

FGM/Cutting and Child Marriages in Senegal: Harmful Practices for Young Girls, Women Health and a Conflict of Norms

Dr Cheikh Moussa Camara*

Sociologist, teacher/researcher at Dakar University and Consultant

***Corresponding author:**

Dr Cheikh Moussa Camara,
Sociologist, teacher/researcher at
Dakar University and Consultant.

ABSTRACT

The continuous Demographic and Health Survey (DHS) 2023 shows that 20.1 percent of women between 15 and 49 are circumcised in Senegal. This percentage is higher in Matam region located in north-east of Senegal (83) and in southern and eastern regions: Sédhiou (80.9) Kédougou (71.3) and Kolda (68.4). This percentage is 16.4 among young girls between 15 and 19 indicating persistence of Female Genital Mutilation (FGM)/Cutting in Senegal. This practice may have negative effects on young girls and women health with significant risks of maternal morbidity and mortality. Child marriages also present risks of maternal morbidity and mortality due to very early pregnancies. This paper is aimed at contributing to a socio-analysis of the dialectic of norms related to female genital mutilations and child marriages in Senegal. Indeed, these societal, legal and political themes derive from a dialectic and even conflicting relation between the social norms, the legal standards and the ideals of individual freedom. This contribution is the fruit of a documentary research and the capitalisation of our experiences on the ground and the reflections on these issues.

Keywords: FGM/Cutting, Child Marriage, Women Health, Social and Legal Norms.

Received: May 16, 2025;

Accepted: May 23, 2025;

Published: May 30, 2025

Introduction

The world of today is in the midst of a tremendous transformation and is more and more complex, if not subjected to "disenchantment", as sociologist Max Weber would put it. The cultural and religious values and the traditional references are being profoundly called into question. These transformations marking the upheaval of the systems and sustainable changes in the organisation, the operation, the patterns, the structure and the values of contemporary societies bring new challenges. In spite of these social changes, some communities keep demonstrating an extraordinary inertia in some domains, as illustrated by the persistence of ancestral traditional practices including female genital mutilations and child marriages.

The complex and even dialectic relations between social norms, legal standards and the ideals of individual freedom, against the backdrop of universal and inalienable human rights, are highlighted in this article through the examples of female genital mutilations and child marriages. The choice of these themes is all the more justified as they are

inadequately documented. Thus, the risk of making value judgements or taking stance without knowing the sociocultural bases of the persistence of the societal practices often qualified as harmful, is substantial. The responses and strategies against these practices might be inappropriate or irrelevant if they are not based on an in-depth analysis of their sociological substructure.

This paper is aimed at contributing to a socio-analysis of the dialectic of norms related to female genital mutilations and child marriages in Senegal. Indeed, these societal, legal and political themes derive from a dialectic and even conflicting relation between the social norms, the legal standards and the ideals of individual freedom. This contribution is the fruit of a documentary research and the capitalisation of our experiences on the ground and the reflections on these issues. After a conceptual analysis of the social and legal norms, the issue regarding the dialectic relations between these standards are first analysed with regards to female genital mutilations, and then child marriages in Senegal.

Citation: Cheikh Moussa Camara (2025) FGM/Cutting and Child Marriages in Senegal: Harmful Practices for Young Girls, Women Health and a Conflict of Norms. *J Gyne Womens Heal Care* 1: 1-4.

Conceptual Approach of Social and Legal Norms

Social norms represent a fundamental element of the sociological reflection given their renowned influence on the behaviours and practices of society members. This might seem deterministic or subject to holism in Durkheimian tradition insofar as it lies on the hypothesis of social influence on people's attitudes and behaviours. As a result, it might be challenged or put into perspective by partisans of methodological individualism, heirs of the Weberian tradition that hint at a certain freedom and capacity of initiative of the individual, in the face of social pressure. In fact, the social norm is merely a form of expression of what is commonly referred to as social pressure.

The strength of this social pressure is often alluded to in African societies to explain the limited leeway of social stakeholders that are often obliged to abide by it, even if they do not adhere to it, in a bid to not be rejected or marginalised by their group of affiliation or reference. Many examples could be quoted, including that of the women often stressed by their unmarried status, or in societies that value female genital mutilations and where non-circumcised girls dread being ostracised by their community.

The issue of social norms that are based on the sociocultural substrate, and their often, conflicting relations with the legal standards that emanate from the substantive law, and regulations and laws codified by societies, is fundamental if we want to understand some contradictions amongst them. According to Charles de Montesquieu, the laws must be compliant with the living standard, the culture, the socioeconomic organisation, the level of freedom tolerated in societies where they are applied [1]. Is adequacy or convergence between the laws and societies, or between legal standards and social norms a reality or utopia? Such is the key question addressed in this reflection.

The social transformations deeply affecting the organisation, the patterns, the operation, the structure, the cultural norms and values of a society cannot be imposed insofar as they derive from a double inner/outer dynamic, outcome of a dialectic between endogenous and exogenous factors. The previous question can be then reversed as follows: Do we need to change the laws to adapt them to the sociocultural substrate of the societies where they are to be applied, to facilitate the population's buy in?

It might seem easier to change the laws and rules than to completely overturn the sociocultural substrate of a society that derives from a long history and which, indeed, will need much more time than to simply sign a decree to enact a new legal rule.

A social norm touches on what a group or society finds normal, what is perceived as a typical and/or appropriate action. It fits into the framework of reciprocal expectations of people belonging to the same reference group. Due to the interdependence between the social expectations and social actions, social norms can be resistant to change. They form a set of reciprocal and shared expectations within a reference group, or behavioural rules to which people adhere and prefer to abide by. In contrast, legal norms are formal and formulated by the countries and can be applied by coercion, whereas social norms are informal and are maintained and respected through social approval or disapproval, or by way of social influence.

FGMs/cutting: A Social Norm Contradicting Legal Norms in Senegal

The term Female Genital Mutilations (FGMs) has been of recent use compared to the term cutting. It refers to all practices including the removal, or the partial or total damage of the external genital organs for non-medical purposes [2]. In other words, excision is practised for cultural reasons or for other causes that are not therapeutic according to WHO [3]. It is difficult to date the origin to this practice that takes different forms depending on the sociocultural contexts, though it seems to have emerged prior to the advent of Islam. It is indicated in the existing literature that in communities where FGM/cutting is practised, it is socially legitimised as a step necessary in education (rite of passage), for girls' protection and the acquisition of a social status giving them better prospects to get married (myth related to impurity of the non-excised woman). In Mandingo, the term "Solima" refers to the non-circumcised girl that is viewed as impure. In this society, it is not recommended to marry a Solima and to eat meals prepared by such an "impure" girl or woman. This practice operates as a convention and a social norm maintained by reciprocal expectations within the communities. The continuous Demographic and Health Survey (DHS) 2023 shows that 20.1 percent of women between 15 and 49 are circumcised in Senegal [4]. This percentage is higher in Matam region located in north-east of Senegal (83) and in southern and eastern regions: Sédhiou (80.9) Kédougou (71.3) and Kolda (68.4). This percentage reach 16.4 among young girls between 15 and 19 indicating persistence of Female Genital Mutilation (FGM)/Cutting in Senegal. This practice may have negative effects on young girls and women health with significant risks of maternal morbidity and mortality.

As pointed out above, this practice operates as a convention and a social norm maintained by reciprocal expectations within the communities. Actually, in a theoretical perspective peculiar to the symbolic interactionism, the social norm is a social construction. It is in the presence of others and under mutual influences that is codified what is socially deemed acceptable or not. In other words, social norms emerge and change under the reciprocal influence that partners exert on their respective actions when in an immediate physical presence. From this perspective, cutting is therefore not unchangeable insofar as this practice can vanish or change based on the dynamic of transformations of the underlying social norm that legitimises it socially in the societies concerned.

In Senegal, FGM has become an "outlawed social norm" since 1999, following the enactment of the Law 99-05 of January 1999 related to the criminalisation and suppression of female genital mutilations/cutting, sexual harassment and domestic violence. In that regard, Article 299 bis of the Senegalese Penal Code stipulates: *"shall face imprisonment from six months to five years anybody that will have impaired or attempted to impair the integrity of the genital organ of a female through a total or partial removal of one or several elements thereof, by infibulation, by anaesthetization or by any other means."* It is also mentioned that the maximal jail sentence shall be applied if any of these mutilations is done or facilitated by a person from the health or paramedical staff. The sanction provided for in case FGMs cause the death of the victim is hard labour for life.

Thus, there is an ancestral social norm within cultural communities of the North, South and South-East of Senegal that contradicts the law punishing cutting. In such a case, the populations concerned by this measure often misunderstand the legitimacy and rationale of such a measure, as they think that these long-lasting practices are but the expression of their identity. These social representations favour some forms of resistance in the face of the new legal norm that is viewed as a denial of their sociocultural values. This observation explains that in spite of the relative severity of the planned sanction measures, the application of this law is still hindered by the reluctance of some communities that keep practising FGM. The resistance of the social norm against the new legal norm, through avoidance strategies deployed by the populations concerned, is illustrative of the difficulty in applying the abovementioned law. As a matter of fact, only a dozen of cutting cases has been brought before courts since 1999. This situation is also related to the culture of non-denunciation that explains the persistence of the excision practice in hiding. The law should have been preceded by awareness and social mobilisation actions with the view to arousing the adherence of the cultural groups concerned, for an effective application thereof.

Child Marriages: A Practice Encouraged by the Legal Norm in Senegal?

Child marriage is defined by the African Union as customary, religious or legal marriage of anybody aged below 18; it occurs before a girl or a boy is physically and psychologically mature enough to assume wedlock and motherhood or fatherhood responsibilities. Child marriages are among the so-called harmful traditional practices inspired by social norms and cultural values that foster early procreation and wedlock. In Senegal between 2000 and 2011, 31 to 35 percent of women aged between 20 and 24 had been married before reaching 18, with a high dominance in rural areas (49.3 percent against 16.9 percent in urban areas), and in poor households [5].

Child marriages are therefore fostered by some convergent social norms and cultural values. They lie on the willingness of men and women of the communities concerned to control girls' sexuality and preserve the family's honour by marrying them early enough in a bid to avoid any loss of virginity before wedlock. Understanding the determinants of this practice goes through an analysis of the cultural values and the social norms and patterns within the societies where it still prevails. The demographic data had made it possible to highlight a coincidence between the cultural communities practising cutting and those with a high prevalence of child marriages. These include the Pulaar and Mandingo areas broadly that are the two biggest ethnolinguistic groups in West Africa. These groups are still very attached to their cultural and traditional values. Child marriages also present risks of maternal morbidity and mortality due to very early pregnancies.

Unlike the case of FGM/cutting, where "the social norm is outlawed" insofar as the practice has been banned since 1999, when it comes to child marriage, the current legislation in Senegal seems to favour the maintaining of this traditional practice, in total disagreement with the international conventions to which the country has adhered. Actually, the legal age of marriage for

girls is 16 years according to the provisions of the Family Code, while Senegal has unreservedly ratified all the international and African regional instruments whereby the minimum marriage age is 18 years for both girls and boys. These include:

- The African Charter on the Rights and Welfare of the Child (ACRWC) ratified in 1998, and whose Article 21 paragraph 2 indicates that: *"Child marriage and the betrothal of girls and boys shall be prohibited, and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory"*
- The Protocol to the African Charter on Human and People's Rights related to women's rights (Maputo Protocol) ratified in 2004 indicating in its Article 6 that: *"no marriage shall take place without the free and full consent of both parties, and the minimum age of marriage for the woman shall be 18 years"*

However, things are not so simple and it would be risky to jump to the conclusion that the traditional practice of child marriage is sustained in Senegal by a legal basis. Actually, there appears an ambiguity insofar as some actions initiated by public authorities with the support of development partners and NGOs are rolled out to put an end to this practice. There also is a growing clamour denouncing early marriages and urging the populations to call it quits. However, this wave of denunciations of this practice still has not yielded changes in the legal provisions that set the age of marriage for girls at 16 years. What explains these paradoxes?

The answer to this question might be related to the sensitiveness and the difficulties inherent in any attempt at reforming the Family Code. The national consensus often sought after, through the adherence of all stakeholders of society (policy-makers, leaders of opinion including religious guides, civil society organisations, human rights activists, etc.), are never easy to achieve. There are some divergent stances that often hinder the achievement of consensus around this sensitive issue.

Discussion and Conclusion

The issue concerning the relations between legal norms, social norms and individual liberty is highly complex. Actually, it poses some questions that require insights from sociologists, laws specialist, development practitioners, and all civil society observers. This paper is a contribution to this debate with fundamental stakes that consists in proposing, through evidence-based analyses, appropriate strategies and measures in the face of the emerging challenges that contemporary societies of the post-modern era are facing.

At the end of our analysis, a first major conclusion is the dialectic character of these relations. Actually, the examples of FGM/cutting and child marriages show the contradictions existing between the legal and social norms in Senegal. Concerning FGM, it appears that an ancestral social norm in some communities has, since 1999, been in conflict with the legal norms that criminalise the practice through the above-mentioned law. As to child marriages, the contrary has been observed, as the legal norms seem to converge with the social norms that favour this type of union. In fact, the legal age of marriage for girls in Senegal is 16 years, which is below the international standard adopted by

the international community under conventions that Senegal has adhered to.

From a legal viewpoint, these international conventions are supposed to have primacy over national legislations that should comply with them in principle. Yet, harmonisation between the laws of the country and international conventions, as pushed by some advocacy organisations and coalitions, bumps, in practice, into the caution of public authorities that are more concerned about not angering one part of their public opinion on sensitive matters.

As we showed it, FGM/Cutting is a persistent harmful practice in Senegal and in Kenya also. This practice may have negative effects on young girls and women health with significant risks of maternal morbidity and mortality. According Okemwa Pauline and al, “the practice of female genital cutting as a cultural obligation is widespread in Kenya but there is little consensus about its effects on health [6]. Some of the health risks associated with female genital cut range from minor and short-term to major and long-term effects including pain, bleeding, infections and, in the extreme, death.” Child marriages also present risks of maternal morbidity and mortality due to very early pregnancies.

In conclusion, it is fundamental to develop adapted strategies for people awareness on health risks due to FGM/Cutting and child marriages. Sensitization must be developed before repression because these harmful practices have a socio-cultural background among concerned communities. Alternative ritual may also be developed for young girls’ socialization among those communities for avoiding harmful practices affecting their health.

References

1. Montesquieu Charles (1964) On the Spirit of the Laws (1748), in Complete Works, Paris, SeuilShell-Duncan, Bettina et Ylva Hernlund, ed., 2000, Female “Circumcision” in Africa: Culture.
2. Controversy and Change, Lynne Rienner Publisher, London.
3. WHO (1997) Female Genital Mutilations: WHO/UNICEF/UNFPA Joint Statemeny, Geneva.
4. ANSD (2023) Continuous Demographic Health Survey (DHS) Senegal.
5. UNICEF (2013) Situation of children around the world in 2013: Children with disability.
6. Okemwa Pauline (2014) 6, Female Genital Cut in relation to its value and health risks among the Kisii of western Kenya, Health.