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HUMAN RIGHTS VIOLATIONS **RELATED TO FEMALE GENITAL** **MUTILATION.**

AUHTORED BY – SHAMBHAVI

INTRODUCTION

As everyone knows, a person is born with a certain set of rights known as human rights. As soon as a child breathes their first breath on Earth, regardless of their gender, race, religion, language, or anything else, they have this ability. The Declaration of Human Rights was a watershed moment in the development of human rights. On December 10, 1948, in Paris, the United Nations General Assembly passed it. In India, everyone is subject to the country's highest law, known as the Constitution. The Indian Constitution safeguards individuals from abuse of any kind and seeks to maintain their inherent worth and dignity.

The constitution stipulates that laws protecting women, children, and the vulnerable members of society are within the purview of the legislature. The goal is to strengthen and embolden groups that are frequently subject to violations of fundamental rights.

Back in the day, ladies in India were worshipped as incarnations of the goddess of love. Women's standing did not drastically decline until the Muslim era, and ever since then, they have been recognised as a particularly vulnerable demographic whose rights and dignity must be protected. There have been repeated attempts to increase women's rights through legislation, but none have been successful.

Although though there is a lot of legislation and organisations working to safeguard women's rights and remove them from the vulnerable category, women's rights are still being infringed and their dignity is being undermined in some nations. One of the aims of the United Nations Charter is to reaffirm belief in the inherent value and dignity of the human person and in the equality of the sexes.

Respect for Human Rights and Fundamental Freedoms without regard to race, sex, language, or religion is one of the stated goals of the United Nations, as stated in Article 1 of the Charter.

Article 13 (the General Assembly's mandate) and Article 55 both reiterate the ban on discrimination on the basis of sexual orientation (promotion of Universal Human Rights).

Article 25 of the Universal Declaration of Human Rights Charter addresses the issue of everyone's right to a healthy environment and access to medical care. The text also addresses the need of protecting mothers and their children and the right to a minimum level of living. As a breach of the right to physical and mental wellbeing, FGM is also condemned on the grounds of Article 5. Article 5 of the Universal Declaration of Human Rights guarantees everyone the right to be treated with respect and dignity at all times. Cutting private parts of women and girls is a discriminatory practise that goes against the requirements of the United Nations, as it is mentioned in Article 2 of the UDHR that no one should be discriminated on the basis of sex, caste, religion, place of birth, etc. While it is true that everyone has the right to feel safe and secure in their daily lives, the women who go through this experience severe emotional trauma that can take years to overcome. Female genital mutilation is a violation of the law because its proponents believe that if women never experience pleasure during sexual activity, they will never revert to bestiality, which is addressed in Article 12 of the law.

Refugees who have been granted protection under the 1951 Convention on the Status of Refugees are specifically mentioned as a group who have been forced to flee Female Genital Mutilation. This article attempts to define "refugee" and "refugee rights," and to clarify the responsibilities of the state in which a refugee seeks asylum.

The Human right to the best possible state of physical and mental health is also recognised in Article 12 of the 1966 International Covenants on Civil and Political Rights and on Economic, Social, and Cultural Rights.

Female genital mutilation is a violation of women's rights, and as such, states are obligated to take measures and enact law to prevent it under the Convention on the elimination of all forms of discrimination against women, 1979. General Recommendation 14 from 1990 and General Recommendation 24 from 1999 of the Convention emphasise that certain cultural and traditional practises, such as FGM, carry high risk of death and may endanger life and lead to disability, and that the state parties should take necessary and appropriate steps by implementing laws to prohibit FGM. It is suggested that the involved states pass laws that would prevent such acts from continuing.

Examining the most recent legislative scenario from the years 2000-2016. The Beijing Declaration in 2000 acknowledged the efforts of individual nations to outlaw FGM and noted

that discriminatory social attitudes make women and girls more susceptible to gender-based violence. The government should enact laws and regulations that effectively end violence against women.

The European Parliament passed an anti-FGM resolution in 2001.

Female genital mutilation (FGM) survivor rate: a) this metric

b) Urging the state parties to take action to ensure that women and girls at risk of FGM are afforded the right to asylum.

The Commission on the Status of Women adopted a resolution to ban FGM in 2007. Human Rights Council produced a resolution in 2014 demanding "intensifying worldwide efforts and sharing excellent practises to successfully abolish the FGM."

In 2016, the UN General Assembly passed THE GIRL CHILD RESOLUTION, which condemned FGM as a form of discrimination against girls and a violation of their human rights.

Human rights violations against women include genital cutting on females. That's the worst kind of injustice, because it strips a woman of her rights and her ability to feel proud of herself as she makes her way through life. On February 6th, people all over the world show their disapproval of FGM by commemorating World Day of Zero Tolerance. The precise meaning of female genital mutilation must be grasped. By deliberately altering or injuring the female genital organs for non-medical reasons with dangerous devices, traditional circumcisers practise female genital mutilation, which is a violation of the right to life of women. There is zero evidence that it improves health in any way. It's a form of violence towards females. Girls between the ages of 5 and 15, or early adolescence, are the target demographic for this surgery. This method is harmful because it violates the rights of women and girls. This is a clear case of discrimination based on sexual orientation, gender identity, or any other protected category. Since it primarily affects young girls, it also violates their human rights. The right to life, the right to health, and the right to be free from torture and exploitation are all being undermined by this practise. This procedure is harmful to the girls' health and could even be fatal, hence itviolates their right to life. This appears to be followed primarily in African nations. Most natives and recent immigrants engage in this activity throughout the western, eastern, and north-eastern parts of Africa, as well as in some parts of the Middle East and Asia. Thus, FGM is a worldwide issue.

Female genital mutilation can take one of four forms:

Clitoridectomies, Type 1

The prepuce, or clitoral hood, and a portion of, or the entire, clitoris, are surgically removed.

Procedure 2: Excision

It involves cutting off the labia minora and, in certain cases, the prepuce as well.

Infibulation, Type 3

Excision of the external genitalia, with or without subsequent stitching, is known as infibulation.

Category 4: Other

Harmful procedures on one or both of the clitoris and labia, such as pricking, piercing, incising, stretching, scraping, etc.

OBJECTIVE:-

The point of this is to discourage women from engaging in sexually satisfying sexual activity outside the confines of marriage. Since the tradition varies from place to place and country to country, the reasoning for it is unclear. It is also unclear as to the origins of this activity, yet traditional forms of it may be found all across the world. This tradition stems from patriarchal ideals of female submissiveness and seeks to limit women's opportunities for sexual fulfilment. Its primary function is to enhance the sensual experience for male partners. Men find sexual activity pleasurable since women suffer greatly when engaging in it.

NOT GOOD FOR YOU AT ALL:

When discussing Female Genital Mutilation, a practise followed by traditional circumcisers, it is important to emphasise that there is no medical justification for the procedure. This practise disrupts the normal bodily processes of girls and women by removing and destroying healthy and normal female genital tissue. As a result, it has devastating effects on the reproductive process and raises the chance of death and other health problems.

Several factors threaten women's health, which in turn undermines their fundamental human right to wellness.

The following are some possible instant compensations:

An excessive amount of blood loss during labour and delivery.

The woman experiences excruciating agony during sexual activity, menstruation, and labour

and delivery.

b) Enlargement of the genital tissue

d) Fever

e) Infection

Bleeding from the bladder

f) Issues with wound healing

h) Damage to the vaginal tissue around the area

I Shock

j) Death

The following are examples of potential long-term health issues:-

a) Urinary tract infection

Urinary issues can manifest as an infection, or they can manifest as pain during urination and subsequent itching, both of which can be quite uncomfortable and even irritable for women.

Vaginal problems, such as excessive discharge, which can cause infection and lead to vaginal itching, bacterial vaginitis, and other vaginal infections, are a second potential danger.

c) During this time, menstrual issues arise for women and girls. They experience severe pain and trouble bleeding during their menstrual cycles.

Major issues can include scar tissue and keloids.

Scar tissue, also known as fibrotic tissue, is what grows in the place of normal, healthy tissue after it has been injured or killed, such as by a cut, a serious injury, or surgery. Scar tissue can occur after surgery or as a result of illness if there is internal tissue injury.

One sort of elevated scar is called a keloid. A keloid scar may or may not form after a scar is received. Each injury that leaves a scar has the potential to turn into a keloid on keloid-prone skin. For example, a bad case of acne or a cut.

It decreases pleasure during and after sexual activity, so it's a concern even before you start.

f) It raises the possibility of difficulties during childbirth, such as the mother suffering from heavy bleeding and the baby passing away.

g) It might cause mental health issues like sadness, anxiety, PTSD, low self-esteem, etc.

Fetal Implications of Female Genital Mutilation

Researchers have revealed that women who have undergone female genital mutilation have a significantly higher chance of dying during childbirth than those who have not undergone the procedure. Prolonged and difficult labour is another potential cause of the baby's death. Women who have had extensive FGM have a higher risk of having a stillborn or severely disabled child.

AN INDIAN VIEWPOINT:

Religions, languages, cultures, and philosophies all coexist peacefully in India. Female genital mutilation is a practise that is popular not just in Africa but also in the Dawoodi Bohra community in India, a sect of Shia Islam. This procedure is performed not for the health of the woman, but so that she will not feel any pleasure from sexual activity, and so will not be able to bring shame to the community. Increasing the frequency with which men engage in peno-vaginal sex increases the likelihood that women will become pregnant, which in turn increases the size of the population and aids in the spread of Islam.

Women of reproductive age or older typically perform this task in India. As India's Muslim population is the most tolerant, allowing girls to attend school and work outside the home, the country has a disproportionately high number of incidents of female genital mutilation. There is a danger of HIV infection because this cultural ritual typically involves a large number of females all getting their Genital parts cut at once using the same instrument.

A knife, pair of scissors, glass shards, or razor blades are all appropriate tools for the job. This is done to strip women of their autonomy in the bedroom and reduce sexual engagement to nothing more than a means to an end (having more and more children).

The right to life and the right to live in dignity are violated by this practise, as are others, such as the right to a safe and healthy environment and the right to medical care. Contrarily, it violates Article 14, which guarantees equal treatment of all people, because in the Muslim society, women's sexual autonomy is curtailed while men's is bolstered, giving the men more leeway to abuse and abandon their wives. Unfortunately, the Universal Declaration of Human Rights, an international treaty issued by the United Nations to promote and safeguard Human Rights, does not prohibit or restrict this practise, and there is no explicit law in India to prevent or restrict it. Shia Islam addresses the practise of female genital mutilation. Khatana is another name for female genital mutilation in India. FGM is performed in complete privacy, and the

reasons for it are never discussed openly. Syedna Mufadda Saifuddin, in a press statement made in June of 2016, defined circumcision as a "religious purity" rite. According to Da'imal-Islam, female and male circumcision is the primary cause for this. Islamic taharat is about more than simply physical cleanliness; it is also about spiritual and religious purity. When considering a petition to outlaw female genital mutilation (also known as "Khatana"), the Supreme Court ruled that the practise violates the Constitution's guarantees of freedom of religion, speech, and assembly and the right to life itself (Article 21 and Article 15). After hearing the case, Judge Dipak Mishra ruled that "it is violative of Article 21 of the Indian Constitution as it puts the female infant to the trauma of female genital mutilation." Women in India have options and should not be expected to bow to men's whims. In India, the practise of khatana has been deemed illegal. Violence against women is a violation of all the rights women have by virtue of being women.

CLINICAL DATA ANALYSIS

It is estimated that more than 200 million girls and women alive today have undergone female genital mutilation in countries where the practise is prevalent, according to data provided by the World Health Organization. In addition, every year, almost 3 million girls are at danger of being subjected to FGM. The vast majority of females get this procedure before they age fifteen.

UNICEF provides information on the nations with the highest rates of FMG/C and the percentage of girls who have had difficulties as a result of FMG/C. Sixty-three percent of girls who underwent FGM/C in Somalia had their genitalia stitched shut. Just 19% of girls and women in Guinea agree that FGM/C should be abolished, compared to 42% of boys and men.

Sixty-two percent of cut girls in Djibouti, an east African country, had the procedure done between the ages of five and nine.

Female genital mutilation and cutting was performed on girls in Egypt. Seventy-seven percent of girls who have undergone FGM/C had medical professionals perform the procedure. By many traditional circumcisers' standards, FMG/C is a religious ceremony with deep historical roots. Over 60% of women and girls underwent this practise in the name of religious obligation.

Seventy-four percent of women and girls between the ages of 15 and 49 in Ethiopia had undergone Female Genital Mutilation, according to data analysis conducted by the United

Nations Population Fund Associations (UNFPA). Female genital mutilation, as depicted by the trends data graph, is less common among girls aged 15–19 than among women aged 45–49, and its incidence declined by 7 percent between 2000 and 2005.

Where FGM is not permitted

Africa: Benin (2003), Burkina Faso (1996), Central African Republic (1996, 2006), Chad (2003), Cote d'Ivoire (1998), Djibouti (1994, 2009), Egypt (2008), Eritrea (2007), Ethiopia (2004), The Gambia (2015), Ghana (1994, 2007), Guinea (1965, 2000), Guinea Bissau (2001), Liberia (2018, by one-year executive order), Kenya (2001, 2011), Mauritania (2005), (2005, 2011)

Australia (1994–2006; 6 out of 8 states); Austria (2002); Belgium (2000); Canada (1997); Colombia (Resolution No. 001 of 2009 by indigenous authorities); Cyprus (2003); Denmark (2003); France (Penal Code, 1979); Italy (2005); Ireland (2012); Luxembourg (2008); New Zealand (1995); Norway (1995); Portugal (2007); Spain (2003); Sweden (1982, 1998); Switzerland (2005, new stricter penal norm in 201); and Switzerland (2005, new stricter penal norm in (1996)

Conclusion:

Female genital mutilation is a worldwide problem since it breaches basic human rights that everyone is born with and has negative psychological and physiological consequences for the women who undergo the procedure. This menace can be reduced by the rules and policies that many organisations and states are enacting through their governments, legislators, and the media. The practise is widespread among India's Muslim population, and the country desperately needs stricter regulations to crack down on it. Just Articles 15, 14, and 21 exist to protect women in India, which is insufficient.