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Tackling Female Genital Mutilations in France: between statist priority and underlying assumptions

A critical analysis of the 2019 action plan aiming to 'eradicate' FGM in France



Abstract

In June 2019, the French state released a national action plan in order to tackle female genital mutilations (FGM), and permanently eradicate the practice on its territory, and beyond. The President of the Republic Emmanuel Macron, announced the willpower of the state to make the fight against female genital mutilations a statist priority (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019).

While the moral implications and universalist stances on FGM are being discussed, this thesis does not partake in the divisive debate of finding a consensus on the practice. The focus is rather directed on the embedded power relations and underlying meanings of the policy. Female genital mutilations are depicted as a practice violating girls and women's body integrity and portrayed as a gross infringement of human rights in the North, yet considered as a sacred *rite de passage* in some parts of the South. Despite previous regulations, the practice is still prominent among some diaspora communities in France, which raises concerns about the power dynamics at play and eventual bias of the state.

Thereby, the core of this study intends to investigate the republican motivations to advocate for women's rights through the scope of female genital mutilations in a post-colonial context. Using the methodological framework provided by Bacchi (2009), 'What's the problem represented to be?', this research seeks to conduct a critical policy analysis, and uncover the deep-rooted assumptions embedded in the latest French policy endeavoring to eradicate FGM.

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Introduction

In France, on September 1st, 2019, the 100th femicide is announced. (Nous toutes, n.d.)

One hundred femicides have been perpetrated since the beginning of the year.

One hundred women were murdered by their current or former partner, for what is allegedly considered in France to be a 'crime of passion' (Chollet, 2005), but more accurately a manslaughter of women; a crime tainted with unbalanced gender power dynamics engendering drastic and fatal consequences. France is the second country behind Germany to count such a high rate of gender-based murders (France24, 2019). Even though institutional actors have recently started to acknowledge to this appalling number, a mass feminist mobilisation saw the light of day to denounce the inaction of the French government and the lack of concrete measures to offer women protection against their perpetrators (Nous toutes, n.d.). Indeed, the growing number of femicides in France has acted as a wake-up call this year, and generated a mobilisation to honour the victims and denounce gender-based crimes and hegemonic behaviours endangering women. During the summer of 2019, an unauthorised poster campaign has conquered the streets of every major French city to raise awareness and pressure the government to tackle the issue with the slogan 'Aux femmes assassinées, la Patrie indifférente' [translated as 'To the murdered women, the fatherland remains indifferent'] (Bouanchaud, 2019). While the Grenelle plan and a hotline -only active until November 25th, 2019 - has been released in early September 2019 as an attempt to calm the growing tensions, the measure was perceived as weak and symbolic at most. Indeed,

no unblocking of funds ,that would allow to further investigate cases of reported domestic violence and tackle more effectively gender-based violence have been foreseen (Cordier & Sanchez, 2019; 'Un Grenelle et des mesures fortes pour lutter contre les violences conjugales', 2019). In parallel, some feminist activists who participated to the campaign (see picture 1) are currently being prosecuted and fined for civil disobedience (La rédaction de Médiapart, 2019). As the public debate on femicide is currently raging in France and is struggling to get an appropriate political response, it is not the first time that such gender related claims are being unanswered or neglected by the French government. Indeed, if unauthorised feminist campaigns such as the femicide collages (Collages féminicides Paris, n.d.), the feminisation of street names (Umbdenstock, 2019), or the menstrual precarity campaign (ça va saigner, n.d.) - to mention but a few - are seen as a reappropriation of the public space, they remain largely condemned by the authorities, and overlooked by decision-makers.

Moreover, it seems that digital activism has taken a place that helps to organise and mobilise actors around gender issues, a form of activism that leads to engagement online and offline. Indeed, Jouët (2018) argues that social media has permitted a democratisation of feminist activism in France, making it more appealing but also further accessible and approachable. A new generation of 'feminist digital natives' has not only contributed to the revival of feminism in France but also to the emergence of a new kind of militantism playing with unconventional repertoires allying satirical discourse, indignation, political change inquiry, and visual narratives (Jouët, 2018). If digital feminism increased the visibility and audience, the digital mediation helped to shape



Picture 1: collages protesting femicides and the inaction of the state

new forms of engagement and change feminist militancy (Jouët, 2018; Leclercq, 2019). Prior 'Feminist collectives' (Jouët, 2018), and more formal organisations have for the most part succeeded in their digital transition. But also the number of Instagram accounts initiated by individuals have emerged the past few years as an attempt to address gender issues and feminist concerns with a more ludic approach, while demanding political change and social justice. A plurality of interests and gender issues are being addressed: while some take the stance of breaking the taboos surrounding periods (ça va saigner, n.d.; Irene, n.d.), female sexuality (T'as joui ?, n.d.; Dora Moutot, n.d.; Jezabel Putride, n.d.; Vibre ô ma soeur, n.d.), and the female body (Le sens du poil, n.d.), others take on the mental load incumbent on women in the household (T'as pensé à ... ?, n.d.), advocate for trans women's rights (Aggressively trans, n.d.) or strive to condemn sexist injunctions, attitudes and behaviours (Paye ta Shnek, n.d.; Je m'en bats le clito, n.d.; Openspace Talks, n.d.; Dans la Bouche d'une Fille, n.d.).

Thus, these complementary online feminist communities raised a form of 'feminist consciousness' that also can be translated into mobilisation in the street and types of 'institutional activism' through political lobbying, as it has been illustrated through the abovementioned campaign events. Furthermore, digital feminism, which is already changing the codes of the feminist activist scene in France, is also playing an additional unforeseen role: filling the gaps of knowledge of the institutional education system. Indeed, instagram accounts such as 'gang du clito' (Gang du clito, n.d.) or 'clitrevolution' (Clit Revolution, n.d.) use their platforms as an educational tool and a protesting apparatus to advocate for the visibility of the clitoris, an organ absolutely essential for female pleasure while being subjected to a great deal of stigma. By denouncing the

misconceptions surrounding the clitoris organ and its intrinsic taboos, they call on their own terms for 'the clitoris revolution'. Far from being anecdotal or symbolic, their militant angle is to give the clitoris its legitimate place on anatomy diagrams and tackle what they describe to be the 'sexual illiteracy'. Indeed, in 2019, still only one out of eight official textbooks accurately represent the female genitalia in France (Gang du clito, 2019), which has its consequences. According to a report of the High Council of Gender Equality:

Young people, especially girls, do not know their bodies, and female pleasure remains taboo: 84% of 13-year-old girls do not know how to represent their sex whereas 53% do know how to represent the male sex, and one 15 year old girl in four does not know she has a clitoris. (Bousquet et al., 2016 [translated])

After an initiative by 'Gang du clito', a petition was created with the aim of pressuring the government to adjust on one hand the program of the 'phallocentric' and heteronormative sex education, and on the other hand to provide the French teenage girls accurate and valuable knowledge about their own anatomy (Gang du clito, 2019).

In addition, still by the hand of 'gang du clito' and its community, the poster campaign 'it's not a bretzel' took over the walls of cities across France, Belgium, Switzerland on March 8th, 2019 - International Women's Rights Day - (It's not a Bretzel, n.d.) (see picture 2). The campaign features an uncommon representation of the clitoris in its entirety, accompanied with satirical sentences such as 'It's not a bretzel', 'It's not an emoji', 'It's not an alien', 'It's not a ghost', or 'It's not a legend' to highlight the



Picture 2: Poster campaign 'It's not a Bretzel'

ignorance surrounding this female organ. This very visual and bold campaign, with its motto 'Let's end the sexual illiteracy', notably shows the relevance of 'Artivism' -fusion of art and activism- and its communicative power to raise awareness and deconstruct misconceptions (Aladro-Vico et al., 2018). On this point, Aladro-Vico (2018) underlines that 'Artivism coincides with the most extensive and complex institutional and political crisis in the whole world'.

Moreover, the impact of the 'It's not a Bretzel' street-art campaign was reinforced with a strong digital presence on social media eminently on Instagram and its dedicated didactic website. Thus, any intrigued passers-by at a quick glance could have access to the scientific and historical knowledge of the so called controversial female sexual physiology, with a link also directing to the previously mentioned petition. The campaign - which was participative - successfully spread thanks to the benevolence of thousands of individuals who, armed with their campaign kits (available on the website), plastered the public space over with clitoris pictures and its evocative slogan. At the same time, an opinion column signed by number of public figures and initiated by Julie Pietri - who is at the origin of the 'gang du clito' - and other feminist activists was released in Le Monde with the exact same motivations of advocating for the inclusion of the clitoris in French textbooks of natural science (Collectif, 2019). Despite this massive mobilisation, and more than 60,000 signatures later, the Ministry for Education and Youth denied the petition in July 2019, advancing the argument of a certain 'editorial liberty' that was preventing the State to intervene with the content of the textbooks, before encouraging the signatories to redirect their petition to the publishing houses (Ministry For Education and Youth, 2019) (see appendix 1).

It is clear from the reaction by French authorities that the prominent lack of knowledge about the female genitalia is neither considered to be a national health problem nor an educational concern. Therefore, it may seem paradoxical that at the same time, Marlène Schiappa, Secretary of State for Gender Equality released a national action plan to tackle female genital mutilations (FGM) (Éradiquer les mutilations sexuelles féminines, 2019). This report planned on giving concrete solutions to 'eradicate' this sexual violence on the territory, which includes raising awareness among 'potential girls at risk'. This appears to be contradictory with the previous feminist claims that are being forced aside, and raises questions about the integrity and pertinence of the plan. Indeed, informing girls and women about their own anatomy does not appear to be a priority for the French government, so how could it be expected from 'girls at risk of FGM' to be educated on the matter, if even the official education system barely mentions the very same organ that put them at risk of excision. Besides, if the law of 2006 enforced the absolute ban of FGM in France (Fédération nationale gams, n.d.), France counts number of diaspora communities from African countries where the ritual and normative FGM is still performed - legally or at least tolerated. This means that the girls presented as being at risk have an immigration background and may conceivably be exposed to genital mutilations when they visit their country of origin. Moreover, the government is refuting its accountability on providing an accurate representation of the female anatomy and refusing any advancement on the teaching material, which is seen as a kind of 'censorship' by some feminists, whereas it would on the other hand highly contribute to the prevention against FGM.

Thus, this research intends to explore further this conundrum, and proposes to answer the following problem formulation and subquestions: How does the French State attempt to tackle FGM? What underlying assumptions and meanings can be found in the national plan attempting to 'eradicate' FGM on the territory? What are the silences remaining unaddressed? And how the FGM discourse held by the government reinforces its position on the international scene?

Furthermore, the impunity with which France does not address its related domestic gender claims and life threatening gender-based violence, which contravenes women's rights, led me to question the reasons behind this absolute zero tolerance. In addition, if FGM is a practice infringing human rights and is entirely condemnable, it remains interesting to delve into the discourse attempting to dismantle this ritual coming from 'elsewhere'. To do so, I will study the national action plan aiming to eradicate FGM in France.

In the attempt of replying to the above-mentioned research questions, I intend to use and apply the methodological framework What's the problem represented to be? provided by Bacchi (2009). Hence, this approach will enable me to conduct a critical analysis on the deep-rooted assumptions and underlying meanings that are embedded in the French policy attempting to tackle FGM on its territory, and beyond.

Methodology

Delimitation of the topic and methodological considerations

Personal interest

I was raised with the idea that each individual is born with equal rights, and that equality is therefore something you are somehow entitled to and should almost be taken for granted, not something you are supposed to aspire to. As portrayed in the national motto Liberté, égalité, fraternité, equality is considered to be a pillar and a core republican value in France, my home country. Nevertheless, as a teenager and young adult, I noticed the lack of equality in French society, as I started to identify a myriad of discriminations and prejudices that happen to be more than isolated cases, which - put together - were forming some kind of pattern. Still, I was failing to understand the social determinism and social issues those patterns were implying. It is only when I pursued my education at Aalborg University through classes of International relations and Global Gender Studies that my suspicions and my comprehension of the social world were challenged beyond my expectations, and that I truly started to deconstruct my way of thinking. Indeed, introduced to the concepts of hegemonic power relations and embedded power dynamics, I was finally able to associate my social observations with a range of academic concepts which allowed me to question and deconstruct the knowledge I already had. I quickly became familiar with hegemonic masculinity, patriarchy and white supremacy causing systemic inequalities, a myriad of feminist

theories, social privileges, and the absolute need for more social justice and equity. To my biggest astonishment, I even started to use race as an intersectional analytical tool. I must confess that using the word 'race' per se in French, my mother tongue, is taboo and remains very cringing to my ears, almost like a bad word. When I started to use it in English, I remember thinking of an eventual cultural complex on the collaboration period of the Vichy's government and persistence of antisemitism, or a form of negationism of the colonial heritage as a potential explanation to its controversial use in French. I associated the word 'race' as a reminder of the dark side of French History, when the stakes on race were highly prominent and rigidly problematic. It is later on that I encountered in my research some scholars such as Frader (2000) who expanded on the reasons for the abstention of 'race' in France. The truth is that regarding race, I grew up thinking it was only acceptable to be color-blind, meaning that there is only one single human race, where the concept of ethnicity must remain disregarded. This obviously reflects only upon my personal experience, but it made me wonder why I was not introduced to this concept earlier, nor educated on the drastic consequences of colonisation and its long-lasting impacts on power dynamics in international politics, migration relations, social integration, etc. Indeed, discussions on race and colonial past are to my opinion profoundly intertwined, and my ignorance on these two topics until very recently alarmed me. I was born, raised and educated in France until my twentyfirst birthday, I learnt about colonisation in History classes as a part of our past that allowed the country to discover the world, affirm our power and position on the international scene. The relationship between the French Metropole and its colonies were referred to as a sort of agreement or partnership. On the other hand, I cannot

reckon any emphasis made on the deeply unbalanced relationship, the draining exploitation of both human and material resources, the pillaging, the 'other' being dehumanised, the colonised seen as a 'savage', the forced acculturation, the abuse of power, the exoticisation nor the assumption of hierarchal order of civilisations that is still being referred to by some politicians nowadays (according to former Minister of the Interior Guéant 'Not all civilisations have the same value', [translated] (Le Monde avec AFP, 2012)).

Moreover, it seems that the word and concept of 'gender', that translates into 'genre', suffers a similar fate: undiscussed, often misunderstood, and side-lined. Thus, the lack of discussion on gender, race and colonial heritage in my previous education, and from what it seems to me to be more generally in France, acted as a starting point for this thesis. France became a choice of case study evident due to the above-mentioned personal interests and language competence, while the focus on Female Genital Mutilations grew into the cement of my research. Indeed, for my last master's academic paper, I knew that I wanted to explore a problem that was roughly related to the unspoken post-colonial dynamics. Released in June 2019, the national action plan promulgated by the French government intending to 'eradicate' FGM in the country, peeked my curiosity and quickly became a central point of interest. As I have stressed in the introduction, the policy represents to me an odd priority considering the rise of mass feminist mobilisations and the current context of unanswered life-threatening gender claims, such as the lack of concrete measures to prevent femicides. Moreover, the clitoris assuming a central factor in genital mutilations (Earp, 2016), the lack of state involvement to provide an accurate anatomic education that could potentially contribute

to raise awareness against FGM, set me thinking about the eventual cultural and postcolonial implications of such policy. Finally, I argue that I do not wish to partake in the cons and pros considerations for a state, organisation or individual to strictly condemn the practice of FGM, as I am rather interested in dismantling this conundrum of how the French state tackles FGM and understanding further the incentives to do so.

Case study

'With a case study, the case is an object of interest in its own right, and the researcher aims to provide an in-depth examination of it.' (Bryman, 2016, p.61)

By focusing on the specific situation in France about FGM policies, my research admits to comply with the structure of a study case, more particularly an extreme or unique case: 'it held an intrinsic interest that made it essentially unique' (Yin, cited in Bryman, 2016). Indeed, considering the unique socio-cultural setting and historical background of France regarding its colonisation, migration, and republican values, the findings of the thesis are considered to be inherent to the French policies tackling FGM, and are therefore intrinsic to the particular context of France.

A comparative case study with the United Kingdom, while initially considered due to obvious apparent similarities, was finally judged to be too substantial and only mildly relevant on account of time and resource limitations, and the ingrained nature of the FGM discussion that is rooted in the current political agenda in France. I argue, however, than this single case study and this research design could easily be applied to any former colonial power presenting a strong universalist stance against FGM that is firmly condemning and attempting to tackle FGM on its territory.

Literature review

The search for literature was a preliminary work that helped me find the right angle and approach for my research. As described by Lamont (2015, p. 75), a literature review is expected to 'provide scholarly background so as to help situate your work, but it is also analytical because you are expected to evaluate existing scholarship and make judgments as to contributions made by scholars'.

At first, the amount of available literature treating female genital mutilations appeared to be extremely prominent. However, I quickly noticed a general trend on articles adopting a positivist stance, relating medical consequences and complications linked to motherhood. In addition, very few material relates of cultural implications while most defend a universalist stance without referring to the reasons why FGM is practiced in the first place, or to the consequences such an universalist approach imply.

Number of scholar articles and peer-reviewed material could be found simply through the search of keywords in search engines such as the Aalborg University Library portal, JSTOR, or also Taylor & Francis. Expanded research among official websites of international organisations, NGOs, and governments was also conducted in order to assess different perspectives on the divided debate related to FGM.

Thus, after gathering literature on FGM, I started to search some material that would make mention of the tricky aspects linked to the ban of a practice mostly performed among diaspora communities in a post-colonial world. While I obviously cannot be

aware of all existing knowledge, I must say this point remained neglected (Lamont, 2015).

All in all, I noticed a certain gap in literature treating power dynamics and physiological consequences going beyond motherhood, and few material addressing sexual and socio-cultural impacts among girls and women who endured FGM. This allowed me to evaluate existing scholarly literature, official reports, and communication campaigns, which then enabled me to assess the existing knowledge and my potential academic contributions. Hence, the task of reviewing literature on FGM and related topics helped me to polish my research questions, and position my research on the academic spectrum (Lamont, 2015).

NOTA BENE: it is with great regret that after reflection I decided to not include the literature review in my thesis. As I was overwhelmed with the great amount of literature I gathered at the beginning of my research, I only reviewed the literature on draft notes, and postponed the formal writing of the review to later tasks. However, while I was prevented to return to Denmark before the deadline, and in addition of being pressed for time, I assessed my notes which remained incomplete, and came to the last minute conclusion that I would not be able to structure a satisfying review. Nevertheless, I kept this part in my methodology as the preliminary drafting process truly helped me to build my research argument.

Qualitative research and data collection

Considering my motivations of understanding the social world through the lens of power dynamics, it quickly became evident that I would be conducting a qualitative research that would follow the interpretivist tradition that generally 'seeks to understand the meaning of social action' (Lamont, 2015, p. 78). Correspondingly, my ontological considerations are considered to be constructivist as I personally believe that social actors actively contribute to the shaping of the social reality (Bryman, 2012).

In fact, Lamont (2015, p. 78) defines qualitative methods particularly used in international relations as the following:

Qualitative methods refer broadly to data collection and analysis strategies that rely upon the collection of, and analysis of, non-numeric data. Qualitative methods are used in order to better understand how we make sense of the world around us, and as such require us to focus on meanings and processes that make up international politics. Often this is done through in-depth studies of particular events, phenomena, regions, countries, organizations, or individuals.

After careful consideration of the data that was most relevant to my research design and feasible to collect, I chose to conduct a document-based research. In anticipation of doing a policy analysis, I decided to study an official state document, more specifically the policy document featuring the latest measures to eradicate FGM in France (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019).

As detailed by Lamont (2015):

Official documents are documents, which are published, or are publicly released, by a state, organization, or business. Official documents come in many different forms. They can include lengthy research reports, policy statements, interview or speech transcripts, records of memoranda or official emails, budgets, staffing, or personnel files. (p. 80)

The document chosen is entitled 'Plan d'action national visant à éradiquer les mutilations sexuelles féminines' (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019) and constitutes a source of primary data (Lamont, 2015 ; Bryman, 2012). Moreover, as I aim to identify underlying assumptions in the measures tackling FGM, the analysis of an official document is particularly relevant, as argued by Bryman (2012, p. 550), 'such documents [state documents] can be interesting precisely because of the biases they reveal'.

Feminist research and ethics

As defended in the limitation section and the delimitation of the topic, my research is not deprived from personal bias, and it was actually not in my thesis's best interest to distance myself completely. On the contrary, affirming a normative stance enabled me to conduct a critical thinking and embrace a feminist approach. Ackerly and True (2013) defend that

From a feminist perspective, methodology is a theoretical approach that does not require a set of lock-step rules for research like a protocol. Rather, it entails a commitment to use, and a process for using, any constellation of methods reflectively and critically. For us, this commitment has four aspects involving attentiveness to (1) unequal power relations, (2) to relationships, (3) to boundaries of inclusion–exclusion and forms of marginalization, and (4) to situating the researcher in the research process. (p. 2)

Moreover, it is by questioning the existing practices and embedded assumptions that feminist research succeed to create academic milestones by understanding genderbased dynamics and call into questions dominant norms. This thrive for social justice is carried out by a number of strategic research choices that unveil inequalities, that would have stayed invisible otherwise. Additionally, when referring to this endorsed moral influence of the researcher, Bryman quotes Mies that points out that in feminist research the 'postulate of value free research, of neutrality and indifference towards the research objects, has to be replaced by conscious partiality, which is achieved through partial identification with the research objects' (Mies cited in Bryman, 2012, p. 40).

Even if I have not adopted a strict feminist methodology per se, as I am not conducting neither a gender nor an intersectional analysis, my research implies to reveal underlying presuppositions and power relations undermining girls and women from diaspora communities, and question the statist authority. Thus, I made sure to endorse a feminist ethic, and as suggested by Ackerly and True (2013), 'feminist methodologies are not a political license for using particular methods no matter the question. Rather, they guide decisions made at various stages during the research process and provide a rigorous defence of those decisions to academic peers.' (p. 3)

Ultimately, I will argue that in order to reveal, understand and redefine systemic constructs it is necessary to analyse and provoke value-induced reflections, thus the need of feminist ethics in scholarly exercises such as this thesis. Thereby, Ackerly and True (2013) defended that 'feminist research ethic is a background tool that many feminists use as they critically reflect on their decisions made and paths taken throughout their research process' (p.10). Finally, after reflecting on the work ethic that is expected of feminist researchers, the two authors emphasised on the following:

All research into the nature of power can benefit from this feminist methodology of critical reflection. As we study the complex ways in which power works through people and institutions, we also need to consider how power operates through ideas and research practices including one's own. Feminist political scientists are interested in power relations that manifest in daily practice and in the practice of institutions often in covert, hidden ways. These include relations of gender, race, ethnicity, class, empire, neocolonialism, and heteronormativity, which are all forms of power that are able to conceal their own exercise through political, economic, and sociocultural structures. (Ackerly & True, 2013, p. 10)

Justification for theories

Patriarchy, power relations and statist oppression

Even if I first thought of treating the practice of female genital mutilation as being inherently patriarchal, I encountered number of literature that dissuaded me to do so. I realised this perspective was actually part of my personal bias on FGM (see limitation section). Indeed, the patriarchal structures observed in the West are not necessarily adequate to transpose to the diaspora communities due to major and deep-seated sociocultural differences (Earp, 2016). Moreover, as I raised a specific conundrum in my introduction denouncing a double standard between the perseverance of the state to eradicate FGM and the domestic gender claims being ignored, I wanted a theory that would allow me to analyse the underlying motivations, and possible bias of the state. Therefore, I noticed in my preliminary work that the French state paid a peculiar and selective attention only to some women's rights issues, while detaching itself from most gender claims found on current feminist agendas. Thus, I chose a theory of the state that could help me determine if the state could potentially carry gender-biased assumptions towards women in general, and more importantly victims of female genital mutilations. In addition, I found it interesting to try defining what is considered to be such a broad concept as patriarchy. Moreover, linking patriarchy, power relations and the state is a combination that seems to be highly appropriate to identify power dynamics at play as suggested by the WPR approach, - the methodological approach I will be using in my analysis (see analysis methods).

FGM and the war of doctrines: between universalism, relativism and imperialism.

This section of the theoretical framework explores the plurality of doctrines from within a human rights' view regarding FGM, and represents an essential part to understand the perspectives and nuances at stake when discussing the French FGM ban and state intervention. Most recurrent universalist arguments that I have observed in my search for literature presents FGM as an infringement of human rights, and women's rights. In parallel, I also encountered a number of scholars who challenge the relevance of a universalist position while questioning the legitimacy of the West to criticise such culturally-rooted traditions. Thus, I judged it necessary to develop the concepts of universalism, relativism, and imperialism that are intertwined in the debate on FGM, in order to investigate more accurately the political agenda of France in the analysis section, and understand further the French state's stances on FGM. Moreover, FGM is a multifaceted concern, and I argue that the juxtaposition of the definition of the concepts with some elements of discussion on FGM in the West, including in France, helps to contextualise the involved notions more easily, while assessing the French state as inherently universalist.

Analysis methods

I chose a methodological framework allowing me to problematise the underlying meaning of the policy. Indeed, my intent is not to condemn, nor praise, the policy

attempting to eradicate FGM in France, but rather to produce knowledge enabling a deep understanding of the embedded implications and power relations that are associated with the last national action plan released in June 2019 by the French government (see appendix 2). Thus, building on the traditions of critical policy analysis, I chose to apply the framework proposed by Bacchi (2009) through her 'What's the problem represented to be?' approach, also known as the WPR approach. I will discuss its methodological appeal and compatibility with my research design in the following section after expanding on the methods of the WPR tool.

The WPR analytical framework proposed by Bacchi (2009)

Bacchi's 'What's the problem represented to be?' approach constitutes a resourceful way of conducting policy analysis. Rather than providing a conventional problem/solution structure, this approach allows to identify the underlying meanings of a policy to further understand its construct and intrinsic implications. Indeed, the WPR approach implies to pinpoint not only what kind of problem a defined policy seeks to address, but also allows to examine the representation of this problem: 'because all policies make proposals for change, by their very nature they contain implicit representations of 'problems''(Bacchi, 2009, p. 1). Furthermore, Bacchi (2009) argues that 'the way in which the 'problem' is represented carries all sorts of implications for how the issue is thought about and for how the people involved are treated, and are evoked to think about themselves'(p. 1). Thus, the WPR policy analysis tool is designed as a framework of six interrelated questions, allowing the researcher to bring to light the

multiple dimensions of the policy problem. Thus, the following full or partial set of questions are intended to be applied on the chosen policy:

- 1. What's the '*problem*' represented to be in a specific policy?
- 2. What *presuppositions and assumptions* underlie this representation of the 'problem'?
- 3. *How* has this representation of the 'problem' come about?
- 4. What is left *unproblematic* in this problem representation? Where are the silences? Can the 'problem' be thought about differently?
- 5. What *effects* are produced by this representation of the 'problem'?
- How/where is this representation of the 'problem' *produced, disseminated and defended*? How could it be questioned, disrupted and replaced? (based on Bacchi 2009, p. 2)

Due to the questions being interrelated, Bacchi warns about the responses possibly overlapping and suggests that each application may see fit which questions to give prominence to. However, in order to have a complete overview of the WPR methodology offered by Bacchi, I will elaborate and expand on each question.

1. What's the 'problem' represented to be in a specific policy? The first question suggests that 'all policies [...] contain implicit problem representations' (Bacchi, 2009, p. 2) and constitutes a starting point to get insights on how the implied issue aims to be addressed. Thus, the opening question represents a basic foundation to identify the different representations insinuated in the policy. Although several problem representations might be identified at first, the most dominant problem representation should be retained. Bacchi (2009) remarks that looking at the allocation of funds could be a good starting point to pinpoint the main representation of the problem, implied in the policy or policy proposal.

2. What *presuppositions and assumptions* underlie this representation of the 'problem'?

The second step proposes to recognise the presuppositions and assumptions residing in the previously identified representation/s of the 'problem'. However, a nuance is made by Bacchi, this question does not intend to 'identify biases' nor to establish 'the assumptions or beliefs held by policy makers', it rather incites to bring the underlying forms of knowledge and perceptions into focus. Moreover, Bacchi defines the terms *presuppositions* and *assumptions* as a 'background 'knowledge' that is taken-forgranted' (p. 5). This knowledge is then referred to as a set of values that are embedded in the culture and is by consequence implied in the 'problem' representation in a nonconscious way (Bacchi, 2009). Bacchi comprehends discourse as a 'meaning system' allowing an identification of those 'deap-seated cultural presuppositions' (p. 5) through the study of language, using a specific form of discourse analysis. Thence, the author recommends three different kinds of analysis. A focus on binaries is firstly suggested in order to stress on a vulgarised version of hierarchical relationships found in public policies. Indeed, establishing dichotomies as suggested by the author will help to

position the 'problem' representation on a conceptual spectrum that will provide clear indications of the dynamics at play within the policy. Secondly, Bacchi advices to associate policies with key concepts. As contested as they can be, due to their versatile and many-sided associated meanings, she argues that key concepts might reflect upon 'competing political visions' (p. 8) and should therefore be established with great consideration. Finally, for this second question, people categories are to be identified to understand closely how they correlate with ways of governing and how they are being characterised through the 'problem' representation.

3. How this has representation of the 'problem' come about? Relying on Foucault's genealogical theory, Bacchi orientates this third guestion with the motivation of anchoring the 'problem' representation in time and space. Indeed, as Bacchi describes it through the metaphor of family genealogy, this analysis intends to 'trace roots' and look back at the key events and particular decisions that conveyed today's 'problem'. Moreover, Bacchi (2009) argues: 'Genealogy therefore has a destabilising effect on problem representations that are often taken for granted. It also provides insights into the power relations that affect the success of some problem representations and the defeat of others'(p. 11).

Therefore, tracing the genealogies of the represented 'problem' through its background history becomes handy to understand further the causal influences and the determinant turning points that led to this specific 'problem' representation. According to Bacchi, this part implicitly relies on paying special attention to non-discursive elements such as

statistics and other policy-making tools used by the governing entities. Further than an understanding of the origins and history, this third question also considers the inherent societal and governmental mechanisms affecting the representation of the 'problem'.

4. What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?

Building up on the findings discussed in the previous sections, this question aims to problematise the limitations of the 'problem' representations that have been identified. Indeed, in doing so, this analysis helps to bring into discussion the underlying conundrum and unquestioned implications embedded in the 'problem' representations. Thus, the silences of the 'problem' representation are the arguments that remain left out and unaddressed. Moreover, Bacchi stresses that cross-cultural factors also help to determine what kind of 'problem' representation is inherent to the cultural environment, before finally stating that 'problem representations are contingent' (p. 13). This means that what is represented to be a 'problem' in a particular context might not be seen as such in another defined situation.

5. What effects are produced by this representation of the problem? Drifting from the policy analysis traditions focusing on the policy outcomes, Bacchi (2009) rather proposes to address the implications entailed in a specific representation of the 'problem'. In addition, she states that 'a WPR approach to policy analysis starts from the presumption that some problem representations create difficulties (forms of harm) for members of social groups more so than for members of other groups' (p. 15).

All in all, this part offers to get more insights on which effects impact specific groups and to identify the overall dynamic and social perceptions ingrained in the 'problem' representation. Thus, as suggested by Bacchi, this question necessitates looking at the beneficiaries and harmed parties of this particular articulation of the 'problem' through the scope of three intertwined possible effects: discursive effects, subjectification effects, and lived effects.

Discursive effects:

Categorising certain kind of people can reinforce a certain social stigma, and may contribute to opt out giving visibility to other certain social considerations. Thus, the discursive elements are to be kept track of, in order to identify the silences of the 'problem' representation. Indeed, in her analysis, Bacchi stresses that 'identified problem representations and the discourses which frame them make it difficult to think differently, limiting the kinds of social analysis that can be produced' (p. 16). By analysing the discursive effects engendered by the 'problem' representation, this part of the WPR approach is following the same scheme introduced in Question 2, 3, 4 and intends to spot the embedded assumptions expressed through the discursive elements of the 'problem' representation.

Subjectification effects:

Subjectifying a certain group of people is an unconscious effect when constructing or analysing a public policy. Indeed, assigning people to one specific category will automatically exclude them and oppose them to another group, 'the others', thus possibly reinforcing social stigma and stereotyping their social status. Moreover, Bacchi

proposes to further explore this concept through the responsibility attributed to a specific group in a defined 'problem' representation. She later argues that 'it is necessary to reflect upon the impact such problem representations on the people who are targets of the policy' (p. 17). By doing so, the author intends to deconstruct the policy representation by identifying possible power relations at play in this 'problem' representation.

Lived effects:

This part intends to see how the specific 'problem' representation of the policy such as the access to resources of a defined category will have a direct impact on people's lives on a material level (such as housing, food, etc.). Thus, as described by Bacchi (2009), 'the notion of lived effects thereby highlights the way in which policies create representations of problems that have effects in the real by materially affecting our lives' (p. 18).

6. How/where is this representation of the 'problem' produced, disseminated and defended? How could it be questioned, disrupted and replaced? The last question of the WPR framework intends to inquire about how the 'problem' is being translated into and by what means it is being presented and introduced into the world. This also implies to look at the potential implication of the media contributing to form and spread a certain dominant representation of the 'problem'. Thus, it entails to ask who is making the 'problem' representation vocal and which audience its specific discourse is targeting. Furthermore, Bacchi specifies 'it is important to recognise that discourses are plural, complex and, at times, inconsistent' (p. 19). Therefore, the interest of this question is to understand the key factors of the implementation of a given 'problem' representation and in which ways the 'problem' representation could possibly be readdressed.

Relevance and application of the WPR approach to my policy analysis

Altogether, the 'What's the 'problem' represented to be?' approach offers a critical paradigm allowing to pinpoint eventual power relations through the identification of embedded assumptions and deep-seated meanings in discourse and non-discursive elements. Thus, rather than attempting to observe the policy outcome or its efficiency, the WPR approach reflects on the contextualisation of the 'problem' represented in the policy, and offers to focus on the construction and the articulation of the implicit 'problem' representations found in public policies. Moreover, as Bacchi instructs, 'Policies, constitute (or give shape to) 'problems'. Hence, rather than reacting to 'problems', governments are active in the creation (or production) of policy 'problems'' (p. 1). Hence, the WPR approach represents an undeniable powerful tool to analyse the policy tackling FGM in France. The combination of discourse analysis with its unique perspective underpinning collateral effects of the 'problem' representation and identifying deep-seated cultural values and hegemonic relations within the policy makes Bacchi's methodological approach suited for best mv research.

Bacchi (2009) suggests to apply the WPR framework previously to 'one's own problem representations' in order to analyse the chosen public policy. However, the author suggests to select the questions that are most relevant to analyse and contextualise the 'problem' representation, which varies case by case. Therefore, for my analysis I have selected the questions that are best suited to answer my problem formulation and are most pertinent to the analysis of the FGM policy I am studying. Consequently, I have chosen to omit the question 5, 'Lived effects', as there are no apparent material consequences to be observed in people's lives.

Language, referencing and terminologies

Data translation

Considering that my data is in French and that I am writing in English, I was confronted with the dilemma of translating the document and the segments used in the analysis section into English, or work only with the original version.

After reflection, I decided to not translate the policy document I studied as it would have been too time-consuming and lacked relevance, nevertheless I made it available in appendix 2. The rules with APA referencing calls to the researcher's common sense to assess if a quote in its original language is prefered over a translated version. Thus, as I am not sure than my reader will be able to fully understand French and after consulting my supervisor, I chose to automatically translate the quotations that were used to illustrate my arguments. Although the policy document is entirely in French and selected parts were translated, I have not used the mention '[translated]' each time I referred to something written in the policy as it would have been too redundant.

Referencing of the policy document used as data

The length of the reference of the policy document I am studying is quite substantial: Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019. Consequently, I followed the recommendations of the APA formatting and referencing style used in this thesis, and avoided repeating the source of the national plan within the same paragraph. For clarity and fluidity purposes, the reference of the policy document has been omitted in some parts of the analysis, especially when only words or very short expressions were quoted. Nevertheless, for any translated segments, I ensured to always include the page number of the original quote.

Used terms and their translation

I considered it relevant to give more details and context on some of the terminology used numerous times throughout the thesis.

FGM

Female genital mutilations is used in this thesis to refer to every type of female circumcision, ritual cutting and excision. FGM is the abbreviation of the term used and approved by the World Health Organisation and many other international organisations
(Earp, 2016) that I will be using recurrently. However, it should be noted that the analysed policy document makes mention instead of 'mutilations sexuelles féminines' which translates into 'female sexual mutilations'. I will not expand on the reasons for the use of 'sexual' instead of 'genital' in this section as I am already treating the topic in the analysis. However, I wish to specify that I respected this translation in the quote, but still continued to use the abbreviation FGM in the body of text in the analysis, even though the French state refers to 'female sexual mutilations'.

Secretariat of State for Gender Equality

In France, the Secretariat of State for Gender equality is entitled 'Secrétariat d'Etat chargé de l'Egalité entre les femmes et les hommes et de la lutte contre les discriminations'. I decided it made more sense to favour a simplified version over the directly translated version: 'Secretariat of State for equality between women and men, and for the fight against discriminations'. In my opinion, 'Secretariat of State for Gender Equality' resonates further in English and is more pertinent than the direct translation, also because I have encountered this translation a great number of times in the international press.

With an immigrant background / from diaspora

I mentioned in my analysis 'women with an immigrant background' and 'women from diaspora' which I realised could be misinterpreted. Thus, I would like to assert that when I refer to someone 'with an immigrant background' I translate directly from the French idiom 'issu de l'immigration'. This term refers to someone who has the French nationality and whose family immigrated generations ago, hence someone from diaspora descent.

Limitations

Sensitivity of the topic and researcher bias

Dealing with a topic related to FGM is by nature a sensitive and challenging task. Indeed, FGM evoke physical, psychological and sexual harm, a violation of women's body integrity, in addition of a clear infringement of human rights (Earp, 2016). I personally see the act itself as a grave gender-based violence, which translates into a symbol of gratuitous harm and women's subordination, removing women's agency of their own life, body, and sexuality. However, even if I am not trying to assess in the thesis of the 'good or wrong' character of the practice, that would certainly have been by essence a simplistic and reheated argument, I quickly came to the conclusion I needed to understand further this practice in its globality and overcome my own prejudice.

As I was starting my thesis, I got acquainted with some of the reasons why FGM has been and is still being performed. This made me reflect upon the questions of womanhood and social insertion in the western society. Indeed, learning that FGM is mostly performed by women, and is made, in a twisted sense, in the young girl and woman's best interest came as a shock. The deep-rooted cultural character of the cutting cannot be detached from the practice, which made me reevaluate my perspective.

FGM is not a black and white issue, it is a topic that has to be treated in all its nuance and complexity, where the cultural considerations and social implications are to be

understood and taken in consideration. Of course, this does not remove anything of the incredible violence and harmful character of the ritual, but I want to pinpoint that if FGM is to be tackled, for me it is essential that the social consequences of the act if not performed, which include a great risk of ostracism, are being addressed. However, even if this thesis allowed me to reflect upon my own beliefs and challenged my own reality, I do not wish to undermine my own bias. As stated by Bryman (2012, p. 149) :

Values intrude in all phases of the research process—from the choice of a research area to the formulation of conclusions. This means that the social researcher is never conducting an investigation in a moral vacuum—who he or she is will influence a whole variety of presuppositions that in turn have implications for the conduct of social research.

Moreover, I am a woman, a feminist and a strong advocate of women's rights and studying this practice shook me at my very core. I often had to take a break when reading about the detailed procedures and explicit literature running through the different forms of FGM. Also due to the high emotional involvement and traumatic character of the experience, I was not comfortable with contacting NGOs and associations trying to raise awareness of this issue, as they are often run by former victims. I was afraid than questioning the underlying reasons why FGM is being tackled with such veracity by the state would come out as misplaced and triggering. Thus, it can be considered that the sensitivity of the topic and my own bias represented one supplement barrier to access elites. Moreover, the lack of transparency of data available for policy-making in the French legislative apparatus also prevented me from collecting

other types of data that could have potentially been complementary to the research. As highlighted by Bryman (2012, p. 41), some practical considerations sometimes need to be made:

All social research is a coming-together of the ideal and the feasible. Because of this, there will be many circumstances in which the nature of the topic or of the subjects of an investigation and the constraints on a researcher loom large in decisions about how best to proceed.

Furthermore, coming from the North, I constantly had to remind myself of my own personal and academic bias. In addition, I am also a white, western, middle-class researcher who came to little knowledge prior to this research, therefore despite my precautions, my views might contribute to a stereotypical assessment of FGM as it is not my culture and I cannot fully apprehend the significance of the practice. Writing about FGM demands to distance yourself from an emotional involvement yet it is not always feasible nor recommendable (Bryman, 2012).

It is with my own subjectivity in mind, that I actually started to suspect that the French state was not really doing this 'put-in-perspective' work. This is how I decided to realise a critical analysis of the latest policy in France attempting to eradicate FGM in order to identify an eventual statist bias.

However, one of my fears during thesis-writing was that my reader gets misguided with my intentions. Indeed, I was afraid I came out as too strong when criticising the

implementation of the policy and that I was somehow excusing the violence of the practice and dismissing the measures taken to fight it, even though I personally firmly condemn FGM. Thus, I had to be precautious about the way I was constantly referring to FGM thorough my thesis especially when I had to present the different arguments with a universalist and relativist approach, or when I was actually encouraging to consider FGM with its ritual and traditional aspects. This was a difficult exercise as I did not want to fall in the trap of 'playing the devil's advocate', so there might be some minor inconsistency on the way of approaching FGM thorough the thesis.

As defined by Bryman (2012, p. 39) 'values reflect either the personal beliefs or the feelings of a researcher', and this research has definitely demanded I pay close attention to my value system, if it is not absolutely necessary I distance myself from it, being aware of my biased views and preconceptions surely are.

All in all, I can acknowledge that my personal involvement, personal background, personal feelings and personal stance (detailed in the delimitation of the topic) most certainly impacted the outcome of the research on some levels.

In addition, my normative tone on some sections of my thesis reflects my own critical views. Nevertheless, I argue that this limitation actually became one strong stance of my thesis as this normative approach is something I had to embrace in order to conduct a critical analysis and to call for questioning. Bryman (2012) actually refers to a certain 'conscious partiality' that is celebrated notably in feminist research. He explains:

Many feminist researchers advocate a stance that extols the virtues of a commitment to women and exposing the conditions of their disadvantage in a male-dominated society. Much of such research has been concerned to change the situation of women, as well as to heighten our understanding of the disadvantages from which they suffer. (Bryman, 2012, p. 150)

Theoretical framework

Due to time, resource and space limitations, I made the strategic choice to rely further on my methodological framework derived from the 'What's the problem represented to be?' (Bacchi, 2009) than my theoretical framework. Considering the already consequent draft of my analysis, I judged it was preferable to play the safe card instead of running out of space to conduct my analysis. As a result, I acknowledge that with the space I ended up with afterwards I could have de facto enriched my theoretical framework as initially planned with theories of multiculturalism, feminism and cultural norms. However, I felt my arguments were not compelling enough and would not have tied nicely with the analysis as it was already written.

Language and translation

Analysing a document in a language and writing in another demands some flexibility and compromises. Indeed, even though my native language is French, I am not an interpreter. I tried my best to translate ethically in the respect of the linguistic nuances, yet it is expected that mild translation mistakes might have slipped within the analysis section. I acknowledge that some key nuances might be lost in translation which represent an inconvenience notably in the parts of the WPR framework where discourse analysis prevails.

Thesis writing during a global pandemic

Thesis writing is a stressful time, adding the uncertainty and general anxiety related to a global pandemic, made it an even more challenging experience which also forced me to test and listen to my own personal limitations.

Moreover, due to restrictions and exceptional lockdown measures related to the covid-19 pandemic, the accessibility to some academic material was restrained and limited over a month prior to the thesis deadline. Indeed, some literature is not accessible digitally and requires loaning a copy of the book directly from the library, or are sometimes not made available online at all. Therefore, considering these specific circumstances, the peer-review of the material has in some sections been used instead of the original work due to restricted access reasons. This only constitutes a mild alteration to the theoretical content of the thesis, but I believe, is still worth to be acknowledged for full transparency. Indeed, as I took what was supposed to be a short trip to France early March 2020, the imposed lockdown and the closed borders that quickly followed my arrival prevented me from going back to Denmark before my thesis deadline (April 15th, 2020).

Additionally, I sometimes had to rely solely on previous notes I made without being able to access again the original source of the material that remained at home -in Aalborg. Thus, some minor approximations might be noticed throughout the thesis or some quote page number might be missing. In parallel, some changes were also made to match the

sources made available, which favoured some authors or material over others strictly for their digital access.

Theories

Patriarchy, power relations and statist oppression

The English Oxford Dictionary defines patriarchy as the following:

2. a. A form of social organization in which the father or oldest male is the head of the family, and descent and relationship are reckoned through the male line; government or rule by a man or men.

2. b. The predominance of men in positions of power and influence in society, with cultural values and norms favouring men. Frequently with pejorative connotation.

(The English Oxford Dictionary, n.d.)

If 'dismantling the patriarchy' is considered to be a prominent argument often presented on the modern feminist activism scene as being the ultimate purpose in the fight to achieve gender equality (Higgins, 2018), the concept of patriarchy is also an essential and powerful theoretical framework allowing a better understanding of the societal gender power relations. However, defining patriarchy is no easy thing, and the complexity of the academic concept and its multiple definitions, nuances, and applications are to be regarded with great consideration.

The work of Millet (1970) is largely considered to be one of the pioneer attempts of conceptualising patriarchy as an oppressive societal structure (Millet in Higgins, 2018). Indeed, in her publication *Sexual Politics* (1970), Millet identified a structural male domination intrinsically embedded in societal structures and organisations, by tying misogynist acts and sexual violence, previously perceived as being independent and inherently natural, to a systemic power structure favouring men at the expense women. If the definition was largely contested and remodelled over time by number of feminist scholars, patriarchy persists to be seen as a transnational pervasive systemic monster among most societies (Higgins, 2018). Thus, the simplistic version of the definition would convey what patriarchy is to gender, to what white supremacy is to race: an underlying system of oppression.

While patriarchy is acknowledged to be a hegemonic system characterised by genderbased power imbalance, Walby (1990) goes further by theorising and dividing patriarchy into six structures. She addresses successively patriarchal relations in paid employment, in household production, and power dynamics related respectively to sexuality, cultural institutions, male violence, and the state. It is argued that 'patriarchy needs to be conceptualised at different levels of abstraction. At the most abstract level it exists as a system of social relations' (Walby, 1990, p. 20), and it is therefore to be articulated with other systems such as capitalism and racism. Moreover, Walby suggests that these 'six identified are real, deep structures and necessary to capture the variation in gender relations in Westernised societies' (p. 22). However, for clarity and

relevance purposes, only some of the structures that directly resonate with the thesis topic will be addressed here.

As I am conducting a critical analysis of a policy document, the relations of power related to the state are to be monitored quite closely and remain of high interest. Walby starts her contention by underlining that the state is by essence patriarchal. In addition, she argues that the state is therefore doomed to reproduce and promote the interests of the patriarchy: 'the state is patriarchal [...] and while being a site of struggle and not a monolithic entity, the state has a systemic bias towards patriarchal interests in its policies and actions' (Walby, 1990, p. 21).

Gender-based violence is considered to be a prominent foundation for 'men's control over women' and in this particular situation, 'the state is seen as an instrument of patriarchal domination, and its non-intervention part of the logic of the patriarchal system' (Walby, 1990, p. 157). It is then suggested that the state would be on some level a tool, an instrument for the patriarchy to thrive, as 'patriarchy contributes especially order and control'. (Walby, 1990, p. 157)

In parallel, Walby highlights two types of patriarchy that have been shifting over time, the private patriarchy and the public patriarchy, that she links with two different strategies: 'exclusionary in private patriarchy and segregationist in public patriarchy' (Walby, 1990, p. 178). 'Private patriarchy is based upon household production' (Walby, 1990, p. 178) meaning the invisible non-paid chores that women do, and which are

inherently controlled by the patriarch, illustrating the first part of the definition of patriarchy (The English Oxford Dictionary, n.d.). This patriarchal structure is often led by the male head of the family and/or the household, 'it is a man in his position as husband or father who is the direct oppressor and beneficiary, individually and directly, of the subordination of women' (Walby, 1990, p. 178). However, it should be noted that the power exerted in private patriarchy largely prevents women from penetrating the public sphere.

On the other hand, public patriarchy is based on further spheres and structures, and as identified by Walby (1990, p. 178), 'institutions conventionally regarded as part of the public domain are central in the maintenance of patriarchy'. If the household is admitted to 'remain a site of patriarchal oppression, it is no longer the main place where women are present' (1990, p. 178), women are not prevented from being inserted in different arenas but are still considered to be subordinated. Indeed, 'in the public form of patriarchy the exploitation of women takes place at all levels, but women are not formally excluded from any' (1990, p. 178). In addition, Walby reveals that the distinction between private and public patriarchy has shifted from a more individual to a collective stance of women's exploitation and subordination, and each of the six abovementioned patriarchal structures is then considered to have its intrinsic relations to this dichotomy of public/private patriarchy. Thus, it is admitted that 'women's exclusion from the state was replaced by their subordination within it', while 'sexual controls over women significantly shifted from the specific control of a husband to that of a broader public arena' (Walby, 1990, p. 179).

Therefore, male domination extends towards a state that is seen as more 'masculinist than gender-blind' (Walby, 1990, p. 158), where diverse mechanisms prevent women and particularly feminists to have an active role in the highest positions of power of the political apparatus. 'Patriarchy is not an ahistorical, universalistic concept' (Walby, 1990, p. 177). Overall, Walby argues that 'it makes sense to talk of patriarchy in the West in the last 150 years at least', and justifies the inherent binary use of 'men' and 'women' due to the continuous sociocultural patterns that represent such terms. Based on Walby's points, it is considered relevant to be talking about France as a patriarchal system.

While Walby offers a precious framework to define patriarchy, I wanted to link the institutionalisation of patriarchy to the state, and to do so I have chosen to pay close interest to the theoretical analysis of Hoffman (1998) on the assessment of an eventual feminist theory of the state.

Hoffman starts by arguing for the necessity of creating a feminist theory of the state, an analytical frame that would provide 'a critique, not a celebration' (1998, p.161). According to Hoffman, feminist critique of the state would establish 'the link between the state, patriarchy and violence', a connection between 'violence and coercion', while differentiating 'state from government' (1998, p. 161). In order to discuss if the state is indeed intrinsically patriarchal, it is alluded that the state might be patriarchal 'as a result of particular historical struggles' (Marshall cited in Hoffman, 1998, p. 161). However,

Hoffman later defends his argument assessing 'the state is a patriarchal institution - not just contingently, but inherently so', and explains further:

I define patriarchy as a system of power which serves the interests of men at the expense of women, and therefore I take patriarchy to be more than a system in which fathers rule over their sons in a hierarchical manner. Patriarchy takes a modern or liberal form when men continue to dominate women in societies committed ostensibly to equal rights for all adults. The use of the term 'man' for 'individuals' which still persists in much liberal political discourse, derives from the explicitly patriarchal origins of liberal societies. (1998, p. 161)

An important point that is raised, is that the patriarchal character of the state does not mean that its essence is only patriarchal. Indeed, in a system cautiously oscillating between power and interests, the state is multifaceted and 'also privileges particular ethnic, regional, religious and class identities' (Hoffman, 1998, p. 162). This evokes the point that women are one particular marginalised group among others. An intersectional approach then becomes handy to assess the different levels and layers of oppression that one has to endure (Patil, 2013).

Moreover, if we are to recognise the bias of the state, one dominant approach to not overlook is the Marxist doctrine. However, as stated by Hoffman (1998, p. 163): 'Marxists do stress the partisan nature of the state, but they end up privileging its class character at the expense of its gender dimension.' Then, assessing a state that is neither neutral in matters of class nor gender, suggests that the essence of its power

resides in its apparent legitimacy to exert power. Thus, it is interesting to question the nature of the power that is withheld by the state in matters of sovereignty. Applying a Weberian approach, Hoffman declares that 'No state can claim to exercise a monopoly of legitimate force unless this monopoly implies an 'ultimate' power or responsibility over 'its' subjects' (1998, p. 165). Later on, Hoffman continues:

[...] what makes all states appear sovereign is the fact that they are controlled by rulers who assert the right to exercise 'supreme' power over their subjects. It is in this notion of supremacy that the essence of state sovereignty lies. (1998, p. 165)

However, as suggested by Pringle and Watson in Hoffman's argument (1998), the constant need of the state to seek and assess its sovereignty is what makes it difficult to grasp the extent of the state power in addition to its legitimacy. Indeed, the power and sovereignty of the state is thought to be pervasive. The following arguments presented by Hoffman (1998) demonstrate the prominent connection existing between the sovereignty and the power of the state, and its legitimacy to exercise and spread its authority across societal structures.

the modern liberal state seeks to differentiate public power from a supposedly autonomous realm inhabited by private individuals. The liberal state declares itself 'separate' to society and yet 'permeates' all its areas. Moreover, the state's explicitly universal identity depends in the international political realm upon other equally universal entities for its very existence! Sovereignty is not simply a 'normative' abstraction which arises from muddled thought. It is integral to the

idea of a monopoly of legitimate force, and the 'right' to probe into the home, the bedroom, the job, the street, and throughout social life ... flows from the particular character of the state as defined by Weber. (p. 165)

To understand further this theory of power distribution, let us look briefly at the definition of state given by Weber. A state, as defined by Weber, is independent and has authority and sovereignty over a defined territory where community and collective actions prevail. It is argued that Weber 'identified the modern state as the institution or body that claimed the sole authority over the use of violence' (Max Weber's Theory of the Modern State: Origin & Analysis, 2019). Thus, in his infamous quote, Weber declares: 'the modern state is a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.' (Weber cited in Max Weber's Theory of the Modern State: Origin & Analysis, 2019).

Based on this definition, it means that the state is legitimate in its use of force and violence, and its claim to authority over 'its community' - or its citizens, through its actions and positions.

Furthermore, the way that power relations are established in families and in the public space suggest that patriarchy is omnipresent among the different layers of society, and while the state represents the ultimate 'power hierarchy', 'the state is [thought to be] the main organizer of the power relations of gender' (Connell cited in Hoffman, 1998, p.

166). Thus, patriarchy can be considered as an institutionalised system of domination, notably disseminated through the power of the state.

Moreover, when referring to patriarchal structures, it almost seems mandatory to consider the work of Mackinnon (1989) who attempted to generate a feminist theory of the state. Her work became an essential window on the prominence of the state's power among women's rights issues. However, it is worth mentioning that the author seems to convey an essentialist position with the category of sex preferred over the constructivist concept of gender, thus the following use of sex equality instead of gender equality. Mackinnon's most prominent work relies on the connection that implies that 'sexuality = sex = gender', an affirmation that seems impossible to dissociate from the 'social construct of male power' (Mackinnon, cited in Bertrand 1990, p.94). As Bertrand (1990) puts it: '[Mackinnon's theory] is both a political theory of the sexual and a sexual theory of the political' (p.94).

Mackinnon prominently insists on women's biology, even so, it should be nuanced that it does not necessarily mean she shares naturalist views, as underlined by Bertrand (1990), she proclaims that 'it is not women's biology, that should be taken as the explanation, but rather the fact that it is used as a justification to explain women's subjection' (p.93). Indeed, Mackinnon focuses on sexuality as being inherently embedded in social dynamics, and elaborates further by explaining the importance of sexuality in 'feminist practices on issues such as rape, incest, battery, sexual harassment, abortion, and prostitution...' (Mackinnon, cited in Bertrand 1990, p. 94). In

addition, as Walby (1990) points out, 'Mackinnon contends that sexuality constitutes gender. The erotisation of dominance and subordination creates gender as we know it' (p. 118).

The state apparatus is not considered to be non-gender-biased, on the very contrary, and far from being a neutral entity, it is argued that the 'state is male' (Bertrand, 1990, p.95) and institutionalises 'power in its male form' (Mackinnon cited in Hoffman, 1998, p. 164). Thus, all the above-mentioned issues are translated into policy regulating women's bodies and sexuality, which makes the state a governmental body where male dominance prevails, a prominent and somehow complicit actor. Commenting on Mackinnon's work, Bertrand pursues to reckon that 'through coercion and authority, it constitutes a social order that is in the interest of men'; it is then defended that 'the laws, the jurisprudence, and even the constitution, are male' (Bertrand, 1990, p.95). Nonetheless, one critical assessment of Mackinnon's theory is that she does not take into consideration the state's institutions in their plurality, and consequently she fails to provide a theory of the overall state's power. Indeed, by analysing the US jurisprudence on cases of rape, prostitution and other matters involving sexuality, Mackinnon is considered to omit the other apparatus of the state, in addition to having very US-centric perspectives (Bertrand, 1990).

This particular critique led me to look closely at the definition of the state used in this thesis. Indeed, by focusing on the law-making processes, and by analysing the latest policy tackling FGM in France, I am clearly referring to one particular branch of the

state, its legislative function. Therefore, to a lesser extent, yet similarly to Mackinnon, I am reducing the power of the state to the policy-making and governance processes, which is a position to be acknowledged. Moreover, the parallel with Mackinnon's focus on sexuality and sex equality is relevant for this research, as female genital mutilations is a gender-based, even sex-based following Mackinnon's views, and sexual practice where the state chooses to interfere in order to prevent and ban it. Therefore, it might seem paradoxical that an entity considered to be gender-biased is in charge of controlling and promulgating regulations on gender-based violence. Per contra, it could also be stressed as argued by Pringle and Watson that the state has 'become too diverse, divided and contradictory to evoke as an entity' (Pringle and Watson cited in Hoffman, 1998, p. 165).

As noted by Hoffman (1990), Mackinnon uses the term of force, coercion and violence 'interchangeably'. The difference between coercion and force remains subtle, yet Hoffman nuances his train of thoughts by focusing on the idea that coercion is somehow an implicit influence and a way of 'compelling people to act in one way rather than another' (1998, p. 169), which is therefore constituting a form of power. On the other hand, force is thought to have a more violent and oppressive form of power that resides further in a non-consensual relation. Thus, the author defines further 'coercion as the threat of force' (1998, p. 169), which refers to the invisible power that the state holds over its 'community'.

While Mackinnon (1989) did not base her theory of patriarchy on the sinequanone existence of the state, but rather on the pre-existing male dominated structures, rejecting de facto the inherent patriarchal character of the state, Hoffman considers this position by demonstrating that long before the establishment of state bodies, patriarchal and hegemonic gender relations were already observed. Indeed, in Hoffman's words (1998, p. 171):

It is generally agreed that, in the domestic stateless societies of the past, patriarchal norms had begun to emerge. Lerner's own account shows how the development of agriculture and expansion of warfare promotes divisive gender identities, and thus increases the power which men can exercise at the expense of women. With the exchange of women in marriage, men can now (in Lerner's words) coerce 'unwilling women'. Patriarchal gender definitions are already in place before 'economic and political developments fully institutionalized the state'.

However, the differentiation between force and coercion represents a crucial point in forming a feminist theory of the state, and positions patriarchy as a historical hegemonic system thriving through the creation of the state (Hoffman, 1998). Hoffman continues and concludes that:

Even though the constraints which existed in archaic societies served to 'naturalize' the different roles played by men and women with momentous implications for the future, these constraints can be identified as developments

which precede the 'creation' of patriarchy itself. MacKinnon's equation of power with violence prevents us from understanding how archaic stateless societies can be coercive (i.e. socially constraining) and yet still remain (residually) prepatriarchal and non-violent in character. This second conceptual point reinforces the first. Distinguishing between force and coercion enables us to understand how patriarchy is a historically developed expression of force which emerges only with the state itself. (p. 171)

Finally, a last distinction is to be made when theorising state and patriarchy, is the one differentiating state and government. Indeed, it is shown by several examples that it is feasible for feminists to 'infiltrate' the state, and bring change from within by carrying gender-oriented policies, which would therefore interfere with the possibility of the state being inherently patriarchal. Even though governmental and static functions are often intertwined, Hoffman (1998, p. 172) points out that

[...] governments not only can carry through policies which (in a partial and piecemeal manner) undermine patriarchy, but that this is the only way in which a movement towards a post-patriarchal society is possible. For, in the movement 'beyond' patriarchy, what must increasingly replace the state is not 'anarchy' (in the pejorative sense of 'chaos'), but governmental activities which seek order in ways which respect the identity of contending parties.

However, this implies that even if the state is inherently patriarchal, some governments might not convey gender-bias interests of the state. This argument is to be nuanced, as

pinpointed later on by Hoffmann, 'it would be naive to assume that in and of itself the increasing involvement of women as administrators of state violence [...] undermines statist patriarchy' (Hoffman, 1998, p. 173). After all, a feminist state would be incompatible with an 'institution claiming the legitimate use of force' (Hoffman, 1998, p. 173). Moreover, it is then relevant to reaffirm Walby's argument (1990), 'the state is not monolithic, and its actions are the outcome of competing political pressures' (p. 160), therefore it might be an evidence that 'the state represents patriarchal interests' even though government and state might be distinguished.

FGM and the war of doctrines: between universalism, relativism and imperialism.

'One way to bridge the gap between theoretical debates within the discipline and your own research interests is to examine how the particular issue that interests you relates back to wider theoretical dilemmas. Another means of arriving back at these debates is a simple thought exercise aimed at evaluating claims advanced by states, international organizations, non-governmental organizations, or even scholars.' (Lamont, 2015, p. 25)

Female Genital Mutilations disturb, trouble, and have unleashed tumultuous debates among scholars, politicians, feminists, and even philosophers and bioethicists. Moreover, FGM is by essence ethically controversial and its absolute zero-tolerance particularly in the West alludes to the constant conundrum on human rights, between universalism, imperialism and cultural considerations. However, if one could think the debate on FGM could be reduced to two opposite schools of thoughts, universalists versus cultural relativists, the FGM discourse prevails in being extremely complex and its profuse nuances are therefore to be considered. Thereby, I decided to articulate these different doctrines in this section in relation to FGM in order to build a theoretical foundation that would help me to understand further the debates on FGM.

Due to the sensitive nature and cultural implications, it remains unreasonable to be partial with one single point of view. Contrariwise, I argue that it is imperative to grasp

the key arguments that are advanced in their plurality in order to comprehend the overall topic, therefore, I will expand on the opposing concepts involved in the discussion on FGM.

Universalism invokes a universal application of fundamental principles, thought to be relating to all, without exception nor condition; in relation to human rights, universalism grants the guarantee of inherent individual rights and human standards for each (Langlois, 2016). Cultural relativism assesses rules and norms as being inherent to specific cultures and incites to take the cultural context into consideration. As for imperialism, it is often presented as a critique of the universalist stance that is subjected to be seen in some cases as an oppressive imposition of beliefs and values on another culture (Langlois, 2016). Additionally, Langlois observed that:

Human rights have become institutionalised globally. The political leaders, officials, and organisational bodies of the movement have become powerful in their own right; that power can easily be misused and employed as a tool of domination. While the anti-imperialist and cultural relativist arguments are often invoked to challenge such domination, the above discussion suggests that the challenge comes more consistently from within human rights norms themselves – norms which privilege equality and freedom and warn against domination and arbitrary power. (p. 19)

Thus, if universalism, relativism and imperialism succeed to converge on one point, it is on the power relations that these theories imply. Besides, it should be noted anti-FGM advocates are regularly accused of being culturally insensitive and of practicing a form

of cultural imperialism due to the power dynamics at play between Western and non-Western cultures.

For that matter, western hegemony especially in the creation of knowledge is denounced by Earp (2016), who stresses that the current discussion on FGM only supports and accepts the moral values of the West. In his essay, the author addresses this point and strives to deconstruct the presuppositions and arguments perpetuating the universalist anti-FGM stance and the zero-tolerance of any kind of FGM procedures. Indeed, the 'universal values' are thought to be impervious, and the author notifies that the WHO/UN condemn all forms of FGM 'regardless of the cultural or even clinical context, and notwithstanding anyone's beliefs to the contrary' (p.126). In addition, Earp (2016) warns about the apparent misconceptions of the West that are produced blindly, ignoring the outcome presented in the divisive studies that do not correlate with the universalist stance. In addition, Earp pinpoints the gap of tolerance between male and female circumcision, the term here preferred over female genital mutilations. Furthermore, the author draws a parallel with the male circumcision that is largely endorsed in the United States with impunity. Indeed, Earp highlights this consensus where male circumcision, that has no medical benefits (Earp, 2016), is being massively performed in what is considered to be one of the most major actors in the West, yet, without being assailed by human rights defenders and international organisations. Earp (2016) explains that male and female circumcision are being dissociated 'based on the assumption that female forms of circumcision are more invasive, more medically risky, and more physically harmful than their male counterparts' (p.114). He then proceeds to

pursue his arguments through the scope of the cosmetic genital surgeries in western countries. These parallels may seem to be problematic short-cuts at first, but it actually demonstrates the embedded value-systems and double standards that are at stake when discussing Female Genital Mutilations.

Thus, Earp (2016) notifies that these two popular practices might as well be considered to be embedded in Western value systems, as they are after all practices performed to conform to Western beauty standards and cultural norms. This led the author to raise a distinction between 'Western forms of non-therapeutic female genital cutting from [...] African forms' (2016, p.119). Still, following the arguments advanced by the World Health Organisation, male circumcision and the more recent trend of cosmetic genital surgeries should in theory be considered as avoidable and gratuitous:

Nevertheless, the WHO/UN have not taken a position on either of these latter surgeries, suggesting that it is not the mere interference with 'healthy normal genital tissue,' nor the presence of some degree of risk of adverse health consequences that they see as being sufficient to justify a universal prohibition on FGM. (Earp, 2016, p.129)

Moreover, Earp (2016) explains the prominence of the universalist stance defending an absolute zero tolerance towards FGM among international organisations, presented as a certain pervasive western hegemony. It is argued that:

a great deal more power is held by the so-called 'rich nations of the [global] North' -where FGM is not customarily performed- and a great deal less power is

held by the so-called 'poor nations of the [global] South,' where, in many communities, it is performed, and is deeply embedded in the local context. (Shweder, in Earp, 2016, p.125)

In addition, Earp reinforces this argument stating that a child's physical integrity is sometimes infringed through superfluous medical interventions in Western countries, and not condemned by the UN/WHO, because it is considered to be in the child's best interests. The question of consent is essential in the discussion of Female Genital Mutilations, mostly because it is also being performed on girls that are technically too young to formally agree to the procedure. However, it is clear that FGM is performed as a cultural ritual and custom, which is considered to be morally permissible by some to enhance the child's integrity in the community and their country of origin. What is best for a child is then considered to be culturally determined, and justifies it through the concept of cultural relativism. In addition, through his argumentative essay, Earp alludes to the concepts of moral relativism, cultural imperialism, and universalism that will be further discussed below. I want to specify that Earp's arguments are extremely relevant to look at, considering the fact that the French State clearly shares the universalist position of the WHO/UN that generalises and condemns all forms of FGM -including the most minor interventions- on young girls and consenting women (Earp, 2016).

On the website of the French government dedicated to gender-based violence, it is mentioned that 'Female Genital Mutilations constitute a violation of fundamental human rights, including health, physical and psychological integrity. They are a form of discrimination against women. [...] They [FGM] are the expression of inequality between women and men, and of male domination.' [translated] (Les mutilations sexuelles féminines, de quoi parle-t-on ?, n.d.)

Hence, the French State regards female genital mutilations as an infringement of human rights, and ultimately women's rights.

France has historically been a key proponent of human rights, and has established its well-known universalist position, notably through the creation of the Declaration of the Rights of the Man and of the Citizen, and the unsung Declaration of the Rights of Woman and of the Female Citizen. In addition, when discussing the universality of human rights, the United Nations' Universal Declaration of Human Rights, known as UDHR, cannot be ignored. Indeed, the UDHR set in 1948 a universal standard of rights that any individual should be able to enjoy regardless of their gender, nation, culture, religion or citizenship. This document constitutes a moral ground and its universal application is assumed to be undeniable. Indeed, written in a post second World War context and translated into five hundred languages, the UDHR is often thought of as the foundation of international human rights, and considered as a 'common standard of achievements for all peoples and all nations' (Universal Declaration of Human Rights, n.d.). The UDHR has shaped and corroborated the universalist stance of western countries such as France. This declaration constitutes a prominent milestone in articulating human rights as universal, yet, Langlois (2016) nuances: 'this position is normatively universal, but it is not shared universally by all human persons, and the traditions and communities in which they live' (p.16). Moreover, Langlois (2016) defines

human rights 'as a set of moral demands' and argues that 'the historical development of human rights has depended on the conviction that rights exist as moral demands that need to be translated into legal and institutional contexts in order to be effectively protected and policed.' (p.17). Thus, it should be acknowledged that morality and ethics being embedded in a defined socio-cultural context, the universality of human rights is therefore potentially subject to be contested or even seemed subjectively inappropriate. This is when the concept of relativism comes to challenge the universal application of human rights. Indeed, cultural relativism is defined as the following: 'a conceptual rejection of rights which states that norms are only appropriate for the cultures out of which they emerge, and that therefore the norms of human rights emergent out of the West only apply in the West.' (Langlois, 2016, p.17). Those arguments are supported in the special case of FGM as being a custom and practice inherent to the culture, whereas the universalist stance would adopt a normative position relating its infringement of number of fundamental human rights and its necessity to exist in any given culture. Furthermore, when bringing into contention the wrong-doing of the practice itself, it becomes clear that the systems of morality and norms are conflicting with one another, and Female Genital Mutilations are thought to be morally wrong notably by the West (Earp, 2016). Hence, a nuance is to be made between cultural relativism and its complex cousin moral relativism.

Cultural relativism endorses a doctrine of 'tolerance and respect' of 'the cultural, religious and philosophical traditions' (Langlois, 2016, p.18), where moral relativism profoundly questions moral beliefs and recognises 'the view that moral judgments are true or false only relative to some particular standpoint (for instance, that of a culture or

a historical period)' (Moral relativism, n.d.). In other terms, 'moral relativism is the claim that what is really right or wrong is what the culture says is right or wrong' (Bowie, 2015). Thus, cultural and moral relativism could be seen as an anti-hegemonic alternative approach to the universal principles of the West. The universalist position and its zero tolerance towards FGM for instance is often debated and thought to be intertwined with Western imperialism (Earp, 2016). Imperialism is associated with one culture imposing upon another its own set of cultural norms and moral beliefs. Higgins (1996) goes further by declaring: 'cultural relativists have targeted feminism itself as a product of Western ideology and global feminism as a form of imperialism' (p.97). This allegation obviously acknowledges that women's rights are human rights (Higgins, 1996), and challenges the legitimacy of establishing feminist universal standards and claims among other different cultures. Moreover, another rhetoric seems to agitate the general consensus, the one opposing imperialism and self-determination (Higgins, 1996). Indeed, self-determination invokes the liberty to choose what is best for oneself, where imperialism falls under the paradigm of imposing one's ideology or authority on the other. Furthermore, focusing on the situation in France, Lionnet (2003) asserts that 'the debate [on FGM] opposes two apparently conflicting versions of human rights, one based on the Enlightenment notion of the sovereign individual subject, and the other on a notion of collective identity grounded in cultural solidarity.' (p.370). This reinforces the conundrum linked to the balance between the individual liberty of the citizen and state protection. As mentioned by Higgins (1996), the fundamental principle of universalism ingrained in the core of human rights documents, such as the UDHR, does 'not clearly resolve the degree to which citizens, exercising their right of self-determination, may

subordinate other protected rights in the interest of security, development, or culture' (p.93).

This contributes to demonstrate that the conceptualisation of the debate on Female Genital Mutilations goes way further than the simple opposition of universalism versus relativism, and represents a major theoretical dilemma. At last, Higgins (1996) raised an interesting and relevant point on the cultural dynamics at play that is worth developing, particularly when addressing the considerations on FGM. Indeed, the author warns about the risk of failing to recognise a culture in its deeply complex and intricate form. Omitting to consider the elusive aspects of a culture is then assessed to lead to an essentialisation of the culture. Higgins (1996) deplores this counter-intuitive approach, especially in the establishment of a cultural-relativist argument, by drawing attention to the 'multiplicity of beliefs' (p.112) that converges within the same culture. It is later argued that 'treating culture as monolithic fails to respect relevant intra-cultural differences just as the assumption of the universality of human rights standards fails to respect cross-cultural differences.' (p.112). Thus, an essentialisation of the culture from a relativist stance may be just as reductive as a universalist position failing to assess the cultural considerations of a deep-rooted cultural practices such as FGM.

Analysis

The analysis section will be organised according to the framework and set of questions provided by Bacchi (2009). Based on the questions of the What's the problem represented to be, known as the WPR approach, I intend to apply this exact structure by omitting only a few parts for relevance purposes (see methodology sections) to study the policy document entitled 'Eradicating female sexual mutilations' (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019).

This report emitted by the Secretariat of State for Gender Equality is presented as a 'National action plan aiming to eradicate female sexual mutilations' and constitutes a static communication tool sharing the French state's stance on FGM, and the new measures that will be implemented. Regarding its form, the document is entirely in French and is 19-pages long, appendix included, it is presented as an explicative brochure presenting the motivations and determinations of the French state to eradicate FGM for good.

1. What's the '*problem*' represented to be in a specific policy?

Several potential problem representations can be identified throughout the document. As suggested by Bacchi (2009), the allocation of funds may be a starting point to pinpoint certain issues that require specific attention. The actors intending to tackle FGM do not have sufficient funding, thus the increase of funding in the new national plan. It is planned to increase the funding of the following associations and NGOs:

- Mouvement du Nid : + 150 000 euros, rise of 100 % ;
- Collectif féministe contre le viol : + 100 000 euros, rise of 51,2 % ;
- Planning familial : + 100 000 euros, rise of 36,8 % ;
- Excision, parlons-en ! : + 10 000 euros, rise of 300 % ;
- Fédération nationale GAMS : + 40 000 euros, rise of 95,2 %.

(Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019, p. 7)

The above-mentioned non-profit organisations are considered to be the partnerships to enhance in order for the state to raise awareness and fight the expansion of FGM. Hence, it is implied that the existing measures require to be reinforced particularly among the local communities -understand here *local territorial jurisdictions*- where further missions need to be implemented closer to the concerned diaspora communities. Furthermore, the national plan is introduced with an editorial from the current Secretary of State for Gender Equality, Marlène Schiappa, who contextualised the necessity of such an action plan to tackle FGM in France, and called it one of the 'priorities of the quinquennat and French presidency of the G7' ['quinquennat' is the 5-year presidential term in France]. The Secretary of State starts by evoking the fact that 'too many girls and women still go serenely on holidays to the country of origin of their parents without knowing they will be excised' (translated, p. 3). This suggests the practice might have been eradicated on the French territory but is still being performed on French citizens and/or permanent residents abroad. Moreover, the term 'reinforce' used in connection with 'the detection of excision risks' shows there is still work to be done to completely and permanently eradicate FGM. Thus, this can be considered as one form of the problem representation which alludes to FGM still persisting and affecting girls and women in France despite previous regulations and legal frameworks.

In addition, as stated by Bacchi (2009), 'a WPR approach recommends 'working backwards' from concrete proposals to reveal what is represented to be the 'problem' within those proposals' (p. 3). The many mentions including the role of the French state strategically making use of its influence among the international community to tackle FGM led me to what I believe to be the dominant problem representation. FGM is still present among diaspora communities and still affects women and girls in France despite the national ban, thus it seems to be admitted that it is the French state's responsibility to make sure FGM is no longer performed on its territory and beyond. The

policy seems to be articulated in reaction to a certain lack of protection for potential future victims such as the 'girls at risk' that are in theory yet to be excised. The measures implemented are not enough and are to be complimented with non-profit partnerships that represents a gateway to populations concerned by FGM, and additional work with international actors (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminatio

ns, 2019, p. 3). Therefore, the 'problem' represented in this action plan is the persistence of FGM on the French territory and beyond, still jeopardising and exposing girls and young women to being sexually mutilated against their will.

2. What *presuppositions and assumptions* underlie this representation of the 'problem'?

The second question aims to reveal the underlying presuppositions and assumptions that are implied by the problem representation. Bacchi (2009) advises to conduct a kind of discourse analysis in order to pinpoint these hidden meanings through the identification of binaries, key concepts and categories. I will proceed as such, however I will also expand on my findings after detailing these subsections, as this question remains an essential step to highlight any eventual state bias.

Binaries

Distinguishing binaries within a policy document intends to 'simplify relationships', as illustrated by Bacchi (2009), 'there is a hierarchy implied in binaries. One side is
privileged, considered to be more important or more valued than the other side' (p. 7). After careful analysis of the text and of its connotations, I noticed the following dichotomies.

Practices that should be respected / practices that are intolerable

The first and foremost binary is this notion of tolerance and acceptability surrounding the practice of FGM. The wordage employed in the text clearly shows the strict opposition of the French state towards the practice. Obviously, this was already evident just by considering the title of the policy document which is completely transparent visà-vis the ultimate purpose of the policy, that is of eradicating FGM. However, the strong language contributes to reinforce the rigidity of the measure in the sense that a vigorous disdain towards the practice can be noted.

Indeed, I observed just in the preface of the Secretary of State for gender equality words like 'inadmissible', 'this is not acceptable', 'harmful', 'violation' that were repeated several times over and over on the very same page (p. 3). Throughout the text, I then spotted strongly connotated vocabulary such as 'intolerable violences' (p. 5), 'who perform this cruelty' (p. 7), 'detrimental practice' (p. 16) that demonstrate the zero tolerance of the state on FGM. Moreover, in the following sentence describing the willingness of the Prime Minister to establish the presented policy, 'because female sexual mutilations are a disgrace and that we *must* go beyond' (p. 10), the shameful character of the practice is highly emphasised. Describing the practice of FGM as a shame, a disgrace, is a tough stance that could also be transposed into the binary

shameful / respectable. The absolute rejection of this practice shows the subjectivity of the state and its absolute prejudice regarding FGM. This is clearly an indication that while certain practices can and should be respected, some practices such as FGM remain intolerable under any circumstances.

Traditions that are legitimate / illegitimate

While the intolerable character of the practice is admitted, the traditional aspect of FGM is evoked only to show its incompatibility to work as a justification. Indeed, on numerous times, FGM is recognised as a tradition, yet its legitimacy is categorically denied due to the violence of the practice that makes it an infringement to human rights: 'no tradition can be invoked to justify female genital mutilation which violate the fundamental rights of women and little girls' (p. 9), 'no custom, no tradition justify that we mutilate young girls, teenage girls or women' (p. 3), 'those violence are intolerable, forbidden and a crime punishable by law' (p. 5). Thus, it could be argued that FGM are considered to be an illegitimate tradition but also a morally and legally reprehensible custom. It is implied that some traditions are legitimate to persist, while traditions of violent nature should be abolished. Therefore, the argument of cultural relativism is hereby totally dismissed, and it is a strong universalist stance that enhances human and women's rights that is defended by the French state.

Consented / forced body alterations

FGM is pictured in the text as a violation of women's and girl's bodies, something that is done to them, a violence they have to endure against their will: 'Female sexual

mutilations constitute an inadmissible and gross violation to the integrity and fundamental rights of women and young girls who are victims of it [understand victims of FGM['] (p.6). Later, it is mentioned that 'it is therefore the appropriation of women's bodies and the curtailment of their freedom of choice that underpin these practices' (p. 6). The duality between what is consented and forced is widely present. It is hinted that excision or any other genital alterations enter under the category of 'female sexual mutilations'. It is an umbrella term grouping 'all interventions which consist to alter or damage female genital organs for non-medical reasons' (p. 6), therefore it is generally admitted that FGM is a non-consensual act in any case. Without knowing they will be excised' reinforces the victim status of cut women. As seen in the theoretical section, Earp (2016) described the tendency of state and international organisations to refute the fact that some young women can willingly be 'mutilated' for cultural reasons, and automatically associate FGM as a non-consensual practice. Thus, it can be considered through this binary of consented vs enforced body alterations that France falls under this paradigm.

Whole / broken

Reconstructive surgery is suggested as an alternative to help women and girls who have already been mutilated. The policy document also makes mention of an increase aid allocated to this surgery plan that is supposed to 'fix' former victims of FGM. If something is to be 'reconstructed', it usually means it is broken, then a hidden meaning behind these words would regard these girls, teenagers and young women as inherently defective and broken.

This double dimension of whole versus broken that I perceived throughout the national plan challenges the status of womanhood and femininity and turns these notions completely upside down. Women are considered to be 'broken' in France because they are mutilated whereas they are considered 'whole' in their country of origin precisely because they are mutilated. Villani (2015) expanded on this conundrum that patently underlines a double standard in the North and in the South. The aesthetic norm undoubtedly differs between the North where a whole clitoris is symbol of sexual power and female pleasure while some regions of the South promote excision and other forms of cutting as the ideal beauty standard (Earp, 2016; Villani, 2015). Thus, for women and young girls in France 'having a clitoris means being normal' which is also associated with the 'recognition of the status of a fully-fledged woman' (translated, Villani, 2015, p. 97). The French state takes part in this view while it suggests reconstructive surgery for girls and women that have already endured mutilation as a partial solution for the problem. Indeed, it is intended to 'help associations but also medical providers which repair and protect' (p. 7), while 'the implementation of a protocol of reconstructive surgery reimbursed by public health insurance since 2004 constitutes a medical milestone' (p. 10).

Equality / inequality

FGM are considered to be a way of perpetuating women's reliance while jeopardising gender equality. Indeed, the binary between equality and inequality is widely present in the policy document. FGM fall under the umbrella concept of gender-based violence, here referred to as 'sexist and sexual violences' (p. 3) or 'sexual crimes' (p. 4).

Moreover, the practice of FGM is thought to reflect a 'deep-rooted inequality between sexes' (p. 3). Thus, it is implied FGM represent an obstacle for girls and women to be considered as equal as men. This binary also evokes a subjacent dichotomy which is the distinction between free and subjected, notably by asserting the status of 'victim' that is attributed to cut girls and women. The Secretary of state emphasised on this, 'by excising a woman, we want to control her sexuality' (p. 3), a narrative also reinforced by the words of President Emmanuel Macron, who declared that girls and women are 'subjected to excision' (p. 7). It is this very notion of control, or more precisely the lack of control and self-agency, that suggests that cut women and girls are submissive, and 'need to be protected' (p. 12). As asserted in the plan, 'the government commits everywhere where inequalities continue to persist' (p. 4).

Key concepts

Bacchi disclosed that 'policies are filled with concepts' (2009, p. 8), and that identifying these concepts and their meanings would help probe underlying assumptions. Thus, I will briefly enumerate the key concepts that can be found in the national plan before expanding on their respective connotations.

Throughout the text I was able to pinpoint the following concepts:

- Health and general well-being
- Mental health and psychological traumas
- Childbirth and motherhood
- Sexuality
- Body and individual integrity

- Violence
- Gender Equality and women's rights
- Traditions and culture

The possible complications that the mutilations imply are a specific concern in the policy, and are considered to be a 'public health issue'. (p. 10). Indeed, FGM is an intrusive practice that cut into healthy bodies (Earp, 2016), and the government articulated part of the problem on the medical implications that are linked to FGM. Thus, reportedly 'female sexual mutilations are susceptible to generate many health consequences negatively impacting the life of mutilated women' (p. 10). Physical health concerns are connected with impacts on the sexual life and obstetric risks, it is actually recommended to 'organise the systematic report of mutilated girls, teenagers, and women who give birth in French maternity ward' (p. 10). Nevertheless, even if the risks related to FGM on motherhood and gynaecological effects are alluded to, this does not constitute the main argument on health considerations despite the great number of academic literature that were focusing on the fact mutilated women have high risks to encounter gynaecological complications during childbirth.

The following description of health consequences is provided as to illustrate and highlight in a tangible way the harmful essence of the practice:

These pains and traumas, which have lifelong impacts on sexual health of women, are physical and psychological: chronic pain, risk of vulvar infections, urinary tract infections, gynaecological, obstetric complications, increased risk of death of the newborn, mutilation-related trauma, psychotraumatic repercussions

(dread, anxiety, depression) and consequences on sex life. (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019, p. 10)

Moreover, the discourse used in the text refers numerous times to the fact that FGM is an attack on women's sexuality: the terminology used in French directly refers to this argument. Indeed, as seen in the methodological section, international organisations and NGOs standardised and grouped the practices of cutting, female circumcision, and excision under the umbrella term *female genital mutilations*, abbreviated as FGM, term I have been using throughout the thesis. However, as explicitly clarified in the policy document, France adapted this terminology and changed it into female sexual mutilations, in the national action plan, but also in all the other legislative texts (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019, p. 6). It is defended that: 'Mutilations do not directly harm the reproductive function, but rather affect the function of pleasure, sexuality and self-worth of women who are victims of it' (p. 6). This particular focus on sex consequences are to be noticed which is a parallel that can be drawn with the patriarchal concept established by Mackinnon (1989), which entails social dynamic are built on sexual relations (Bertrand, 1990). This remains a supposition, yet it is not completely unrealistic to associate the tendency of the French state to emphasise on sexual implications with what is considered to be a 'normal' sexuality that could alter and endanger social roles and social integration in the French society. In addition, as explained more in details in the binary section, FGM are acknowledged as a custom

that prevent to reach gender equality, and the conceptualisation of gender equality seems to be asserted through sexual freedom, and freedom of choice. This principle being invoked alongside with feminist diplomacy and protection of women's rights suggest that the state positions itself as an advocate of women's rights through the eradication of FGM.

Furthermore, the core assertion presented in the document is the violence and the abuse related to the practice of FGM. Indeed, the semantic field is imbued with heavy symbolic violence: 'control' (p. 3), 'violation' (p. 3), 'harmful' (p. 3), 'noxious' (p. 3), 'inadmissible infringement' (p. 6), 'brutality' (p. 7), 'pain' (p. 10), 'trauma' (p. 10), 'risk' (p. 11), 'prejudicial' (p. 16). FGM are seen as an infringement of human rights, women's rights, individual freedom and body integrity. Thus, the representation of the problem presupposes that FGM are by essence a violent act that needs to be eradicated, and reinforce the universalist stance of the French state, that is presented as a human rights defender.

In addition, the traditional and ritual context in which FGM are performed, represent another key concept that is being evoked in the policy. However, FGM are assessed as a practice that cannot be tolerated anywhere 'neither in France or elsewhere in the world' (p. 3) and that need to be eradicated at all costs. Moreover, the will to establish 'a constructive dialogue with countries in which some communities still perform female sexual mutilations' (p. 3) is a hint that France intends to expand its ideological

perspective in order to protect young girls and women in France and beyond. The plan is also thought to act as:

'a leverage to the international community in order that other countries commit to take part in the eradication of female sexual mutilations, notably within the framework of large events under the French presidency such as the G7 in 2019, and Pekin +25 in 2020' (p.3)

Thus, this specific point reflects on the representation of France as a diplomatic example, and a moral compass which might either allude to a firm universalist approach or reveal imperialist undertones.

Categories

Bacchi (2009) showcased the value of pinpointing categories in order to grasp 'how governing takes place' (p. 9). As suggested in the author's framework there is a specific interest to 'look more closely at *people* categories because of their centrality to governing processes' (p. 9). Thus, I decided to pay a special attention to the categories of people that are intertwined within the policy.

People that are directly affected and concerned by the policy are FGM victims or potential victims who are undoubtedly young girls, teenage girls, and women mutilated, or at risk of being mutilated. This latter subcategory is quite tricky to identify as it remains difficult to clearly determine who is *really* at risk. In the national action plan, victims are considered to be 'women but also children members of diaspora and migrant populations coming from communities affected by female sexual mutilations who are currently on the national territory' (Secrétariat d'État chargé de l'Égalité entre les

femmes et les hommes et de la Lutte contre les discriminations, 2019, p. 9). Thus, I consider the following categories of people to be directly targeted by the policy, which can also be classified into 'already mutilated' or 'person at risk':

- Women, teenage girls and young girls who immigrated from a country at risk and are currently residing in France
- Women, teenage girls and young girls who took asylum in France flying a country where FGM is still practiced
- Women, teenage girls and young girls who have the French citizenship with an immigrant background (previous generations who immigrated)

These categories are primarily the public that the French state wants to protect, but also 'locate, support and guide' (p. 11). Therefore, they represent the group the state intends to endorse in order to fight 'sexist and sexual violences' (p. 4). As developed in the introduction the number of femicides remains extremely high in France, and in this period of pandemic and forced lockdown, reported cases of domestic violence have increased of over 30% (Nous toutes, n.d.). Over two pages of the policy document are dedicated to explaining how France is -successfully- tackling gender-based violence and sexist injunctions on its territory, and how eradicating FGM is and must be a static priority. Thus, I cannot help but think that these categories including women and girls mutilated or at risk are somehow politicised, which would make the attempt of eradicating once again FGM a powerful political statement towards the diaspora communities but also towards the international scene. Indeed, another category that is prominently being referred to is the 'international community', this seems to include all France's diplomatic allies and partners but also the 'countries at risk' that comprise the former colonies of the French colonial empire; 'In France, female sexual mutilations seem to mainly concern women from Mali, Senegal, Burkina Faso, Ivory Coast and Guinea, and their daughters' (p. 14).

Furthermore, other categories of actors are medical professionals including physicians, psychologists, surgeons, etc. that could help to detect girls at risk or 'repair' women who were mutilated in the past. The healthcare sector and legal authorities are presented as a sort of protective shield between the girls and women at risk and their families where FGM would be potentially performed. Hence, the national action plan implicates for health professionals and authorities in charge to 'warn the parents of legal implications in case of mutilations' in case of suspected risk (p. 13), 'inform foreigners arriving for the first time on the territory of the existing legislative and criminal framework' (p. 11), 'raise awareness among professionals on female sexual mutilations and the importance of reporting a potential situation at risk' (p. 11).

Families of women and girls potentially considered to be at risk is a category that was not obvious to me at first but that I pinpointed throughout the analysis. The policy document is introduced by the assumptions that some girls are sent home in the country of origin of their parents and come back to France mutilated without their consent. Thus, it reveals that families of girls and women thought to be at risk from diaspora communities, where FGM is commonly performed, are seen as a certain adversary of the fight against FGM. Indeed, FGM are a tradition practiced in the family context and

usually performed by women of the family to the youngest as a kind of generational ritual (Earp, 2016). Likewise, it is contended several times that the state intends to 'raise awareness' but it is put in a stronger way, as it literally translates into 'awaken the consciousness' (p. 11) which shows more negative and even paternalist undertones. Moreover, I noticed that the exact same sentence appears twice throughout the document: 'People who excise little girls must not have any respite, neither in France, nor in the rest of the world' (p. 3 ; p. 6). This could be interpretated as a certain demonisation of FGM practitioners which would be an indirect attack towards families and relatives of FGM victims, considering the fact that in general people performing the act of mutilation are usually female close relatives (Earp, 2016; Lionnet 2003).

At last, NGOs and associations previously cited constitute also a major category in the problem representation. The organisations that should see their funding substantially increase are regarded almost as an extension of the state. Indeed, it appears that in order to enforce measures of the policy the French state will rely on the associations to access the communities at risk. Hence, it is argued that 'the action must be conducted with all the concerned ministries but also with the associations and actors of civil societies that are committed to the cause' (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019, p. 13). Thus, it seems that this action plan is intended to be applied hand in hand with partner organisations and professionals directly affiliated with the fight against FGM in France.

Further findings

The analytical process expected in the second question enabled me to also underline further assumptions and presuppositions that were not exactly falling under the binaries, key concepts, and categories spectrum. Indeed, by paying close attention to the terms that were employed and the way the problem was represented, I was able to emit some more interpretations.

Based on the legacy of Foucault, Weedon (1999) relates that hints of ingrained power are often found in discursive elements notably among institutional law texts. Through the vocabulary employed notably to describe the act of mutilation and to refer to the persons performing it, I noticed that the harshness and the tone was embedded with a certain disdain that could reveal an underlying ascendancy of the state over the communities still performing it.

Moreover, Weedon (1999) views the concept of power as the following:

'Power is a relation. It inheres in difference and is a dynamic of control and lack of control between discourses and the subjects, constituted by discourses, who are their agents. Power is exercised within discourses in the ways in which they constitute and govern individual subjects.' (p. 113)

The way the arguments are articulated in addition to the employed vocabulary suggest that the discursive elements used reveal deep-seated assumptions linked to a certain power hierarchy. The strong rejection of FGM 'in France and elsewhere' (p. 3) eludes that FGM are not compatible with the French core beliefs and norms of the society. In

addition, it is asserted that 'France intends to fully embrace its role of exemplary state in the implementation of a concrete and efficient policy' (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019, p. 3). The said policy referring to this national plan, the French state insinuates that eradicating FGM is its responsibility, and would not be an 'exemplary state' if it was not attempting to do so. Thus, it reinforces the notion of incompatibility and tolerance towards FGM. The French state advocating strongly against the practice can then be perceived as an attempt of protecting its legacy and the French norms. I wish to establish the shortcut that as a result FGM are judged to be discordant with the French normative system, and substantially challenge republican values.

3. How has this representation of the 'problem' come about?

As examined in the theoretical section, the doctrine of universalism echoes the enlightenment values that appeared in France during the eighteenth century and culminated in the French Revolution. The Declaration of the Rights of the Man and of the Citizen of 1789 that resulted from this historical turning point is as of today still considered to be one of the first documents in France to establish universal principles (Langlois, 2016). The precept of republican values that appeared at the same time, including the well-known French motto of *Liberté, Egalité, Fraternité* is a clear precursor of universalism and represents a milestone in assessing the French state as a defender of universal values.

The reason why I am referring to this historical period resides in the fact that this question of the WPR approach implies to trace back the elements that shaped the problem representation to be represented this particular way. I do not intend to draw an historical background of France, yet I find it relevant to have in mind that the French state has been a precursor in establishing governance rules that guaranteed universal principles and standards for its citizens. Of course, not all citizens, and still in a very disparate way, but it is undeniable France established its position of advocate of universal human rights a long time ago. Thus, I argue it has surely impacted the way this policy is being thought through by the French state, in addition to its universalistic stance, that is not to be demonstrated anymore.

Furthermore, FGM are acknowledged as a gross violation of human rights where dignity of girls and women is annihilated. Lionnet (2003) actually draws a parallel between enlightenment values in relation to human rights judged to be hardly contestable and the concepts of 'human dignity' thought to be more acceptable to differ based on cultural specificities. It is argued that these concepts of human dignity 'are embedded in cultural views of the nature of human beings, which in term reflect the social organization of particular societies', and [...] that 'in Africa, idealized versions of human dignity reflect idealized interpretations of pre-colonial structure' (Howard cited in Lionnet, 2003, p. 370). This is a key point that I wish to emphasise, the enlightenment values and by extension the republican values have influenced the way FGM are being problematised on the policy level. Indeed, by projecting western visions of what is

human dignity in Africa, where diaspora communities implicated by the French state in this policy are from, former colonial dynamics are visible through the national action plan.

Moreover, the decolonisation processes and the consequent waves of immigration are also certainly to be considered in order to understand how the problem has come about. It is alluded throughout the document that FGM are a practice coming from elsewhere, from another culture. I do not wish to fall in the trap of dressing a far too limited outcome list of the decolonisation aftermath, although I do propose to acknowledge the power relations that are still at play.

In the national action plan, the African continent and some former French colonies are mentioned as to identify where the problem comes from. Thus, the formation of diaspora communities of former colonies is what 'brought' this practice to France. Therefore, I believe that France being a former colonialist country impacts the way the state makes sense of such culturally sensitive and divisive topic namely FGM.

Regarding the more recent decisions of the French state that put the problem representation into this particular direction, the previous policies and attempts to eradicate FGM are certainly to be considered. Indeed, the implementation of a number of different legal frameworks enabled the French state to first legally condemn the practice of FGM in France before projecting to eradicate FGM beyond its scope. France actually came out as one of the first countries to enforce criminal measures even if FGM were not performed on the territory but involved French citizens or people residing in

France, called the principle of 'extraterritorialité' (Lionnet, 2003). Moreover, Lionnet (2003) remarks that FGM became a legal concern in the eighties 'at a time when the rights of all children were also being widely debated, fostering new legislation to protect them from various forms of physical and sexual abuse' (p. 369).

This means that policies forbidding any form of 'sexual mutilations' in France have already been in effect for several decades. Thereby, the 2019 national plan intends to go further by implementing measures guarding girls and women with an immigrant background from harm beyond France's jurisdiction. Even if it does not change the imbued cultural dilemma, the state's current stance becomes more comprehensible knowing that legislative efforts to suppress FGM were initially made in France before attempting to interfere with other countries' legal framework. Additionally, this national action plan seems to be in line with previous attempts to raise awareness and regulate FGM in France. These initiatives were articulated as visual and preventive communication tools with a didactic angle addressed to teenagers. Also, the public national campaigns 'Alerte excision' (L'excision et moi, n.d.) and 'Combattre l'excision' (Combattre l'excision, n.d.) were then focusing on the practice of excision only. Thus, the latest policy planning to eradicate 'female sexual mutilations' builds up on previous regulations and works as a further inclusive and extensive version which ended up centering the representation of the problem on sexual control.

Finally, the first trials of families who were prosecuted for performing FGM in the eighties, and then in the nineties and years two thousands remain prominent events in the account of France tackling the practice. People who were not the practitioner of

FGM yet provided logistical help or arranged for the girls or women a visit in their country of origin to be cut were condemned by French courts (Lionnet, 2003). In addition to provoking lengthy debates on complex cultural concerns, the trials raised a very particular conundrum regarding what is considered to be in the child's best interest. Indeed, as Lionnet (2003) pointed out:

'By criminalizing the practice and sending to jail the parents of the excised girls, the French courts have judged individuals guilty of an act of violence which they had, in fact, no intention of committing, since their behavior was in accordance with deeply-held socio-cultural and religious beliefs about the nature of femininity and the function of sexuality in their respective collectivities' (p. 370).

Although parents and relatives performing FGM in the child's best interest might seem extremely counterintuitive (Earp, 2016), this particular argument highlights two radically different perspectives on one side what it is seen as the reproduction of a social norm on the other the unjustifiable use of violence.

Consequently, it is reasonable to suppose these trials also shaped the view of the state on the problem representation, notably towards the families from diaspora that are viewed as the main threat and the most likely to perform FGM despite regulations in force.

4. What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?

This question of the WPR approach allows to pinpoint the elements that have been left out of the problem representation and discuss the silences and their implications.

Even though the traditional essence of FGM is far to be denied, its legitimacy of persisting is. Indeed, as previously emphasised, the national action plan advocates for a total eradication of this tradition perceived as extremely 'harmful', 'shameful' and 'noxious', while it also reminds that 'no custom, no tradition would justify that young girls, teenage girls or women end up mutilated' (p. 3). However, the only viable justification that is acceptable for the French state to acknowledge is that FGM is done in order to 'control women's sexuality' (p. 6). I argue this assumption is not only simplistic and reductive but also removes the focus from the real stakes at play.

Thereby, as previously discussed, the character of social reproduction is not to be undermined, families perform FGM probably because they think it is in their child's best interest (Earp, 2016). The fact that only the act itself of the practice is taken into consideration without its ritual entanglement is debatable. Indeed, as seen above, the enlightenment values embedded within the French state condition its strong universalist views, rejecting de facto every cultural relativist stance. By contrast, if the reasons why FGM are conducted in the first place remain unaddressed, it raises the question of the consequences of what happen to the girls and women after the act is prevented to be

performed. Building on this argument, it is interesting to look at Lionnet's considerations on the topic:

'To apply abstract Enlightenment values in a rigidly intolerant legal

way is to undermine the systems own claim to universality since it thereby condemns practices that form part of a network of social values which are the scaffolding upon which rests the global equilibrium of a different culture.' (Lionnet, 2003, p. 377)

Like so, despite the mention of FGM being considered as a tradition, the certain denial of the ritual aspects noticed throughout the policy document exposes paradoxically the girls and women that were not mutilated and considered to be 'protected' to a great risk of ostracism (Earp, 2016; Lionnet, 2003). Moreover, it should be not noted that:

'the reasons for the continued performance of this practice are compelling psychosexual ones for those involved, since it is embedded in a cultural context that encodes it as a beautifying and enriching phenomenon without which girls do not become women and will therefore never be able to marry, have some degree of economic security and lead 'full' female lives.' (Erlich in Lionnet, 2003, p. 371)

Therefore, the sexual argument claimed by the French state hardly works, and is at best irrelevant. Indeed, in the national action plan, FGM are conceptualised as a way of controlling female sexuality, whereas the 'mutilated' aesthetic is sometimes preferred by women because the clitoris is seen as reminiscence of 'manhood' and is not considered

to be feminine (Earp, 2016). Surely, the questions of consent are keys, yet the policy fails to consider that these alterations might actually be wanted by the women. Earp (2016) has argued that even though western feminists see the clitoris as a symbol of feminine sexual liberty and female emancipation, different cultural visions on womanhood apply particularly in the context of FGM. Nonetheless, it should be noted this particular point is only pertinent when assessing FGM in relation with adult women who are able to explicitly consent to the act.

I already brought up that FGM in the policy document are referred to as female sexual *mutilations* and not *female genital mutilations* in order to highlight the sexual and submissive implications of the practice. Nevertheless, this constitutes a crucial point, the French state appears to have disregarded completely the essence of the practice. I do not defend the act of FGM nor do I wish to undermine the significant health consequences, yet I believe the lack of considerations towards the socio-cultural repercussions of the practice of FGM, *or its non-practice*, prevent the state to apprehend the problem representation in its globality.

5. What effects are produced by this representation of the problem?

Discursive effects

Weedon (1999) argues that in order for a discourse to have a social effect, the discourse must be disseminated throughout the public sphere, 'in order to have a social effect, a discourse must at least be in circulation' (Weedon, 1999, p. 110). Considering that the text is issued by a static institution, the Secretary of State for Gender Equality attached to the Prime Minister, and incorpores previous quotations of Secretary of State and the President of France, it is safe to assume that the discursive elements presented in the document do have social repercussions.

It is insinuated that families perpetuating FGM do not act in their child's best interest, and are committing a violent crime towards them. This particular discursive element constitutes a detrimental view of families of diaspora descent and contributes to the narrative that they do not conform to the French societal norms. I do not claim there is a good or bad way of depicting someone performing mutilations, but the stance taken by the state clearly refers to the families with an immigrant background who seemingly continue to perpetuate harmful traditions. Thus, it supposes a lack of integration in the French society and raises concerns regarding the assimilations of republican values. Indeed, the way the problem is being represented assumes the following: in order to conform with the French norms, immigrants and people from diaspora should comply

with the French legislation that is being elevated in the policy to the rank of ideal model, in France and beyond.

Moreover, the policy document endorses the underlying views of the state and exposes how the French state navigates and makes sense of the social world. Hence, reckoning any family of African diaspora descent as potential perpetrators of FGM is a presupposition that might have drastic social consequences. Besides the great risk of amalgam, this particular representation of the diasporas in the social world is problematic on many levels, especially coming from a static entity that also happens to be one of the most prominent former colonial powers.

Cultural considerations, rituals and traditions entail deeply culturally-rooted behaviours and attitudes. In the national action plan, it is remarked that 'denouncing is not enough anymore, behaviours must be changed' (p. 5). Mentioning a change of behaviours entails to provoke also a change of attitudes towards FGM. Behaviours are considered to be the action, while the attitudes refers mostly to the opinion and the core beliefs towards a specific topic (McLeod, 2018).

Omitting the approach on the cultural and ritual aspects of the practice becomes particularly dubious in this context. Because it is not simply the control of women's sexuality that needs to be changed, as suggested numerous times throughout the document, but the perception of womanhood, complex social inclusion mechanisms, numerous embedded socio-cultural taboos, and plentiful cultural norms impacting social dynamics in as many cultures as former colonies. Thus, by occulting these deep-rooted cultural perspectives and not naming its colonial legacy and the correlated power

relations still persisting, the French state fails to position its policy on the post-colonial spectrum. Consequently, what is supposed to be a good intention of protecting girls and women could also be seen as a disguised imperialist tentative of acculturation.

Moreover, as reported by President Emmanuel Macron, FGM are affiliated to 'barbarism' (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019). Indeed, in the national action plan, the current President of the French Republic declared that the French state intended to 'ensure, for all French women subjected to excision, to track everywhere the ones who perform this barbarism' (p. 7).

Barbarism is defined as 'an idea, act, or expression that in form or use offends against contemporary standards of good taste or acceptability' (Barbarism, n.d.a). Thus, the term 'barbarism' is strongly connoted with notions of cruelty and primitivism, while the barbaric act is characterised as having a 'savage behaviour' (Barbarism, n.d.b). Drawing on the precepts of dichotomy introduced in question 2, this element of discourse highlights the binary of civilised / uncivilised. What is judged to be barbaric calls for chaos and is thought to be against the social order in a civilised society, which imply that the countries of origin of the diaspora communities still practicing FGM fall under the uncivilised category.

Indeed, the deep-seated assumption that FGM are a disused practice that 'are not acceptable' (p. 3) and disserve the republican standards and French norms, is imbued with imperialist hints that suggest a hierarchisation of cultural practices. In addition, even though the use of this particular term might simply have been a clumsiness of the

representative of the French state, the tendancy to discredit the deep-rooted cultural approach to FGM in the policy reveals a certain bias of the state towards FGM for being a socially backward tradition, which at length might stigmatise diaspora communities. Also, as supported by Bacchi's explanations (2009), the 'silencing is an effect' in itself (p. 16), thus framing FGM as a sexual concern closes off consideration of the connections between colonialism, diaspora women's agency and power.

Subjectification effects

The subjectification effects entail to look at the interaction and social relationships buried in discursive elements.

One key position I have noticed throughout the action plan is the victimisation of the women and girls. Indeed, everything from the passive tense form, the quoted material, to the lexical field employed indicates that girls, teenage girls and women with an immigrant background are regarded as passive elements despite being the cornerstone of the policy. Still, FGM are being done to them, they are sent in the country of origin of their parents to be mutilated without their knowledge and consent, and they are subjected to endure an invasive non-medical procedure to 'regulate their sexuality' (p. 6). All these assumptions indirectly contribute to removing their agency and self-determination. Ironically, a policy that is supposed to support women and girls from diaspora ends up silencing them. Moreover, the component discourse labels and reduces these girls, teenage girls, and women with a story, a life, and a future as sole 'victims of sexist and sexual violence' (p. 6), which could also be attached to the concept of 'the suffering immigrant' (Volpp, 2001).

This discourse almost oscillates between victimisation and women objectification. Indeed, the problem is represented as such that it appears women cannot decide if the excision is the right choice for them, as self-determination and consent are notions not present in the policy. With the problem representation strictly condemning all forms of FGM, it is not even conceivable that some women might actually be inclined to have the procedure of their own free will. As Earp (2016) remarked, genital cosmetic surgery is also performed in the West for non-medical reasons, and alters genital organs purely for aesthetic reasons, still the invoked individual liberty of choice is enough for the practice to be tolerated.

Even though, forced acts of FGM are generally higher than volontary ones, silencing one entire aspect of the problem is erasing one way of understanding its global significance. Additionally, the lack of discussion on consent, freedom of choice and individual liberty in the policy supports an essentialisation of the culture (Higgins, 1996), and silences some women's experience who maybe chose to be excised, yet persist on being portrayed as an helpless 'broken' victim.

Furthermore, the submissive and passive way in which the French state pursues to depict girls and women from diaspora, whereas they are the direct target of the policy, suggests that underlying patriarchal assumptions are still at play. Indeed, this national action plan contributes to position the French state as a defender of women's rights, but also indirectly assert a specific standard on women's bodies. Girls and women evoked in the policy are symbolically reduced to the condition of their genitals. The following

logic is implied: if they are mutilated, they appear as 'broken' and therefore must be repaired, and if they are not, they must be protected. In any cases, the universalist stance of the state towards FGM remains unshakable, while a certain degree of state paternalism is denoted. Hence, the French state seemingly assumes a role of saviour and protector of what is considered to be the oppressed.

Moreover, I want to emphasise that social stigma can be strengthened particularly when doing prevention to 'targeted communities' (Bacchi, 2009). For instance, the policy comprises the possibility for a doctor to emit a certificate of non-excision, if the health professional suspects a minor is at risk of being mutilated before going abroad. Besides its apparent protective nature, this initiative relies solely on presuppositions and assumptions a single individual has towards a family from diaspora. Thus, it could have the perverse effect of 'reinforcing the status quo' (Bacchi, 2009, p. 17), or even increase ethnic stereotyping and racial discriminations, considering that, as previously detailed, the state attributes the sole responsibility of perpetuating FGM to the families from diaspora in this particular representation of the problem.

6. How/where is this representation of the 'problem' produced, disseminated and defended? How could it be questioned, disrupted and replaced?

The state is somehow delegating the responsibility to tackle FGM to local actors such as associations and NGOs that are closer to the concerned communities. The policy comprises measures and the implementation of actions oriented towards prevention, change of attitudes, as well as special care and support for mutilated victims which entails information about reconstructive surgery. Thus, the representation of the problem will be disseminated on the national territory mostly through intermediaries and partners, along with the induced potential social stigma previously defended.

On the other hand, even though the policy is articulated as a national action plan, the references to the international scene and diplomatic stakes of FGM are discussed at great length across the document. Indeed, it appears there is a strategic use of the fight against FGM to reinforce internationally France's position as human rights and women's rights defender. Hence, the plan makes mention of the following:

France, since January 1st 2019, assures the presidency of the G7 for one year. In accordance with the will of the President of the Republic, the fight against sexist and sexual violence, including the eradication of female sexual mutilations constitute one of the priorities for this presidency. (p .9)

Moreover, the state intends to be the vector of a strong 'feminist diplomacy', and commits to be 'exemplary in regards to eradicate female sexual mutilations' (p. 9).

It is estimated that there were around 60 000 mutilated girls and women in 2009 even though it remains hard to collect accurate statistics considering the sensitivity and the taboos surrounding the topic of female genital mutilations (Secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, 2019). The French state also recognised that FGM constitutes 'a very localised phenomenon' (p. 12), yet it does not diminished the zero tolerance towards the practice and the efforts France is willing to put in place to defend the representation of the problem.

The national action plan also details and highly emphasises all the different initiatives the state is implementing abroad in collaboration with international organisations and other countries. For that matter, it is highlighted in the document that 'France is the first country to have financed the foundation of the Doctor Denis Mukwege, Nobel Prize Laureate, known as the *man who repairs women*' (p. 15).

Furthermore, based on the problem representation of the policy, the responsibility to tackle FGM is incumbent upon to the state and its partners, nevertheless a prominent emphasis on the collective responsibility can be observed. Thus, it is argued that 'the eradication of female sexual mutilations does not have to be the doings of a handful but the responsibility of everyone [emphasis on 'toutes' and 'tous', meaning 'everyone' in the feminine and masculine form]' (p. 13). In addition, the President declared his desire to 'make of equality between women and men a prominent global cause' which entails France 'to be exemplary and be a driving force to eradicate female sexual mutilations' (p. 15). Hence, the normative and universalist stance to tackle FGM is used as a diplomatic argument to establish France's authority internationally. As a result, articulated numerous times as a key measure of Emmanuel Macron's presidency and an extension of French diplomatic measures, this policy becomes a political tool to the state's ideological views.

Concluding discussion

The framework 'What's the problem represented to be?' proved to be a methodological approach useful to pinpoint deep-seated assumptions, and critically assess the different elements of the national action plan tackling FGM.

Female genital mutilations are considered to be a cultural practice inherently noxious and unacceptable, which stresses on the universalist stance and the republican values of the French state. However, transposing views on sexuality that are only relevant in France with a western point of view on a FGM shows a cultural essentialisation (Higgins, 1996) of the practice itself. Indeed, the problem is represented according to the enlightenment values with an emphasis on the control of female sexuality which has been demonstrated to be wrongly interpreted and inadequate, in regards of the deeprooted socio-cultural and ritual implications interlocked with FGM.

In addition, I argue that protecting a girl from a harmful practice to expose her to a whole other range of problems possibly endangering her integrity and support system, is only tackling the problem from one angle. The state implies that if the girls and young women are not being mutilated, then it has accomplished its duty, and they are considered to be saved, and safe and sound. However, omitting the cultural implications and the ritual aspects of the practice seems to me to be a counterintuitive approach, the better is the understanding, better are the chances to tackle the issue.

Moreover, ignoring the deep-rooted social cultural implications of the practice is a dangerous stake for these very same girls and young women, the state is trying to protect. Hence it prevents the state to anticipate the eventual repercussions of the *non-excision* that might completely destabilise the primary social structures of these girls and women.

Furthermore, I wondered if it was legitimate to assess France as a saviour of immigrant women -implying a saviour complex, or if it was considered to be a too harsh depiction of the state. Indeed, the findings of my analysis highlighted a certain benevolence and paternalism victimising, and consequently condemning girls and women from diaspora to further silencing. The power relations at play between the state and the diaspora communities show reminiscence of colonial power dynamics while they also reveal a certain patriarchal statist bias. Indeed, the French -patriarchal- state has a tendency of defending women's rights only when concerns regarding cultural customs and norms are raised. Following the example of the ideological war conducted against religious, and more particularly, Muslim symbols in the public space, notably regarding the burga and the burkini, France showboats a secularist stance but above all a certain disposition to defend women's liberty when the republican values and norms are being openly challenged. Drawing this parallel might seem to be a shortcut considering the invasive and violent character of the practice of FGM, yet both cases demonstrate power dynamics attempting to establish French republican norms and ideals as the sole acceptable standard on the territory, which denotes imperialist injunctions.

Moreover, the silences and implied meanings of the policy document showed that this initiative trying to offer protection and support to women and girls of diaspora might actually have the perverse effect of troubling social integration by indirectly reinforcing social stigma, similarly to policies regulating female Muslim wears.

On the other hand, tackling FGM has also been strongly established as a statist priority for France, way beyond the national territory. Indeed, this policy document as argued in the last section of the analysis appears to be besides a national action plan, a communication tool of the state used to radiate and reinforce its influence on the international scene. While being morally questionable, this entails that the French state wishes to politicise FGM internationally as to elevate its status of strong advocate of human rights and women's rights; whereas as I defended in the introduction, domestic gender-based violence do not receive an ounce of the same attention and state's involvement.

Finally, I wish to argue that I personally believe that the French state is not aware of its gender and racial bias, and that therefore the underlying post-colonial dynamics underlined throughout this thesis remain unknown to policy-makers. As I have shared my opinion and own personal bias during the whole research process, I will also end on a normative note: as long as France will not recognise and acknowledge its colonial past and perdurable hegemonic position, policies and laws will not be made *for* its citizens of diaspora descent, but rather *despite* its citizens of diaspora descent.

Appendix

Appendix 1: Response from the Ministry of Education and Youth



Ministère de l'Éducation nationale et de la Jeunesse

Le chef de cabinet

Paris, le 15 JUIL. 2019

Mesdames,

Madame la Secrétaire d'Etat chargée de l'égalité entre les femmes et les hommes, et de la lutte contre les discriminations, a eu l'amabilité de transmettre à Monsieur Jean-Michel BLANQUER, ministre de l'éducation nationale et de la jeunesse, votre courriel relatif à la tribune et la pétition parues dans plusieurs médias à votre initiative, pour une meilleure représentation du clitoris dans les manuels scolaires.

Attentif à votre démarche, le ministre m'a confié le soin de vous répondre et de vous apporter les précisions suivantes.

Si les programmes scolaires sont des textes officiels, la rédaction des manuels bénéficie du principe de la liberté éditoriale. En effet, les éditeurs ont entière liberté et responsabilité en ce qui concerne la conception, le choix des auteurs, la rédaction et l'illustration des manuels qu'ils proposent. Aussi, le ministère n'a ni la vocation ni le droit de prescrire le contenu des manuels scolaires.

Je vous recommande alors de porter votre action à la connaissance des différentes maisons d'édition, afin d'échanger sur la représentation du clitoris dans les manuels scolaires.

Les enseignants disposent, de leur côté, d'une liberté pédagogique et choisissent eux-mêmes les ouvrages qu'ils souhaitent utiliser. La conformité aux programmes nationaux, la rigueur scientifique, la qualité des textes, des documents et les approches pédagogiques proposées sont généralement les critères retenus par les équipes pédagogiques. Ce choix est ensuite validé par le chef d'établissement.

.../...

Madame Bouchera AZZOUZ Madame Ourda SADOUDI Féminisme populaire Madame Julia PIETRI Gang du clito Madame Axelle JAH NJIKÉ GAMS azbouchera@gmail.com 100 rue de Grenelle - 75357 Paris SP 07 - Télephone : 01 55 55 10 10 Appendix 2: 'Plan d'action national pour éradiquer les mutilations féminines génitales'

ÉRADIQUER LES LATIONS MUT SEXU EL LES FÉMININES

PLAN NATIONAL D'ACTION VISANT À ÉRADIQUER LES MUTILATIONS SEXUELLES FÉMININES



Premier ministre

SECRÉTARIAT D'ÉTAT CHARGÉ DE L'ÉGALITÉ ENTRE LES FEMMES ET LES HOMMES ET DE LA LUTTE CONTRE LES DISCRIMINATIONS


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ÉDITORIAL



Aujourd'hui en France, on estime à près de 60 000 le nombre de femmes qui vivent excisées. Dans le monde, six filles sont excisées chaque minute. Elles sont encore trop nombreuses à partir sereinement en vacances dans le pays d'origine de leurs parents, sans savoir qu'elles seront excisées. Ce n'est pas acceptable.

En France comme partout dans le monde, les mutilations sexuelles féminines sont des atteintes inadmissibles à l'intégrité et aux droits fondamentaux des femmes et des petites filles qui en sont victimes. Elles sont le reflet d'un marquage des femmes, d'une limitation de leur sexualité et d'une inégalité entre les sexes profondément enracinée. En excisant une femme, on veut contrôler sa sexualité.

Les mutilations sexuelles féminines sont reconnues au niveau international comme étant une violation des droits fondamentaux des femmes et des filles. L'égalité entre les femmes et les hommes, Grande Cause du quinquennat, est l'une des priorités de la présidence française du G7. La lutte contre les violences sexistes et sexuelles en est l'un des axes majeurs, ce qui englobe évidemment la lutte contre l'excision. Les gens qui excisent les petites filles ne doivent avoir aucun répit, ni en France ni dans le monde.

Ce plan d'éradication des mutilations sexuelles féminines, construit main dans la main avec des partenaires et les associations spécialistes du sujet, s'inscrit dans ce cadre. Il vise à renforcer la détection des risques d'excision, à former les professionnels et à sensibiliser la société à cette pratique néfaste. Déjà impliquée dans une approche holistique de la lutte contre les violences sexistes et sexuelles, la France entend jouer pleinement son rôle d'État exemplaire dans la mise en œuvre d'une politique concrète et efficace. Le plan agira comme levier auprès de la communauté internationale afin que d'autres pays s'engagent dans l'éradication des mutilations sexuelles féminines, notamment dans le cadre des grands événements sous présidence française tels que le G7 en 2019, et Pékin +25 en 2020.

Avec ce plan d'action, je souhaite mobiliser tous les acteurs nationaux, contribuer à développer des approches partenariales avec les territoires, m'appuyer sur les associations nationales et de terrain intervenant au plus près des populations à risque et favoriser un dialogue constructif avec les pays dans lesquels existent encore des communautés pratiquant les mutilations sexuelles féminines.

Ni l'excision ni aucune mutilation sexuelle féminine n'est acceptable, en France comme partout dans le monde. Aucune coutume, aucune tradition ne justifie que l'on mutile des jeunes filles, des adolescentes ou des femmes. De nombreux gouvernements dans le monde ont pris des mesures fortes pour éradiquer l'excision. La France les soutient, c'est pour cela que j'étais au Burkina Faso avec des ONG où les chefs de villages s'engagent à enterrer les instruments qui servent à exciser et à planter un arbre dessus, pour que personne ne puisse plus jamais les utiliser. Avec les associations et les professionnels, nous pouvons tous ensemble éradiquer définitivement l'excision et les pratiques néfastes. C'est le moment !

Marlène Schiappa

Secrétaire d'État en charge de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations

INTRODUCTION

PEINES ENCOURUES

L'auteur d'une mutilation et le responsable de l'enfant mutilé peuvent être poursuivis notamment pour des violences ayant entraîné une mutilation ou une infirmité permanente, qui sont punies de **dix ans d'emprisonnement et de 150 000 euros d'amende** (article 222-9 du Code pénal).

La peine encourue est portée à **quinze ans si la mutilation permanente est commise sur un mineur de moins de quinze ans** (article 222-10 du Code pénal), à **vingt ans si l'auteur est un ascendant ou parent légitime, naturel ou adoptif ou par toute personne ayant autorité sur le mineur** (article 222-10 du Code pénal), à **trente ans si la mutilation a entrainé la mort sans intention de la donner** (article 222-8 du Code pénal).

Deux autres délits (article 227-24-1 du Code pénal) sont punis de **cinq ans d'emprisonnement et de 75 000 euros d'amende** :

- « le fait de faire à un mineur des offres ou des promesses ou de lui proposer des dons, présents ou avantages quelconques, ou d'user contre lui de pressions ou de contraintes de toute nature, afin qu'il se soumette à une mutilation sexuelle alors que cette mutilation n'a pas été réalisée »;
- le fait « d'inciter directement autrui [...] à commettre une mutilation sexuelle sur la personne d'un mineur, lorsque cette mutilation n'a pas été réalisée ».

La victime peut porter plainte jusqu'à vingt ans après sa majorité, soit jusqu'à l'âge de trente-huit ans, pour condamner ces violences devant la justice française.

Les interventions chirurgicales de restauration du clitoris sont désormais possibles pour les personnes majeures. Elles sont remboursées par la Sécurité sociale.

L'ÉGALITÉ ENTRE LES FEMMES ET LES HOMMES, LA GRANDE CAUSE DU QUINQUENNAT

Le président de la République a fait de l'égalité entre les femmes et les hommes la Grande Cause de son quinquennat. Depuis deux ans, elle mobilise l'ensemble du Gouvernement et s'inscrit dans une stratégie interministérielle forte et ambitieuse. À l'école, dans la rue, au travail, dans les transports, dans les foyers, sur Internet... Le Gouvernement s'engage partout où les inégalités continuent de s'exercer.

Avec un budget de 530 millions d'euros pour 2019, jamais un gouvernement n'a mis autant d'argent sur la table pour l'égalité entre les femmes et les hommes.

La lutte contre les violences sexistes et sexuelles constitue le premier pilier de la Grande Cause du quinquennat. Depuis deux ans, le Gouvernement agit pour mieux prévenir et condamner ces violences, prendre en charge les femmes qui en sont victimes et renforcer l'action des associations.

Loi du 3 août 2018 renforçant la lutte contre les violences sexistes et sexuelles

Avec la loi du 3 août 2018 renforçant la lutte contre les violences sexistes et sexuelles, adoptée à l'unanimité par le Parlement, la France est le premier pays au monde à verbaliser le harcèlement de rue. Le dispositif est efficace : plus de 500 amendes ont d'ores et déjà été dressées. La loi a également permis d'allonger le délai de prescription pour les crimes sexuels commis sur mineurs, de renforcer la lutte contre les nouvelles formes d'agressions (cyber-harcèlement, *upskirting*, drogue du viol), ou encore de mieux protéger les enfants de moins de quinze ans des violences sexuelles et de mieux sanctionner leurs agresseurs, en facilitant la caractérisation de la contrainte ou de la surprise.

INTRODUCTION

Plateforme de signalement en ligne des violences sexistes et sexuelles

Annoncée le 25 novembre 2017 par le président de la République, la plateforme de signalement en ligne des violences sexistes et sexuelles constitue une voie supplémentaire de recours pour les victimes. Fonctionnant 24h/24 et 7j/7, elle leur permet de dialoguer directement avec des policiers et des gendarmes spécialement formés, de déposer un signalement dématérialisé des violences subies et d'être orientées et accompagnées dans leurs démarches. Depuis son lancement, plus de 2 000 tchats ont été traités par les policiers et les gendarmes débouchant sur près de 600 signalements auprès des forces de l'ordre.

Hausse des moyens accordés aux associations nationales luttant contre les violences sexistes et sexuelles

En 2018, le secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations a refléché 400 000 euros de crédits pour augmenter les subventions d'associations luttant contre les violences sexistes et sexuelles. Les subventions accordées en 2018 à ces associations ont été en forte hausse : + 21,3 %, le total s'élevant à 5,06 millions d'euros. L'État finance également trois postes supplémentaires d'écoutantes au 3919, le numéro d'écoute national, via une subvention supplémentaire de 120 000 euros. L'objectif : 100 % de réponses au 3919.

Contrats locaux de lutte contre les violences

Dispositif de partage d'alertes entre professionnels de la justice, de la santé, les forces de l'ordre et les travailleurs sociaux, autour des préfets et en partenariat avec les deux grandes associations de défense des femmes, le FNCIDFF et la FNSF, ces contrats ont pour objectif d'intervenir « avant qu'il ne soit trop tard ». D'ici la fin de l'année, chaque département sera doté d'au minimum un contrat local.

Grande campagne de communication « Réagir peut tout changer »

Les femmes, quel que soit leur âge, sont exposées ou victimes de violences sexistes et sexuelles dans différents contextes, divers lieux. Ces violences, intolérables, sont interdites et punies par la loi. Mais aujourd'hui, dénoncer ne suffit plus : il faut désormais changer les comportements. D'un budget de 4 millions d'euros, la campagne « Réagir peut tout changer » a ciblé l'ensemble de la société française car chacune et chacun est concerné, et doit se sentir concerné.

INTRODUCTION

ÉRADIQUER LES MUTILATIONS SEXUELLES Féminines

Dans le cadre de la politique de prévention et de lutte contre toutes les formes de violences sexistes et sexuelles commises à l'encontre des femmes, qui constitue l'un des piliers de la Grande Cause du quinquennat, le Gouvernement veut aller plus loin dans l'éradication des mutilations sexuelles féminines.

Celles-ci recouvrent l'ensemble des interventions¹ qui consistent à altérer ou à léser les organes génitaux de la femme pour des raisons non médicales.

Il existe autour du phénomène des débats

terminologiques qui ont leur importance. La différence

entre « excisions », « mutilations génitales » et « mutilations sexuelles » n'est pas seulement sémantique, elle a du sens. La mutilation ne touche pas directement la fonction reproductive, elle atteint la fonction de plaisir, de sexualité et de construction

de soi des femmes qui en sont victimes. Ce sont donc

l'appropriation du corps des femmes et l'enrayement

de leur liberté de choix qui sous-tendent ces pratiques.

Par conséquent, afin de ne pas limiter le phénomène à un seul type d'intervention (« excision »), de

rappeler que celle-ci n'empêche pas la reproduction (« mutilations génitales féminines ») et de mettre en

lumière la volonté de contrôle de la sexualité de la

femme, le terme « mutilations sexuelles féminines » sera celui employé dans ce Plan national d'action. Ce

choix est également celui du législateur français qui

s'y réfère dans le Code de l'entrée et du séjour des

étrangers et du droit d'asile.

TERMINOLOGIE



12 à 21 %

En 2016, en France, sur 205 683 filles originaires de pays où les mutilations sexuelles féminines sont pratiquées, 12 à 21 % étaient estimées comme encourant un risque de mutilations sexuelles féminines.

(Institut européen pour l'égalité des genres, Estimation of girls at risk of female genital mutilation in the European Union)

7 300 -----

Au 30 septembre 2018, ce sont 7 300 enfants qui sont placées sous la protection de l'Office français de protection des réfugiés et apatrides (Ofpra) en raison du risque de mutilations sexuelles féminines qu'elles encourent en cas de retour dans leur pays d'origine.

Aujourd'hui en France, près de 60 000 femmes vivent excisées. Ce n'est pas acceptable ; ni en France, ni ailleurs. Les mutilations sexuelles féminines constituent une atteinte inadmissible à l'intégrité et aux droits fondamentaux des femmes et des petites filles qui en sont victimes. Les personnes qui excisent les petites filles ne doivent avoir aucun répit, ni en France, ni dans le monde.

¹ La typologie effectuée par l'Organisation mondiale de la santé (OMS) en 1997 et révisée en 2007 fait apparaître trois principales catégories de mutilations, qui ont comme point commun d'être pratiquées sur les organes sexuels externes de la femme sans indication médicale : - Type 1 - Clitoridectomie : ablation totale ou partielle du clitoris et/ou du capuchon clitoridien ou prépuce ;

Type 1 - Clitoridectomie : ablation totale ou partielle du clitoris et/ou du capucnon clitoriden ou prepuce ;
Type 2 - Excision : ablation totale ou partielle du clitoris et des petites lèvres, avec ou sans ablation des grandes lèvres ;

Type 2 - Exclosion : ablation totale ou partielle ou cittoris et des petites levres, avec ou sans ablation des grandes levres ;
Type 3 - Infibulation : rétrécissement de l'orifice vaginal par ablation et accolement des petites lèvres et/ou des grandes lèvres, avec ou sans ablation du clitoris. La

cicatrice ainsi générée devra être incisée au moment du mariage et/ou de l'accouchement.

⁻ Type 4 - « Toutes les autres interventions néfastes au niveau des organes génitaux féminins à des fins non médicales, par exemple, piquer, percer, inciser, racler et cautériser les organes génitaux ».

OMS, « Mutilations sexuelles féminines », Aide-mémoire, nº 241, février 2017.

FAIRE DE L'ÉGALITÉ ENTRE LES FEMMES ET LES HOMMES UNE GRANDE CAUSE MONDIALE ET DE LA FRANCE UN PAYS EXEMPLAIRE EN MATIÈRE D'ÉRADICATION DES MUTILATIONS SEXUELLES FÉMININES

À l'occasion de la Journée internationale pour l'élimination de la violence à l'égard des femmes et du lancement de la Grande Cause du quinquennat le 25 novembre 2017, le président de la République a, dans son discours, appelé à faire de l'éradication des mutilations sexuelles féminines une priorité.

« Nous veillerons aussi, pour les femmes françaises qui sont soumises à l'excision, à traquer partout ceux qui pratiquent cette barbarie, à aider les associations mais aussi les services médicaux qui réparent et protègent ; et avoir une attention toute particulière pour les femmes migrantes demandant le droit d'asile ou en passe de l'obtenir qui fuient leur pays parce qu'elles cherchent aussi à fuir l'excision pour elles-mêmes ou pour leurs petites filles. »

Emmanuel Macron, Président de la République

LE SECRÉTARIAT D'ÉTAT CHARGÉ DE L'ÉGALITÉ ENTRE LES FEMMES ET LES HOMMES ET DE LA LUTTE CONTRE LES DISCRIMINATIONS A LARGEMENT AUGMENTÉ LES SUBVENTIONS DES ASSOCIATIONS

Le secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations soutient les associations de lutte contre les violences sexistes et sexuelles et a, en 2018, augmenté considérablement leurs subventions :

- Mouvement du Nid : + 150 000 euros, soit une augmentation de 100 %;
- Collectif féministe contre le viol : + 100 000 euros, soit une augmentation de 51,2 % ;
- Planning familial : + 100 000 euros, soit une augmentation de 36,8 % ;
- Excision, parlons-en ! : + 10 000 euros, soit une augmentation de 300 % ;
- Fédération nationale GAMS : + 40 000 euros, soit une augmentation de 95,2 %.

Les subventions accordées en 2018 par le secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations aux associations nationales luttant contre les violences sexistes et sexuelles ont ainsi augmenté de 21,3 %, le total s'élevant à 5,06 millions d'euros.

FAIRE DE L'ÉGALITÉ ENTRE LES FEMMES ET LES HOMMES UNE GRANDE CAUSE MONDIALE ET DE LA FRANCE UN PAYS EXEMPLAIRE EN MATIÈRE D'ÉRADICATION DES MUTILATIONS SEXUELLES FÉMININES

LE GOUVERNEMENT SOUTIENT ET ENCOURAGE LES ACTIONS DES ASSOCIATIONS LUTTANT CONTRE LES MUTILATIONS SEXUELLES FÉMININES

Grâce au soutien du Gouvernement, les différents acteurs luttant contre les mutilations sexuelles féminines ont pu développer, au cours des dernières années, des travaux et outils visant à renforcer leur action, notamment :

- les outils proposés par la Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains (Miprof) et disponibles sur le site Stop-violences-femmes. gouv.fr : le kit de formation « Bilakoro » et le guide Le praticien face aux mutilations sexuelles féminines;
- les outils déployés en 2018-2019 par l'association Excision, parlons-en !, soutenus à hauteur de 20 000 euros : projet de travail avec les diasporas, diffusion du troisième volet de la campagne Alerte Excision avec un nouvel outil (exposition de dessins), formation professionnelle via la plateforme UEFGM en France, diffusion du photoreportage « Fuir l'excision, parcours de femmes réfugiées »...;
- le Guide de A à Z contre l'excision du GAMS, à destination des professionnels et dématérialisé, soutenu à hauteur de 40 000 euros;
- les outils de coordination et de standardisation de la formation développés en 2019 par le GAMS, soutenus à hauteur de 40 000 euros.

Au-delà des subventions, le Gouvernement soutient les initiatives des différents acteurs engagés dans l'éradication des mutilations sexuelles féminines. Le collectif Prévenir & Protéger, qui rassemble de nombreuses associations luttant contre les mutilations sexuelles féminines, a par exemple obtenu le label « Grande Cause nationale 2019 » attribué par le Premier ministre.

La secrétaire d'État chargée de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations avait par ailleurs participé, avec le secrétaire d'État auprès de la ministre des Solidarités et de la Santé chargé de la protection de l'enfance, à l'événement organisée par le collectif le 6 février 2019, pour la Journée internationale de tolérance zéro à l'égard des mutilations sexuelles féminines.

FAIRE DE L'ÉGALITÉ ENTRE LES FEMMES ET LES HOMMES UNE GRANDE CAUSE MONDIALE ET DE LA FRANCE UN PAYS EXEMPLAIRE EN MATIÈRE D'ÉRADICATION DES MUTILATIONS SEXUELLES FÉMININES

LA FRANCE S'ENGAGE À ÊTRE UN PAYS EXEMPLAIRE EN MATIÈRE D'ÉRADICATION DES MUTILATIONS SEXUELLES FÉMININES

À l'Assemblée générale des Nations unies en septembre 2018, le président de la République a lancé un appel à faire de l'égalité entre les femmes et les hommes une Grande Cause mondiale. La France porte ainsi une diplomatie féministe forte et ambitieuse, et a la volonté d'être exemplaire et moteur dans la dynamique européenne et internationale de lutte contre les violences sexistes et sexuelles. C'est le sens du Prix Simone Veil que le président de la République a remis, le 8 mars 2019, à Madame Aissa Doumara, camerounaise qui lutte courageusement contre les mariages précoces et toutes les violences envers les femmes.

Car aucune tradition ne saurait être invoquée pour justifier les mutilations sexuelles féminines qui bafouent les droits fondamentaux des femmes et des petites filles et qui constituent une violence dont sont victimes tant des femmes que des enfants membres des diasporas et des populations migrantes issues des communautés touchées par les mutilations sexuelles féminines présentes sur le territoire national. Elles sont le reflet d'une inégalité profondément enracinée entre les sexes et sont reconnues au niveau international comme étant une violation des droits fondamentaux des femmes et des filles.

Pour lutter contre ces inégalités au niveau international et mener cette nouvelle diplomatie féministe, le président de la République a décidé la création d'un fonds qui permettra de décliner à l'international la Grande Cause du quinquennat. Ce fonds, doté de 120 millions d'euros et géré par l'Agence française de développement (AFD), permettra notamment d'aider les mouvements féministes et les ONG du Sud à mener le combat pour l'égalité, les droits, la dignité des femmes.

La France, depuis le 1er janvier 2019, assure par ailleurs la présidence française du G7 pour un an. Conformément à la volonté du président de la République, la lutte contre les violences sexistes et sexuelles, incluant l'éradication des mutilations sexuelles féminines, constitue l'une des priorités de cette présidence. La secrétaire d'État chargée de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations s'est donc rendue au Burkina Faso, en avril, afin d'échanger sur les questions de protection des femmes face aux mutilations génitales féminines et aux mariages forcés, notamment avec le président burkinabè. Elle a également visité un programme d'accélération de l'abandon du mariage d'enfants et des mutilations génitales féminines, dans le village de Tibou. La lutte contre les violences sexistes et sexuelles a également été au cœur des échanges de la réunion des ministres de l'Égalité entre les femmes et les hommes organisée les 9 et 10 mai 2019 par la secrétaire d'État et qui s'est soldée par la signature d'une déclaration commune inédite et ambitieuse.



UN PLAN D'ACTION POUR ALLER PLUS LOIN

Parce que les mutilations sexuelles féminines sont une honte et que nous pouvons aller encore plus loin, le Premier ministre a confié à la secrétaire d'État chargée de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations, dans sa feuille de route 2018-2019, la mission d'élaborer un plan d'éradication de l'excision.

AMÉLIORER LA SANTÉ DES FEMMES VICTIMES DE MUTILATIONS SEXUELLES

Les mutilations sexuelles féminines sont susceptibles d'entraîner de nombreuses conséquences sanitaires impactant négativement la vie des femmes mutilées. Ces douleurs et traumatismes, qui affectent tout au long de la vie la santé sexuelle des femmes, sont d'ordre physique et psychologique : douleurs chroniques, risques d'infections vulvaires, urinaires, gynécologiques, complications obstétricales, risques accrus de mort du nouveau-né, traumatisme de la mutilation, répercussions psychotraumatiques (angoisses, anxiété, dépression) et conséquences sur la vie sexuelle.

L'éradication des mutilations sexuelles féminines constitue par conséquent un enjeu de santé publique. La mise au point d'un protocole de chirurgie réparatrice remboursé par l'assurance maladie depuis 2004 constitue une avancée médicale significative. Il convient cependant de poursuivre le développement de la prise en charge des femmes victimes, notamment en matière de santé mentale et de santé sexuelle.

- Soutenir les expériences de chirurgie réparatrice de la Maison des femmes de Saint-Denis (93) et recueillir des informations pour s'en inspirer, modéliser et expérimenter d'autres offres de soins prenant en considération toutes les formes de violences faites aux femmes dont les mutilations sexuelles féminines.
- Améliorer la transmission des informations relatives à la mutilation sexuelle de la patiente entre professionnels de santé.
- Organiser le signalement systématique des filles, adolescentes et femmes mutilées qui accouchent dans les maternités françaises, afin de mieux quantifier et localiser le phénomène et de les inscrire dans un parcours de prise en charge.

UN PLAN D'ACTION POUR ALLER PLUS LOIN

MIEUX SENSIBILISER ET MIEUX FORMER LES PROFESSIONNELS POUR MIEUX PRÉVENIR

Les formations sur les violences sexistes et sexuelles permettent aux professionnels d'acquérir des connaissances sur les différentes formes de violences sexistes et sexuelles, leurs mécanismes et leurs conséquences pour les femmes qui en sont victimes. Elles les informent également des pratiques visant à mieux repérer, accompagner et orienter les femmes victimes. Au-delà de ces formations, la sensibilisation est un vecteur essentiel pour éveiller la conscience de toute la société et renforcer la protection des femmes, adolescentes et filles victimes de mutilations sexuelles.

- Sensibiliser les étrangers primo-arrivants sur le cadre législatif français en matière de mutilations sexuelles féminines (interdiction des mutilations sexuelles féminines, sanctions pénales à l'encontre des contrevenants et protection des victimes potentielles).
- Sensibiliser tous les professionnels aux mutilations sexuelles féminines et à l'importance du signalement d'une situation de risque. C'est l'objectif du guide pratique réalisé par le secrétariat d'État en charge de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations et le GAMS.
- Lorsqu'un risque potentiel ou réel est décelé :
 - transmettez les informations préoccupantes à la cellule de recueil des informations préoccupantes (CRIP) du département et saisissez la brigade de protection des mineurs;
 - envoyez un signalement au Procureur de la République;
 - signalez la situation sur le **portail de signalement en ligne** des violences sexistes et sexuelles, gratuit, anonyme et disponible 24h/24 et 7j/7.



UN PLAN D'ACTION POUR ALLER PLUS LOIN

ÉRADIQUER LES MUTILATIONS SEXUELLES FÉMININES AU PLUS PRÈS DES TERRITOIRES

En France, les mutilations sexuelles féminines semblent constituer un phénomène très localisé. Dans les territoires les plus touchés, des actions territoriales ciblées et associant toutes les parties prenantes sont indispensables.

Dans la même logique que les contrats locaux contre les violences, l'État doit donner aux territoires les moyens de construire des projets permettant de garantir la bonne mise en œuvre du parcours de protection des filles, adolescentes et femmes victimes de mutilations sexuelles féminines ou susceptibles de l'être.

 Sur les territoires à forte prévalence du phénomène de mutilations sexuelles féminines, expérimenter des partenariats de coordination des acteurs locaux afin de garantir la bonne mise en œuvre du parcours de protection des filles, adolescentes et femmes victimes de mutilations sexuelles féminines ou susceptibles de l'être. La ville du Havre est le premier signataire de ce partenariat local.

— Focus sur les partenariats territoriaux

Ces partenariats territoriaux s'appuieront sur des engagements concrets et une coordination des acteurs. Ils devront impliquer les principaux acteurs compétents en matière d'éradication des mutilations sexuelles féminines, notamment les préfets, l'agence régionale de santé, le rectorat, le Procureur de la République, les associations locales...

Les parties prenantes s'engageront à promouvoir et accompagner des projets et actions permettant de :

- renforcer l'accès à l'information relative aux mutilations sexuelles féminines;
- favoriser la sensibilisation par des outils adéquats ;
- développer la formation des professionnels concernés de près ou de loin par ce phénomène, notamment ceux ayant la possibilité d'informer, sensibiliser, repérer, orienter, protéger les filles, adolescentes et femmes mutilées ou en risque de l'être;
- améliorer la protection des filles, adolescentes et femmes victimes de mutilations sexuelles ou courant le risque de l'être en apportant une vigilance particulière à la mise en œuvre des actions prévues par le présent plan visant à éradiquer les mutilations sexuelles féminines et en déployant des actions supplémentaires propres au contexte et aux possibilités du territoire.

Un partenariat type sera proposé aux territoires expérimentateurs, qui seront libres de l'adapter au regard des spécificités locales.

UN PLAN D'ACTION POUR ALLER PLUS LOIN

DÉVELOPPER LES OUTILS DE PRÉVENTION Adéquats

L'éradication des mutilations sexuelles féminines ne doit pas être le fait de quelques-uns mais la responsabilité de toutes et tous. L'action doit se mener avec l'ensemble des ministères concernés mais aussi les associations et acteurs de la société civile engagés dans cette lutte. C'est la raison pour laquelle le secrétariat d'État chargé de l'Égalité entre les femmes et les hommes et de la Lutte contre les discriminations soutient les associations de lutte contre les violences sexistes et sexuelles et a, en 2018, augmenté considérablement leurs subventions.

Plus spécifiquement, le secrétariat d'État soutient la Fédération nationale GAMS, l'association Excision, parlons-en ! et le collectif Prévenir & Protéger dans leurs actions de prise en charge et d'accompagnement des victimes, de sensibilisation et de plaidoyer.

Ce travail partenarial et interministériel d'élaboration d'outils de prévention doit se poursuivre et s'intensifier.

- Soutenir et valoriser l'ensemble des actions menées pour la protection des femmes par le collectif Prévenir & Protéger, auquel le Premier ministre a attribué le label « Grande Cause nationale 2019 ».
- Intégrer le premier degré dans l'envoi par le ministère en charge de l'Éducation nationale de la lettre de sensibilisation aux problématiques de prévention et d'éradication des mutilations sexuelles féminines envoyée chaque année au printemps, avant les départs en vacances d'été, aux chefs d'établissement.

- Actualiser les outils d'information existants, notamment :
 - le guide-ressource *Comportements sexistes et violences sexuelles : prévenir, repérer et agir,* dont le chapitre dédié aux mutilations sexuelles féminines ;
 - le guide d'information *L'égalité entre les femmes et les hommes issus de l'immigration*.
- Expérimenter sur des territoires concernés par le phénomène des mutilations sexuelles féminines la pratique consistant, au cours d'une enquête judiciaire ouverte du chef de l'article 227-24-1 du Code pénal, à avertir les parents lors de leur audition sur les risques pénaux encourus en cas de mutilation et à soumettre la jeune fille à un examen médical au retour de l'étranger ; cette pratique n'étant envisageable que si les investigations ne permettent pas de caractériser un risque certain de mutilation sexuelle féminine avant le départ de la jeune fille.

UN PLAN D'ACTION POUR ALLER PLUS LOIN

ENRICHIR L'ÉTAT DES CONNAISSANCES ET ÉTABLIR UN ÉTAT DES LIEUX DES MUTILATIONS SEXUELLES FÉMININES

En France, les mutilations sexuelles féminines semblent principalement toucher des femmes originaires du Mali, du Sénégal, du Burkina Faso, de la Côte d'Ivoire et de la Guinée, et leurs filles. Selon l'Institut national d'études démographiques (Ined), 45 % des femmes nées dans un pays exposé seraient mutilées. Le nombre de femmes adultes mutilées vivant en France était ainsi estimé par l'Ined, en 2004, à une moyenne de 53 000, au sein d'une fourchette comprise entre 42 000 et 61 000 personnes.

Mais les chiffres sont anciens et les associations comme l'État doivent pouvoir baser leurs actions sur des données actualisées. Il est donc nécessaire d'étayer ces chiffres sur des données objectives et récentes permettant de déterminer combien de femmes, adolescentes et enfants résidant en France sont aujourd'hui concernées par les mutilations sexuelles féminines.

- Expérimenter la mise en place d'un ou plusieurs outils de recueil régulier de données, afin de disposer d'un état des lieux territorial des pratiques de mutilations sexuelles féminines sur le territoire national.
- Identifier dans les établissements d'enseignement scolaire du second degré les interruptions de scolarité des jeunes filles qui quittent le système éducatif à la fin de l'instruction obligatoire, afin de mieux identifier les victimes potentielles de mutilations sexuelles féminines.

UN PLAN D'ACTION POUR ALLER PLUS LOIN

FAIRE ENFIN DE LA FRANCE UN PAYS Exemplaire

La priorité nationale de l'égalité entre les femmes et les hommes se décline à l'international avec l'adoption par le Comité interministériel de la coopération internationale et du développement, le 8 février 2018, d'une nouvelle Stratégie internationale de la France pour l'égalité entre les femmes et les hommes 2018-2022. La lutte contre toutes les formes de violence à l'égard des femmes et des filles est l'un des axes de cette stratégie. Dans ce cadre, l'aide publique au développement française sera consacrée à 50 % à des programmes permettant de réduire les inégalités entre les femmes et les hommes d'ici 2022.

La France a par ailleurs renouvelé en mars 2018 son engagement en faveur du fonds à hauteur de 10 millions d'euros pour quatre agences (ONU Femmes, FNUAP, OMS, Unicef). Elle continue également à promouvoir le Fonds français Muskoka, programme phare de l'aide publique au développement de la France, qui a pour objectif de réduire la mortalité maternelle, néonatale et infantile, à travers le renforcement des systèmes de santé de dix pays francophones d'Afrique centrale et de l'Ouest.

Dans le cadre de la volonté du président de la République de faire de l'égalité entre les femmes et les hommes une grande cause mondiale, la France doit être exemplaire et moteur de l'éradication des mutilations sexuelles féminines.

- Dans le cadre de la présidence française du G7 et du Comité des ministres du Conseil de l'Europe en 2019, rappeler l'engagement de la France pour l'éradication des mutilations sexuelles féminines. La France est le premier pays à financer le fonds du Docteur Denis Mukwege, « l'homme qui répare les femmes », et lui a confié, avec Nadia Murad, la présidence du Conseil consultatif pour l'égalité femmes hommes. Les deux prix Nobel de la paix supervisent ainsi les travaux du Conseil consultatif qui doit, dans les prochains mois, proposer un bouquet législatif des meilleures lois au monde pour les femmes.
- Poursuivre l'augmentation des contributions de la France au budget des organisations internationales, notamment de l'Organisation mondiale de la santé (OMS), d'ONU-Femmes, du Fonds des Nations unies pour la population (FNUAP) et du Fonds des Nations unies pour l'enfance (Unicef), qui contribuent à l'éradication des mutilations sexuelles.
- Concernant les actions menées par l'AFD, veiller à inclure la problématique des mutilations sexuelles féminines dans le cadre de subventions en matière de lutte contre les violences faites aux femmes et aux filles et dans tous les secteurs pertinents, notamment en santé et en éducation.

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ANNEXE 1 : TEXTES INTERNATIONAUX ET EUROPÉENS DE CADRAGE

Le nouveau cadre onusien établi en 2015 à travers l'Agenda 2030 et ses dix-sept objectifs de développement durable (ODD) appelle à mettre un terme aux mutilations sexuelles féminines d'ici à 2030. La cible 5.3 de l'objectif 5 « Parvenir à l'égalité des sexes et autonomiser toutes les femmes et les filles » vise à « éliminer toutes les pratiques préjudiciables, telles que le mariage des enfants, le mariage précoce ou forcé et la mutilation génitale féminine ».

L'Assemblée générale des Nations unies (AGNU) a adopté en 2012 puis renouvelé en 2014 une résolution intitulée « Intensification de l'action mondiale visant à éliminer les mutilations génitales féminines ». Une déclaration de suivi adoptée en juin 2013, soutenue par l'Union européenne, porte sur les défis auxquels la communauté internationale doit s'atteler pour atteindre l'objectif de tolérance zéro en matière de mutilations sexuelles féminines. Une attention particulière est accordée à ce problème dans le cadre du suivi de l'application de la Convention des Nations unies contre la torture et autres peines ou traitements cruels, inhumains ou dégradants.

L'Organisation des Nations unies invite les États à veiller à ce que les plans d'action nationaux visant à éliminer les mutilations sexuelles féminines soient détaillés et pluridisciplinaires prévoient des échéances pour atteindre les objectifs et soient assortis d'objectifs et d'indicateurs précis.

La Convention du Conseil de l'Europe sur la prévention et la lutte contre la violence à l'égard des femmes et la violence domestique, dite Convention d'Istanbul, reconnaît les mutilations sexuelles féminines (article 38) comme étant une violation grave des droits humains des femmes et des filles. La Convention offre un cadre contraignant important pour éradiquer les mutilations sexuelles féminines. Elle appelle tous les États parties à mettre en place des politiques intégrées pour prévenir et poursuivre la lutte contre les violences sexistes contre les femmes, y compris les mutilations sexuelles féminines ².

Une déclaration du Comité des ministres sur la « nécessité d'intensifier les efforts visant à prévenir et à combattre les mutilations génitales féminines et le mariage forcé en Europe » a été adoptée lors de la 1293^e réunion des délégués des ministres le 13 septembre 2017.

En juin 2018, le Conseil de l'Europe a publié un guide de bonnes pratiques pour éradiquer les mutilations sexuelles féminines ².

Au niveau communautaire, la communication du 25 novembre 2013 de la Commission européenne au Parlement européen et au Conseil, intitulée « Vers l'éradication des mutilations génitales féminines » adopte une approche globale et intégrée qui met l'accent sur la prévention de ces pratiques. Elle plaide pour une meilleure compréhension des mutilations sexuelles féminines dans l'Union européenne, vise à aider les États membres à poursuivre plus efficacement les auteurs de mutilations sexuelles féminines et assurer la protection des femmes à risque sur le territoire de l'Union, et promeut l'éradication des mutilations sexuelles féminines dans le monde.

Le 7 février 2018, dans une résolution « sur la tolérance zéro à l'égard des mutilations génitales féminines », le Parlement européen demande à la Commission et aux États membres d'intégrer la prévention des mutilations sexuelles féminines dans tous les secteurs,

² L'Union européenne a signé la Convention en 2017.

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en particulier dans ceux de la santé, santé sexuelle et génésique comprise, du travail social, de l'asile, de l'éducation, éducation sexuelle comprise, des forces de l'ordre, de la justice, de la protection de l'enfance, des médias et de la communication.

L'Union européenne soutient les actions de plaidoyer en faveur de l'amélioration de la législation nationale pour éradiquer les mutilations sexuelles féminines, de la sensibilisation, d'une éducation de qualité et favorable à l'égalité entre les femmes et les hommes. La Commission européenne soutient les efforts menés sur le terrain par les organisations non gouvernementales. Une enveloppe supplémentaire de 4,5 millions d'euros a été consacrée en 2015 pour soutenir des projets qui visent à prévenir et à combattre la violence liée à ces pratiques néfastes dans l'Union européenne.

Quant à la France, dans sa stratégie 2016-2020 relative à « l'action extérieure de la France sur les enjeux de population, de droits et santé sexuels et reproductifs », elle se fixe pour objectif de contribuer à faciliter d'ici 2020, dans huit pays prioritaires (Bénin, Côte d'Ivoire, Guinée, Mali, Niger, Sénégal, Tchad et Togo), l'accès des adolescents et des jeunes aux services de santé sexuelle et reproductive et réduire les pratiques néfastes. L'un des indicateurs de suivi de cet objectif est la réduction de la proportion de femmes qui ont subi une mutilation génitale dans ces huit pays.

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ANNEXE 2 : PROTECTIONS ACCORDÉES PAR LE DROIT FRANCAIS

— Mesures de protection au titre du Code pénal

La France a été le premier pays occidental à pénaliser la pratique des mutilations sexuelles féminines (1979).

La France ne possède pas de législation concernant spécifiquement les mutilations sexuelles féminines, mais punit celle-ci en tant qu'elle constitue une mutilation, et par conséquent un crime. La législation pénale a été particulièrement renforcée depuis une dizaine d'année, notamment à l'occasion de la transcription de la Convention d'Istanbul en 2013 par la loi du 5 août 2013.

L'article 222-9 du Code pénal réprime les violences ayant entraîné une mutilation ou une infirmité permanente (dix ans d'emprisonnement et 150 000 euros d'amende).

L'article 222-10 du Code pénal prévoit une aggravation de la peine (vingt ans d'emprisonnement) si la mutilation est commise sur une mineure de moins de quinze ans par une personne ayant autorité sur elle ou par un ascendant légitime, naturel ou adoptif ; l'article 222-8 du même code prévoit quant à lui une aggravation de la peine (trente ans d'emprisonnement) lorsque la mutilation entraine la mort de la mineure de moins de quinze ans sans intention de la donner.

Depuis 2013, la répression de l'incitation à subir ou à commettre une mutilation sexuelle féminine sur une mineure est inscrite dans le Code pénal, article 227-24-1 (cinq ans d'emprisonnement et 75 000 euros d'amende).

La personne reconnue complice d'une infraction est punie de la même manière que l'auteur (article 121-7 du Code pénal). Ainsi les responsables de l'enfant qui seraient reconnus complices de la mutilation sont punis de la même manière que la personne ayant réalisé la mutilation. Cette protection s'applique également aux faits réalisés à l'étranger pour une mineure française ou étrangère résidant régulièrement en France (article 222-16-2 du Code pénal).

Par ailleurs, la loi du 9 juillet 2010 relative aux violences faites spécifiquement aux femmes, aux violences au sein des couples et aux incidences de ces dernières sur les enfants a prévu la possibilité, pour le juge des enfants, de faire inscrire une mineure au fichier des personnes recherchées, pour une durée de deux ans, afin de prévenir la sortie du territoire en cas de risque de mutilations sexuelles à l'étranger.

En outre, l'article 226-14 du Code pénal, relatif à la levée du secret professionnel, s'applique aux mutilations sexuelles infligées à un mineur ou à une personne qui n'est pas en mesure de se protéger en raison de son âge ou de son incapacité physique ou psychique.

Mesure de protection au titre de l'asile

L'Office français de protection des réfugiés et apatrides (Ofpra) a placé les fillettes menacées de mutilations sexuelles féminines au centre du dispositif de protection, en leur accordant personnellement une protection au titre de l'asile à partir de 2008. Le 12 mars 2009, la Cour nationale du droit d'asile s'est prononcée et a considéré que les enfants menacées de mutilations sexuelles féminines étaient éligibles, à titre principal, à la protection subsidiaire, les mutilations étant constitutive d'un traitement inhumain et dégradant.

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Le 21 décembre 2012, le Conseil d'État a reconnu que le fait, pour une enfant ou une adolescente née en France, d'encourir un risque de mutilation sexuelle dans son pays d'origine revêt le caractère d'une persécution qui lui ouvre le droit à la protection de la Convention de Genève relative au statut des réfugiés. Une circulaire du ministre de l'Intérieur du 5 avril 2013 a complété le dispositif en prévoyant la délivrance d'une carte de séjour temporaire portant la mention « vie privée et familiale » aux parents d'enfants bénéficiaires d'une protection internationale.

La loi du 29 juillet 2015 relative à la réforme du droit d'asile a créé l'article L.744-6 du Code de l'entrée et du séjour des étrangers et du droit d'asile (Ceseda) qui dispose qu'à la suite d'une présentation de demande d'asile, l'Office français de l'immigration et de l'intégration (Ofii) est chargé de procéder, dans un délai raisonnable et après un entretien personnel avec le demandeur, à une évaluation de la vulnérabilité de ce dernier afin de déterminer, le cas échéant, ses besoins particuliers en matière d'accueil. L'Ofii prend notamment en considération les tortures, viols et autres formes graves de violence psychologique, physique ou sexuelle subies telles que des mutilations sexuelles féminines.

Créée par cette même loi, l'article L.752-3 du Ceseda prévoit que « lorsqu'une protection au titre de l'asile a été octroyée à une mineure invoquant un risque de mutilation sexuelle, l'Ofpra, tant que ce risque existe et tant que l'intéressée est mineure, lui demande de se soumettre à un examen médical visant à constater l'absence de mutilation ³ ». Un arrêté conjoint des ministres chargés de l'asile et de la santé du 23 août 2017 confie aux unités médico-judiciaires (UMJ) l'établissement de ces certificats.

La loi du 10 septembre 2018 a sécurisé la voie de transmission du certificat médical en prévoyant désormais sa remise à l'Ofpra sans délai par le médecin qui l'a rédigé. Une copie est remise en main propre aux parents ou représentants légaux de l'enfant ou adolescente.

Au regard de la présentation de ces dispositions, le corpus juridique français concernant les mutilations sexuelles féminines apparaît comme suffisant et ne nécessite pas aujourd'hui de renforcement dans la mesure où l'organisation juridictionnelle nationale continue à opposer une réponse pénale rigoureuse aux actes et auteurs des mutilations sexuelles féminines.

³ L'office transmet au Procureur de la République tout refus de se soumettre à cet examen ou tout constat de mutilation. Aucun constat de mutilation sexuelle ne peut entraîner, à lui seul, la cessation de la protection accordée à la mineure au titre de l'asile. Il ne peut être mis fin à ladite protection à la demande des parents ou des titulaires de l'autorité parentale tant que le risque de mutilation sexuelle existe.









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