

6

CULTURAL EXPERTISE AND FEMALE GENITAL MUTILATION/CUTTING

Ruth M. Mestre i Mestre, Lotta Wendel and Sara Johnsdotter

LEARNING OBJECTIVES

After reading this chapter you will have familiarised yourself with cultural expertise in the legal handling of cases that involve female genital mutilation/cutting (FGM/C). You will have learnt: what FGM/C is and how it is framed in cultural terms in Europe; about FGM/C in relation to criminal law and child protection in Europe; and about FGM/C in relation to human rights protection and asylum seeking.

Introduction

In this chapter, we discuss how cultural expertise can be used to neutralize stereotyped images of minority cultures in court in female genital mutilation/cutting-related cases because, wisely employed, it may counteract possible negative effects of typification and judicial stereotyping.

Theory and Concepts

Female genital mutilation/cutting (FGM/C), or “female circumcision”, covers a variety of cultural practices involving modifications of the female genitalia for non-medical reasons. The World Health Organization has sorted the practices

into four categories, which are used in legal, medical care and research contexts (WHO 2020):¹

- *Type I.* Partial or total removal of the clitoral glans (the external and visible part of the clitoris, which is a sensitive part of the female genitals with the function of providing sexual pleasure to the woman) and/or the prepuce/clitoral hood (the fold of skin surrounding the clitoral glans).
- *Type II.* Partial or total removal of the clitoral glans and the labia minora (the inner folds of the vulva), with or without removal of the labia majora (the outer folds of skin of the vulva).
- *Type III.* Narrowing of the vaginal opening with the creation of a covering seal. The seal is formed by cutting and repositioning the labia minora or labia majora. The covering of the vaginal opening is done with or without the removal of the clitoral prepuce/clitoral hood and glans (Type I FGM/C).
- *Type IV.* All other harmful procedures to the female genitalia for non-medical purposes, for example, pricking, piercing, incising, scraping and cauterization.

The WHO estimates that more than 200 million women and girls are affected (WHO 2020). The WHO uses only the acronym FGM, and most Western legislation follows suit, while many researchers prefer FGC or FGM/C (Johnsdotter and Johansen 2020).

FGM/C is defined as a social problem at a global level and has been addressed in international conventions, national legal systems and asylum regulations. Campaigns aimed at the eradication of the practices have been promoted since the 1980s. It is criminalized in all European states, either through specific or general criminal law provisions (Leye et al. 2007).

However, at the grassroots level, these practices widely differ depending on the cultural context. Whilst they all encompass a genital modification for non-medical reasons, the actual variation across the practices is enormous: an infibulation of a six-year-old girl in Somalia or an excision of a Gikuyu adolescent who opted for it has very little in common with an excision during the Bondo initiation rite in Sierra Leone or a pricking of an eight-month-old toddler in Thailand.

Typification and Judicial Stereotyping

In European multicultural societies, this cultural variation is underestimated whilst a standardized narrative of FGM/C guides public understanding (Leonard 2000; Rogers 2013). This “public” includes legal and social professionals. In theoretical discussions about the social construction of social problems, the cognitive process that ignores variation when we think about phenomena has been called “typification” (Best 2017; Loseke 2003). Typification describes our

tendency to categorize phenomena of which we lack personal experience. Being close to a stereotype, it lacks derogatory connotations. Stereotypes are broadly accepted beliefs about people – preconceived ideas about the attributes, roles or behaviour of an individual as a member of a social group. Stereotypes and typifications are indispensable in cognition and communication for us to navigate the world (Leyens, Yzerbyt, and Schadronek 1994). In this text, “typification” refers exclusively to cognitive processes in social life.

Except for those concerned, very few people in Europe have personal experience of FGM/C or are familiar with the cultural contexts in which the practices are embedded. Yet typifications about FGM/C and stereotypes about African women may appear in legal contexts and influence a legal outcome. The most problematic typification, recurrently embraced by media reports, is the idea of the illegal circumcisions on kitchen tables of girls in Europe (Johnsdotter and Mestre i Mestre 2017). One of the most frequent stereotypes is that African women lack agency and are victims of violent African men (La Barbera 2009).

Typification in the form of judicial stereotyping compromises the impartiality and integrity of the judicial system (Clérico 2018). Instead of deciding cases based on facts or actual circumstances, court members who engage in stereotyping rely on preconceived beliefs about the parties as members of particular social groups (Cusack 2014). Stereotypes can distort the court’s understanding of a case and influence the court’s views on the responsibility or credibility of victims or witnesses. Consequently, judicial stereotyping may result in a violation of rights.

Judicial stereotyping occurs when court members use stereotypes in their reasoning, but also when they fail to challenge stereotypes activated by the parties or by lower courts. Challenging strategies include identifying and naming the stereotypes or identifying harmful consequences (Cusack 2014; Peroni and Timmer 2016; Timmer 2015). It would be helpful if courts clarified international state obligations regarding the elimination of stereotypes in the law and its enforcement (Brems and Timmer 2016).

Regarding FGM/C, the concept of culture has appeared in the past in criminal proceedings to exculpate the defendants or mitigate the sentence. This is known as the cultural defence, which raises concern as it may be understood as a justification for different forms of violence against women (Mestre i Mestre and Johnsdotter 2019). Whilst sharing those concerns, we believe that the presence of stereotyped images of minority cultures in court stands in the way of modifying patterns of violence against women (see, e.g., Macklin 2006). Introducing cultural expertise into criminal court cases could contextualize the criminal acts without reinforcing stereotypes, thus improving the fairness of the legal system. This chapter suggests that cultural expertise may be useful not only in criminal court cases but in other legal proceedings as well (Holden 2019a, 2019b).

Case Studies

B and G (Children): Challenging Stereotypes in Family Courts

IN THE MATTER OF B AND G (CHILDREN) (NO 2) [2015] EWFC 3

This case generated extensive discussions because the President of the Family Division of the High Court, UK, Sir James Munby, made comparisons, *obiter dicta*, between FGM/C Type IV and non-therapeutic circumcision of boys and suggested that both practices constitute “significant harm”. The case is exceptional as it challenges current stereotypes in the absence of cultural experts.

The case concerned care proceedings in relation to two children, B, a boy born in 2010, and G, a girl born in 2011, who were placed in foster care. Suspicions arose that G had been subjected to FGM/C after blood was found in her nappy when she was at nursery. A medical examination concluded that there was no sign of any circumcision. Nevertheless, in November 2013, the foster carer reported G’s “irregular genitalia” (*B and G* 2015, para. 14). Both parents denied that G had been subjected to FGM/C.

Three medical professionals gave their opinions before the court. The judge found two of them inconsistent and unreliable. In contrast, the third expert’s opinion, the only one with real experience of FGM/C in a paediatric context, was regarded as authoritative and convincing. The third expert found no evidence that FGM/C had been performed. The case could have been settled here, given that there was no evidence to establish that G either had been or was at risk of being subjected to FGM/C. Nevertheless, Munby P decided to elaborate on FGM/C regarding the concepts of “significant harm” and what it is “reasonable to expect” from a parent according to section 31 of the Children Act 1989 (*B and G* 2015, para. 65 ff).

As Timmer (2015) argues, it is difficult to develop a proper legal response to stereotyping, but as a minimum, courts should name stereotypes as well as carefully examine any harmful effects they may have. This is precisely what Munby P does in this case. The regulatory template regarding FGM/C and non-therapeutic circumcision of boys considers the first practice as inherently wrong, while the latter is an acceptable consequence of religious freedom and cultural traditions. The judge questioned the legal implications of such views.

In his judgment, Munby P states that “circumcision of the male involves the removal of a significant amount of tissue and creates an obvious alteration to the appearance of the genitals and leaves a more or less prominent scar around the circumference of the penis” (*B and G* 2015, para. 59). When compared with FGM/C, the judge concludes that it

can readily be seen that although FGM of WHO Types I, II and III are all very much more invasive than male circumcision, [and that] at least some forms of Type IV, for example, pricking, piercing and incising, are on any view much less invasive than male circumcision.

(B and G 2015, para. 60)

He concludes, “if FGM Type IV amounts to significant harm, as in my judgment it does, then the same must be so of male circumcision” (*B and G 2015, para. 69*). Munby P goes so far as to state that the type of FGM/C discussed in this case regarding G, would have been “much less invasive, no more traumatic (if, indeed, as traumatic) and with no greater long-term consequences, whether physical, emotional or psychological, than the process to which B has been or will be subjected” (*B and G 2015, para. 63*).

Regardless, as the current cultural perception regarding what is “reasonable to expect” from a parent includes permitting male circumcision, circumcision of B would not lead to any care proceedings. As Munby P writes: “Society and the law, including family law, are prepared to tolerate non-therapeutic male circumcision performed for religious or even for purely cultural or conventional reasons, while no longer being willing to tolerate FGM in any of its forms” (*B and G 2015, para. 72*). This view is considered legitimate since FGM/C is said to have no basis in any religion, while male circumcision is often performed for religious reasons. Further, part of the typification of FGM/C involves the assumption that the practices have no medical justification and confer no health benefits, while male circumcision is sometimes seen as providing hygienic or prophylactic benefits.

As the family were Muslim, Munby P speculated that B either had been or would in due course be circumcised. Still, parents are permitted to decide whether their sons should be circumcised without the threat of care proceedings regarding that child. Treating FGM/C as sufficient grounds for care proceedings would result in a lack of statutory basis concerning any male sibling(s). If girls at risk of FGM/C are to be removed from their parents, what is the appropriate outcome for her brother who may be circumcised? “Is her welfare best served by separating her permanently from her parents at the price of severing the sibling bond? Or is it best served by preserving the family unit?”, Munby P asks (*B and G 2015, para. 76*).

This unequal result highlights how stereotypical and unreflective understanding of certain practices may have unwanted or even discriminatory results.

Munby P’s opinions on FGM/C and male circumcision are *obiter dicta*. Thus, not essential to the determination of the issue, these comments do not set a precedent. Nevertheless, the case demonstrates that even firm and settled stereotypes can successfully be challenged in legal settings. To describe non-therapeutic circumcision of male children as significant harm has been described as groundbreaking (Earp 2015), but also as a “muddying the waters of male circumcision”, which could “open the door for those opposed to such a practice” (McAlister 2016).

*The Ali Case: Lack of Cultural Contextualization in Criminal Cases***CRIMINAL LAW, SWEDEN, B5015-06
IN DISTRICT COURT (RH 2007:7)**

Culturally based typifications may play a role in the outcome in criminal court cases in which an illegal FGM/C procedure has been initiated. In the Ali case (Criminal Law, Sweden, B5015-06 in District Court, RH 2007:7 in Court of Appeal, NJA 2006 s 708 in Supreme Court), the FGM/C event was said to have taken place in Somalia with the girl's father as the initiator and perpetrator. Yet, it would not have been possible to convict Ali if the court members had had better insights into Somali family organization, Somali traditional gender relations and what typically happens when a girl is subjected to FGM/C in Somalia.

The first FGM/C criminal case in Sweden had an unexpected ingredient: the accused was a man, the father of the victim. Ali had four children with his ex-wife Safiya; the two oldest, a girl and a boy, had lived with him in Somalia after their divorce some years earlier; the two younger ones lived with their mother in Sweden.

An allegation against Ali about FGM/C regarding his oldest daughter emerged during a dispute over custody and confusion over Safiya's right to receive child benefits from the Swedish state for the children living with Ali in Somalia. When the state suddenly withheld the child benefits after several years, Safiya claimed that Ali had retained the oldest children in Somalia against her will and she applied for sole custody.

In March 2006, the dispute over custody was to be settled in a district court in Sweden. After the proceedings, Ali was immediately arrested for the suspected FGM/C of his oldest daughter and convicted of FGM/C and parental abduction of a child in the district court. In the Supreme Court, the charge of abduction was dismissed while the charge of FGM/C was referred to the Court of Appeal, where Ali received a two-year prison sentence for FGM/C.

A review of the criminal investigation, the court documents and the audios of the police interrogations and court sessions shows that Ali was perceived as unreliable not because his statements or accounts were contradictory or incoherent, but because he described a reality that was culturally unfamiliar to the court members. Specifically, it was different from their preconceptions of Somali, or Muslim, men and women. For instance, Ali produced a document signed by family representatives from both sides involved in the previous divorce negotiations. The document stated the terms of Ali and Safiya's divorce and child arrangements. Such negotiations between the affected clans are customary among

Somalis and are perceived as legally binding. The document was dismissed by the court, arguing that the result of the alleged negotiations was implausible: “That she [Safiya] willingly would refrain from being with her two children during several years of their childhood, they being of a sensitive age, does not seem very plausible” (*Verdict RH 2007:7*).

This conclusion is based on the ethnocentric current cultural construction of motherhood in Western countries – ideal mothers never leave their own children out of sight (Smart 1996). In contrast, among Somalis, a “good mother” sees to the best interests of her children and the family in other ways, including letting her children grow up in households other than her own. Somali children are “mobile” within their clan (Johnsdotter 2013) and often move between families, areas or countries. Most families have one or more children in foster care. In addition, the Somali clan system is patrilineal, which in practice means that all children “belong” to their father. If the Swedish court had made use of cultural expertise to understand what is “natural” and “reasonable” among Somalis regarding family organization, the situation would have been assessed differently.

In Somalia, fathers generally are not involved in the decision-making and arrangements of FGM/C (e.g., Sulaiman, Kipchumba, and Magan 2017). Culturally speaking, such events are strictly “women’s business”. Yet Ali was said to have been present during his daughter’s circumcision. Although such a situation is unheard-of among Somalis, the scenario is imaginable to Swedish court members, influenced by media representations that depict FGM/C practices as the ultimate patriarchal oppression of women and girls. Had the court known how unlikely and inconceivable it is for a Somali father to be present during his daughter’s circumcision, they might have concluded that the prosecutor’s version was unsound.

When Ali was sentenced to prison there was no evidence of when or where the crime had taken place, the only evidence being the statement from his then 14-year-old daughter. The girl’s contradictory (with often-changed details) version, conveyed during police interviews, may hint at the possibility that she was under pressure and actually wanted to stand out as unreliable. Yet, the court decided that her father was guilty beyond reasonable doubt.

This case appears to be imbued with typifications in the form of compound stereotypes: gender-based stereotypes about the cultural Other. Ali was treated in line with the stereotype of the “oppressive Muslim husband and father”, while his ex-wife (even when it was obvious that her behaviour benefitted only herself) could motivate her actions by saying, “Ali forced me to do it”. When Western courts deal with cases involving people from other cultural contexts, cultural expertise is crucial to ensure that trials are fair. In this case, lacking evidence, cultural expertise could have resulted in court members realizing how unreasonable it was to conclude that Ali was the perpetrator.

Collins & Akaziebie v. Sweden: Two Modes of Stereotyped Reasoning

EUROPEAN COURT OF HUMAN RIGHTS: APPLICATION NO. 23944/05

Judicial stereotyping may undermine the protection that the courts offer to women when claimants are not perceived as real victims. The use of cultural expertise can address harmful stereotypes by providing elements that bridge the gap between cultural prejudices or statistical stereotypes and a person's actual circumstances.

Few cases concerning FGM/C have reached the European Court of Human Rights (ECHR), despite the numerous denials of asylum claims at state levels (Ali, Querton, and Soulard 2012). One of them is *Collins & Akaziebie v. Sweden* (2007) in which the Court had to decide whether the deportation to Nigeria of Mrs Collins and her daughter was a violation of article 3 ECHR (prohibition of torture and ill-treatment) as they claimed that they would face a real risk of being subjected to FGM/C. Mrs Collins arrived in Sweden pregnant, seeking asylum, arguing the inability of her family to protect her and her baby from FGM/C, that there was no alternative secure relocation in Nigeria and that the father of her child had been harassed and forced to leave their village for letting her “escape” FGM/C.

The Court did not question FGM/C amounting to ill-treatment, but it doubted whether the applicants faced a real risk, declaring the application inadmissible. First, the Court accepted Nigerian Official Reports that estimate only 19% of women and girls undergo the practice, discarding competing information regarding the territories where prevalence is higher. Second, as neither institutions nor NGOs support the claim that women in the Delta state undergo FGM/C upon childbirth, Mrs Collins' credibility was in question. Third, the applicant's personal capacity to protect her daughter was scrutinized: she was schooled for 12 years; she expressed her opposition to FGM/C, receiving support from her husband and family; she “nevertheless decided to flee the country”; she “managed to obtain practical and financial means and succeeded in traveling to Sweden”. The Court stated: “it is difficult to see why Mrs. Collins, having shown such a considerable amount of strength and independence, cannot protect her daughter from being subjected to FGM”. Unable to substantiate a real risk, the Court declared the application manifestly ill-founded.

The case shows the ECHR's two modes of reasoning in gender-based asylum cases that result in unequal protection for women: a *thin* examination of gendered structures with a *thick* evaluation of private capacity to deal with the risk (Peroni 2018). The Court is content with formal protection and “increasing state

efforts” to protect women from FGM/C, regardless of any evidence concerning its ability to do so. At the same time, it overemphasizes the applicant’s supposed capacity to face the risk and protect her daughter.

Besides satisfaction with mere formal protection, the *thin* examination of gendered structures is exemplified in the use of statistics for prevalence. Assessing real risk by applying general statistics is in itself a form of stereotyping: although 19% of women in Nigeria risk FGM/C, the individual risk for Mrs Collins could be 100%.

Because the Court relies on official data, it fails to ask whether FGM/C was more prevalent in some states than others and what the prevalence was in the Delta state, whether different cultural groups performed distinctive forms of FGM/C and whether or not the practice feared by the applicant was one of such forms. Although reports and studies about FGM/C prevalence may be problematic,² they do highlight questions that need to be asked. The participation of a cultural expert might have helped the Court in reaching the decision without relying on stereotypes, by bringing in knowledge for the assessment of the relevant facts. Arguably, the Court might still have reached the same conclusion, but it would have done so through a rational, non-stereotyped determination of risk.

The *thick* examination of her personal situation illustrates compound stereotypes (Cusack 2014) about non-Western women as being submissive victims of their own culture (Kapur 2002). The Court’s findings regarding Ms Collins’ resourcefulness to travel alone, combined with her strength and independence, run counter to assumptions about the weakness, passivity and helplessness African women are believed to possess. Instead of considering that her extraordinary diligence was a measure of her desperation, the Court held these traits against her and regarded Mrs Collins as being untrustworthy and unreliable (see Kelly 2010).

Due to the combination of both modes of stereotyped reasoning, the Court failed to provide refugee status protection and failed to challenge preconceptions about FGM/C and African women, thereby reinforcing inequality and discrimination. Such handling impacts asylum seekers’ social standing and their access to justice. Cultural expertise could be of help in nuancing and strengthening the scrutiny of the discriminatory structures shaping the risk and in assessing how such structures affect the actual applicant.

Conclusions

Cultural expertise may help courts to ask the right questions by contextualizing the acts and highlighting the relevant facts in the light of the particular background of the people involved (Holden 2019a). Accessing cultural knowledge could enable courts to refrain from stereotyping and from relying on prejudice and typification in their reasoning.

Notes

- 1 The categories have subtypes which have not been included.
- 2 Refworld cites studies (Canada: Immigration and Refugee Board of Canada 2015) stating that Nigerian southern states with higher literacy rates (such as Delta) have higher FGM/C prevalence rates. Other studies suggest that some groups perform FGM/C during pregnancy.

Further Reading

Loseke, Donileen R. 2003. "Evaluating Constructionist Perspectives on Social Problems." In *Thinking about Social Problems: An Introduction to Constructionist Perspectives*, edited by Donileen Loseke, 3–24. 2nd ed. New York: Routledge.

On the impact of typifications on people's thinking.

Johnsdotter, Sara, and Ruth M. Mestre i Mestre. 2017. "Female Genital Mutilation' in Europe: Public Discourse versus Empirical Evidence." *International Journal of Law, Crime and Justice* 51: 14–23.

An overview of criminal court cases in Europe.

ECHR FGM/C Case Law

Accepted cases

Sow v. Belgium (Application no. 27081/13); *R.B.A.B. and others v. The Netherlands* (Application no. 7211/06).

Cases declared inadmissible

Collins and Akaziebie v. Sweden (Application no. 23944/05); *Izevbekhai and Others v. Ireland* (Application no. 43408/08); *Omeredo v. Austria* (Application no. 8969/10); *Okon and Okon v. Ireland* (Application no. 22255/11); *R.W. and Others v. Sweden* (Application no. 35745/11); *Ameh and Others v. The United Kingdom* (Application no. 4539/11); *E.S. v. France* (Application no. 59345/11); *A.L. v. The United Kingdom* (Application no. 32207/16).

Cases struck out of the list

Agbotain and Osakpolor Omoregbee v. Sweden (Application no. 26834/05); *Bangura v. Belgium* (Application no. 52872/10); *Soumath v. The Netherlands* (Application no. 61452/15); *Barry v. The Netherlands* (Application no. 66238/16); *Magassouba v. The Netherlands* (Application no. 37153/17); *Kake and Camara v. The Netherlands* (Application no. 63913/17); *Touré v. The Netherlands* (Application no. 14778/18).

Q&A

1. When do you think cultural expertise could be best used in FGM/C court cases? Reply considering also criminal law, family law and administrative law.

Key: The chapter analysed cases where cultural expertise could be of use. However, for each area of the law, the role of cultural experts would be different, perhaps requiring a different timing and justification for its use.

2. Cultural expertise concerning FGM/C can impact the Court's decision and be crucial to guaranteeing impartiality in certain cases. Do you think its use should be left to the initiative of the parties or should it be introduced by law in procedural rules?

Key: Introducing cultural expertise into court cases may challenge the use of harmful stereotypes that undermine the impartiality of the judiciary and the rule of law in constitutional democracies. This question opens the discussion on whether the introduction should be made by the legislative power or by the justice system and be subject to democratic discussion and control.

3. What kinds of typifications among the court members were possibly activated in the cases presented? Are there other cultural practices defined as social problems in multicultural societies that may trigger similar processes?

Key: Although the chapter focuses on FGM/C cases, the discussion and arguments developed may be helpful for other cultural practices, (mainly) concerning women's rights, that mobilize stereotyping by public officials in different legal contexts.

References

- Ali, Hana Cheikh, Christel Querdon, and Elodie Soulard. 2012. *Gender Related Asylum Claims in Europe*. European Union, Policy Department. [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/462481/IPOL-FEMM_ET\(2012\)462481_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/462481/IPOL-FEMM_ET(2012)462481_EN.pdf)
- Best, Joel. 2017. "Typification and Social Problems Construction." In *Images of Issues: Typifying Contemporary Social Problems*, edited by Joel Best, 3–10. New York: Routledge.
- Brems, Eva, and Alexandra Timmer, eds. 2016. *Stereotypes and Human Rights Law*. Cambridge: Intersentia.
- Canada: Immigration and Refugee Board of Canada. 2015. *Nigeria: Prevalence of Female Genital Mutilation (FGM) among the Urhobo, Including the Consequences for Refusing to Undergo this Procedure, Particularly Pregnant Women; State Protection Available (2014-March 2015)*. November 15, 2015. <https://www.refworld.org/docid/56498d834.html>
- Clérico, Laura. 2018. "Hacia un análisis integral de estereotipos: Desafiando la garantía estándar de imparcialidad." *Revista Derecho del Estado* 41: 67–96.

- Cusack, Simone. 2014. *Eliminating Judicial Stereotyping: Equal Access to Justice for Women in Gender-Based Violence Cases*. Final paper submitted to the United Nations Office of the High Commissioner for Human Rights, June 2014.
- Earp, Brian D. 2015. "On the Supposed Distinction Between Culture and Religion: A Brief Comment on Sir James Munby's Decision in the Matter of B and G (Children)," University of Oxford website, February 8. <http://blog.practicaethics.ox.ac.uk/2015/02/on-the-supposed-distinction-between-culture-and-religion-a-comment-on-sir-james-munbys-decision-in-the-matter-of-b-and-g-children/>
- Holden, Livia. 2019a. "Cultural Expertise and Socio-legal Studies: Introduction." In *Cultural Expertise and Socio-Legal Studies*, edited by Livia Holden, 1–9. Bingley: Emerald.
- . 2019b. "Beyond Anthropological Expert Witnessing: Toward an Integrated Definition of cultural expertise." In *Cultural Expertise and Socio-Legal Studies*, edited by Livia Holden, 181–204. Bingley: Emerald.
- Johnsdotter, Sara. 2013. "European Somali Children Dumped? On Families, Parents and Children in a Transnational Context." *European Journal of Social Work* 18, no. 1: 81–96.
- Johnsdotter, Sara R., and Elise B. Johansen. 2020. "Introduction." In *Female Genital Cutting: The Global North and South*, edited by Sara Johnsdotter, 7–21. Malmö: Centre for Sexology and Sexuality Studies, Malmö University.
- Johnsdotter, Sara, and Ruth M. Mestre i Mestre. 2017. "'Female Genital Mutilation' in Europe: Public Discourse versus Empirical Evidence." *International Journal of Law, Crime and Justice* 51: 14–23.
- Kapur, Ratna. 2002. "The Tragedy of Victimization Rhetoric: Resurrecting the 'Native' Subject in International/Post-Colonial Feminist Legal Politics." *Harvard Human Rights Journal* 15, no. 1: 1–38.
- Kelly, Liz. 2010. "The (In)credible Words of Women: False Allegations in European Rape Research." *Violence Against Women* 16, no. 12: 1345–55.
- La Barbera, Maria Caterina. 2009. "Revisiting the Anti-Female Genital Mutilation Discourse." *Diritto & Questioni Pubbliche* 9: 485–507.
- Leonard, Lori. 2000. "'We Did It for Pleasure Only': Hearing Alternative Tales of Female Circumcision." *Qualitative Inquiry* 6, no. 2: 212–28.
- Leye, Els, Jessika Deblonde, José García-Añón, Sara Johnsdotter, Adwoa Kwateng-Kluytse, Linda Weil-Curiel, and Marleen Temmerman. 2007. "An Analysis of the Implementation of Laws with Regard to Female Genital Mutilation in Europe." *Crime, Law and Social Change* 47, no. 1: 1–31.
- Leyens, Jacques-Phillipe, Vincent Yzerbyt, and Georges Schadron. 1994. *Stereotypes and Social Cognition*. London: Sage.
- Loseke, Donilee R. 2003. *Thinking about Social Problems: An Introduction to Constructionist Perspectives*. New York: Aldine de Gruyter.
- Macklin, Audrey. 2006. "The Double-edged Sword: Using the Criminal Law Against Female Genital Mutilation in Canada." In *Female Circumcision: Multicultural Perspectives*, edited by Rogaia Abusharaf, 207–23. Philadelphia, PA: University of Pennsylvania Press.
- McAlister, Ruari D. 2016. "A Dangerous Muddying of the Waters? The 'Significant Harm' of Re B and G (Children) (Care Proceedings) [2015] EWFC 3." *Medical Law Review* 24, no. 2: 259–67.
- Mestre i Mestre, Ruth M., and Sara Johnsdotter. 2019. "Court Cases, Cultural Expertise, and 'Female Genital Mutilation' in Europe." In *Cultural Expertise and Socio-Legal Studies*, edited by Livia Holden, 95–113. Bingley: Emerald.

- Peroni, Lourdes. 2018. "The Protection of Women Asylum Seekers under the European Convention of Human Rights: Unearthing the Gendered Roots of Harm". *Human Rights Law Review* 18, no. 2: 347–70.
- Peroni, Lourdes and Alexandra Timmer. 2016. "Gender Stereotyping in Domestic Violence Cases. An Analysis of the ECHR's Jurisprudence." In *Stereotypes and Human Rights Law*, edited by Eva Brems and Alexandra Timmer, 39–65. Cambridge: Intersentia.
- Rogers, Juliet. 2013. *Law's Cut on the Body of Human Rights: Female Circumcision, Torture and Sacred Flesh*. Abingdon: Routledge.
- Smart, Carol. 1996. "Deconstructing Motherhood." In *Good Enough Mothering? Feminist Perspectives on Lone Motherhood*, edited by Elizabeth Bortolaia Silva, 37–57. London: Routledge.
- Sulaiman, Munchi, Elijah Kipchumba, and Mohammed Magan. 2017. *Changing Social Norms in Somalia: Baseline Report on Changes Project Addressing Women Empowerment, Female Circumcision and Early Marriage*. July 2017. Save the Children Somalia. https://resourcecentre.savethechildren.net/pdf/snap_chnages_baseline_final_0.pdf/
- Timmer, Alexandra. 2015. "Judging Stereotypes: What the European Court of Human Rights Can Borrow from American and Canadian Equal Protection Law." *The American Journal of Comparative Law* 63, no. 1: 239–84.
- WHO – World Health Organization. 2020. *Female Genital Mutilation*. <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

Cases Cited

- Collins & Akaziebie v. Sweden*, Application No. 23944/05 (European Court of Human Rights 2007).
- In the matter of B and G (Children) (No 2)*. [2015] EWFC 3 (England and Wales Family Court 2015).
- B5015–06 (Swedish District Court).
- RH 2007:7 (Swedish Court of Appeal).
- NJA 2006s 708 (Swedish Supreme Court).