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Human Rights Theories and Issues: The Case of Clitoridectomy

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Abstract
The purpose of this paper is to study how universal human rights have emerged throughout the global community. Despite states' agreement to the principles set forth by the United Nations, the world behaves in fashions that consistently contravene the rights of individuals. This study of theory, practicality, and a case study of a particular practice, illustrates that the abuses are not only evident, but also extreme enough to warrant international attention. The problem remains though, attention in what form? This is not a paper designed to advocate that all people are "westernized" but an explanation of an emerging theory that allows previous theories to be meshed with the practicalities of living within a culture and society. A solution which takes into account culture, individualism and universality, is not utopian. Both individual or particular cultures and universal rights can be integrated in a way that is mutually beneficial.

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Human Rights Theories and Issues: The Case of Clitoridectomy

A Master's Thesis submitted to
The Faculty of the Master of Science in International Studies Program

In Candidacy for the Degree of
Master of Science in International Studies

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ABSTRACT

The purpose of this paper is to study how universal human rights have emerged throughout the global community. Despite states’ agreement to the principles set forth by the United Nations, the world behaves in fashions that consistently contravene the rights of individuals. This study of theory, practicality, and a case study of a particular practice, illustrates that the abuses are not only evident, but also extreme enough to warrant international attention. The problem remains though, attention in what form? This is not a paper designed to advocate that all people are “westernized” but an explanation of an emerging theory that allows previous theories to be meshed with the practicalities of living within a culture and society. A solution which takes into account culture, individualism and universality, is not utopian. Both individual or particular cultures and universal rights can be integrated in a way that is mutually beneficial.
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1. Introduction

1.1 Human Rights in History

Human rights as they are discussed in today’s political, economic, or social environment are a new development not present in history. Not only were they not a matter for discussion in centuries past, they were not a matter to be concerned. Throughout history, rights belonged to a chosen few at the apex of a social hierarchy; for the rest, people were left with the treatment they received—and their only right was to live if they could endure. There was a social Darwinist approach to life, even before Darwin created his theory and published his philosophy. There was no right to life; offenders to the rights of the elite were often robbed of their life without regard. There was no right to liberty—individuals were enslaved throughout ancient history and even into modern history and into today’s environment. There is nothing in history to support a conceptual right, as rights are very different from law. The Code of Hammurabi, Roman Code Law, Canon Law, etc. all set up guidelines for behavior—establishing what could be done, and set punishments for an action against a law—but still nothing addressed the fundamental reason/right of individuals. These rights were not defined because there was no need—there was no instance when right was questioned and challenged. That is not saying that the enslaved never fought their slave masters. Rather I am referring to the fact that the majority rarely, if ever, saw a problem with the subjugation of a minority. But history is a study of changes, and historical events propagated a change in the concept of rights. History forced the emergence of the concept of human rights, and then forced the participants and citizens to find a way to work with them.
Justification of human rights abuses abounds, but prior to the mid twentieth century, there had been only a very limited and vague definition of what human rights are. Even since the United Nations Charter and the Universal Declaration of Human Rights, there has been a problem of interpretation of their definition when it is applied to differing cultures. This enables the faulty justifications which I am addressing in this analysis. The twenty-first century is one of instant availability of information, but also an era of great mis-information that contributes to abuses, at every level. It is impossible for the world to be utopian, with every living persons experiencing equality all the time. I do not attempt to encourage such an idealistic world, and realize that the uniqueness of cultures and the individuality they create are part of the right history of our global world. But while the environment of the twenty-first century is not only far from utopian, it is rather a conglomerate of abusive parties to different extents based on individual state circumstances. There is no government that can claim perfection in terms of human rights protection, or claim innocence that they have never engaged in human rights abuses. It is through no fault of said governments though for this situation. The responsibility for the abuse is a result of the vagueness of what human rights are, how they are interpreted, and how they are then constructed and implemented in terms of policy. Collectively, the world has been irresponsible in its inability to develop usable standards of human rights. What one government sees as acceptable may be considered an atrocity to another government (not to mention what non-governmental organizations see when they study acts and actions). Which is correct? That is the question many are attempting to answer and agree to. Conceptually and in practice human rights have faced different analyses. This is an attempt to tie together the theory and the practice in a way in which all parties could be comfortable in its enforcement. There is not going to evolve a situation where all nations get all they want and believe they are justified in
taking, but what can evolve is a condition where the people benefit the majority of the time when their health and being are at stake. The interpretation and implementation phase of universal human rights is ongoing, and is constantly subject to review and revision. It is near impossible to have a plan that nearly two hundred states all agree to in its entirety. The importance lies in the fact that states are willing to work towards a policy and plan that is livable, for the government, for society, and for the individual people.

1.2 Conceptualizing Human Rights

The first step in the quest for universality in human rights is to essentially define human rights, to work with the context of the United Nations documents, and come up with a basic premise. To do so, it is necessary to understand the context of the emergence of human rights as an international variable of interest. Throughout the twentieth century, the global environment was becoming much more linked. Through revolutions (social, economic, political, and technological) states were becoming entrenched in each others affairs, and at the same time becoming judgmental on the affairs and actions of others. No longer was the world conducive to the isolationist tendencies of earlier eras. The issue most at hand is what drew the human rights ideology into the forefront. Looking at historical actions, the single atrocity that is most prevalent in explaining why and how there is such attention on human rights has to be the Nazi-German lead genocide of the Jewish population of Germany and surrounding Nazi-controlled lands. In the international arena, facing new means of communication and publication, Hitler’s actions became known to the world. He was attacking not an enemy, but an entire class of people, based on a difference in faith, a different physiology that did not complement the white “Aryan race” Hitler deemed ideal and exemplary. Hitler went farther than any previous
individual autocrat against a people deemed subservient. Historically, the conqueror would enslave the conquered, would overtake their land and power and force them to adapt to new ways. Hitler did not take guidance from historical events, as he was first not a conqueror. Hitler was not (at least initially in his reign) invading a nation and subjugating its people. He was attacking his own people, citizens living side by side; people who initially respected his position of power as leader. But he decided to pursue his vision, which involved eliminating those he considered weak. He systematically eliminated the opposition which included not only the Jews, but also the communists/Marxists, the artists, blacks, homosexuals, the medically or physically challenged, gypsies, some Catholics, as well as anyone else who he deemed not part of the white “Aryan race”, not part of his ideal vision for what Germany should be and stood for. Hitler envisioned spreading his vision to the rest of the world, and creating a German world in his honor, justifying his vision because of his superiority as a man. What Hitler did not envision was the resistance he would face by the rest of the world. Hitler’s actions were part of the larger international scope of World War II. He was not even acting in subversive ways to hide his actions. He was very open about the genocide that he was propagating to a point where he was causing his own downfall, and encouraging opposition to bring him under control. He brought the Holocaust into the public and international eye. The story of World War II is for another paper, as is the detailed story of the Holocaust. Its importance here is that it drew international focus to Hitler’s atrocities in terms of the grotesque genocide that was openly occurring. Despite previous atrocities of slavery or murder, the Holocaust brought masses of people collectively together, despite differences, with the goal of ousting Hitler and ending the abuses. Even this was not altruistic in nature. Nations got involved to protect themselves from Hitler; helping the Jews was a sideline event or action. From that collective movement, there was an end to Hitler...
(through his own hand after his eminent defeat) and the period of the organized Holocaust. More importantly though, there emerged an international movement to prevent such atrocities from occurring again.

As result of this international attention to the Holocaust, there developed a need to define human rights, and work towards achieving them through collective measures. While the term human rights was not automatically slipping off leaders tongues, there was a worldwide recognition of the need to see action to ensure that events like the Holocaust and leaders like Hitler are stopped, ideally before they even begin. From this need developed what resulted in producing a universal declaration of human rights, under the leadership of democratic, developed, western nations, but with input, involvement, and essentially agreement by all countries worldwide. The pattern and model followed in the post-Hitler world was one created initially with the writing of the Magna Carta, and revisited with democratic documents of modern ages. Both the American Declaration of Independence in 1776 and the Declaration of the Rights of Man and Citizen in France in 1789 addressed the concepts of human rights, recognizing them to an extent in words, even though actions during the centuries following did little to support the phrasing included in either document. Few people were eligible for the rights described in either document, so there was little focus given to the ideal of human rights. Being that they were concepts that were involving in democratic, developed countries, they were being developed with western ideology in mind. But that does not inherently limit them from being applicable internationally. Rights that emerged ambiguously in Europe and the United States were eventually expanded upon to include more than rich property owners; rights were expanded to include people of different races, genders, religions, and other factions. Today, people expect to live free, to believe in what they choose, speak freely within limits, live free from fear of
persecution based on religion or other beliefs. Most importantly, we live in an era where the fundamental belief is that everyone has a right to life and security. We live in a modernized, developed state in the interdependent global world. Not all states, or all groups within certain states, follow the same conceptualizations, but in the 1940s, the majority of states banded together to work toward compiling a common goal.

As a result of the Holocaust, and the subsequent Nuremberg Trials, there emerged the belief “that individuals have human rights which exist on an international level regardless of their recognition on the local or national level – that these rights are inviolable and that those who transgress them are subject to punishment.”¹ The trials of Nuremberg found many high level Nazi leaders to be guilty of war crimes and crimes against humanity, reinforcing that individuals' have certain rights which could not be violated, even in the name of misguided national sovereignty. Acknowledging that certain rights exist was only the first step in a long process. The Nuremberg Trials and the actions as a result of the Nazi’s persecution of the innocent during the Holocaust forced progress in terms of human rights, but there was still no means of protecting individual rights on an international scale, nor was there a means of ensuring international recognition and agreement.

1.3 United Nations and Human Rights

Due to the prevalent void with issues of human rights, the newly formed United Nations encompassed human rights in with its mission to maintain international peace and security. To that extent, when the United Nations was being founded in April of 1945, they attempted to establish the framework for how to preserve and protect human rights, along with promoting

means to better social progress and international standards of human rights and freedoms.

During its tumultuous beginning, agreement could not be reached on the creation or adoption of a Declarations of Rights and Duties of Nations or a Declaration of the Essential Rights of Man, yet they were able to make some progress. The United Nations Charter does acknowledge the need for action in terms of Human Rights within article 68, which delegated the responsibility of establishing a commission for the promotion of Human Rights to the Economic and Social Council.\footnote{Throughout this analysis, information pertaining to the United Nations, its charter, formation, and context is referred to. The source for this information, unless strictly quoted, is, Basic Facts About the United Nations, (New York: United Nations Publication, 1992). \textquoteleft Charter of the United Nations\textquoteright as signed on 26 June 1945 in San Francisco is made available by the United Nations via their electronic library. United Nations. \textquoteleft Charter of the United Nations – Chapter X.\textquoteright June 1945. Online. Available: http://www.un.org/abouthumanrightscouncil/chapter10.htm as accessed 28 December 2003.} As part of this, the International Commission on Human Rights was established, in order to take on the promotion and protection of an international human rights movement. Under the leadership of its first chair Eleanor Roosevelt, the Commission began its study on human rights in 1947, looking at past efforts, laws, philosophy, and other organizational findings (both governmental and nongovernmental groups). Their determination was that the world needed an International Bill of Rights, consisting of three components: a Declaration of Human Rights, a treaty that would tie governments to the standards established, and a means of enforcing the established standard of rights. This would solidify the international perspective towards the rights of individuals, and help ensure that the goals set forth by not only the united Nations, but also the leaders of the democratic world of the 1940s’ and 1950s’ who worked together to create a lasting peace, were met.\footnote{Mary Ann Glendon, \textit{A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights} (New York: Random House Publishers, 2001), p. 42.} The mission and purpose were clear, and were designed to create what many agree to be not only necessary, but vital. As with many governmental mission statements and policy implementation, what is designed, and what is executed often do not mesh.
On December 10, 1948, the first goal of the commission was met when the United Nations General Assembly unanimously accepted the Universal Declaration of Human Rights. Fourth-eight countries voted in favor of the document and all its provisions. There were no votes against the declaration, but eight nations did choose to abstain from the vote. That December, the first thirty articles of the declaration laid out the standards that the world should live by and abide to. Unfortunately, the creation had little immediate effect in increasing the human rights standards in any of the nations participating, despite the majority of nation’s agreement, since there was no legal obligation, or repercussion, for those who violated it. Rules and laws are only as strong as the enforcing body, and in this case, there was not one. Most often, the document was initially used as part of a broader political spectrum, a sort of bargaining tool. As Article I of the Universal Declaration of Human Rights states, “All human beings are born free and equal in dignity and rights.” But what good were those rights if nations did not have to uphold or honor them?

The second goal of the commission on human rights was to establish a binding legal agreement, or treaty, to guarantee enforcement and obligation. This concept evolved into four separate documents, each with the purpose to handle part of the agreement: The International Covenant on Economic, Social, and Cultural Rights; The International Covenant on Civil and Political Rights; and two optional agreements to the Covenant on Civil and Political Rights. (The first called for the expansion of the power of the Human Rights Committee, and the second for the abolition of the death penalty.) In 1966, all were adopted with the exception of The International Covenant on Civil and Political Rights, which was finally adopted in 1989. Even

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Footnote: The nations abstaining included the six Stalinist states, plus Saudi Arabia and South Africa, as is further elaborated on by Douglass Cassel in “The Universal Declaration at 50: Changing the world?,” The Christian Century 115, no. 36 (December 23, 1998), p. 1249.
with the agreement and signatory status of these treaties, there was no guarantee of any protection or standard of rights. Stagnation was common in terms of any protection of rights. At this time, the Holocaust was a twenty-year old atrocity, and there seemed to develop more casual approach to thinking internationally about rights by the western led United Nations. What was deemed crucial in 1945 was being replaced by concerns over world economics, or the ramifications of communism and the Cold War mentality. Human Rights were again becoming an anomaly.

This changed in the mid 1960s when it was triggered by a shift in the voting block of the United Nations. African and Asian states had recently become liberated from their colonial empires, and gained admittance to the United Nations. They created a shift in the largest voting block. These nations were greatly concerned about human rights matters and violations due to their history under harsh colonial rule. In 1965, there was the International Convention on the Elimination of All forms of Racial Discrimination, when coupled with the Universal Declaration of Human Rights, was designed to set a standard of human rights norms that all states should follow. They are the minimum standards that nations were to adhere to—and they were agreed upon by the signatory nations. The thing to keep fresh in mind is that nations freely agreed to these provisions. They were not forced upon them on an individual basis. With the exception of abstained votes, there was not a mass movement to not accept these provisions. Yet, there was still little action, and even less improvement. There was still no enforcement medium; it was up to each state how human rights were or were not implemented. In the 1970s, there were some limited changes to this, but largely even today, the day-to-day human rights violations occurring

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throughout the world go unrecognized by the other signatories of these documents. The concept of state sovereignty limits what individual states, and even the United Nations, have the power to intercede. The United States attempted to link distribution of foreign aid to human rights practices in 1975 in an attempt to increase the standards in certain areas, but they did not use human rights as the only decisive factor, and human rights atrocities/violations were often overlooked when there was a greater purpose at hand politically. Human Rights were a popular bargaining tool that the government used when it suited them, and ignored the remainder of the time.\(^8\)

The creation of nongovernmental organizations (Amnesty International being one) advocated for human rights without the concern for political affiliations and foreign policy concerns. They brought human rights standards and violations to the attention of the international community, beyond the political sphere, and to the people themselves.\(^9\) The 1980s continued the progress with first the Convention on the Elimination of Discrimination against Women, then the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, next the Declaration on the Rights to Develop, and finally the Convention on the Rights of the Child.\(^10\) There was a commission on human rights created as part of the United Nations that was given the purpose of investigating instances of human rights violations, and is still active in that duty today. There was an ever increasing international scrutiny of actions and potential infringement towards individuals throughout the world community. There is practically never ending support in words for the actions to protect human

\(^8\) This is not a statement made solely against the United States as is stated in the context of this argument. Many states, both developed and developing treat human rights in the same fashion of usable at times and otherwise ignored. This is not an attempt to be clichéd and blame governments for the actions of men, but rather refers to the inherent concept that governments act in terms of the greatest good/best interest of the government as a whole. Often times, there are instances where actions for the greatest good harm a minority.

rights, but words are cheap... and action has been little and slow in occurring. Human rights activity is not limited to actions of the Unite Nations. Along with Amnesty International, there are a number of intergovernmental, regional, and nongovernmental organizations dealing with human rights, and their number is growing drastically. There has also been the creation of the European Court and Commission on Human Rights, along with the African Commission of Human and Peoples’ Rights. The Universal Declaration of Human Rights is becoming part of many of the new constitutions developed by the states gaining independence in the latter twentieth century. But these actions are not spilling down to the individual level that is not only necessary, but the foundation for the purpose of the declaration’s creation.

Human rights standards within the world are constantly improving, as they expand into more states, with a more loyal following. Human rights are being adhered to in more countries, and by more governments. There has been an increased presence and support for human rights matters throughout the world. In many instances though, in many states or sects within a state, even the minimum standards are not being recognized. In 1989 Tiananmen Square in Beijing China turned from a peaceful protest to an instance of violent repression and a massacre of people. 1990-1991 saw an increase in human rights violations in the Philippines. The majority of the Middle East has been rampant in the inhumane treatment of human beings. In Iraq, under the dictatorship of Saddam Hussein, control of the Iraqi Olympic participants was assigned to Uday Hussein, Saddam’s son. Allegations to the International Olympic Committee claim that Uday was responsible for torturing former athletes, participants in the Olympics along with other sporting events. Hundreds of athletes had been jailed, abused, or killed simply because they

10 See Basic Facts About the United Nations, pp. 172-76.
failed to bring home medals or win important sporting events.\footnote{11} Women in Afghanistan under the control of the Taliban and Osama Bin Laden were equally tortured, and were stripped of all rights. Women were the property of their male relatives or husbands, were something to be used, abused, but not seen. Edicts issued by Taliban officials declared that women could not work outside the home, attend school, or leave homes unless accompanied by a husband, father, brother, or son. If there were to be in public, they had to be covered from head to toe and breath through a mesh layer over their face.\footnote{12} These are not acceptable practices towards women in terms of human rights. These are just two groups who were singled out and tortured, despite the fact that they are deserving of a standard of right. Part of the problem is that these actions were going on in clandestine fashion, as is the case with the Olympians under Uday Hussein, but the world was party to the actions against women in Afghanistan. But the world is limited in the action it was able to take.

2. Expansionism and Human Rights

Despite all the actions of the United Nations and the international community as a whole, universal human rights are far from becoming a reality in many states. There are high ideals, and expectations, but there are many hindrances that limit their effectiveness. Despite the actions immediately following World War II and the judgments handed down at the Nuremberg Trials, General Pinochet in Chile terrorized his citizens, General Radislave Kirstic directed genocide in Srebrenica, and Slobodan Milosevic was tried in The Hague for his policies of ethnic cleansing.

\footnote{11} Duncan Mackay, *The Guardian*, “Iraq’s Olympians prepare to emerge from the Shadow of Uday Hussein” Originally Published Wednesday May 14, 2003, available via http://www.guardian.co.uk/print/0,3858,4668150-103550,00.html on February 12, 2004.

Success in the growth of international human rights is evident in so far as these were instances that drew international attention and outrage, but there is still much to be done. These were massive movements against a large segment of the population, much like Hitler's policy of eliminating all but the Aryan race. There are other human rights violations occurring in massive quantities. Punishing the criminals though, whether they are government leaders, or individual renegades, does not reverse the atrocities that occurred, or repair the damage done to the rights of the individuals. Neither does it ensure that the rights of the future individuals will be protected.

2.1 Theory of Human Rights

Theory of Human Rights has developed over the past 25 years in attempts to look at this big picture concept, and rationalize it for the international community. Through trial and error, a framework of internationalism has developed which is a somewhat conservative, middle-of-the-road approach. Human rights norms are stressed through a central body that has limited jurisdiction over the presiding individual states (the United Nations in conjunction with nongovernmental organizations such as Amnesty International together work to fill this role). The central body can impose only limited restrictions on the state in terms of instances of human rights violations. There are both formal and informal guidelines that human rights activities follow based on major human rights norms.\textsuperscript{13} How human rights are protected, or violated, is a matter that is primarily based on state politics and law. How those are incorporated into the international community is a delicate process, and governments in particular have to be conscious of that delicacy, and tread lightly along those guidelines in terms of actions and relations. While acceptance of this internationalist framework is almost unanimously

\textsuperscript{13} See Donnelly, \textit{International Human Rights}, p. 31.
widespread, within it there are four separate conjectures of human rights, each with a different perspective, or challenge, on how they should be carried out and applied throughout the globalized world. Some are built off one another and linked, while others are at opposite ends of the spectrum, but all have applications in terms of human rights in the modern world.

Framework based in realism brings power politics into play in terms of human rights. There is also the relativist theory that focuses on the people and their traditions in terms of human rights and how they are enacted, a theory based in morality and culture. The third recognized theory is one of individualism or universalism, where human rights are looked at ethically, based on the basic definition of human rights, and working forward universally from there.\textsuperscript{14} Each theory presents valid arguments in their own defense, while trying to undermine the others, but the end result is a confusion that no one has yet been able to clear up. Realism is Machiavellian in its foundation, where authority and influence are the primary tools, with no focus on individual or moral issues. It allows for man to remain concerned only with himself, and ignore the issues inflicted upon others. It is an unnatural theory, in that it sets up a society where one stands by while others are persecuted, and is unaffected. Morality and power cannot coexist, so states motivation is to gain as much power as possible, despite moral convictions. There is no place in realism for individuals, hence it is a faulty approach for studying human rights; individuals and their rights do not fit within this perspective.

Relativism has a background in history and culture. Arguments are centralized along the concept that since there are no international standards of morals, there can be no international standards of human rights.\textsuperscript{15} Beliefs, along moral and cultural lines, are what should determine

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both policy and practice for a state. History, culture, economics, and society are the driving forces for a government, a government that is, or should be, sovereign in any decisions regarding human rights. Radical relativism goes so far as to say that all decisions are based solely in culture and everything is based on the cultural perspective and there should be no interference. This perspective can actually deny that human rights even exist. Since human rights are recognized at both state and international levels, relativism can only play a minor role in human rights discussions. It is contrary to the purpose of documents such as the Universal Declaration of Human Rights, and states that follow or believe in this theory due so without cause for their signatory status within the United Nations in terms of this document. There is a lack of focus within both theories on the individuals involved the people for whom the fight for human rights is designed to protect. If the people are what matters, how can one depend on a theory that doesn’t include them?

Universalism is the theory that attempts to address that need for something more. Human rights are defined as being the “universal rights held to belong to individuals solely due to their virtue of being human. They encompass civil, political, economic, social, and culture rights and freedoms, based on the notion of widespread personal human dignity and worth.”\(^\text{16}\)

Universalism in its purest form holds that there is a basic set of human rights to which everyone is entitled. It is not to say that everyone should, or would, be treated equally. Human rights under universalism are meant to set limits, not absolutes. Radical universalism takes the concept a step further, and theorizes that all individuals are entitled to a set of basic rights or values, which are the same for everyone, and applied in the same fashion in every location. This radicalism is unrealistic, but it is what most people falsely identify as the definition of

universalism. Universalism is not equality, and does not pretend to be. For the context of this discussion, the pure universalism is the focus, and what is the desired solution to a growing problem in international affairs.

Even universalism is not enough though. The limits and standards developed under universalism have a clear definition in word, but a more difficult transition to practical use. An offshoot of universalism that focused on individuals and application of policy is humanism, which is rooted in the human aspects of any policy. Humanism is not a new theory, but rather a vocalizing of what people for generations have believed is the morally relevant path. Humanism does not follow a single cultural, spiritual, or religious channel. It rather adopts the means to achieve an acceptable end. The goal is the primary focus of humanism, and how it achieves that goal varies based on the people involved. Through the theory of humanism, policy can be adapted to suit multiple regions while still remaining constant in the foundation and logic. Humanism will be looked at in more detail and applied to the concept of universal rights after further discussion.

2.2 Western Integration

During what can be considered modern development (post-eighteenth century); fundamental rights for those in the "western" world were expanding as the countries were rapidly developing. During these periods of development, the individuals were not consciously striving for improved human rights standards; they were fighting for their freedoms, which have since been determined to be the equivalent of basic human rights. Even though initially it was western nations that were experiencing and initiating the growth of human rights, they are not strictly a western concept. Much more recently, modernization has occurred globally, and with the
development towards modernization, there has also been development towards human rights. As part of modernization, there has been a decrease in the distinctive cultures that can be found throughout the world. This is not to say that culture is no longer a part of social interactions, but rather the differences between cultures is decreasing, and less noticeable in those interactions. As cultures become integrated, so do individual perceptions of what they are entitled to, particularly in terms of human rights. It is not only a matter of what people themselves desire in terms of rights, but also what the international community views as how people should be treated, and the freedoms, liberties, and rights they are deserving of. There can be legitimate human rights within the limited cultural diversity that the world is leading towards. Through internal discussion, open interpretation along standards and guidelines, and a historic interpretation of culture, there are solutions to the problem of universal human rights.

There have been long standing debates and discussion regarding the ethics of human rights as related to different parts of the world. Even with the assimilation of different cultures, cultural beliefs, traditions, and practices vary throughout the world to different degrees. The human rights standards that the modern (or western) world is used to are not the same standards that are present in other parts of the world. Some variance is to be expected, but when the standards are so low in places that they violate the universal rights set forth in the Universal Declaration of Human Rights, changes need to be initiated. Human Rights do exist; all countries signing the Universal Declaration of Human Rights in theory agreed to them. The standards that were established should be adhered to, and can fit within any cultural environment. There are basic fundamental rights of mankind, no matter the race, creed, culture, or ethnicity. Living in accordance to these rights does not have to infringe upon culture. With the proper approach

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through education and interpretation, human rights can be insured while preserving the cultural identity of the people. There are many who believe that there are cultures not worth preserving, because they cause more harm than they provide good. While that may or may not be true, the focus of this study is to show how human rights can be preserved within any culture. The viability of a culture based on its intrinsic worth and profitability in terms of society can be handled independently of a study of human rights, and has little bearing on the end result of this study.

2.3 Balancing a Practical Solution

Too often, discussions on human rights focus exclusively on either the cultural relativism argument or on universalism, focusing exclusively on a single theory rather than focusing on how the benefits of each can be used together. This myopic vision is counterproductive. Cultural relativity is the anthropological answer to explain world diversity, where universalism is the idealist approach to increase human rights to western standards internationally. Ruth Macklin, in *Against Relativism: Cultural Diversity and the Search for Ethical Universals in Medicine*, looks at both the philosophical and anthropological approaches in theory (particularly in regards to modern medical practices). Macklin sides with universalism, rather than looking at how it can be reconciled with relativism. She focuses on the health concerns involved in human rights and culture, which is the purpose of this study, but she fails to balance her standards for improvement in the logical pattern of society and life. She leans towards radical universalism and presents arguments that are not only infeasible, but also impractical in any environment. Alternatively, Collins O. Airhinenbuwa makes an argument focusing on

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alternative perspectives in *Health and Culture: Beyond the Western Paradigm*, which supports alternatives in medicine, which are developed around the cultural traditions and beliefs of a people. He suggests that to some extent cultural practices can be ignored in order to develop universal rights in cases where they cannot be reconciled against medical advancements. He moves in a more positive direction when he plans to use culture, but then also contradicts himself in saying that if it cannot be done, and then culture loses.19

Both A. J. M. Milne in *Human Rights and Human Diversity: An Essay in the Philosophy of Human Rights*20 and Jack Donnelly in *International Human Rights*21 address the concepts, theories, and policies of human rights and how they fit in an international community. They provide the stability for any discussion of human rights, yet also lead toward narrow-minded conclusions where there must be conformity in action, offering no solution for the problems associated with reaching that (unwanted) agreement. Each of these works focuses as a review of the background, and leaves questions for its implications in the practical world of interdependence. Despite the numerous available works within the topic of both human rights and cultural applicability, there is nothing that reconciles how the two can work together and respond in a positive and appropriate way to insure that not only are peoples rights preserved in whatever country they live in, but that their rights pay homage to their culture and traditions in a way that is satisfying to them, and to the international community.

Each of these studies, along with multiple other scholarly articles, addresses a single point in the equation surrounding human rights, rather than the entire picture. By singularly focusing on any individual principle and making judgments that one perception is the correct

one, the big picture is lost. No single idea can last, not in a world where globalization is taking over. The world is becoming a smaller place, and changes need to be implemented to preserve the rights of all citizens of that world. With a proper balance that pulls from the different theories and ideologies, actions based on knowledge and education of not only human rights, but also the diversity that people live with, universal human rights can exist in practice in the emerging globalized world. The available models take a different stand in terms of how human rights should exist in the modern world. Realism follows the power politics dictated by the statist model, with state sovereignty being the final and only judge of what is a right and how people should be treated within those rights. Relativism and Universalism both align with the international model, but to different extents. Relativism abides by culture, where universalism stresses supreme equality for the individual. All three theories look at extremes, and through the myopic attempts to defend their own beliefs, human rights suffer the consequences. Each theory looks at a single ideology and pattern of action, and sets out to say why one theory is better than another. This monolithic view towards human rights perpetuates the problem we are faced with today in terms of the widespread nature of human rights violations. Rather than focusing on a single theory, human rights stand the best chance of survival on a universal and international scale by looking for a practical middle ground.

3. Understanding Human Rights in a Modern World

This middle ground needs to be an approach based on individuals and their status as a human being, where individual rights are supreme even over state actions towards those individuals, the root and premise on which humanism is founded. This is not to say that individuals can do whatever they desire without thought towards consequences and results, but
rather the state needs to look at their actions towards those within its borders, and act
appropriately in terms of their rights. The Universal Declaration of Human Rights celebrated its
fiftieth anniversary in 1998, and while there have been tremendous safeguards implemented, the
creation of the humanist theory, if applied and actively engaged on a more regular and
international scale, will only further the growth and movement towards ensuring the basic rights
of all. Humanism is present in theory; it is now up to the global community to incorporate its
practice into policy and guiding principles in its actions and plans.

3.1 Humanism’s Middle Ground

The modern world is one of many political ideologies, along with many religions, along
with even more cultures. There is no way to reconcile capitalist and communist nations to value
the same overall principles, nor is there means of forcing Christians, Muslims, and Jews etc. to
value the same beliefs. But within religious or political philosophies, there has to be a central
foundation where agreements can be reached. This premise is defined in the Universal
Declaration of Human Rights with the statement included within article one, “All human beings
are born free and equal in dignity and rights.”22 The preamble to the Universal Declaration also
epitomizes this concept with “…recognition of the inherent dignity and of the equal and
inalienable rights of all members of the human family is the foundation of freedom, justice and
peace in the world.”23 The international community recognized these statements of rights, but
the signatures acknowledging the declaration did little to allow for the enforcement of any rights.

The Universal Declaration of Human Rights goes beyond protecting individuals from
governments, and gives them recognition in the international community as having rights. These

22 See Morsink, The Universal Declaration of Human Rights, Origins, Drafting, & Intent, p. 331.
23 Ibid., p. 329.
rights are pulled from all ideologies—"Economic, social and cultural rights indispensable from his dignity" from article 22, which has roots in communism along with the rights toward property as stated in article 17 with its basis coming from capitalism. These linkages with different ideologies does not attempt to show bias or favoritism, but rather to incorporate the basic rights of men despite their ideologies within one single document designed to preserve and protect all individuals. Religious differences are handed in the same fashion, with the similarities being derived and implemented to all individuals. When the Declaration was drafted, there were representatives from fifty-eight countries representing eighty percent of the world population at the time involved, and all were given the opportunity to comment. Granted, the twenty percent of the population that was not included was primarily from Africa (which is where many of human rights abuses are occurring today), so most of the input was given in more western traditions, by the leaders of the developed western world. Despite this fact, the Declaration cannot be considered strictly western in origin. South Korean President Kim Dae Jung has reiterated the universal nature of the declaration by discussing how it, "reflects basic respect for the dignity of people, and Asian nations should take the lead in implementing it." The Universal Declaration of Human Rights is not only being supported by westerners, but is rather gaining support of those who believe in the nature of individual rights, and want to see national and international standards improved.

With an international body of supporters, across state boundaries, religious differences, and divergent political systems, international rights are gaining support in a way that does not fit any other theory. Humanism is a logical way to proceed, and is the foundation for groups such

24 The full context and contents of the Universal Declaration of Human Rights can be viewed in the attached appendix, or at any point through the United Nations.
as Amnesty International who has a membership totaling more than one million members worldwide. The growth of non-governmental organizations concerned with human rights has grown exponentially. In 1986, there were only a handful of human rights organizations functioning in Mexico, by 1998 that number grew to over 100. The same is happening throughout the world, in both modern and developing countries. And it is not exclusively countries that are developing in the western model either. Western nations, primarily the United States, are often some of the least enthusiastic supporters of international laws in terms of human rights, particularly because when it is applied to the conduct of the United States. The United States is failing in terms of human rights standards.\(^{26}\)

### 3.2 Tools of Use

The Universal Declaration of Human Rights is only a tool that needs to be held in the right and able hands in order for it to be at all successful. Eleanor Roosevelt recognized this when she stated that, “destiny of human rights is in the hands of all our citizens in all our communities.”\(^{27}\) Human rights are something that needs to be taken up by the individuals, because if they do not empower themselves, no one else will recognize what they are fighting for. Humanism can only work if there is the involvement of the individuals. A Cosmopolitan model stresses the importance of individual rights, even over state sovereignty. But those individual rights do not come without some individual responsibility to those rights. The Universal Declaration of Human Rights may apply to everyone, but likewise everyone also has an obligation to the declaration. Not only to protect and preserve their own rights, but also to

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\(^{26}\) Ibid., p. 1364.

\(^{27}\) See Glendon, *A World Made New*, p. 120.
protect the rights of those around them. Without individual action to protect the universal nature, nothing is possible.

Humanism is the only framework designed to ensure human rights for all, based on individual, state, international, and non-governmental actions combined. It is a means of working both within and around cultures, governments, political systems, and religious beliefs to protect individuals at the lowest level. Culture is important, so are religious and political beliefs, along with the laws of the government. But when those beliefs or laws are adversely affecting the people action is required. Using the tool, it is possible to find a way to insure that all individuals are protected at a basic level, that all individuals are safeguarded against atrocities against humanity. Humanism can work, but it needs to be viewed on an individual basis, for each region and culture, and each practice, its application must be altered to fit the audience. Humanism is a theory that required application be tailor made. Nothing else can insure the universality that is dictated by the Universal Declaration of Human Rights.

4. Case Study—Clitoridectomy

The premise is that humanism is the only way to proceed with human rights. It is the only option that puts people first, and then looks to how human rights can be meshed with the will, responsibility, and life that they people choose. Each of us, whether we live in developed, developing, or underdeveloped nations choose how to live, what culture to connect with. The problem is that people cannot always choose what rights they deserve. Some cultures inherently ignore the rights that individuals are due because of the widespread culture. This is not always a choice intentionally made, but it can be a choice that is made because there is no recognized alternative. Each situation is very different, but there can be some commonalities studied in
order to broach a solution for the future. Universal human rights depend on finding those commonalities, and exploiting them in a way that is mutually beneficial, supporting both the culture, and the individuals, in a way that has collective collaboration. The practice of clitoridectomy provides us with a case study of how this can, should, and to some extent is working in Somalia along with other African and Middle Eastern states.

4.1 History and Culture of the Practice

Clitoridectomy\textsuperscript{28} is a practice common throughout the Muslim communities of the Middle East and Africa. It is a practice firmly routed in the culture to symbolize the transition from girlhood to womanhood, yet at the same time a practice where “No one knows the origin of the practice, nor sees any practical purpose in it. The Maasai offer no explanation, only that ‘it is custom’ and apparently as ancient as the tribe itself.”\textsuperscript{29} It is not a religious tradition, but it is strongly linked within the religious belief system. In Somalia, between ninety-six and one hundred percent of all females are subjected to the practice, a practice that has both immediate and long-term health consequences, psychological consequences, along with being extremely brutal and against any conception of human rights for the children and women involved. The Center for Reproductive Law and Policy estimates that approximately 130 million girls and women worldwide have been subject to the practice, with another two to five million being subjected to it yearly.\textsuperscript{30} It is practiced in twenty-eight African nations, along with other areas of

\textsuperscript{28} Clitoridectomy is also referred to as female genital circumcision, or female genital mutilation. Each term is correct in its own context, and they may be used at different times throughout the case study based on the argument. Clitoridectomy is more medically used, as circumcision and mutilation are used by the people, differing by their belief and perspective on the practice. Within each of the three common terms, it also needs to be noted that there are four different “levels” of clitoridectomy and varying degrees in each as to the removal or surgical alteration of a woman’s genitals.

\textsuperscript{29} Mohamad Amin, Duncan Willetts, John Eames, The Last of the Maasai, (Nairobi Kenya, 1987) p. 206.

the Middle East and Asia. There are even some immigrant communities in Europe, Canada, and the United States where the practice is encouraged due to the cultural belief of the people. Both the details of the practice and the long-term results must be investigated in order to reconcile the practice, and universal human rights/humanism.

In order to accurately explain the practice, laws, and policies currently in place in terms of clitoridectomy, the work of Anika Rahman and Nahid Toubia was consulted. Through their analysis of the facts, they attempt to provide a framework for the future, possibly the most inclusive and with the most optimism for a successful transition into a concept of humanism. Their reasoning is not one for studying human rights, but their studies of the women and the practice makes it an ideal asset for the humanist theory. To focus a bit on the practice initially is crucial to understanding first why it is such a violation of human rights, and then realizing why it is a practice to be altered in ways that allow culture to still be present. Clitoridectomy involves the cutting of the female genitals commonly performed on girls anywhere between the ages of four and twelve years of age as a rite of passage to adult womanhood, although there are instances culturally where the practice is performed within a few days of birth, or as late as just prior to marriage. It is both a solitary and group custom depending again on cultures and the specific community in question, and most often it is done by a traditional practitioner, trained through family and skills developed and practiced on those involved. Primarily, it becomes a matter for the study of universal human rights because it is a practice done on young girls, who have no say in the matter; it is a practice that is encouraged by the mothers of young girls

32 Ibid., p. 3.
33 More recently, the practice is being performed by trained health personnel, but that is a rarity and only in more established developed areas that do not necessarily pose the same risks to universal human rights. More information can be obtained on that through Nahid Toubia, Female Genital Mutilation: A Call for Global Action (New York: Zed Books 1995).
partially out of fear, and partially because they experienced the same cutting at the hand of their mothers. It is a practice perpetuated by culture, but one in which there is confusion and its roots remain unclear.

As cultures differ in one region to the next, the terminology for the practice of clitoridectomy varies as well. For each dialect, and for every different level of cutting, there are different terms. Terminology in the international arena has been as vague and debatable as it was culturally. Since 1990, the international community has leaned towards using the term female genital mutilation, since it is much more than a circumcision (in comparison with male circumcisions) and much more graphic and debilitating than the term cutting infers. Utilizing female genital mutilation has been one way in which nongovernmental organizations such as Amnesty International and the World Health Organization has gained support against the practice, and has moved to have the practice recognized internationally as infringing upon the human rights of women and female children. Its usage to have the practice recognized as abusive though does little towards reconciling its existence in terms of cultural awareness. Any act, event, or action can be termed illegal, or against the rights of individuals, but unless there is a movement from the individuals, there will be little accomplished in terms of change. The reasons for clitoridectomy are complex, interrelated, and part of the beliefs and values of the cultures in which it is practiced. Recognizing that has to be the first step in order to better understand where to go in the future in terms of the practice, particularly when taking a humanist approach as I deem necessary for not only future survival, but for the maintenance of an international community based on integrity and universalism. Explaining clitoridectomy is not
enough, what must be understood and worked with is that “it is dependent not on a single factor, but on an entire belief system and values that support it.”

As a rite of passage, clitoridectomy is performed as a means of preparing a young girl for her role as a wife. The act is not one involving the instructions of keeping a house, or preparing for a families well being, nor is it one of explaining sexual relations between a husband and wife and the role of faithfulness. It is an act that links the girl with the lifestyle and role of traditional culture, a role that is subservient, of little worth, and filled with great pain and suffering. It is used as a means of control, in Somalia along with Egypt and Sudan, it is believed to prevent premarital sex and preserve virginity in order to secure a better marriage. Reasons can differ in other areas, an example being Kenya where the reasoning is to reduce a woman’s sex drive so her husband can satisfy the needs of several wives. Either reason which is to serve the needs/desires of men is equally detrimental to the esteem of the woman involved. There is a social pressure involved in the practice, both on the sides of the men and women. In a community where the majority (if not all) the women are circumcised, there is an environment where one must undergo the practice due to social conformity to allow for acceptance. There is not an option of not undergoing the cutting, because a woman would essentially be cutting herself out of the community and the family structure. Likewise, when the majority of the men have circumcised wives, there is a need to likewise marry a woman who had undergone a clitoridectomy so as to not be excluding oneself. Families pressure their children, both male and female, to conform to this culture stigma which perpetuates the problem. Whether under the guise of culture and tradition, or human rights violations, the practice and the beliefs behind it are causing great irreparable harm to a number of people.

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35 Ibid., p. 5.
Clitoridectomy is a cultural practice. It is not religious in nature, although it has been intertwined in a number of religious practices. The practice predates the arrival of both Christian and Islamic faiths in Africa, and is not a requirement for either religion as it is practiced anywhere else in the world. Clitoridectomy is practiced by those followers of many religions, including Judaism, Christianity, Islamic, along with the indigenous religious groups of African history. Despite the fact that it is not part of any formal religion, throughout Africa it is well linked within the Muslim communities. International discussions on this including the International Conference on Population and Reproductive Health in the Muslim World conclude that the linkage comes from misunderstandings and misinterpretations of Islamic provisions from the Prophet Mohammed and the Qu’ran. This explanation though does little to end the cultural practice, or the stigma related to its observation.36

4.2 Faulty Justification of Cultural Relativism

The cultural explanations given for clitoridectomy find basis in morality and family honor, with gender distinctions and superstition added for reinforcing value. The belief that it is a practice to protect women is faulty in that it is the cause for numerous complications including immediate hemorrhaging, severe pain both immediate and long term where intercourse is involved, shock, and death. There are chronic and lasting complications both physically and psychologically. There are different levels of commonality, along with legality, in different areas, with different strengths in belief. But no matter the legal status, how many people are forced to succumb to this practice, it is irreparably harming females of all ages. There are lasting

repercussions for women as they immigrate to western nations, as many medical personnel are unfamiliar with treating women who have undergone clitoridectomy, not to mention the lack of support legally for the victims. Organizations such as the World Health Organization are working with governments around the world to improve the information and familiarity with the practice, but informing people about it is not enough. It does not help the women; it does not protect the rights.

Clitoridectomy has been around for centuries, but only recently has drawn the attention of massive numbers of people. At the 1993 Vienna Declaration of the World Conference on Human Rights, clitoridectomy was addressed, investigated, discussed, and ultimately ruled to be a violation of human rights. This was definitely a step in the right direction. Following their lead, clitoridectomy has been condemned by the International Federation of Gynecology and Obstetrics and the World Health Assembly, both calling for its abolishment as a practice. There is support for these measures within the African and Middle Eastern nations, but the support is unfortunately not coming from people of power and authority to make a change. Some states have taken efforts towards eradicating the practice by making it illegal, and imposing criminal fines/prison terms for its performance, but that does not stop it at its basic level—that only punishes those who performed it, without making any lasting contribution.²⁷

Hanny Lightfoot-Klein wrote an expose entitled *Prisoners of Ritual: An Odyssey into Female Genital Circumcision in Africa* which looked into this cultural practice without formal roots in an attempt to find within it a “voice of reason.”²⁸ Her experiences and the stories told her

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provide unquestionable material to support the fact that clitoridectomy should in fact be re-termed by as to be known as female genital mutilation. Not only should the nomenclature be adjusted internationally, the practice should be addressed in ways that not only ends its performance, but recognizes that the women upon whom it was performed were victimized by not only their nations, but by their cultures. Culture is not a uniting force in this case. Culture is falsely addressed as a concept that draws people together under common beliefs—but where clitoridectomy is concerned; it is a practice that divides people, based on their surgically altered state. It is a matter of the have's, and the have not's...and those that have not had the practice forcibly, or voluntarily, performed on them are discriminated against, and segregated from not only from society, but also by their families and those who are responsible for their survival. These women have no choice, because the practice is often their only means of survival.

There has been very limited involvement by governments in Africa and the Middle East towards restricting and bringing about the end to this practice. Governments, particularly those that are struggling with numerous other problems that affect a majority (women being not only a minority, but often considered to have less rights), are more focused on what they deem to be more pressing issues. Clitoridectomy by any term is considered to be appropriate for some people based on their belief, and the government does not want to interfere. That is despite the fact that the government and previous leaders have pledged support for universal human rights, and support for specifically women and children. The United Nations is working for improvements, as are the World Health Organization, Amnesty International, and other non-governmental organization. They run into the same argument, and the same problem, in whatever country they are focusing on, the problem being the claim of cultural relativism. Cultural relativism is an anthropological and philosophical term meaning that “local cultural
traditions properly determine the existence and scope of civil and political rights enjoyed by individuals in a given society." Cultural relativism in its essence is contrary to the meaning of the Universal Declaration of Human Rights, as it says that nothing can be universal because culture and the people are the deciding factor. The proponents of cultural relativism will concede that there is a universal right to life, but they will not go so far to state that people should be free from torture. There is a lack of respect for the physical integrity of individuals, and their inherent right to choose what they participate in. Cultural relativism allows for excuses to be accepted for the actions of one man against another, despite the consequences and the aftermath.

4.3 Humanism and Clitoridectomy

I am not arguing that culture should not matter, for I firmly believe that culture is what roots a people and provides a stabilizing force. Culture should not though dictate medical practices that have been proven to be harmful, both immediately and in the long-term. Universal rights supercede cultural rights, and should do so with the support of all individuals. What supporters of cultural relativism fail to realize is that in cases of human abuse, culture and rights can exist consecutively. They are not mutually exclusive concepts, rather they can work together to strengthen each other. An argument made by Teson states that governments are created in their essence by the people, with the goal of supporting the will of the people. Those

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40 This paper is not about the medical practices, or medical or psychological consequences of clitoridectomy. More information is available on that topic, in-depth and with complete illustrations, through numerous sources including the work of Hanny Lightfoot-Klein that is previously sourced, Prisoners of Ritual, An Odyssey into Female Genital Circumcision in Africa.
people are shaped by their culture, which in turn influences and shapes the government. If the government is agreeing to rights in the international arena, then they are essentially agreeing to them based on their own culture and people, since that is where their power is derived. Culture is a guiding factor, not an absolute. Culture is malleable by the people, as can be shown by any anthropological study. People change over time, adapting to new climates, new experiences, new technology, etc. This is one of those times where culture needs to catch up, and proponents of cultural relativism need to begin viewing the larger picture. People are suffering. In the case of clitoridectomy it is the women and children that are suffering in ways that are not only unnecessary, but dehumanizing and degrading. Culture can and will remain diverse, all that is centralizing is the belief of what people by their very nature as humans are deserving in terms of basic, fundamental rights. Cultural differences should be embraced as they contribute to the uniqueness of the international world, and provide for distinguishing features of individuals, societies, cultures, and states. Maintaining ones cultural differences though can not mean maintaining the brutalities that are occurring. The practice of clitoridectomy is only one example, but it is one that warrants immediate attention.

Humanism requires that people matter, that effort is taken to make sure their rights are maintained, while still paying homage to their culture and traditions. Making both happen is not easy, but is very necessary. There is one tool that is crucial for this to occur, a tool that is being rarely used, and often misused. The tool of education may hold the necessary answers in reconciling a culturally relative practice, with the universal rights deserved of women. Health care professionals, along with educators, need to approach and work with families and

41 I will continue to refer to clitoridectomy as a cultural practice, even though I state that its roots are unknown, and that it may actually be a false cultural tradition. It contributes both to the contrast of cultural relativity, and to the foundation of humanism in universal rights.
communities in forming a foundation for the future, a foundation built on solid information that is both supportive of the heritage, and also looking towards a healthy future. There is a need to validate family concerns about premarital sexual activity, but also a need to inform families of alternatives to clitoridectomy that are more appropriate. Rhoda Howard has recognized the need to focus on the family rather than the legal structure, stating that

"...for the moment at least, an educational campaign directed particularly at health professionals, school-girls, and patients in maternity clinics would be the most appropriate manner of beginning elimination of the custom. Legislation banning female genital operations might merely drive the operations underground..."\(^{42}\)

Similarly, Fran Hosken has addressed that talking about the issues, and working on them in a top-down approach is futile. What is necessary is the grassroots approach, where the people make the decisions because they are informed not only of the consequences of the practice, but also because they are informed that they have the right to make the decision.\(^{43}\) To this end, the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children has been formed, and has been working for fifteen years towards eliminating the practice by encouraging a recognizing of social values, and a reevaluating of what is essentially important to the cultural beliefs. This type of organization is the foundation for ensuring that the perspective of humanism can evolve and be adapted to work in countries where clitoridectomy is an ongoing problem.

5. **Potential for the Future**

In terms of the future, humanism needs to develop from an occasionally implied theory, to an often utilized practice of determining policy and action. The thought process has  

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developed to a point where issues are not strictly looked upon as having cultural value, or having a basis in the religious law of a region, or being a western ideal that should be dominant due to higher levels of development. There has been progress, by states, international organizations, and non-governmental organizations. While states are often buried with policy and the legal aspects of rights, the non-governmental organizations are taking humanism a step forward, and applying it in their actions towards ending the practice of clitoridectomy. Without the foundation of humanism, they would have a more difficult struggle in the foundation of their policy. Humanism is the justification they rely upon in order to protect the women and children, while working with them to provide a more stable future, and a means of preserving self-worth.

5.1 The Service of Non-governmental Organizations

In order to see positive changes for the future, it is necessary to look at what has been working thus far, and try to build off of that concept and reinforce a positive future, which is both culturally relative, and supportive of basic human rights. Organizations have developed throughout the world, through governments, through international organizations, at the local level, and every level in between. Some have been successful, others are struggling, but from both there has been progress. UNICEF is one organization that is working at multiple levels to ensure change, working not only with the governments in terms of law making, but also in terms of advocating plans for changes in education and health services. They have worked closely with both religious and educational leaders to promote the dangers of clitoridectomy, while also educating that the practice does not have the effects that it is intended to have. In terms of educating the public, they work with the media so that the information is coming from trusted sources. UNICEF is working towards change, but not westernization. It is important to
remember the humanism is not about western ways, but rather about the improvement of social
standing and living conditions for an entire gender of people. They are involved in training
trainer in Somalia to communicate to the people why it is necessary to eradicate the practice of
clitoridectomy, strategizing with local leaders and individuals who are supportive of changes.
Part of the reason is modernization, these countries are emerging into the global community, and
they want to interact; the majority of the reasoning lies in the fact that people are awakening to
concepts of rights that they were not aware they had.

In Egypt, there has developed a Centre for Development and Population Activities
(CEDPA), which has undertaken the issue of clitoridectomy and addressing its practice with both
the Muslim and Christian populations. Despite the ninety-seven percent prevalence in Egypt\(^4^4\),
there have been advancements. There have been lectures and printed materials led and
distributed to the public, raising awareness but also leading to increased support against the
practice. The CEDPA is working on getting past why clitoridectomy is practiced, and focusing
on the reasons families should stand behind their daughters and not have them undergo
clitoridectomy. There emerged a *Positive Deviance Approach* towards clitoridectomy,
encouraging individuals, families, and societies to go against the norm and challenge
conventionalities, particularly one that many have misunderstood for centuries. The CEDPA is
working towards focusing on those who have found successful alternatives to cultural norms,
believes, or perceptions in their communities, and encouraging on having those individuals spread
these humanist alternatives to those in need, those subjected to practices such as
clitoridectomy.\(^4^5\)

\(^4^5\) Pamela McCloud, “The Positive Deviance Approach in Female Genital Mutilation Eradication” *PROVID to the
Centre for Development and Population Activities* (Egypt, 1999).
The CEDPA is not the only organization acting to end clitoridectomy, nor is Egypt the only state in which seeing clitoridectomy eradicated a concern. In the Sierra Leone, there are similar movements being directed to wipe out clitoridectomy. Condemning the practice as inhumane is not enough, and saying it is a violation of human rights does little to stop it. This we have already realized. It is an issue that needs to be addressed without linking it to the religious and cultural background, but rather linking it to the human aspects that clitoridectomy affects, impacts, and to some extent destroys. Many women realize and openly admit that clitoridectomy causes irreparable medical harm, yet they still subject their daughters to it. They are caught in a web of misinformation though that is difficult to work through. It is not easy to just tell the women that the practice is wrong, because it is all they have ever known. They rather have to be informed about the alternatives, and given information on how else they can protect themselves. There is an element involved in clitoridectomy that is designed to promote virginity in female offspring before marriage, but when the practice is discussed and studied, and women realize that there is no benefit and even greater harm involved, many are astonished that they have succumbed to the practice for so long. There is an element of responsibility due to being uneducated, but it is not for lack of desiring the information. It was just never made available, to either men or women in many rural areas. As education increases in the Sierra Leone, and more people bring their education back to traditional villages and reassert themselves within the traditional communities and social standing, the information is filtering back with them. There are changes being made without direct effort. Changes are not happening because a
westerner said that the practice is wrong, but rather because a native is realizing that the practice is harming members of society—members of a culture.46

5.2 Humanism at Work

Bringing an end to the practice of clitoridectomy is not an easy feat. It requires long-term commitment and the establishment of a foundation that is designed to support a successful and sustainable behavior change. It needs to occur at national, regional, and local levels and while it is necessary to have support of the policies and laws, it is more important to have the support of the massive population. By mainstreaming issues and problems associated with clitoridectomy into national reproductive women’s health and literacy development programs, trained staff of natives (not a staff of westerners) can work to manage to complications and problems of a transitional period. Through government support and cooperation with non-governmental agencies, there can be advocates fostering these positive changes, not to laws, but to practices. There is no designation necessary to change the culture, but the focus is on making an informed change in how the traditional culture practice is demonstrated. In Burkina Faso, a Traditional Chief who is a member of the Support Committee on Excision stated, “When trying to eliminate FGM [clitoridectomy], it is important to involve everyone in the dance…”47 The support of the people not only necessary, but vital to the elimination of this practice. Without them, no effort from any portion of the national, or international, communities can bring about an end to a practice that is not only degrading to women, but in some cases destroying their lives.

Some countries have managed to create such advocacy groups and strategies that are working towards the end of clitoridectomy. Collectively the international agencies and the non-governmental organizations are funding, implementing, and maintaining groups to work against clitoridectomy. By using coalition strategies, the groups recruit and support individuals and clusters of citizens who want to help others to remain free of this practice. There is an element designed to influence legislation, but that is the smallest portion of their work. They focus on public education campaigns—grassroots movements of workshops and discussions designed to inform and empower women to enable them to change the practice within their own communities. The more work that is done by these coalition groups, the more they are seen as acceptable. The population they are interacting with is changing from being only the women who fear propagating the practice, to the men who are willing to discuss the possibilities and need for change. The bottom line is the coalition groups are not only using education to help the conversion, they are going about the adaptation in a culturally significant way. The group is constantly collecting data and information, so what they share is accurate. Through dissemination of accurate and personal information, there is greater support for the educational campaign. Mali has made the greatest improvements through this strategy, with their work at the National Union of Muslim Women of Mali convention where the group was able to elicit the support of the government in agreeing that the negative effects of clitoridectomy were present and need to be addressed. Unfortunately, their recognition is not enough, but by countering and addressing the negative aspects, they leave the path open to develop specific strategies which they will support.

Advocacy works because these groups realize that the bottom line is ending the event, not the cultural meaning of the event. They are working to make a difference to better the lives of
the next generation of women, not to change the foundation of a culture. They focus on a behavior change, not a culture change. In essence, one can say that humanism can work because of the focus on the behavior, separate from the culture. These strategies have proven successful in the areas of family planning, child survival, nutrition, and HIV/AIDS education. By initially raising awareness, the behavior change comes about somewhat independently. People do not inherently choose a path that causes harm, when presented with valid relevant information that pertains to them as individuals, they realize how cultural loyalty is actually harmful in its results, and begin to look for ways to remain loyal, but change the outcome. Then again the advocacy groups and coalition members can provide more information to assist them in making a positive change. Behavioral scientists support an eight step approach towards change, and without detailing the field of behavioral science, we can see how the non-governmental organizations and the advocacy groups they are a part of follow this pattern. The steps include:

1. awareness
2. seeking information
3. personalizing the information
4. examining options
5. reaching a decision
6. trying the behavior
7. receiving positive reinforcement
8. sharing the experience with a larger group

By recognizing and following through this processing timeline, the groups working to see clitoridectomy brought to an end have a method to follow, and to lead the people along. Once started on the path, it becomes an independent process, one in which the information is being externally supplied, but the results and timeframe are decided by each participant of a cultural or society. Individuals measure their own pace towards change, but the focus of the outside advocacy group or non-governmental organization is providing them with the necessary

information for positive change. The focus is on communication, not change. The focus is on rights, not culture. The focus is on people and progress.

There is not one formula that works. As each region is different, and the people and culture are different, the approach needs to be different. It is an individual process, hence needs the element of personalization. While almost all regions and groups focus on education as the background and foundation, how it implements and follows a process of information dissemination varies based on the will and the response of the people. Generically, the information is aimed more at youths, as they become the driving factor towards positive future change. Despite the fact that high numbers of youth have undergone clitoridectomy already by the time they are being presented or searching out information, they are more likely to be alarmed by and seeking change than the elder generations. The means of reaching the youth vary, from where in Ethiopia they began with a one-year radio program, to Kenya where they trained 467 peer educators (a mix of adults and youth) who were challenged to reach 200 families each and inform them of alternative rites of passage. Most countries address the process as part of the formal education system, but that is not as effective outside of urban centers. For rural and isolated areas, the person to person contact that then morphs into society to society support is necessary. They are building on following Ethiopia’s lead in utilizing mass media, and are even expanding into using folk media and drama as ways of reaching more people. Through the media, the issue of clitoridectomy is desensitized. The more people address it and talk about it, the more it becomes less of a taboo. By making clitoridectomy a recognized problem, as was done with HIV/AIDS and family planning, there is less social stigma regarding change. The most drastic of these media campaigns occurred in Egypt in 1994 during the International Conference on Population and Development. A controversial television report
aired which showed a nine-year-old girl undergoing clitoridectomy as means of working with the media to get the message out. The more people heard and saw the practice as a means of torture, the more they were agreeable towards finding a solution. The more information and education people received, no matter what the medium was, the more they were, and are, working towards a better future. That is the ultimate goal of the advocacy groups and the non-governmental organizations. That is the ultimate goal of the Universal Declaration of Human Rights. No one has ever expected change overnight, but progress towards change is crucial, and it is starting to occur throughout Africa and the Middle East.

6. Conclusion

Much of the work against clitoridectomy has occurred through the sponsorship and design of nongovernmental organizations. It is not strictly the work of the United States, but of all countries. The Universal Declaration of Human Rights has been signed by 191 countries in the world, and many of them are working together, with the individuals at risk to find a solution; a vital, possible way to permanently eradicate clitoridectomy from every region, and allow for every woman to be guaranteed her rights. Humanism is working to insure that this occurs. Cultural Relativism is accurate, but only to an extent. What has been shown here is that as much as culture matters, people matter more. People are the essence of culture, and they can determine how to remain loyal to ones heritage and how also to remain loyal to oneself. By separating the cultural aspect, and by remaining non-judgmental in terms of individual choice, the practice of clitoridectomy becomes the focus, and human rights are more inherent. The emergence as part of modern life has resulted in an abundance of information becoming available to individuals. The old adage, knowledge is power, is ideal in this circumstance as the more information people
are given, the more freedom and empowerment they have in controlling their own destiny. For many, the choice has already been made for them, but the important fact to remember is that an emerging movement to stop clitoridectomy among the youth of today will result in the elimination of clitoridectomy in the next generation. There is no governmental action alone that can bring about the end, nor is there the power of any individual to bring change. This needs to remain the grassroots movement that it currently is, in order to have humanism not only take root, but survive. This is an issue that crosses state boundaries, religious differences, and divergent political systems. It is not an international problem that the United Nations can fix, but an individual problem surpassing national borders that needs international support on a one-to-one basis. The tools are in place as provided by the United Nations, the Universal Declaration of Human Rights, and many other international organizations, but these are only tools that people need to choose to use. Human rights are recognized throughout the world, there is no country that will admit that human rights are part of their foundation. But how countries have recognized those rights differs, but the people themselves are seeking changes and expansion of rights in many locations. The practice of clitoridectomy is one area that people are targeting for change, and by targeting the practice, people are providing for increased rights for women and children. Human rights do exist in the international community, and within independent states. Together people are working to find the necessary balance of freedom, liberty, diversity, and equality. Humanism is the proper approach, as it addresses culture, addresses rights, and yet focuses on individuals and providing them with their own tool for choice.
Appendixes

1. Universal Declaration of Human Rights

As the Universal Declaration of Human Rights is what has driven this study, this paper, and the focus on clitoridectomy, I believe it important to include as a supporting document. Without its inception over fifty years ago, there may not be any organized focus towards seeking improvement for the lives of individuals in terms of their basic rights as individuals.

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.
Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.
(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

**Article 22.**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

**Article 23.**

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

**Article 24.**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 25.**

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**Article 26.**

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27.**

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.
### 2. Estimated Prevalence Rates for FGM

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\(^{49}\) Statistics are pulled from the World Health Organization, via the internet at [http://www.who.int/frh-wld/FGM/FGM%20prcv%20update.html](http://www.who.int/frh-wld/FGM/FGM%20prcv%20update.html) as of February 19, 2004. They are based on most reliable data available, from national surveys and demographic studies, and noted where it may be questionable.
Bibliography


