



The Rights to Female Genital Preservation in Reproductive Health Laws in Nigeria

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ABSTRACT

Genital mutilation is a breach and an affront of the rights of women. It is evil, weird and makes the women folk an endangered specie. It is the total or partial removal or deliberate injury of some external features of the genitalia. This practice is deeply rooted in the religion, culture and tradition of many tribes in Nigeria and some other tribes in the world. There have been a series of legislations, campaigns and enlightenments in both rural and urban areas in Nigeria and other parts of the world against this practice. Unfortunately, the practice seems not to have abated as many people believe in the cultural sanctity of female circumcision as a compulsive norm in their traditions. The World Health Organization (WHO) United Nations International Children Emergency Fund, (UNICEF) and International Obstetrics and Gynecology (FIGO) are among prominent organizations championing the bane on female genital mutilation. There is the prospect that the new generation of Nigeria with formal knowledge will adhere to the civilised culture of banning any forms of harm on their daughters. When this is achieved, it will enhance the protection and preservation of the female reproductive health organs of women. This study became very necessary in order to save the lives of women in Nigeria and other nations that are vulnerable. Genital desecration has endangered the lives of women in societies where this practice is rampant. Therefore, there must be strict laws to curb these unhealthy practices, especially at the epicenters. The conclusion of this paper is a call to everyone in authority to strategize collaboratively to save the female genital from mutilation and to also devise ways of curbing the practices. The stoppages of genital mutilation will further enhance the dignity and morale of women in the society.

Keywords: Female Genital Mutilation Local Practice, World Health Organization

Introduction

Female genital preservation is a serious concept in defining the female reproductive system in international law. The genital organs are sacred to the survival of women, the contents of the genitalia are the foundation upon which a woman is built. The genital is the most active and responsive parts of a woman's body which is usually jealously and religiously guarded. A desecration to it in whatever form would amount to endangering the female 'specie'. Mutilation of the organs is a sure way to endanger the women's race and to violate their reproductive health rights as well. The clitoris and labia are sensitive parts of the female genitalia and they are the parts that are majorly affected in the process of mutilation. According to the World Health Organisation (WHO) genital mutilation is the procedure that involves a partial or total removal of the external female genitalia or injury to the female genital organs whether for cultural or for any other non-therapeutic reasons.¹

Many tribes in Nigeria, including the people of Bini kingdom, in the Southern part of Nigeria, are traditionally known for this practice. Among the Binis, every child, (male and female) must be circumcised. The circumcision signified a 'free born'. The practice is deeply rooted in the people's culture and tradition with no special ceremony attached.²

Reports show that Nigeria is among the most notorious nations where female genital desecration is practised in Africa³ and this is especially noticeable in the Southern part of the country. The Northern Nigerian Fulanis are rarely party to this menace. They are not keen on circumcision. Regrettably 41% of adult women in Nigeria had undergone the procedure of female genital mutilation.⁴

This practice is a violation to women's rights. It harms them and also prevents them from the rights to be free from torture and other cruel, inhuman and degrading treatments or punishment against women. It also goes against the rights of gender equality and justice as well as the rights to reproductive

¹ See generally, World Health Organisation female genital mutilation. An overview Geneva: World Health Organisation 1998.

² See UNICEF Children and Women rights in Nigeria Assessment and analysis harmful traditional practice, Abuja. NPC and UNICEF, Nigeria 2001:195-200.

³ Ibid

⁴ Adegoke P. Ibadan University Humanist Society Female genital mutilation: An African Humanist review. 2005.

health⁵. There have been International and Local campaigns to discourage the practice of female genital mutilation by the United Nations and other regional bodies. Since 2010 the United Nations has doubled its effort towards putting a stop to this practice.

The United Nations General Assembly in resolution 67/146/2012 is among the numerous legislations against female genital mutilation. It vehemently kicked against the act of female genital mutilations as a violation to women's human rights.⁶ Likewise, in Nigeria, the former President, Goodluck Jonathan in 2015 signed a federal law banning the practices of female genital mutilation.

NATURE AND ORIGIN OF GENITAL MUTILATION

Genital mutilation otherwise known as circumcision involves male and female. For the male it is the excision of the foreskin from the top of the penises. In this case, it is doubted if this could constitute mutilation. The mere removal of the foreskin may not amount to a form of mutilation. According to Merriam Webster Dictionary, mutilation is an act or instance of destroying or removing or severely damaging or altering something radically, and in a derogatory form. The Oxford learner's dictionary further describes the word 'mutilation' to mean:

"Severe damage to somebody's body especially when part of it is cut or torn off, the act of causing such damage".⁷

So long as no noticeable damage is done to the penises, the procedure might not amount to mutilation. Other writers are of the contrary view that the removal of the male foreskin or prepuce is the principal location of the erogenous sensation in the human male and this could remove or reduce erogenous sensation.⁸ There are other procedures to genital mutilation, this is where the frenulum is snipped but the foreskin is left intact, while yet another type is where the foreskin is cut, some of it being removed and the remnant left as one or two lateral flaps of loose skin.⁹ But the female genitals refers to as the vaginal which extend from the cervix, a neck like piece of tissue, which accommodates the following organs; Mons pubis, labia majora, Labia Minora, clitoris, vestibular bulbs, Skene's gland and urethra etc, are protected under international law against any artificial infraction of the surgical knife under the guise of circumcision. All these organs are sacred and an attempt to mutilate any of them is tantamount to an ethical misconduct to the female reproductive system, (these organs have a logical connection) and a distortion in one could adversely affect the others.

The beginning of circumcision in women is not known as no history audaciously proves its origin, but it is a known fact that men circumcision is traceable to religion. Male circumcision is based on the religion of the Jews and the Muslims who honour Abraham.¹⁰

Abraham is regarded as the author of circumcision and also the father of their faith. In Judaism circumcision holds an important place, which is known as brit mila and it is performed on male child of eight days old¹¹ which is symbolic of the Jewish covenant with God, through the patriarch Abraham. The Muslim counterparts also practice circumcision for male children only at 13 years old. Circumcision can also be traced to ancient Egypt. It is believed by archaeologists that about 15,000 years ago the practice of circumcision dominated the Egyptian soil, these were evidenced on the series of carvings by some Egyptians mummies on walls and decorations which depict the procedures of circumcision.

The Jews and part of Egypt adopted circumcision as a religious ritual and they preserved this pre-historic practice unto the present day. Moses and his sons were also circumcised¹² in the wilderness. Both the Christians and Muslims are not new to this practice but the female version of the practice cannot be traced to any authentic origin.

ORIGIN OF FEMALE CIRCUMCISION

The exact origin of female circumcision or female genital mutilation is unknown; scholars are of the view that it originated from ancient Egypt to which is the combination of the present day Egypt and Sudan. This fact was gathered from the depiction on the carvings and walls seeing the Egyptians mummies in the act of practicing circumcision. Hitherto, researchers lacked the exactitude of origin to F.G.M. The evolution of the female genital mutilation remains sketchy though some scholars have traced the practice to the period of the slave trade within the West African region and from the middle East towards Africa through the Arabs trade dealers¹³ but this claim is also unreliable.

⁵ CEDAW (Convention for the elimination of all forms of Discrimination against women 1979) See also CESCR (Committee on Economic, Social and Cultural rights).

⁶ <https://www.un.org/en/event/girl/child-background.shtml>.

⁷ <https://oxfordlearnersdictionaries.com/definition/english/mutilation>

⁸ Taylor JR. the prepuce specialized mucosa of the penises and it lost to circumcision BRJ. Urol 1996;77 291-295

⁹ Pounder D.J. Ritual Mutilation sub-incision of the penises in Australian Aborigines A.J Forensic med. Patol 1983;4(3) Museum of the University of Western Australia International Specialized book service 1987.

¹⁰ Genesis 17:10-14

¹¹ Ibid

¹² Exodus 4:25

¹³ Ross CT, Strimling P, Ericksen KP; The origin and maintenance of female genital modification across Africa. Human Nature 2016;27(2); 173-200 doi 10.1007/s12101-015-9244-5

The native people of Bini within Edo State of Nigeria practically claim to be the initiators of women circumcision. They believe that every woman must be circumcised as a baby for cultural¹⁴ identity and sanctification. It was odd to be described as 'uncircumcised' according to the cultural norms and practice of the Bini people, every woman must be circumcised. This practice have being for centuries, it was a comfortable practice in the kingdom of Bini where the paramount traditional rulers (the Oba) dictates to his people the nature and system of tradition suitable for the land. Some scholars corroborates that female circumcision originated from the Bini kingdom dating back to the time of 'Ogiso'¹⁵ that is, some 10,000 years ago. The Ogisos were regarded as God's messengers and rulers of both the sky and the land. Actually, cultural and religious relativism are relevant concepts to the origin of circumcision. Culture and religion have played significant roles in the definition of circumcision world over.

TYPES OF FEMALE GENITAL MUTILATION

In 1997 the World Health Organization, the United Nations Children's Fund (UNICEF), and United Nations Population Fund (UNFPA) in a joint statement classified female genital mutilation into four types:

Type I: partial or total removal of the clitoris and/or the prepuce (clitoridectomy).

Type II: partial or total removal of the clitoris and the labia majora (excision).

Type III: Narrowing the vaginal orifice with the creation of a covering seal by cutting and a positioning the labia minora and/or the labia majora, with or without excision of the clitoris

(infibulations).

Type IV: All other harmful procedures to the female genital for non-medical purpose, for example, Pricking, Piercing, Scrapping and Cauterization.¹⁶

FEMALE GENITAL MUTILATION AND WOMEN'S RIGHTS

The right to female genital preservation is a sacred rights that every woman must enjoy in respective of age, colour, race and culture etc. It is a right to the sanctification of womanhood which is an inalienable, and inseparable human right in respective of Race, Colour, Sex, Language, Religion, or Political class. The female genitalia are sacred organs in every woman, It is a reproductive right for the female genitalia to be preserved in accordance with the 1948 Universal Declaration of Human Rights (UDHR). Any attempt to abuse any woman's genitals is an affront to the reproductive health rights of women. Women's genitals are strictly connected to their reproductive right and reproductive health care.

Reproductive health is an inalienable right of women. In the programme of Action, Reproductive Health was defined by the International Conference on Population and Development (ICPD).¹⁷

as follows:

"A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system, and its' functioning or processes. Reproductive health therefore implies that people are able to have a satisfactory and safe sex life and that they have the capability to reproduce and the freedom to decide of, when and how often to do so, implicit of this last condition are the right of men and women to be informed about or to have access to safe, effective, affordable and accepted methods of family planning of their choice as well as other method of appropriate health care services that would enable women to go safely through pregnancy and child birth services and provide couples with the best chance of bearing a healthy infant".

Reproductive health are reproductive rights which every human being must enjoy. It is a right that is recognized in Nigeria, and for Nigerians, guided by International law. and various International human rights documents attest to the consensus instruments against female genitals from mutilation and other abusers.

INTERNATIONAL HUMAN RIGHTS LAWS PROTECTING REPRODUCTIVE RIGHTS AND GENITAL ABUSE ON WOMEN

The development of reproductive rights rests majorly on the development of human rights both at the domestic and International Level. The following are some reproductive rights instruments that protects genital abuses.

¹⁴ Odioi A T Female genital mutilation: In Kwawumen at el. Comprehensive gynecology in the T ropics. GP Ltd. 2005 p. 268-78.

¹⁵ Ogisos were the traditional rulers in the kingdom of Bini, until it metamorphosed into uku Akpolokpolo

¹⁶ General eliminating female genital mutilation, An interagency statements of the World Health Organization 1997

<https://www.unicef.org/protection/female-genital-mutilation>. See also

<https://www.UN.org/womenwatch/daw/CSW/CSW52/statements-mission/interagency>

¹⁷ ICOD was endorsed by the UN General Assembly in its resolution 49/28, also known as the Cairo program, held from 5-13 September, 1994.

(a) The Universal Declaration of Human Rights (UDHR) 1948

This document is important to the development of reproductive rights. It came into force in 1948 and has since become a universal colouration of a unique standard for human rights among the comity of nations.¹⁸ It has also significantly influenced the development of domestic and international human rights' laws. It will be safe to say that the UDHR has attained the scope of customary international law based on its general acceptability as universal guidelines for human rights protection, most of the UDHR provisions had been domesticated into the Nigerian legislations. The UDHR contained several provisions to reproductive sanctity and protection of women's reproductive and genital rights and preservation, the right to life as contained in article 3 in the legislation is fundamental to women's reproductive organs.

(b) African Charter (Banju Charter)

Reproductive rights is also recognized and instituted in the African Human Rights System. Article 16(I) of the charter provides for the right to physical and mental health for everyone. It states that every individual shall have the right to enjoy the highest attainable state of physical and mental health, this charter mandates state parties to take steps to ensure that the health of the people are adequately protected,¹⁹ which includes the protection of female genitalia against mutilation. The charter positioned that mutilation of the female genital system was a gross breach of the right of the reproductive health of women. It further stressed that female genital mutilation was a complete violation of the state of physical and mental well-being of an average woman globally.

(c) The Maputo Protocol 2003

This protocol of the African Charter on women's rights in Africa was significant to the development of women reproductive rights. The protocol strengthened the course of Reproductive rights and reproductive health of the average African woman. It also contained information about an individual's health based on sexual transmitted infections, such as HIV/AIDS and other sexually transmitted diseases. These infections could be transmitted in the process of mutilating the female genitalia.

(d) Convention on the elimination of All Forms of Discrimination against Women (CEDAW) 1979. This was the most comprehensive of international conventions on the basis of human rights for women. This treaty provided an international standard for the protection and promotion of women's rights in all ramifications. It is often seen as a 'Bill of Rights' for women. It portrays women as capable of Political, Cultural, Social and Economic life. It also incorporates women as having equal rights and privileges as their male counterparts on Education, Employment of Economic and Social life.²⁰ The convention highlights the nature of women. And frowned at all forms of discrimination against women and further posits that female genital mutilation as gross discrimination against womanhood and against humanity.

FEMALE GENITALIA AND THE INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), defines any distinction, exclusion or restriction made on the basis of sex against women as a breach of human rights women ought to have been beneficiary.

Other instruments for the protection of women are as follows:

- Universal Declaration of Human Rights (UDHR) 1948

The International Covenant on Economic Social and Cultural Rights (ICESCR) 1966.

- The International Covenant on Civil and Political Rights (ICCPR) 1966
- Convention on the Rights of the Child (CRC) 1989.²¹

From the concluding observations of the committee on the Rights of the Child held in Togo in 1997, the committee specifically directed state parties to legislate on the abolition of the practice of female genital mutilation in their nations owing to the inherent dangers associated with the vandalisation of the girl child's privacy which violates to the right of the child.

The ICCPR, vehemently kicked against any act that would subject any individuals to torture or cruel, inhuman or degrading treatments, arbitrary interference with personal privacy.²²

The rights to liberty and security of a person and that of every child shall have the right to such measures of protection as are required by his/her status as a minor or on the part of the family, society and the state.²³

¹⁸ See African Charter on Human and People's Rights 1981.

¹⁹ See generally (UDHR) 1948

²⁰ CEDAW 1979.

²¹ CEDAW 1979.

²² Article 2, (ICCPR).

²³ Article 9, 24 (ICCPR).

The International covenant on Economic, Social and Culture Rights (1976). Article 3²⁴ of this covenant ensures that men and women must have equal rights to enjoy social benefits of the society together with economic and cultural rights. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

The convention on the Right of the Child 1989) specifically focused on the rights of the girl child, for the basis of eliminating the practice of female genital mutilation which is a violation to the right of the child. Article 14, 19 and 24 of the Committee in for the Elimination of Discrimination Against Women (CEDAW), the above articles recommends that female genital mutilation is a violation against women, therefore called for the elimination of the practice.

The Convention on the Right of the Child (CRC), places the government as a major caretaker of every child, and the guiding standard must be for the best interest of the child²⁵ to protect a child's right to privacy.²⁶ It directs that the state must take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

The following committees have consistently observed that the best interest of a girl child is to preserve her naturally with her genitalia intact. The committees that spearheaded this rights were:

- Committee on the Rights of the Child, Ethiopia (1997)
- Committee on the Right of the Child, Sudan (1993)
- Committee on the Right of the Child, Togo (1997)

INTERNATIONAL LEGISLATION CONDEMNING FEMALE GENITAL MUTILATION THROUGH DECLARATION AND RESOLUTIONS

(a) United Nations General Assembly in Article (I) condemned any violence against women as an act that is gender based and that there is every likelihood of physical or psychological harm or suffering to women. In Article (2) of (UNGA) it was identified that FGM is a form of violence against women, therefore it was recommended to be abolished.

- General Assembly Resolution 61/143 (2007) reminded states not to use their cultural practices or religious beliefs as an excuse to inflict punishment against women and the girl child.
- Resolution A/RES/67/146 of the 67th General Assembly held on the 20th December 2012. This resolution urged all countries in the world to condemn the practice of FGM and to organized programmes of awareness of the associated evils accompanying the practices of FGM.

The Ninth session of the committee on the elimination of discrimination against women in 1990 as contain in (document A/45/38 and corrigendum) recommended in No. 14 of the resolution that:

(a) State parties must take appropriate and effective measures with a view to eradicating the practice of female circumcision, and such measures could include:

- The collection and dissemination by Universities, Medical or Nursing Associations, National women organizations or other bodies of basic data such as traditional practices.

The support of women's organization at the National and local levels working for the elimination of female circumcision and other practices that are harmful to women.

- The encouragement of Politicians, Professionals, religious and community leaders at all levels including the Media and the Arts to co-operate in influencing attitudes towards the eradication of female circumcision.

- The introduction of appropriate educational training programmes and seminars based on research findings about the problems arising from female circumcision.

(b) That the state parties should include in their National health policies, appropriate strategies aimed at eradicating female circumcision in public health care. Such strategies must include the special responsibility of Health personnels including traditional birth attendants, to educate them on the harmful effects of female circumcision.

(c) That state parties should invite assistance, information and advice from the appropriate organizations of the United Nation System to support and assist efforts being deployed to eliminate harmful traditional practices.

²⁴ Article 3, (CRC) 1989.

²⁵ Article 3, (CRC) 1989.

²⁶ Article 16, (CRC) 1989

That state parties should include in their reports to the committee under article 10 and 12 of the convention on the elimination of all forms of discrimination against women and information about measures taken to eliminate female circumcision.

THE FEBRUARY 6TH 2023 UNITED NATION'S SECRETARY GENERAL MESSAGE ON GENITAL MUTILATION FOR 2023: ARE AS FOLLOWS:²⁷

"Female genital mutilation is an abhorrent and detestable violation of fundamental human rights that causes lifelong damage to the physical and mental health of women and girls. It is one of the most vicious manifestations of the patriarchy that permeates our world.

Some 42 million girls are at risk of being subjected to this act of gender-based violence in 2023 alone. We need urgent investments and action to reach the sustainable development goals target of eliminating female genital mutilation by 2030. Female genital mutilation is rooted in the same gender inequalities and complex social norms that limit women's participation in leadership and restrict their access to education and employment. This discrimination damages the whole society and we need urgent action by the whole society to end it. Men and Boys – Brothers, Father, Health workers, Teachers and Traditional leaders can be powerful allies in challenging and ending this scourge, as this year's theme makes clear. I call on men and boys everywhere to join me in speaking out and stepping forward to end female genital mutilation, for the benefit of all".

FEMALE GENITAL MUTILATION IN NIGERIA

Nigeria has six geo-political zone, namely North-Central, North-East, North-West, South-West, South-East and South-South. While the Northern zones are predominantly Muslims, the Southern zone are the Christians. All the zones are guilty of the four types of female genital mutilations in one form or the other.

The reasons for FGM are usually tied to religion or cultural practices; culturally many parts of the South-South zone believed that the uncircumcised female child would have an uncontrolled desires for sex which could lead to promiscuity and marital infidelity. The bini people in the South-South region usually circumcise their female children when they are still babies while some other regions carry out the practice on their children between infancy and 15 years of age (usually before puberty). In some zones in Nigeria, the purpose for the removal of the female genitalia is not unconnected with the traditional beliefs that the beauty and cleanliness must radiate from the woman's vaginal and a woman that is uncircumcised is regarded 'unclean or dirty' to the society. They also believe that the art of female circumcision is necessary for subordinating her ego in favour of her spouse. Uncircumcised women are believed to exhibit insolence, recalcitrance and arrogance before their spouse. Though this belief lacks empirical proof.

DANGERS OF FEMALE GENITAL MUTILATION

In Nigeria there are no benefits for the practice of female genital mutilation, neither have there been any benefits for desecrating the female genitalia, rather it has increased the health hazards that women suffered from. This act has further endangered the lives of women in Nigeria, and many other jurisdictions where female genital mutilation remained in practice.

Below are some of the implications in FGM on women in Nigeria:

- i. Severe pain
- ii. Excessive bleeding
- iii. Urinary problems
- iv. Shock/phobia
- v. Injury around genital tissue
- vi. The risk of HIV/AIDS
- vii. Death

Some long term effects of FGM include the following:

- (a) Menstrual problems and complications
- (b) Pains during intercourse
- (c) Urinary pains through urinary tract infections

²⁷ Antonio Guterres on the international day of Zero tolerance on FGN [https:// www.Un.org/en/observances female-genital - mutilation -day message#female%20 genital%20 mutilation](https://www.Un.org/en/observances/female-genital-mutilation-day-message#female%20genital%20mutilation). accessed 20/10/2023

- (d) Decrease in sexual satisfaction.
- (e) Increase risk of child birth complications
- (f) Excessive bleeding
- (g) Psychological problems such as depression, anxiety and low esteem.²⁸
- (h) Long term infections through HIV/AIDS.

MEDICAL IMPLICATION OF FGM ON NIGERIAN WOMEN

It is obvious that the procedures involved in female genital mutilation has caused a lot of acute urinary retention following traumas associated with damages on the genitalia. It has also caused damages to the urethra or anus in the struggle of the victim during the procedure. It is obvious that FGM has caused chronic pelvic infections, acquired gynaestresia resulting in hematocolpos, vulva adhesions, dysmenorrhea, retention cysts, and sexual difficulties with anorgasmia. Other implications are implantation desmoids cysts and keloids.²⁹

Obstetric complications of FGM include perineal laceration and inevitable need for episiotomy in infibulated parturient. Others are defibulation with bleeding injury to urethra and bladder. Medically, victims of FGM are in constant phobia of anticipated pains which might psychologically affect their marital status and pregnancies.

LAW AND FEMALE GENITAL MUTILATION IN NIGERIA

Though Nigeria practises the federal system of government, there is also a mixed legal system of the common law of England and the Sharia Law especially for the Northern States of Nigeria being practiced. The unity of these laws ensures the eradication of offensives against women's genitals

Every state government also has their laws enacted by the various houses of Assembly. Section 15(2) and 17(2)³⁰ of the Nigerian constitution (Amended) generally prohibits the traditional practice of discrimination against the female folk on grounds of inequality in exercising human rights. Further, section 34(1) provides that every individuals are entitled to respects, dignity and self-worth and shall not be subjected to torture, inhuman or degrading treatment.³¹

THE VIOLENCE AGAINST PERSONS (PROHIBITION) ACT 2015 THE (VAPP ACT)

This is the first federal law against the female genital mutilation (FGM) signed into federal law by the then President of Nigeria Dr. Goodluck Jonathan. It criminalized the practice of several other gender based practices such as rape, incest, domestic violence and other harmful traditional practices against any person in Nigeria.

Prior to this federal legislation other states in Nigeria have already legislated on the menaces against women and the girl child. Such as

- Edo State – prohibition of female genital mutilation law (1999).
- Cross River State – the girl child marriages and female circumcision (prohibition) law (2000).
- Ebonyi State – Law abolishing harmful traditional practices against women and children (2001).
- Enugu State – FGM (prohibition) law (2004).
- Bayelsa State – FGM prohibition law (2004).
- Rives State – Child Right Act (2009).

Though the preamble of the VIOLENCE AGAINST PERSON'S (prohibition) Act 2015 did not specifically defined the meaning of FGM, but it was clear that the circumcision or genital mutilation of the girl child or woman was prohibited.³² The law also criminalized or punishes anyone who performs or engages another to perform female circumcision or genital mutilation,³³ the act also criminalized or punished anyone who attempted to perform, or engage

²⁸ <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>.

²⁹ See generally the Constitution of the Federal Republic of Nigeria 1999 (as amended).

³⁰ Akpuaka, FC Vulval adhesions following female circumcision in Nigeria postgrad. Doct. Afr. 1991:13:98

³¹ See generally the Constitution of the Federal Republic of Nigeria 1999 (as amended).

³² Section 6(1) VAPP Act

³³ Section 6(2) VAPP Act.

another to perform the practice.³⁴ The Act stipulates that whoever shall aid, abet or counsel another to perform or attempt to perform FGM,³⁵ shall be held guilty to the Act.

The VAPP Act further established the following penalties against violators:

- Whoever performs the FGM or engage another to perform the FGM carries a punishment of imprisonment not exceeding four years or a fine not exceeding N200,000.00 or both.
- An attempt to perform the FGM or engaging another to perform the action, carries a penalty of 2 years or N100,000.00 or both.
- Anyone who incites, aids abets or counsels another person to perform FGM or engage to perform FGM is liable on conviction to a term not exceeding 2 years or a fine of N100,000.00 or both.

In Edo State, the prohibition of female genital mutilation law (1999) sets out the penalty for performing FGM to three years on conviction or a fine not less than N3,000 Naira or both.

- In Cross Rivers State, the girl child marriage and female circumcision (prohibition) law (2000) set out a fine of N10,000 or 2 years imprisonment for first offender and with an imprisonment of not exceeding three years with no option of fine for perpetual offender .
- In Ebonyi State, any offender of FGM carries a penalty of five years imprisonment under the V APP Act.
- In Rivers State – The Child Rights Act (2009), whoever is liable to FGM offences, directly or indirectly upon conviction goes for a term of one year imprisonment or a fine of N50,000 Naira or both.

CONCLUSION

There is an urgent need to stamp out female genital mutilation in Nigeria so that the society can be free from all dangers associated with the practice. Female genital mutilation is an extreme form of discrimination against women in Nigeria. The subjection of the girl child to this ritual is an acute form of ignorance in many communities. Therefore, it is time to engage in the disorientation of the mindset of native conservationists into modern forms of life. A life where dignity of the human person will be recognized and free from torture and barbarism, a life where the genitalia of the girl child would no longer to subjected to mutilation in the guise of culture, religion or tradition, a life where the rights of an average woman on the street will no longer be trampled upon, a life where women will be recognized as GENERALS in their own rights,a life with equal rights with the men in all ramification.

The laws criminating the practice of FGM as contained in the various legislations in Nigeria should be made to function at optimal proportion. Emphasis are to be on proper orientation on all the evils associated with FGM in order to obey the appropriate laws connected.

The International bodies such as the UNICEF , FIGO, and other conventions where Nigeria is signatory to, are to put their hands on desk to fight this scourge of FGM to the bearest level. Crusades of various kinds both at National and International level must join in this task to save the future of women's genitals, and women's lives

Communities at different local levels and their heads must see to the end of FGM globally. An approach at all levels of academics and industries are expedient for the final crusade of abolition of FGM in our world for the sake of female genital preservation. It is evidence from the foregoing that women are endangered by the practice of FGM, a complete stop to this practice would place Nigeria in the fore front in the campaign against this evil practice in Africa and in other parts of the world.

³⁴ Section 6(3) VAPP Act.

³⁵ Section 6(4) VAPP Act