

HARMFUL TRADITIONAL PRACTICES AFFECTING WOMEN & GIRLS

THE FACTS

- All violations of women's and girls' rights may be described as harmful practices, but there are particular forms of violence against women and girls which are defended on the basis of tradition, culture, religion or superstition by some community members.¹ These are often known as 'harmful traditional practices.'
- Harmful traditional practices are largely carried out without the consent of the girl/woman involved and thus constitute a violation of human rights as set out in the Universal Declaration of Human Rights. As with all forms of violence against women and girls, harmful traditional practices are caused by gender inequality – including unequal power relations between women and men, rigid gender roles, norms and hierarchies, and ascribing women lower status in society.
- Harmful practices are referred to in the Convention on the Rights of the Child (Article 24(3)), CEDAW (Articles 2, 5 and 16) and regional instruments.
- Harmful traditional practices constituting violence against women and girls can include: acid violence, breast flattening, cosmetic mutilation, dowry and bride price, early/forced marriage and marriage by abduction/rape, female genital mutilation/cutting (FGM/C), 'honour' crimes, corrective rape, and female infanticide, ritual sexual slavery, virginity testing, practices related to initiation or menstruation, some widowhood rituals and accusations of witchcraft levied at older women.²
- In many countries there are specific laws aiming to curtail these practices, in most instances they also contravene countries' existing laws relating to physical and sexual violence.
- Harmful traditional practices are a product of social norms which aim to uphold cultural ideas about gender roles and social relations. Many of these practices, including acid violence and sex-selective abortion, have become common relatively recently but may be considered harmful traditional practices as they are rooted in and upheld by such ideas.
- Where such practices exist, there may be negative social sanctions which are experienced by individuals if the harmful traditional practice is not carried out.



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Harmful traditional practices are largely carried out without the consent of the female involved.

As a result, women themselves often play a role in perpetuating such violence.

- **Female genital mutilation/cutting (FGM/C)** has long been defined as a harmful traditional practice.³ FGM/C is the forcible removal of all or part of a girl's healthy genitalia, and is a human, women's and child's rights violation. It occurs in 28 countries in Africa, some countries in the Middle East and Asia, and in diaspora communities elsewhere. It can cause physical and psychological harm throughout the life of a cut woman. This includes haemorrhaging and shock at the time of the cut, problems with urination and menses, and obstetric complications.⁴ Girls are usually cut before age 12, and FGM/C is often a precursor to early/child marriage. FGM/C persists because it is a social norm, linked with marriageability, which ensures that it continues, although the health consequences may be severe.
- **Early and forced marriage:** is any marriage of a child under the age of 18⁵ without their consent and constitutes a violation of the Convention on the Rights of the Child. Early and forced marriage happens globally but is most common in Africa and



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Southern Asia, and especially among the poorest, most rural communities. UNICEF estimates that in Africa 42% of girls are married before the age of 18.⁶ It likely leads to sexual activity for a girl at an age when she is neither physically nor sexually mature. Young brides may become pregnant at an early age; meaning they are more likely to die in childbirth and to experience obstetric fistula.⁷

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- **Violence or murder related to dowry payment**, which happens when new brides are hurt or killed by in-laws as a result of conflicts related to dowry. Some sources have estimated that as many as 25 000 newly married women are killed or maimed each year as a result of dowry-related violence.⁸
- **Son preference**: Sex selection is a clear manifestation of deeply entrenched gender discrimination and a symptom of pervasive social, cultural, political and economic injustices against women. It occurs in many parts of South, East and Central Asia, where sex ratios of 130 boys born to every 100 girls have been reported. Such injustices must be addressed and resolved without exposing women and girls to the risk of death or serious injury through denying them access to needed services such as safe abortion and thus further violating their rights.⁹
- **“Honour” crimes** occur when a girl or woman is attacked or killed by or on behalf of a family member because of an actual or assumed transgression of certain gender social norms which are framed as sully the honour of a partner, family member etc. Activities which have been framed in this way include being sexually active, pregnancy outside of marriage or even being a victim of rape. It can be seen as a way of protecting family reputation or tradition.

REFERENCES

- 1 OHCHR, *Fact Sheet No.23, Harmful Traditional Practices Affecting the Health of Women and Children*. <http://www.ohchr.org/Documents/Publications/FactSheet23en.pdf>, accessed February 2013.
- 2 The International NGO Council on Violence against Children, *Violating Children's Rights: Harmful practices based on tradition, culture or superstition*, 2012
- 3 OHCHR, *Fact Sheet No.23, Harmful Traditional Practices Affecting the Health of Women and Children*. <http://www.ohchr.org/Documents/Publications/FactSheet23en.pdf>, accessed February 2013.
- 4 WHO, *Fact sheet N°241: Female Genital Mutilation*, 2013. <http://www.who.int/mediacentre/factsheets/fs241/en/> accessed February 2013

RECOMMENDATIONS & PREFERRED LANGUAGE

- **International standards**: Following the 2012 General Assembly adoption of the resolution entitled 'Intensifying global efforts for the elimination of FGM/C' States should push for commitments at the CSW which focus on implementation of this resolution as part of a global response to ending violence against women, and using a holistic approach at the community level. There are approaches leading to abandonment which address FGM/C as a social norm and lead to sustained social change, as stated in the UNSG's report to CSW 56 and at the 57th CSW this should be re-emphasised in seeking to operationalize the end of FGM/C.¹⁰
- **Language**: The use of the word 'traditional' in the context of harmful traditional practices has become very controversial in recent years, with some governments at CSW 55 seeking a deletion of the word 'traditional'. We advocate keeping the full term "harmful traditional practices" as it acknowledges that these practices are often defended on the basis of tradition, and are frequently social norms. However, neither culture, tradition, religion nor superstition can be used to justify harmful practices which constitute rights violations and violence. States should resist any pressure which asserts tradition, culture, religion or superstition above human rights. The Beijing Platform for Action recognised the role of culture and tradition, and states agreed to "refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women."
- **Definition**: harmful traditional practices should be defined as widely as possible and include FGM/C, early and forced marriage, crimes committed in the name of honour, dowry-related violence, and son preference.

5 UNICEF Child Info, *Child Marriage: Progress*. January 2012 http://www.childinfo.org/marriage_progress.html accessed February 2013

6 UNICEF, *Early Marriage: A Harmful Traditional Practice*. 2005

7 UNFPA, *Child marriage Factsheet*, 2005

8 Program for Appropriate Technology in Health, *Strengthening understanding of femicide*. Seattle. 2008.

9 OHCHR, UNFPA, UNICEF, UN Women and WHO, *Preventing gender-biased sex selection: an interagency statement*. 2011

10 *Report of the Secretary-General on ending female genital mutilation*, E/CN.6/2012/8, 2011