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## **FORBIDDEN IDENTITIES AND ENFORCED VALUES. THE LIMITS OF CRIMINALISATION IN THE ERADICATION OF FEMALE GENITAL MUTILATION IN EU MEMBER STATES**

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### **Abstract**

Female Genital Mutilation (FGM) affects more than 3 million girls annually and undermines not only the identity of the affected girls, but also their right to life and to the highest attainable standard of health. The strong rejection of FGM by the international community is embodied in punitive legal frameworks. However, in contexts of emigration such as to the European Union (EU), FGM prosecutions appear to be rare, despite the proven presence of the phenomenon. This thesis asks why the criminalisation of FGM is not leading to a behavioural change in the practising communities settled in EU Member States (MS).

The research focuses on four EU MS (Belgium, France, Italy and the Netherlands) and mostly makes use of two types of analysis: criminal statistical analysis and qualitative analysis of 13 interviews. Despite FGM's inadmissibility, a prosecution-oriented approach appears not to be the most effective way to tackle the practice within the EU. A first answer to that relies on the divergent concept of appropriateness which is shared within the two different communities of reference. This is indeed reflected in the normative conflict between the international and the local norm, where the former considers FGM as a violation of women's body integrity, while the latter perceives it as an essential way for women to participate in the society. A second aspect relates to the public policy approach to FGM in the four selected MS. Through the adaptation of Christopher Hood's tools of governance framework, the analysis has showed that behavioural change can be hardly achieved by relying solely on mere legal instruments. On one side, the detecting tools at the government's disposal are met with further challenges in terms of implementation and enforcement, which led to a limited number of criminal statistics. On the other side, instruments, such as those that are information-based and organisation-based, appear to have a greater role to play in governments' intent to shape citizens' behaviours. To conclude, as long as the law aims to forbid identities and enforce values which are not perceived as legitimate, criminalisation is largely doomed to fail.