

## RESEARCHED AND COMPILED BY THE REFUGEE DOCUMENTATION CENTRE OF IRELAND ON THE 25 MARCH 2024

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### DISCLAIMER

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. All COI Query Responses are compiled in line with the Common EU Guidelines (2008) and the EUAA Methodology (2023). This response is not and does not purport to be conclusive as to the merit of any particular claim to international protection. Please refer to all documents cited.

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### COI QUERY RESPONSE – KENYA – INFORMATION ON FEMALE GENITAL MUTILATION (FGM) PARTICULARLY OF YOUNG GIRLS

In March 2024 the *US Overseas Security Advisory Council (OSAC)* states “The law's definition of domestic violence includes sexual violence within marriage, early and forced marriage, FGM/C, [...] The government does not effectively enforce these laws, especially in poor or rural areas. Citizens frequently use traditional dispute-resolution mechanisms, including *maslaha* in Muslim communities, to address sexual offenses in rural areas, with village elders assessing financial compensation for the survivors or their families. A lack of coordination between government agencies and ineffective implementation of the law often leaves victims of sexual assault without recourse or in direct contact with the perpetrator.”<sup>1</sup>

“Female genital mutilation and cutting (FGM/C) occurs in Kenya.”<sup>2</sup>

A report from February 2024 from *African Cities Research Consortium (ACRC)* states that “Within Freetown, the issue of female genital mutilation/cutting (FGM/C) persisted as a significant challenge for girls and women, compounded by the involvement of politicians in sponsoring FGM/C to secure votes around election times, particularly from poorer households who cannot afford to pay for such cultural practices. Families perceive such practices as fundamental to securing marriage, and challenges to this cultural norm are strongly resisted: “Politicians know that the day they outrightly try to ban FGM will be the day that they will lose our votes forever”.<sup>3</sup>

In January 2024 the *Orchid Project (UK)* states “The national prevalence of female genital mutilation/cutting ('FGM/C') in Kenya reduced from 37.6% of women aged 15–49 in 1998 to 14.8% in 2022. Despite this progress, concerns remain about medicalisation of the practice, changes in the type of cutting and cross-border FGM/C. There is evidence of a trend towards hiding FGM/C by medicalising it, and families in urban areas with higher levels of education are opting for cutting by medical professionals. The prevalence of FGM/C in which some flesh is taken has reduced more

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<sup>1</sup> US Overseas Security Advisory Council (OSAC) (20 March 2024) Kenya Country Security Report 2024

<sup>2</sup> *ibid*

<sup>3</sup> African Cities Research Consortium (ACRC) (9 February 2024) Safety and security: Domain report (Bukavu, DRC; Freetown, Sierra Leone; Lagos, Nigeria; Maiduguri, Nigeria; Mogadishu, Somalia; and Nairobi, Kenya

noticeably than the prevalence of the most severe type (infibulation). Cross-border FGM/C is a concern, particularly migrants moving into and out of Kenya to be cut.” [...] <sup>4</sup>

A document published by Equality Now in December 2023 states that “Especially at risk are adolescent girls, who are subjected to a complex interplay between financial hardship, gender discrimination, and harmful practices that, together, are driving an escalation in child marriage and female genital mutilation (FGM).” <sup>5</sup>

The report also states “Climate change can also indirectly contribute to the practice of FGM. Culturally, education for the girl child in the Maasai community was never a priority, and this has perpetuated the ideology of early marriage after a girl is cut. Drought results in economic hardships, and families opt to cut their girls so that they can be ready for marriage. Cutters carry out FGM as a way of earning an income in the wake of the hardships brought about by climate change. Some of these cutters will influence parents to cut their girls at a fee ranging from Ksh. 500 upwards (approximately \$3.25 USD/ £2.60 GBP) while citing that the girl will be ready for marriage. This triggers some families to capitalize because they are looking for a way to survive.” <sup>6</sup>

“Practices such as FGM and child marriage are largely cultural, and eliminating them is not easy. There is a need for continuous community dialogues to change people's mindsets. We are actively addressing these challenges through awareness campaigns and educational programs. We are working to empower girls, educating communities on the dangers of FGM and the importance of girls accessing education. We are also educating them about the impacts of climate change and advocating for sustainable practices to foster resilience.” <sup>7</sup>

A document from October 2023 by *Crown Prosecution Service (CPS)* states that “A woman has been found guilty of aiding the female genital mutilation of a young girl in Kenya in the first conviction of its kind. Amina Noor, 39, from London, denied assisting a non-UK person to mutilate the female genitalia of a British citizen overseas but was today convicted by a jury following a trial at the Old Bailey.” <sup>8</sup>

The *Gay and Lesbian Coalition of Kenya (GALCK)* notes in August 2023 that “Prohibition of Female Genital Mutilation (FGM) Act, 2011 - Prohibits FGM” <sup>9</sup>

In July 2023 it is reported by *United Disabled Persons of Kenya (UDPK)* that “The national prevalence of female genital mutilation (FGM) reduced to 15% in 2022 from 38% in 1998 [...]. There is however no national comprehensive data on the implementation of the Prohibition of Genital Mutilation Act, and investigation, prosecution, and conviction are limited even in regions that are notorious for the practice. FGM continues to be practiced in various parts of the country due to deep rooted cultural beliefs” <sup>10</sup>

<sup>4</sup> Orchid Project (UK) (4 January 2024) FGM/C in Kenya: Progress, But Concerns Remain

<sup>5</sup> Equality Now (11 December 2023) Prolonged Droughts Are Putting Girls In Kenya At Heightened Risk Of Child Marriage And Other Human Rights Abuses

<sup>6</sup> ibid

<sup>7</sup> ibid

<sup>8</sup> Crown Prosecution Service (CPS) (26 October 2023) Woman convicted of aiding FGM of young girl abroad in legal first

<sup>9</sup> Gay and Lesbian Coalition of Kenya (GALCK) (4 August 2023) The Impact of Outdated Laws on Sexual Orientation and Gender Identity in Kenya Today

<sup>10</sup> United Disabled Persons of Kenya (UDPK) (5 July 2023) Joint Submission on the Republic of Kenya to the United Nations Committee on the Rights of Persons with Disabilities

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