At the conclusion of the International Conference on FGM, “Developing a Political, Legal and Social Environment to Implement the Maputo Protocol”, at the invitation of No Peace Without Justice, the Government of Kenya and the Association of Media Women in Kenya (AMWIK), with the technical support of AIDOS organised within the framework of the “STOP FGM Campaign” and supported by CIDA-GESP and UNICEF together with the Italian Cooperation, the Embassy of the Kingdom of Norway, UNIFEM jointly with the Swedish Government, the Sigrid Rausing Trust, the French Embassy and GTZ, in Nairobi from 16 to 18 September 2004:

Emphasising that most African and Arab countries affected by the practice of FGM have been present at the Nairobi International Conference on FGM in the form of Government and Civil Society representatives, together with participants from other countries, making it a unique opportunity for dialogue and exchange of information concerning how best to develop a political, legal and social framework for the abandonment of FGM, with a particular focus on the ratification and implementation of the Maputo Protocol on Women’s Rights to the African Charter on Peoples’ and Human Rights together with all other international instruments concerning harmful practices;

Recognising the invaluable participation of Kenyan actors both in the Nairobi International Conference and in efforts to bring an end to FGM, as evidenced by the participation of more than 600 representatives of civil society and Government from all over Kenya;

Recognising that African and Arab countries are at different stages in the struggle against FGM and recognising, in this context, the role played by the Government of Kenya in spearheading the process, and in particular welcoming the declaration of H. E. Mwai Kibaki, President of the Republic of Kenya, read by Hon Arthur Moody Awori, Vice-President of the Republic, of Kenya’s intention to work towards ratification of the Maputo Protocol;

Recognising that the struggle against FGM is not the special agenda of a few people but is an important regional and global concern;

Taking note of the results obtained by the thematic sessions, the quality of the contributions by the speakers and all the participants, as well as the most valuable technical contribution by experts on issues related to FGM, all of which have made the successful outcome of the Conference possible;

Reiterates the importance of the international “Stop FGM” Appeal, launched on 10 December 2002 and signed by African First Ladies and a number of other international personalities, as well as the Program on “Zero Tolerance to FGM” launched by the
Inter-African Committee (IAC) on 6 February 2003 and later endorsed by the United Nations;

Appreciating and thanking the organisers for taking the initiative to convene this International Conference in Nairobi and expressing appreciation in particular to the Association of Media Women in Kenya (AMWIK) in collaboration with civil society organisations and the Government of Kenya for the warm welcome received in Nairobi and for ensuring the best working conditions for the meeting;

Thanking the sponsors and other contributors for providing the resources for this International Conference and its follow-up, which enabled these critical discussions and the sharing of experiences and information to take place in a setting that facilitated open dialogue;

We, the participants, hereby declare that:

A. The Nairobi International Conference on FGM is one of the key steps in an ongoing commitment to recognise FGM as a political, economic, social, cultural and human rights issue, implementing the operative parts of the Cairo Declaration for the elimination of FGM, adopted at the Cairo Conference on Legal Tools for the Prevention of Female Genital Mutilation of 21-23 June 2003.

B. The practice of FGM is a violation of the rights of women and girls and an assault on their human dignity. It has no basis in any religion but instead degrades the status of women and deprives women and girls of their basic human rights. Efforts for the abandonment of FGM should be undertaken so as to reinforce the fact that FGM is a human rights issue and a political issue; in particular, public information and education on the practice of FGM should stress human rights and political solutions, as medicalisation of the practice obscures the problem and prevents the development of effective, long-term solutions. Medical professionals in particular should reject FGM and recognise the problem as a violation of the human rights of girls and women.

C. The Maputo Protocol, adopted by consensus by the Heads of State of the African Union in July 2003, is the most important initiative for the abandonment of harmful traditional practices, especially article 5 on FGM. Ratification and effective implementation of the Protocol by all African countries and its rapid entry into force would be a considerable step forward not only for the abandonment of FGM and the protection of women and girls at risk of undergoing the practice, but also for women’s rights and gender issues in general.

D. Bearing in mind the law-making role of Parliaments, Governments and the specific role of the Pan-African Parliament and all other pan-African bodies, civil society, including non-governmental organisations, community based organisations, religious leaders and all members of the community, should stress the implications and benefits of ratification and implementation of the Maputo Protocol, through lobbying, the provision of information and other appropriate activities.
We, the participants, hereby recommend that:

1. All Afro-Arab States, as well as other States concerned with the practice of female genital mutilation, should implement the Cairo Declaration in an integrated manner.

2. Legislation prohibiting FGM has a moral force and an educational impact that could provide an effective deterrent. To this end:
   a. Member States of the African Union should implement the provisions of the Maputo Protocol on FGM in their domestic legislation;
   b. States not members of the African Union should also enact legislation prohibiting FGM based on the principles of Article 5 of the Maputo Protocol to enhance their own domestic legislation and to support the efforts of the African Union;
   c. Arab countries who are not members of the African Union should call upon the Arab League to include harmful practices in the Arab Charter for Human Rights as a regional mechanism to protect the human rights of women and girls.

3. Comprehensive legislation prohibiting FGM must be enacted and, where it is already adopted, appropriate strategies must be implemented to ensure its effective enforcement, including capacity building of all relevant actors. Such strategies should be developed in consultation with the relevant actors, including law enforcement officials and civil society, in order to ensure effective and consistent public information and education, particularly in terms of informing whoever performs FGM, including health professionals and traditional circumcisers, that performing FGM gives rise to legal and professional sanctions.

4. In implementing the relevant provisions of the Maputo Protocol, member States of the African Union and others should adopt a broad-based consultative process, including non-government organisations, community-based organisations, religious leaders, members of the community and others. Where appropriate, Governments should seek technical assistance from organisations and bodies with particular expertise in incorporating international obligations in national legislation related to women’s rights, in particular the condemnation and prohibition of FGM. The prohibition on FGM should be integrated into broader legislation addressing other issues, such as:
   • gender equality;
   • protection from all forms of violence against women and children;
   • women’s reproductive health and rights;
   • children’s rights.

5. The use of law should be one component of a multi-disciplinary approach to stopping the practice of FGM. For the successful abandonment of FGM, there needs to be a common and integrated approach to addressing FGM and to finding solutions for combating the practice and to effect long-lasting behavioural changes in
society. Public information and education campaigns should be undertaken so as to involve as many people as possible and to enhance ownership of strategies and activities aimed at the abandonment of FGM by all Africans. In addition to the provision of information to the general public, those groups and individuals who require particular information about FGM should be targeted at, including those at risk, parents and those who would practise FGM, including traditional circumcisers, clan elders and men, as well as health care providers.

6. Academic institutions, as they are requested by the International Conference on Population and Development (ICPD-Cairo) in 1994, should be recognised for the knowledge and expertise they can provide in the implementation of a social and political environment for the eradication of FGM.

7. Girls and women who are willing to refuse to undergo FGM, for themselves or for their children, and religious and community leaders who are willing to take a firm stand against the practice of FGM, such as those who have pledged to mobilise against FGM during this Conference, need to be supported and encouraged. In addition, support and encouragement should be provided for men and women who are willing to denounce the practice or who can be convinced to do so, in order to change the perception in many countries that men in countries affected by FGM are in favour of the practice.

8. Programs of rehabilitation and counselling for victims of FGM should be implemented, in particular in terms of health services, legal and judicial support, emotional and psychological counselling as well as vocational training. Government, civil society, faith-based organisations and members of the community should work together in the development of strategies and in the provision of such services.

9. Governments and international actors should provide political support and, where possible, financial resources to empower NGOs in their struggle to stop FGM. Governments in particular should consider allocating resources in the national budget and working with civil society in the implementation of strategies for the abandonment of FGM, including through collaboration in public information and education activities. In addition, governments must ensure that national NGOs are able to pursue their activities freely.

10. States affected by FGM should formulate a national plan of action for the eradication of FGM with time-bound objectives. Plans should be formulated and implemented through a participatory approach involving civil society. Governments should provide adequate Budget allocations for the implementation of the plan of action.

11. The African Union should assign to the African Commission on the Rights of the Child and other relevant bodies the responsibility to monitor implementation of the commitment by States Parties of the abandonment and eradication of FGM.