

Pursuing FGM through the courts



Commission for the Abolition of Sexual Mutilations (Commission pour l'abolition des mutilations sexuelles)

CAMS, the Commission for the Abolition of Sexual Mutilations, was founded in 1982. Since then its main activity has been to fight female genital mutilation through the courts. It makes use of a provision in French law according to which, although criminal prosecutions must be done by the state, a voluntary organisation protecting human rights can join the case as a 'civil party'. CAMS has played this role in some 40 cases, securing prosecutions, establishing jurisprudence criminalising FGM, and raising awareness of the issue within the legal profession.

The role of civil party

CAMS, the Commission for the Abolition of Sexual Mutilations, were founded in 1982 by Awa Thiam, an author and activist of Senegalese origin. Its director is Linda Weil-Curiel, a lawyer who has been involved in every French court case on female genital mutilation, except for two cases at provincial level.

In France, a legal particularity has played an important role in prosecuting FGM cases since the 1980s. Although criminal procedures have to be initiated by public prosecutors (who represent society), voluntary organisations that defend children from ill-treatment can take the role of 'civil party' in a trial. In order to take advantage of this possibility, Linda Weil-Curiel sought out an organisation on behalf of which she could fight FGM. She started to litigate on behalf of the Women's Rights League and was subsequently asked by the founder of CAMS to succeed her.

Prosecution has assumed a major role in raising public awareness of the harmful consequences of FGM. According to police investigations, the number of mutilations has fallen since the 1980s owing to the 40 or so criminal trials and prevention initiatives that have taken place. To date, no study has been published that would provide a fully reliable and exhaustive chronology of FGM court cases in France since the first one reported, in 1979.

Fighting cultural relativism

CAMS differs from other organisations working in the field of FGM because of the importance it places on the legal aspects of the practice, by the successful prosecution of FGM as a crime. It takes part in court cases related to FGM and, when these are the case, forced marriages, which may be compared to rape. Its other activities include assisting research by French and foreign students, contributing to the training of professionals in health, social affairs, education and justice, and attending international conferences.

CAMS has taken several criminal cases involving FGM to court and has thus helped to establish jurisprudence criminalising FGM. It has also brought about changes to inform professionals of relevant documents and of their duties with regard to FGM.

CAMS's success has been due to the legal provisions allowing voluntary organisations to take part in court cases on behalf of victims, as well as to Ms Weil-Curiel's commitment and the extensive experience and expertise she has built up over the last 20 years.

In the beginning, the obstacles it ran up against included the reluctance of magistrates to prosecute FGM perpetrators and parents or to address FGM as a criminal offence, and the philosophical position of 'cultural relativism' as a general cultural feature or background variable, against which the understanding of harmful traditional practices is framed. More practically the strategies of prosecution and prevention are two sides of the same coin and should both be pursued. At institutional level, there is little international cooperation, although the principle of extra-territoriality has been extended to apply to non-citizens who are resident in France. Social, health and educational workers have been more willing to report cases of FGM since the criminal code clearly lifts the duty of professional secrecy regarding minors who are victims of ill-treatment including FGM. Indeed other countries and legal jurisdictions look at France as an example due to its number and level of prosecutions for FGM.

Contacts/Further Information

Contacts

Linda Weil-Curiel

CAMS – Commission pour l'abolition des mutilations sexuelles

6, place Saint-Germain-des-Prés

75006 Paris

France

Tel. +33 1 45 49 04 00

Fax +33 6 88 84 40 09

w113111@club-internet.fr

Further information

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