

What International Human Rights Law says about Female Genital Mutilation

International law is the set of rules and minimum standards that governs relations between States. Under international law, female genital mutilation (FGM) is a human rights violation, torture, and an extreme form of violence and discrimination against girls and women. It is most often carried out on girls between infancy and age 15, though adult women are occasionally subjected. FGM has no health benefits. FGM violates a number of human rights, including women's and girls' rights to equality, life, security of the person, and dignity, as well as freedom from discrimination and torture, cruel, inhuman or degrading treatment.

There are various sources of international law, which include but are not limited to:

- **Treaties**

A treaty is a written agreement between States, and legally binding on those States that have ratified the treaty.

- **General Comments/Recommendations of Treaty Monitoring Bodies**

Treaty monitoring bodies oversee the implementation of several United Nations human rights treaties, and on occasion issue General Comments/Recommendations to clarify or explain any ambiguities in treaty texts. Though General Comments/Recommendations are not strictly legally binding, they are highly authoritative.

- **International Consensus Documents**

Consensus documents, such as resolutions or declarations, are formal expressions of opinion or will of the United Nations, African Union, Council of Europe, or Organization of American States organs, such as the United Nations General Assembly. Most resolutions or declarations typically are not considered binding on States, but may represent widely accepted principles of international law.

Several treaties, General Comments/Recommendations of treaty monitoring bodies, and consensus documents explicitly condemn FGM as a human rights violation. Other core human rights treaties of the United Nations and African Union provide general protections for the human rights of women and girls, which have been interpreted to prohibit FGM. Many of the sources of international law that are most frequently referenced to end FGM are listed below, though this list is not exhaustive.

International Law Source Documents

Two regional human rights treaties explicitly condemn FGM as a human rights violation.

- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Adopted 11 July 2003; Entered into Force 25 November 2005.](#)

Article 5

Elimination of Harmful Practices

States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international

standards. States Parties shall take all necessary legislative and other measures to eliminate such practices, including: ...

- (b) prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them;
- [Council of Europe Convention on preventing and combating violence against women and domestic violence. Adopted 11 May 2011; Entered into Force 1 August 2014.](#)

Article 38 – Female genital mutilation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- (a) excising, infibulating or performing any other mutilation to the whole or any part of a woman’s labia majora, labia minora or clitoris;
- (b) coercing or procuring a woman to undergo any of the acts listed in point a;
- (c) inciting, coercing or procuring a girl to undergo any of the acts listed in point a.

Several United Nations human rights treaty monitoring bodies have explicitly condemned FGM as a human rights violation.

- [Committee on the Elimination of All Forms of Discrimination against Women. General Recommendation No. 14 on Female circumcision under the Convention on the Elimination of All Forms of Discrimination against Women. 1990.](#)

The Committee on the Elimination of Discrimination against Women,

Concerned about the continuation of the practice of female circumcision and other traditional practices harmful to the health of women,

Noting with satisfaction that Governments, where such practices exist, national women’s organizations, non-governmental organizations, specialized agencies, such as the World Health Organization, the United Nations Children’s Fund, as well as the Commission on Human Rights and its Submission on Prevention of Discrimination and Protection of Minorities, remain seized of the issue having particularly recognized that such traditional practices as female circumcision have serious health and other consequences for women and children,

Noting with interest the study of the Special Rapporteur on Traditional Practices Affecting the Health of Women and Children, as well as the study of the Special Working Group on Traditional Practices,

Recognizing that women are taking important action themselves to identify and to combat practices that are prejudicial to the health and well-being of women and children,

Convinced that the important action that is being taken by women and by all interested groups needs to be supported and encouraged by Governments,

Noting with grave concern that there are continuing cultural, traditional and economic pressures which help to perpetuate harmful practices, such as female circumcision,

Recommends to States parties:

(a) That States parties take appropriate and effective measures with a view to eradicating the practice of female circumcision. Such measures could include:

The collection and dissemination by universities, medical or nursing associations, national women's organizations or other bodies of basic data about such traditional practices;

The support of women's organizations at the national and local levels working for the elimination of female circumcision and other practices harmful to women;

The encouragement of politicians, professionals, religious and community leaders at all levels including the media and the arts to cooperate in influencing attitudes towards the eradication of female circumcision;

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

(b) That States parties include in their national health policies appropriate strategies aimed at eradicating female circumcision in public health care. Such strategies could include the special responsibility of health personnel including traditional birth attendants to explain the harmful effects of female circumcision;

(c) That States parties invite assistance, information and advice from the appropriate organizations of the United Nations system to support and assist efforts being deployed to eliminate harmful traditional practices;

(d) That States parties include in their reports to the Committee under articles 10 and 12 of the Convention on the Elimination of All Forms of Discrimination against Women information about measures taken to eliminate female circumcision.

- [Committee on the Elimination of Discrimination against Women. General Recommendation No. 19 on Violence against women under the Convention on the Elimination of All Forms of Discrimination against Women. 1992.](#)

Comments on specific articles of the Convention

Articles 2 (f), 5 and 10 (c) 11.

11. Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to their low level of political participation and to their lower level of education, skills and work opportunities.

- [Committee on the Elimination of All Forms of Discrimination against Women. General Recommendation No. 24 on Article 12 \(Women and health\) of the Convention on the Elimination of All Forms of Discrimination against Women. 1999.](#)

5. The Committee refers also to its earlier general recommendations on female circumcision, human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), disabled women, violence against women and equality in family relations, all of which refer to issues that are integral to full compliance with article 12 of the Convention,

12. States parties should report on their understanding of how policies and measures on health care address the health rights of women from the perspective of women's needs and interests and how it addresses distinctive features and factors that differ for women in comparison to men, such as:

...
(b) ... Some cultural or traditional practices such as female genital mutilation also carry a high risk of death and disability;

...
15. The obligation to protect rights relating to women's health requires States parties, their agents and officials to take action to prevent and impose sanctions for violations of rights by private persons and organizations. Since gender-based violence is a critical health issue for women, States parties should ensure:

...
(d) The enactment and effective enforcement of laws that prohibit female genital mutilation...

...
18. The issues of HIV/AIDS and other sexually transmitted diseases are central to the rights of women and adolescent girls to sexual health. ... Harmful traditional practices, such as female genital mutilation... may also expose girls and women to the risk of contracting HIV/AIDS and other sexually transmitted diseases. ... In particular, States parties should ensure the rights of female and male adolescents to sexual and

reproductive health education by properly trained personnel in specially designed programmes that respect their right to privacy and confidentiality.

- [Committee on the Rights of the Child. General Comment No. 4 on Adolescent health and development under the Convention on the Rights of the Child. 19 May-6 June 2003.](#)

I. FUNDAMENTAL PRINCIPLES AND OTHER OBLIGATIONS OF STATES PARTIES

Civil rights and freedoms

...

10. The Convention defines the civil rights and freedoms of children and adolescents in its articles 13 to 17. These are fundamental in guaranteeing the right to health and development of adolescents. Article 17 states that the child has the right to “access information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health”. The right of adolescents to access appropriate information is crucial if States parties are to promote cost-effective measures, including through laws, policies and programmes, with regard to numerous health-related situations, including those covered in articles 24 and 33 such as ... protection from harmful traditional practices, including ... female genital mutilation...

...

II. CREATING A SAFE AND SUPPORTIVE ENVIRONMENT

...

24. In light of articles 3, 6, 12, 19 and 24 (3) of the Convention, States parties should take all effective measures to eliminate all acts and activities which threaten the right to life of adolescents, including honour killings. The Committee strongly urges States parties to develop and implement awareness-raising campaigns, education programmes and legislation aimed at changing prevailing attitudes, and address gender roles and stereotypes that contribute to harmful traditional practices. Further, States parties should facilitate the establishment of multidisciplinary information and advice centres regarding the harmful aspects of some traditional practices, including early marriage and female genital mutilation.

...

V. NATURE OF STATES’ OBLIGATIONS

...

39. ...States parties must take all appropriate legislative, administrative and other measures for the realization and monitoring of the rights of adolescents to health and development as recognized in the Convention. To this end, States parties must notably fulfil the following obligations:

...

- (g) To protect adolescents from all harmful traditional practices, such as early marriages, honour killings and female genital mutilation;

- [Human Rights Committee. General Comment No. 28 on Article 3 \(Equality of rights between men and women\) of the International Covenant on Civil and Political Rights. 29 March 2000.](#)

11. To assess compliance with article 7 of the Covenant, as well as with article 24, which mandates special protection for children, the Committee needs to be provided information on national laws and practice with regard to domestic and other types of violence against women, including rape. ... In States parties where the practice of genital mutilation exists information on its extent and on measures to eliminate it should be provided. The information provided by States parties on all these issues should include measures of protection, including legal remedies, for women whose rights under article 7 have been violated.

- [Committee on Economic, Social and Cultural Rights. General Comment No. 14 on Article 12 \(The right to the highest attainable standard of health\) of the International Covenant on Economic, Social and Cultural Rights. 25 April-12 May 2000.](#)

22. ... There is a need to adopt effective and appropriate measures to abolish harmful traditional practices affecting the health of children, particularly girls, including early marriage, female genital mutilation, preferential feeding and care of male children. ...

35. ...States are also obliged ... to prevent third parties from coercing women to undergo traditional practices, e.g. female genital mutilation...

Several United Nations consensus documents have explicitly condemned FGM as a human rights violation.

- [Transforming our World: The 2030 Agenda for Sustainable Development. General Assembly Resolution A/RES/70/1. 25 September 2015.](#)

Goal 5: Achieve gender equality and empower all women and girls

Target 5.3: Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation

- [General Assembly Resolution 67/146, *Intensifying global efforts for the elimination of female genital mutilations*. 20 December 2012.](#)

The General Assembly,

...

Recognizing that female genital mutilations are an irreparable, irreversible abuse that impacts negatively on the human rights of women and girls, affecting about 100 million to 140 million women and girls worldwide, and that each year an estimated further 3 million girls are at risk of being subjected to the practice throughout the world,

Reaffirming that female genital mutilations are a harmful practice that constitutes a serious threat to the health of women and girls, including psychological, sexual and reproductive health, which can increase their vulnerability to HIV and may have adverse obstetric and prenatal outcomes as well as fatal consequences for the mother and the newborn, and that the abandonment of this harmful practice can be achieved as a result of a comprehensive movement that involves all public and private stakeholders in society, including girls and boys, women and men,

...

2. *Calls upon* States to enhance awareness-raising and formal, non-formal and informal education and training in order to promote the direct engagement of girls and boys, women and men and to ensure that all key actors, Government officials, including law enforcement and judicial personnel, immigration officials, health-care providers, community and religious leaders, teachers, employers, media professionals and those directly working with girls, as well as parents, families and communities, work to eliminate attitudes and harmful practices, in particular all forms of female genital mutilations...;

3. *Also calls upon* States to strengthen advocacy and awareness-raising programmes, to mobilize girls and boys to take an active part in developing preventive and elimination programmes to address harmful practices, especially female genital mutilations...;

4. *Urges* States to condemn all harmful practices that affect women and girls, in particular female genital mutilations... and to take all necessary measures, including enacting and enforcing legislation, to prohibit female genital mutilations and to protect women and girls from this form of violence, and to end impunity;

5. *Also urges* States to complement punitive measures with awareness-raising and educational activities designs to promote a process of consensus toward the elimination of female genital mutilations, and further urges States to protect and support women and girls who have been subjected to female genital mutilations and those at risk...;

...

7. *Calls upon* States to ensure that national action plans and strategies on the elimination of female genital mutilations are comprehensive and multidisciplinary in scope...;

...

12. *Calls upon* States to develop policies and regulations to ensure the effective implementation of national legislative frameworks on eliminating discrimination and violence against women and girls, in particular female genital mutilations, and to put in place adequate accountability mechanisms...;

13. *Also calls upon* States to develop unified methods and standards for the collection of data on all forms of discrimination and violence against women and girls, especially... female genital mutilations...;

14. *Urges* States to allocate sufficient resources to the implementation of policies and programmes and legislative frameworks aimed at eliminating female genital mutilations;

15. *Calls upon* States to develop, support and implement comprehensive and integrated strategies for the prevention of female genital mutilations, including the training of social workers, medical personnel, community and religious leaders and relevant professionals...;

16. *Also calls upon* States to support, as part of a comprehensive approach to eliminate female genital mutilations, programmes that engage local community practitioners of female genital mutilations in community-based initiatives...;

...

- [General Assembly Resolution 48/104, Declaration on the Elimination of Violence against Women. 20 December 1993.](#)

The General Assembly,

...

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

...

- [Beijing Declaration and Platform for Action of the Fourth World Conference on Women. 4-15 September 1995.](#)

Chapter II GLOBAL FRAMEWORK

...

39. ... [Girls] are often subjected to ... harmful practices such as ... female genital mutilation ...

...

Chapter IV STRATEGIC OBJECTIVES AND ACTIONS

...

C. Women and health

...
93. ...Conditions that ... subject [girls] to harmful practices, such as female genital mutilation, pose grave health risks. ...

...
Strategic objective C.2. Strengthen preventive programmes that promote women's health

Actions to be taken

107. By Governments, in cooperation with non-governmental organizations, the mass media, the private sector and relevant international organizations, including United Nations bodies, as appropriate:

- (a) Give priority to both formal and informal educational programmes that support and enable women to develop self-esteem, acquire knowledge, make decisions on and take responsibility for their own health, achieve mutual respect in matters concerning sexuality and fertility and educate men regarding the importance of women's health and well-being, placing special focus on programmes for both men and women that emphasize the elimination of harmful attitudes and practices, including female genital mutilation..., and recognizing that some of these practices can be violations of human rights and ethical medical principles;

...

D. Violence against women

...
113. The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

- (a) Physical, sexual and psychological violence occurring in the family, including ... female genital mutilation ...;

...

Strategic objective D.1. Take integrated measures to prevent and eliminate violence against women

Actions to be taken

124. By Governments:

...

- (i) Enact and enforce legislation against the perpetrators of practices and acts of violence against women, such as female genital mutilation ..., and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;

...

I. Human rights of women

...
Strategic objective I.2. Ensure equality and non-discrimination under the law and in practice

Actions to be taken

232. By Governments:

...
(h) Prohibit female genital mutilation wherever it exists and give vigorous support to efforts among non-governmental and community organizations and religious institutions to eliminate such practices;

...

L. The girl child

259. ...[I]n many countries available indicators show that the girl child is discriminated against from the earliest stages of life, through her childhood and into adulthood. In some areas of the world, men outnumber women by 5 in every 100. The reasons for the discrepancy include, among other things, harmful attitudes and practices, such as female genital mutilation.... As a result, fewer girls than boys survive into adulthood.

...

Strategic objective L.2. Eliminate negative cultural attitudes and practices against girls

Actions to be taken

...

277. By Governments and, as appropriate, international and non-governmental organizations:

...

(d) Develop policies and programmes, giving priority to formal and informal education programmes that support girls and enable them to acquire knowledge, develop self-esteem and take responsibility for their own lives; and place special focus on programmes to educate women and men, especially parents, on the importance of girls' physical and mental health and well-being, including the elimination of discrimination against girls in ... female genital mutilation...

- [Programme of Action of the International Conference on Population and Development. 5-13 September 1994.](#)

Chapter IV: Gender Equality, Equity and Empowerment of Women

...

B. The girl child

...

Actions

...

4.22 Governments are urged to prohibit female genital mutilation wherever it exists and to give vigorous support to efforts among non-governmental and community organizations and religious institutions to eliminate such practices.

...

Chapter V. The Family, Its Roles, Rights, Composition and Structure
A. Diversity of family structure and composition

...

Actions

5.5 Governments should take effective action to eliminate all forms of coercion and discrimination in policies and practices. Measures should be adopted and enforced to eliminate child marriages and female genital mutilation. ...

...

Chapter VII. Reproductive Rights and Reproductive Health
A. Reproductive rights and reproductive health

...

Actions

7.6 ... Active discouragement of harmful practices, such as female genital mutilation, should also be an integral component of primary health care, including reproductive health-care programmes.

...

D. Human sexuality and gender relations

...

Actions

...

7.40 Governments and communities should urgently take steps to stop the practice of female genital mutilation and protect women and girls from all such similar unnecessary and dangerous practices. Steps to eliminate the practice should include strong community outreach programmes involving village and religious leaders, education and counselling about its impact on girls' and women's health, and appropriate treatment and rehabilitation for girls and women who have suffered mutilation. Services should include counselling for women and men to discourage the practice.

- [Commission on the Status of Women Resolution 51/2 on Ending of Female Genital Mutilation. 26 February-9 March 2007..](#)

The Commission on the Status of Women,

...

Recognizing that female genital mutilation violates, and impairs or nullifies the enjoyment of the human rights of women and girls,

Recognizing also that female genital mutilation is an irreparable, irreversible abuse that affects one hundred to one hundred and forty million women and girls alive today, and that each year a further two million girls are at risk of undergoing the procedure,

Reaffirming that harmful traditional or customary practices, including female genital mutilation, constitute a serious threat to the health of women and girls, including

their psychological, sexual and reproductive health... ,

...

2. *Emphasizes* that awareness-raising, community mobilization, education and training are needed to ensure that all key actors and government officials, including law enforcement and judicial personnel, health-care providers, teachers, employers, media professionals and those working directly with girls, as well as parents, families and communities, work to eliminate attitudes and harmful practices that negatively affect girls;

3. *Calls upon* States to strengthen advocacy and awareness-raising programmes and mobilize girls and boys to take active part in developing programmes to eliminate harmful traditional practices, especially female genital mutilation...;

4. *Urges* States to condemn all harmful traditional practices, in particular female genital mutilation;

...

6. *Further urges* States to promote gender-sensitive, empowering educational processes, by, as appropriate, reviewing and revising school curricula, educational materials and teacher-training programmes, and elaborating policies and programmes of zero tolerance for violence against girls...;

7. *Urges* States to provide education and training on the rights of girls to families, community leaders and members of all professions relevant to the protection and empowerment of girls, such as all levels of health-care providers, social workers, police officers, legal and judicial personnel and prosecutors, in order to increase awareness and commitment to the promotion and protection of the rights of girls and appropriate responses to rights violations with regard to female genital mutilation;

...

10. *Urges* States to take all necessary measures to protect girls and women from female genital mutilation, including by enacting and enforcing legislation to prohibit this form of violence and to end impunity;

11. *Also urges* States to develop social and psychological support services and care and to take measures to improve health, including sexual and reproductive health, in order to assist women and girls who are subjected to this violence;

12. *Calls upon* States to develop policies, protocols and rules to ensure the effective implementation of national legislative frameworks on eliminating discrimination and violence against girls, in particular female genital mutilation...;

13. *Also calls upon* States to develop unified methods and standards for data collection on all forms of discrimination and violence against girls, especially... female genital mutilation...;

14. *Urges* States to allocate sufficient resources to the implementation of legislation and action plans aimed at abandoning female genital mutilation;

15. *Calls upon* States to develop, support and implement comprehensive and integrated strategies for the prevention of female genital mutilation, including the training of social workers, medical personnel and other relevant professional...; ...

Several other core international and regional human rights treaties generally protect women's and girls' human rights, including protection from female genital mutilation.

- [Convention on the Elimination of All Forms of Discrimination against Women. Adopted 18 December 1979; Entered into force 3 September 1981.](#)

Article 2 States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

...

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

...

Article 5 States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

...

Article 10 States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

...

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

- [Convention on the Rights of the Child. Adopted 20 November 1989; Entered into force 2 September 1990.](#)

...

Article 2

- (1) States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- (2) States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

- (1) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- (2) States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
- (3) States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

...

Article 6

- (1) States Parties recognize that every child has the inherent right to life.
- (2) States Parties shall ensure to the maximum extent possible the survival and development of the child.

...

Article 19

- (1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- (2) Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

...

Article 24

- (1) States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and

rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

...
(3) States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

...
Article 37
States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. ...

...
Article 39
States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

- [International Covenant on Civil and Political Rights. Adopted 16 December 1966; Entered into force 23 March 1976.](#)

...
Article 3. The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

...
Article 6(1). Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

...
Article 7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

...
Article 9(1). Everyone has the right to liberty and security of person...

...
Article 24(1). Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

...
Article 26. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

...

- [International Covenant on Economic, Social, and Cultural Rights. Adopted 16 December 1966; Entered into force 3 January 1976.](#)

...

Article 3. The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

...

Article 12(1). The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

...

- [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Adopted 10 December 1984; Entered into force 26 June 1987.](#)

...

Article 2

(1) Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

...

Article 4

(1) Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

...

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

...

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

...

Article 14

(1) Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death

of the victim as a result of an act of torture, his dependants shall be entitled to compensation....

- [African Charter on Human and Peoples' Rights. Adopted 27 June 1981; Entered into force 21 October 1986.](#)

...

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 3

- (1) Every individual shall be equal before the law.
- (2) Every individual shall be entitled to equal protection of the law.

Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

...

Article 16

- (1) Every individual shall have the right to enjoy the best attainable state of physical and mental health.
- (2) States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

...

Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

- [African Charter on the Rights and Welfare of the Child. Adopted 1 July 1990; Entered into force 29 November 1999.](#)

Article 4

Best Interests of the Child

(1) In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration.

...

Article 5

Survival and Development

(1) Every child has an inherent right to life. This right shall be protected by law.

...

Article 14

Health and Health Services

(1) Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health.

...

Article 16

Protection Against Child Abuse and Torture

- (1) State Parties to the present Charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child.
- (2) Protective measures under this Article shall include effective procedures for the establishment of special monitoring units to provide necessary support for the child and for those who have the care of the child, as well as other forms of prevention and for identification, reporting referral investigation, treatment, and follow-up of instances of child abuse and neglect.

...

Article 21

Protection against Harmful Social and Cultural Practices

- (1) State Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:
 - (a) those customs and practices prejudicial to the health or life of the child; and
 - (b) those customs and practices discriminatory to the child on the grounds of sex or other status.

...