means in essence is that 1 out of every 10 mutilated girl or woman in the world is a Nigerian. In Nigeria, the zones with the highest FGM prevalence rate are the South West and the South East.<sup>54</sup>

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<sup>45</sup> The Girl-Child Marriages and Female Circumcision (Prohibition) Law (2000)

<sup>46</sup> Law Abolishing Harmful Traditional Practices Against Women and Children (2001)

<sup>47</sup> Prohibition of Female Genital Mutilation Law (1999)

<sup>48</sup> FGM (Prohibition) Law (2004),

<sup>49</sup> Thomson Reuters Foundation, "Nigeria: the law and FGM (2018) <http://fgm.org> accessed 21 March 2021

<sup>50</sup> *Op cit.*

<sup>51</sup> *Op cit.*

<sup>52</sup> Act No. 26 of 2003.

<sup>53</sup> Section 277 of the Child rights Act

<sup>54</sup> Barr S.N Ugwu, 'The law and FGM in Nigeria' 2018 (SIRP) <<http://28toomany.org>> accessed 25 March 2021

The social rationale for the apparent difficulty in eradicating FGM in Nigeria lies in the influence of cultural and religious beliefs. These beliefs are interwoven with traditional beliefs<sup>55</sup>

Prior to the passing into law of the Violence against Person Prohibition Act (VAPP) Act in Nigeria<sup>56</sup>. Most lawyers, NGOs and anti-FGM campaigners in Nigeria relied on the Nigerian Constitution<sup>57</sup> and the Child Rights Act (CRA) to speak against FGM in Nigeria. These Acts do not specifically define Female Genital Mutilation neither do they specifically refer to violence against women and girls.

Prior to the VAPP Act, several states had already enacted state laws dealing with child abuse, child protection issues, violence against women and girls and criminalising the practice of FGM, including: Osun State<sup>58</sup>, Bayelsa State<sup>59</sup>), Ogun<sup>60</sup>Cross River State<sup>61</sup>, Ebonyi State<sup>62</sup>, Edo State<sup>63</sup>, Enugu State<sup>64</sup>Rivers State.

It was as a result of this lacuna, that the Violence Against Persons Prohibition Act (VAPP) Act was passed into law in 2015 under the Goodluck Jonathan's Administration.

The VAPP Act criminalizes and punishes those who perform, procure, aid and abet the practice of FGM.<sup>65</sup> Apart from this, the VAPP Act also made provisions for the maximum protection of victims and also for the effective remedies for victims.

However, the limitations of this law is that It does not directly address failure to report FGM, cross-border FGM or FGM carried out by a medical professional. Also as a federal law, the VAPP Act is only effective in the Federal Capital Territory of Abuja, all remaining states must pass mirroring laws to enact the legislation and prohibit FGM across the country<sup>66</sup>

Knowledge of the law and enforcement is generally weak across Nigeria, and it has not been possible to identify any successful prosecutions to date.

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<sup>55</sup> *Op cit*

<sup>56</sup> Violence Against Persons (Prohibition Act), 2015 (VAPP)

<sup>57</sup> CFRN 1999 as amended (2011) CAP C23 LFN 2010

<sup>58</sup> Osun State Female Circumcision & Genital Mutilation (Prohibition) law (2000)

<sup>59</sup> FGM (Prohibition) Law (2002)

<sup>60</sup> Ogun State Female Circumcision & Genital Mutilation (Prohibition) law (2000)

<sup>61</sup> The Girl-Child Marriages and Female Circumcision (Prohibition) Law (2000)

<sup>62</sup> Law Abolishing Harmful Traditional Practices Against Women and Children (2001)

<sup>63</sup> Prohibition of Female Genital Mutilation Law (1999)

<sup>64</sup> FGM (Prohibition) Law (2004),

<sup>65</sup> Section 6(2), (3) and (4)

<sup>66</sup> *Op cit*.

Beyond legislation, there is need for strict enforcement of the law in these locations to secure convictions as a deterrent to adherents of this violation of human rights. Although, intersectoral collaboration among government agencies such as the Ministry of Women Affairs and Social Development, Ministry of Information and Culture, Ministry of Justice, Ministry of Health and the National Human Rights Commission is already in place<sup>67</sup>, this should be encouraged by the Federal Government of Nigeria to strengthen the campaign against FGM. Elimination of FGM in Nigeria will also require continuous and aggressive sensitization of policy makers, general public, religious and traditional leaders, health workers and the practitioners on the problems associated with this dehumanizing practice<sup>68</sup>

## 6.0 Conclusion

Female Genital mutilation is a widespread problem that has lingered for years. It is a violation of a woman's right to dignity that is global in scope. It is a public health challenge that constitutes a great problem to the society.

This paper has examined the conceptual definition of Female Genital mutilation the rationale for the practices, types, effects and also peruses the international and domestic legal framework for FGM in Nigeria with a view to determine the adequacy or otherwise of these laws in combating FGM in Nigeria. It further peruses the current and emerging challenges towards the control of FGM in Nigeria and further proffers suggestion for legal methods and public enlightenment to combat the menace. This paper observed that the extant legislations and conventions on Female Genital Mutilation in Nigeria are inadequate to cater for the rising cases of *FGM* in Nigeria. This paper also finds that there is an existing legal framework for FGM in Nigeria but the major problems of such laws lies on the implementation of the laws. Another grave issue is the jurisdictional application of the Violence against Persons (Prohibition) Act, 2015, which is the first federal law attempting to prohibit FGM across the Country by criminalizing and setting out punishment for FGM and traditional harmful practices. Despite its novel provisions, the law only applies in the Federal Capital Territory, Abuja, and few states have domesticated its provisions. This has allowed FGM in various forms to be perpetrated in these states due to absence of an effective law that deals with this menace thereby making what constitutes FGM in one jurisdiction that criminalizes it does not constitute a criminal offence in another jurisdiction but the impact of FGM on the female folk is universal.

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<sup>67</sup> U.U Epundu & ors. The epidemiology of female genital mutilation in Nigeria – a twelve year review. (2018) (6) Afrimed Journal 1-10.

<sup>68</sup> Federal Ministry of Health (FMOH)/World Health Organization (WHO) (2007) Elimination of Female Genital Circumcision in Nigeria. Abuja: Federal Ministry of Health: 1-8.

### **6.1 The Way Forward**

Female Genital mutilation, whether it is perpetrated by Family, private persons or guardian, constitutes a violation of a woman/girl's child right to dignity. It is the duty of states to ensure that there is no mode of escape under the law for the perpetrators of such act and to provide protection for victims of FGM under the law. To achieve such there must be a proper enforcement mechanism on ground. Also the Violence against Person's Act should be duly domesticated in all states of federation, the Laws need to be made accessible to all members of society, easy to understand in all local languages and should be duly enforced if not to totally eradicate incidences of FGM but reduce it to the barest minimum. To achieve this, the violence against person's Act should be reviewed and proper definition should be given to FGM which should include all types of FGM, including those specifically practiced in Nigeria so as not to serve as an escape route for perpetrators of such Act.