

THE LAW AND FGM/C

Bahrain

2026



About Orchid Project

Orchid Project is a UK- and Kenya-based non-governmental organisation catalysing the global movement to end female genital cutting (FGC). Orchid Project's strategy for 2023 to 2028 focuses on three objectives:

1. To undertake research, generate evidence and curate knowledge to better equip those working to end FGM/C
2. To catalyse, support and strengthen regional networks to actively participate in the movement to end FGM/C
3. To influence global and regional policies, actions and funding to end FGM/C.

Orchid Project's aim to expedite the building of a knowledge base for researchers and activists is being fulfilled in the **[FGM/C Research Initiative](#)**.

About Wadi

Founded in 1992, Wadi's mission is rooted in the fundamental belief that true development only occurs when individuals possess the power to decide their own futures. We don't provide aid—we support communities to find local resilient solutions rooted in our fundamental beliefs in human rights and equality. Our strategy remains consistent: we provide the platform, but the community provides the voice.

Wadi pioneered the fight against FGM/C in Iraqi Kurdistan through grassroots action, media campaigns, and lobbying at a local and international level. This work has never stopped, only evolved to include the myriads of other forms of gender issues in the area and we continue to work to empower women through literacy, education, vocational education, women's health access in order to combat the systemic roots of gender-based violence.

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WORKING TOGETHER TO END
FEMALE GENITAL CUTTING

Overview of Domestic Legal Framework

Overview of Domestic Legal Framework in Bahrain	
<i>The Constitution explicitly prohibits:</i>	
x	Violence against women and girls
x	Harmful practices
x	Female genital mutilation/cutting (FGM/C)
<i>National legislation:</i>	
x	Provides a clear definition of FGM/C
✓	Criminalises the performance of FGM/C under Penal Code and Child Act
✓	Criminalises the procurement, arrangement and/or assistance of acts of FGM/C – under Penal Code
✓	Criminalises the failure to report incidents of FGM/C – under the Child Act
x	Criminalises the participation of medical professionals in acts of FGM/C
✓	Criminalises the practice of cross-border FGM/C – under Penal Code and Child Act
x	<i>Government has a strategy in place to end FGM/C</i>

Introduction



Figure 1: Map of Bahrain (1)

The Kingdom of Bahrain is a small island country located in the Persian Gulf, with a population of 1.8 million (2), of which 90% reside in urban areas (1). It is a Sunni-led constitutional hereditary monarchy, ruled by the Khalifah family since the 18th century (3). It has multiple ethnic groups with Bahrainis comprising fewer than half the population at 47%; Asians 43.4%; Arabs 4.9%; and the remainder includes small number of Africans, North Americans, those from other Gulf co-operation countries and Europeans. Almost two-thirds of the population are male (62.6%, women 37.4%).

Islam is the official religion. 70.3% of the population are Muslim, 14.5% are Christian, and 9.8% are Hindu; the remainder are Buddhist, Jewish or unaffiliated. (2). Although the ruling family are Sunni Muslims, the majority of the Muslim population is Shia, which has caused some tensions in the country (4).

Note on Terminology

In Middle Eastern countries, female circumcision is sometimes referred to as *khatana* or *sunat*. In most reports about the practice in Bahrain, the term FGM is used (or sometimes female circumcision). However, for consistency across Orchid's law reports the term FGM/C has been used throughout.

Female genital cutting is classified into four major types by the World Health Organization (WHO):

Type 1: This is the 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), and/or the prepuce/clitoral hood (the fold of skin surrounding the clitoral glans).

Type 2: This is the 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 3: Also known as infibulation, this is the narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the labia minora, or labia majora, sometimes through stitching, with or without removal of the clitoral prepuce/clitoral hood and glans.

Type 4: This includes all other harmful procedures to the female genitalia for non-medical purposes, e.g., pricking, piercing, incising, scraping and cauterising the genital area (5).

Prevalence of FGM/C

There is no clear data on the prevalence of FGM/C in Bahrain as no official surveys have been conducted, and officials deny that it occurs in the country.

Equality Now, in their 2025 Report 'The time is now: End female genital mutilation/cutting, an urgent need for global response 2025' mentions a 2006 U.S. State Department report that refers to 'several cases' of FGM/C being known to the Bahrain Human Rights Society in 2004. The Equality Now report goes on to say that an online survey conducted in 2013 with 992 participants from 11 countries across the Middle East found that 8.3% of the female survey participants from Bahrain reported having undergone FGM/C. However, they note the limitation that the exact number of women from Bahrain who took part in the survey is unclear (6).

A report published by UNDP in 2018 stated that 'FGM/C is not practiced in Bahrain, although some cases were reported in the past' (7). In 2018 there was a news story about a five-year-old girl who, on visiting her mother in Bahrain, was found to have been circumcised after having been in the custody of her father in an unnamed Gulf country (8). The Bahraini head of health promotion said of the case: 'We have never come across such a case in Bahrain and we are all aware of the adverse effects of female circumcision on the sexual and maternal life of a woman' (8).

Further information about FGM/C in Bahrain is available at:
<https://www.fgmc.org/country/bahrain>

National Legal Framework

Bahrain has a mixed legal system of Islamic (sharia) law; English common law; Egyptian civil, criminal, and commercial codes; and customary law (4,9).

The highest courts include the Court of Cassation, the Supreme Court of Appeal, the Constitutional Court, and the High Sharia Court of Appeal

Lower subordinate courts include Civil High Courts of Appeal; middle and lower civil courts; High Sharia Court of Appeal; Senior Sharia Court; Administrative Courts of Appeal; and military courts.

Note: The Judiciary of Bahrain is divided into civil law courts and sharia law courts. Sharia courts (involving personal status and family law) are further divided into Sunni Muslim and Shia Muslim. The Sharia Courts are supervised by the Supreme Judicial Council (4,9).

The **current Constitution of Bahrain** (10) entered into force in February 2002. Although there is no reference to FGM/C within it, Article 5 could be read as protecting women's and girls' bodily integrity:

Article 5 [...] extends protection to mothers and children, tends the young and protects them from exploitation and safeguards them against moral, bodily and spiritual neglect. The State cares in particular for the physical, moral and intellectual development of the young.

Applicable general laws

There is no specific law relating to the criminalisation of those who perform FGM/C. However, some provisions of the Bahrain Penal Code (1976) and the Child Act (2012) can be read as addressing and prohibiting FGM/C practices.

Bahrain Penal Code (No 15 of 1976) (11)

Articles 336-340 of the Bahrain Penal Code deal with crimes of physical assault, ranging in severity, as described below. 'Physical assault' is not defined but could be understood to include cutting or wounding:

Article 336: *It is an offence to commit a physical assault against another in any manner, even though without having the intent of the victim.*

The Child Act (No 37 of 2012) (12)

The Child Act enshrines and protects the rights of children (those under the age of 18) in Bahrain. Certain provisions are relevant to FGM/C:

Article 42: *The state of Bahrain shall guarantee the protection of the child in cases where the child is subjected to abuse or neglect.*

Article 44 defines 'abuse' as every act or omission which leads to direct or indirect harm to the child that prevents the proper, safe, and healthy development and growth, and that includes physical, psychological, sexual abuse, neglect, or economic exploitation. Physical abuse is further defined as 'every act which leads to intentional bodily harm to the child.

Procuring, Aiding and Abetting FGM/C

While there is nothing in the Penal Code that refers specifically to FGM/C, if it could be classed as physical assault under Article 336 above, then there are further Articles which could be invoked to cover those who arrange and/or assist in the procedure.

Articles 43–45 of the Penal Code refer to accomplices:

Article 43: *Persons who, with their joint intent, participate in acts leading to the offence or directly resulting in the commission thereof shall be deemed as offenders.*

Article 44: The following shall be deemed as accomplices:

- *Every person who abets the commission of an offence which occurs as a consequence of such abetting.*
- *Every person who agrees with another on the commission of an offence which occurs as a result of such agreement.*
- *Every person who knowingly aids the offender in any manner in the commission thereof, making the occurrence thereof possible, due to such aid.*

Article 45: *Any person involved in an offence, either as a principal offender or an accomplice shall be liable for the prescribed punishment unless the Law otherwise provides*

Failure to report FGM/C

Although there is nothing in the **Penal Code** explicitly referring to failure to report an actual or planned incident of FGM/C, if it is held to be a criminal assault in accordance with Articles 336 and 337, and officers with the authority to investigate the crime fail to do so, then **Article 230** may apply:

A punishment of imprisonment or a fine shall be inflicted upon any civil officer assigned with investigating or detecting crimes for having neglected or delayed the reporting of a crime that has come to his knowledge.

Also, anyone (e.g. a member of the public) who fails to report knowledge of abuse against a child may be liable **under the Child Act** which is described below.

Article 46 states that anyone who receives information concerning abuse of a child must report it to one of the authorities described at **Article 47** (i.e. the Child Protection Centre, the Public Prosecution, Police Stations, the authorities responsible in the Ministries of Justice, Interior, Health, and Education).

Article 48 states that if a doctor examining a child finds that they have been subject to abuse, they may keep the child in their custody if the discharge of the child could endanger their life and safety.

Medicalised FGM/C

The extent to which FGM/C is carried out by medical professionals within clinics and hospitals, or elsewhere in Bahrain, is not known, as no surveys have been conducted on this aspect.

Cross-Border FGM/C

In the case referred to earlier, where FGM/C was found to have occurred on a 5-year-old girl while in the custody of her father living in another Gulf country, the mother refused to allow her daughter to return to her father and, through a lawyer, sought a court order to keep the child. A religious court subsequently issued a travel ban that effectively kept the young girl in Bahrain. This case would suggest that FGM/C is taking place in some Gulf States, about which Bahrain takes the view that girls with Bahraini parentage who are in danger of being cut outside the country should be placed under a protective travel order to prevent this happening.

Article 56 of the Child Act could be used to protect a child from being taken out of Bahrain for the purposes of FGM/C:

If the child is in urgent need of protection or if the child is likely to leave the country, the Public Prosecution may, upon the request of the president of the Centre, issue a temporary decision to transfer the care of the child outside the family [...] The Ministry of Human Rights and Social Development shall ensure a safe place to care for the child outside the family, temporarily or permanently, due to the child being subjected to abuse by the parents or the caregiver.

Penalties

Under the **Penal Code**:

Article 336: the crime of 'physical assault against another in any manner is punishable by a prison sentence not exceeding 7 years.'

Under the **Child Act**:

A specific penalty for inflicting physical abuse on a child is not prescribed. Those who fail to report child abuse, and those who detain a child who has been subjected to abuse thereby withholding the protections offered under the Child Act may be punished with imprisonment (duration not stated) and/or a fine not exceeding 2000 Bahraini dinars (approx. US\$5,320) (Article 65).

Implementation of the Law

There have been no criminal prosecutions in Bahrain against perpetrators of FGM/C under the Penal Code Articles listed above or any other law.

Role of the state

According to the 2005 US Department of State Country Report on Human Rights Practices in Bahrain (13), the Supreme Council for Women, a government advisory body that serves as the official national reference agency on women's issues (14), called on the Ministry of Health to conduct a study on the prevalence of FGC. However, it appears no national survey was commissioned as there is no clear data on prevalence (please see back to Prevalence section).

While there is no direct link between early marriage of girls and performance of FGC, it is an indication of the overall legal standing of girls, and the cultural environment in which FGC occurs. Like FGC prevalence, there is no reliable data about the extent of child marriage in Bahrain. The minimum age for marriage is 16 years for girls, though girls can be married off before 16 years with the permission of the Sharia Court, as per Article 20 of the Family Act, and there is no absolute minimum age of marriage below which a Sharia court judge cannot permit marriage (15).

In 2018, in their submission to the Convention on the Rights of the Child's (CFC) the Periodical Review, Equality Now and the Bahrain Union of Women called for repeal of Article 353 of the Bahrain Penal Code which exempts rapists from punishment if they marry their victims, many of whom are adolescent girls (16). According to the US State Country Report 2023, the king signed legislation to repeal this provision in the Penal Code (17 p.34).

The Child Act offers some opportunities for conducting surveys on both FGC and child marriage.

The Child Act (2012)

Article 43 of the Child Act (2012) tasks the Government with setting up a Child Protection Centre:

A centre called the 'Child Protection Centre' shall be established in the Ministry of Human Rights and Social Development, which includes in its organizational structure branch offices of the Ministries of Justice, Interior, Health, and Education.

This Child Protection Centre has the function of recording all cases of child abuse (**Article 49**) and is described as:

the central authority responsible for evaluating, sheltering and following up on the child who was subjected to abuse and coordinating the services provided to the children and their families by the concerned authorities

These services include a hotline to receive cases or complaints related to abuse (**Article 50**).

This Child Protection Centre could be a useful source of data on incidents of FGM/C which may have been reported; it could also be tasked with conducting a survey of the extent of FGM/C in Bahrain.

Committee on the Elimination of Discrimination Against Women (CEDAW)

In CEDAW's Concluding Observations of Bahrain's Fourth Periodical Review (March 2023) (18) mention is made of the need to amend the law to prevent the harmful practices of early marriage and polygamy, but FGM/C is not mentioned.

Convention on the Rights of the Child (CRC)

Similarly, the Commission for the Rights of the Child, in its 2019 Concluding Observations on the Combined Fourth to Sixth Periodic Reports of Bahrain, refers to the need to eliminate early marriage and violence against children, primarily in the context of domestic violence, but makes no mention of FGM/C (19).

Organisation of Islamic Co-operation:

Bahrain has been a member of the **Organisation of Islamic Co-operation** since 1972. Bahrain has not signed the Cairo Declaration on the Elimination of FGM (in June 2003); it has not been signed by any of the Gulf States or Middle East countries as it was then seen as only relevant to African members of OIC. However, in February 2025, the OIC's Independent Permanent Human Rights Commission (IPHRC) issued a statement on behalf of its membership on the occasion of the 'International Day of Zero Tolerance for Female Genital Mutilation 2025', in which it made an emphatic call for an end to all forms of violence against women, including Female Genital Mutilation in accordance with international human rights standards. This statement is reproduced at Annex 4 (20).

This OIC IPHRC's statement calls on member states to take 'urgent and coordinated action to eliminate FGM' by:

- (a) enacting and enforcing legislation to eliminate FGM and other harmful practices,
- (b) implementing effective measures to protect women and girls from harmful practices, and
- (c) conducting widespread awareness and advocacy campaigns about the dangers of FGM and to dispel misconceptions regarding its religious basis.

Reference to ending harmful practices is also made in the OIC's Plan of Action for the Advancement of Women (OPAAW) which was adopted by OIC's Sixth Session of the Ministerial Conference on the Role of Women in the Development of OIC Member States held in Istanbul in November 2016 (21). The following statements reference this commitment:

Objective No 6: *Protection of Women from Violence: Combating all forms of gender-based violence, human trafficking and other harmful traditional practices against women and girls. Combating different forms of violence against women and girls including deprivation of opportunities and full enjoyment of their rights through preventive measures and provisions of rehabilitation to victims and punishment of perpetrators.*

Section 6 (g): *Contributing to eradication of all harmful practices, in particular, female genital mutilation through strong political support and involvement of religious and community leaders.*

And in the matrices setting out the Mechanisms for Implementation:

- *Contributing to eradication of all harmful practices, in particular, female genital mutilation through strong political support and involvement of religious and community leaders (21 p.34).*
- *Combating gender-based violence in all its manifestations, including domestic violence, human trafficking, fighting harmful traditional practices and violence against displaced women (21 p.36).*
- *Integrate sexual and gender-based violence response, including child violence in all humanitarian policies and develop channels of communication to denounce these harmful practices and provide necessary assistance to victims (21 p.40).*

Civil Society Observations

Equality Now's report 'The Time is Now to end FGM/C' refers to a 2005 U.S. State Department report, which notes several cases of FGM/C being received by the Bahrain Human Rights Society in 2004 (6). An online survey conducted in 2013 (22) with 992 participants from 11 countries across the Middle East revealed that 8.3% of female survey participants from Bahrain reported having undergone FGM/C. However, the exact number of women from Bahrain who took part in the survey is unclear.

While the Ministry of Social Development claims to have strengthened CSOs and NGOs by improved co-ordination, others claim there have been stringent restrictions on registration of new organisations and registration renewal of others, with some groups regarded as having unfavourable political stances being dissolved (23).

The US' 2023 State of Country Report on Bahrain refers to the "overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations" (17 p.1). This Report goes on to describe the heavily bureaucratic procedures for registration of CSOs and NGOs with the Ministry of Justice, Islamic Affairs and Endowments, who then decide whether a group is a social or a political group, the latter likely to be banned or dissolved (17 p.1).

Conclusions

There is no law in Bahrain that specifically mentions or deals with FGM/C. However, it could be addressed under the **Penal Code (1976) and the Child Act (2012)**.

The Penal Code (1976)

Articles 336-340 of the Bahrain Penal Code deal with crimes of physical assault, ranging in severity, as described below.

Under **Article 336** it is an offence to commit 'a physical assault against another in any manner [...] 'Physical assault' is not defined but could be understood to include cutting or wounding.

The penalty for offences under Articles 336 and 337 is imprisonment up to seven years.

The Penal Code also **covers accomplices in Articles 43–45**, so if the performance of FGM/C is addressed as a criminal offence under Articles 336, then procuring, aiding and abetting FGM/C or providing premises and tools to enable FGM/C to take place could all be covered as accomplices. Article 45 says that accomplices will be liable for the same prescribed punishment as the principal offender - up to seven years imprisonment.

Article 230 requires all civil officers and relevant authorities to investigate crimes when they are reported; failure to do so can result in imprisonment or a fine.

The Child Act (No 37 of 2012) (12)

This enshrines and protects the rights of children (i.e. those under the age of 18) in Bahrain. Articles 42-48 can be applied to performance of FGM/C:

Article 42 guarantees protection of the child against abuse or neglect.

Article 44 defines abuse as

every act or omission which leads to direct or indirect harm to the child that prevents the proper, safe and healthy development and growth, and that includes physical, psychological, sexual abuse, neglect or economic exploitation.

Physical abuse is further defined as 'every act which leads to intentional bodily harm to the child'.

Article 46 states that anyone who receives information concerning abuse of a child must report it to one of the authorities described at **Article 47** (ie the Child Protection Centre, the Public Prosecution, Police Stations, the authorities responsible in the Ministries of Justice, Interior, Health, and Education).

Article 48 states that if a doctor examining a child finds that they have been subjected to abuse, they may keep the child in their custody if the discharge of the child could endanger their life and safety.

Recommendations

Research demonstrates that while important, legislation against FGM/C should be part of a holistic, multi-sectoral approach to effectively work toward elimination of the practice. Enforcement of the law without a holistic approach can lead to fear and pushing the practice underground.

The following recommendations, therefore, should be considered alongside holistic and multi-sectoral approaches to ending the practice.

1. Introduce a law that explicitly prohibits and criminalises FGM/C in Bahrain. This law should cover perpetrators; procuring, aiding and abetting FGM/C; providing tools and premises for the purposes of FGM/C; and failure to report a planned or past incident of FGM/C. **OR:**

Amend the Bahrain Penal Code to define and make specific reference to FGM/C as a criminal offence.

Guidance on the features that should be included in a law against FGM/C are set out in Orchid Project's Model Law report, which is available [here](#).

2. Develop Ministry of Health guidelines on the dangers of FGM/C for all professional medical, health and welfare staff working in Bahrain's hospitals and clinics, including midwives, doctors and nurses, and prohibit the practice in both public and private health facilities, with penalties for doing so that include their licence to practise medicine being withdrawn.
3. Strengthen border controls to deter individuals from entering Bahrain with the intention of carrying out FGM/C. Measures should also prevent parents from taking girls living in Bahrain abroad to undergo FGM/C.
4. Undertake a national statistical and disaggregated survey of Bahrain to reliably determine prevalence and features of the practice of FGM/C, including surveying those who have already undergone FGM or are at risk of undergoing FGC, and assessing the extent to which medicalisation of the practice is taking place.

Appendix 1: International and Regional Treaties

Treaty	Signed	Ratified	Acceded	Reservations on reporting
Convention on the Elimination of All forms of Discrimination Against Women (1979) (CEDAW)			18 June 2002	Reservations as amended on 1 June 2016: ‘Having examined the Decree Law Number 5 for the year 2002, issued by His Majesty the King of the Kingdom of Bahrain, on 18 Dhul Hijjah 1422 H, corresponding to 2 March 2002, regarding the accession to the Convention on the Elimination of All Forms of Discrimination against Women, and Article Two of this Decree which stipulates that the Kingdom of Bahrain makes reservations with respect to the following provisions of the Convention: - Article 2 to ensure that its implementation within the bound of the provisions of the Islamic Shariah. - Article 9 paragraph 2. - Article 15 paragraph 4. - Article 16 in so far as it is incompatible with the Islamic Shariah. - Article 29 paragraph 1. And on the basis of the Decree Law Number 70 for the year 2014, issued by His Majesty the King of the Kingdom of Bahrain, on 4 Safar 1436 H, corresponding to 26 November 2014, amending some provisions of the Decree Law Number 5 for the

				year 2002, regarding the accession to the Convention on the Elimination of All Forms of Discrimination Against Women, which was approved by both the Council of Representatives on 27 Jumaadal Akhara, 1437 H. corresponding to 5 April 2016, and the Shura Council on 17 Rajab 1437 H, corresponding to 24 April 2016. The Government of the Kingdom of Bahrain hereby declares: - The Kingdom of Bahrain continues to make reservations with respect to para. 2 of Article 9 and para. 1 of Article 29 of the Convention on the Elimination of All Forms of Discrimination against Women. These Reservations are combined in Article One of the Decree Law Number 70 for the year 2014 which stipulates that 'Article Two of the Decree Law Number 5 for the year 2002 regarding the accession to the Convention on the Elimination of All Forms of Discrimination against Women, be replaced with the following text: Article Two: The Kingdom of Bahrain makes reservation with respect to paragraphs 2 of Article 9, and 1 of Article 29 of the Convention on the Elimination of All Forms of Discrimination against Women',
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				- The Kingdom of Bahrain continues to make reservations with respect to Article 2 and Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women in a new formulation. The new formula of the reservation states that the implementation of these articles will be 'without breaching the provisions of the Islamic Shariah'. - The Kingdom of Bahrain continues to make reservation with respect to para. 4 of Article 15 of the Convention on the Elimination of All Forms of Discrimination against Women in a new formulation which narrows the scope of this reservation. The new formula of the reservation states that the implementation of para. 4 of Article 15 will be 'without breaching the provisions of the Islamic Shariah'. - Combining the reservations with respect to Article 2, para. 4 of Article 15, and Article 16 in Article Two of the Decree Law Number 70 for the year 2014, under a new and one formula of Reservation. The new formula states that the implementation of these Articles will be 'without breaching the provisions of the Islamic Shariah', whereas Article Two of the Decree Law Number 70 for the 2014, stipulates that 'a new Article is added to the Decree Law Number 5 for the year
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				2002 regarding the accession of the Convention on the Elimination of All Forms of Discrimination against Women under number two bis, the text of which is as follows: Article Two bis: The Kingdom of Bahrain is committed to implement the provisions of Articles 2, 15 paragraph 4 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women without breaching the provisions of the Islamic Shariah’. *** The Government of Bahrain indicated that the modifications do not imply an expansion of the scope of the original reservations and that they constitute editorial amendments that do not place any limitations on Bahrain’s commitments made upon accession to the Convention’.
Organisation of Islamic Co-operation (OIC) – Cairo Declaration on the Elimination of FGM (CDEFGM) (2003)				N/A
Convention on the Rights of the Child (1989) (CRC)			13 Feb 1992	No reservations

‘Signed’: a treaty is signed by countries following negotiation and agreement of its contents.

‘Ratified’: once signed, most treaties and conventions must be ratified (i.e. approved through the standard national legislative procedure) to be legally effective in that country.

‘Acceded’: when a country ratifies a treaty that has already been negotiated by other states.

Annex 2: CEDAW General Recommendation No 14: Female Circumcision

FGM/C – UN CEDAW Committee General Recommendation No. 14 UN CEDAW COMMITTEE General Recommendation No. 14 (ninth session, 1990) Female circumcision

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, and bodies of the United Nations system, such as the World Health Organization and the United Nations Children's Fund, as well as the Commission on Human Rights and its Sub- Commission 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,

Taking note with interest the study of the Special Rapporteur on Traditional Practices Affecting the Health of Women and Children, and of 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 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 co-operate 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;

- 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;

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.

- 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.

Annex 3: Role of the State (UN: CEDAW/C/GC/31/Rev.1CRC/C/GC/18/Rev.1)

In 2019 the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child issued Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment, and No. 18 of the Committee on the Rights of the Child (2019), on harmful practices.

The objective of this Joint General Recommendation/General Comment is to clarify the obligations of States parties to the Conventions by providing authoritative guidance on legislative, policy and other appropriate measures that must be taken to ensure full compliance with their obligations under the Conventions to eliminate harmful practices.

This Joint Recommendation/General Comment sets out a framework that States should follow in order to eliminate harmful practices. Of particular note are the recommendations as set out below:

Article 39. The Committees recommend that the States parties to the Conventions:

(a) Accord priority to the regular collection, analysis, dissemination and use of quantitative and qualitative data on harmful practices disaggregated by sex, age, geographical location, socioeconomic status, education level and other key factors, and ensure that such activities are adequately resourced. Regular data collection systems should be established and/or maintained in the health-care and social services, education and judicial and law enforcement sectors on protection-related issues;

(b) Collect data through the use of national demographic and indicator surveys and censuses, which may be supplemented by data from nationally representative household surveys. Qualitative research should be conducted through focus group discussions, in-depth key informant interviews with a wide variety of stakeholders, structured observations, social mapping and other appropriate methodologies.

Article 55. The Committees recommend that the States parties to the Conventions adopt or amend legislation with a view to effectively addressing and eliminating harmful practices. In doing so, they should ensure:

(a) That the process of drafting legislation is fully inclusive and participatory. For that purpose, they should conduct targeted advocacy and awareness-raising and use social

mobilization measures to generate broad public knowledge of and support for the drafting, adoption, dissemination and implementation of the legislation;

(b) That the legislation is in full compliance with the relevant obligations outlined in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and other international human rights standards that prohibit harmful practices and that it takes precedence over customary, traditional or religious laws that allow, condone or prescribe any harmful practice, especially in countries with plural legal systems;

(c) That they repeal without further delay all legislation that condones, allows or leads to harmful practices, including traditional, customary or religious laws and any legislation that accepts the defence of honour as a defence or mitigating factor in the commission of crimes in the name of so-called honour;

(d) That the legislation is consistent and comprehensive and provides detailed guidance on prevention, protection, support and follow-up services and assistance for victims, including towards their physical and psychological recovery and social reintegration, and is complemented by adequate civil and/or administrative legislative provisions;

(e) That the legislation adequately addresses, including by providing the basis for the adoption of temporary special measures, the root causes of harmful practices, including discrimination on the basis of sex, gender, age and other intersecting factors, focuses on the human rights and needs of the victims and fully takes into account the best interests of children and women;

(f) That a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years;

(g) That a legal requirement of marriage registration is established and effective implementation is provided through awareness-raising, education and the existence of adequate infrastructure to make registration accessible to all persons within their jurisdiction;

(h) That a national system of compulsory, accessible and free birth registration is established in order to effectively prevent harmful practices, including child marriage;

(i) That national human rights institutions are mandated to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by women and children, in a confidential, gender sensitive and child-friendly manner;

(j) That it is made mandatory by law for professionals and institutions working for and with children and women to report actual incidents or the risk of such incidents if they have reasonable grounds to believe that a harmful practice has occurred or may occur.

Mandatory reporting responsibilities should ensure the protection of the privacy and confidentiality of those who report;

(k) That all initiatives to draft and amend criminal laws must be coupled with protection measures and services for victims and those who are at risk of being subjected to harmful practices;

(l) That legislation establishes jurisdiction over offences of harmful practices that applies to nationals of the State party and habitual residents even when they are committed in a State in which they are not criminalized;

(m) That legislation and policies relating to immigration and asylum recognize the risk of being subjected to harmful practices or being persecuted as a result of such practices as a ground for granting asylum. Consideration should also be given, on a case-by-case basis, to providing protection to a relative who may be accompanying the girl or woman;

(n) That the legislation includes provisions on regular evaluation and monitoring, including in relation to implementation, enforcement and follow-up;

(o) That women and children subjected to harmful practices have equal access to justice, including by addressing legal and practical barriers to initiating legal proceedings, such as the limitation period, and that the perpetrators and those who aid or condone such practices are held accountable;

(p) That the legislation includes mandatory restraining or protection orders to safeguard those at risk of harmful practices and provides for their safety and measures to protect victims from retribution;

(q) That victims of violations have equal access to legal remedies and appropriate reparations in practice.

Article 69. The Committees recommend that the States parties to the Conventions:

(a) Provide universal, free and compulsory primary education that is girl friendly, including in remote and rural areas, consider making secondary education mandatory while also providing economic incentives for pregnant girls and adolescent mothers to complete secondary school and establish non-discriminatory return policies;

(b) Provide girls and women with educational and economic opportunities in a safe and enabling environment where they can develop their self-esteem, awareness of their rights and communication, negotiation and problem-solving skills;

(c) Include in the educational curriculum information on human rights, including those of women and children, gender equality and self-awareness and contribute to eliminating gender stereotypes and fostering an environment of non-discrimination;

(d) Ensure that schools provide age-appropriate information on sexual and reproductive health and rights, including in relation to gender relations and responsible sexual behaviour, HIV prevention, nutrition and protection from violence and harmful practices; (

e) Ensure access to non-formal education programmes for girls who have dropped out of regular schooling, or who have never enrolled and are illiterate, and monitor the quality of those programmes;

(f) Engage men and boys in creating an enabling environment that supports the empowerment of women and girls.

Article 73: The Committees recommend that the States parties to the Conventions:

(a) Provide all relevant front-line professionals with information on harmful practices and applicable human rights norms and standards and ensure that they are adequately trained to prevent, identify and respond to incidents of harmful practices, including mitigating negative effects for victims and helping them to gain access to remedies and appropriate services;

(b) Provide training to individuals involved in alternative dispute resolution and traditional justice systems to appropriately apply key human rights principles, especially the best interests of the child and the participation of children in administrative and judicial proceedings;

(c) Provide training to all law enforcement personnel, including the judiciary, on new and existing legislation prohibiting harmful practices and ensure that they are aware of the rights of women and children and of their role in prosecuting perpetrators and protecting victims of harmful practices;

(d) Conduct specialized awareness and training programmes for health-care providers working with immigrant communities to address the unique health-care needs of children and women who have undergone female genital mutilation or other harmful practices and provide specialized training also for professionals within child welfare services and services focused on the rights of women and the education and police and justice sectors, politicians and media personnel working with migrant girls and women.

Article 81. The Committees recommend that the States parties to the Conventions:

(a) Develop and adopt comprehensive awareness-raising programmes to challenge and change cultural and social attitudes, traditions and customs that underlie forms of behaviour that perpetuate harmful practices;

(b) Ensure that awareness-raising programmes provide accurate information and clear and unified messages from trusted sources about the negative impact of harmful

practices on women, children, in particular girls, their families and society at large. Such programmes should include social media, the Internet and community communication and dissemination tools;

(c) Take all appropriate measures to ensure that stigma and discrimination are not perpetuated against the victims and/or practising immigrant or minority communities;

(d) Ensure that awareness-raising programmes targeting State structures engage decision makers and all relevant programmatic staff and key professionals working within local and national government and government agencies;

(e) Ensure that personnel of national human rights institutions are fully aware and sensitized to the human rights implications of harmful practices within the State party and that they receive support to promote the elimination of those practices;

(f) Initiate public discussions to prevent and promote the elimination of harmful practices, by engaging all relevant stakeholders in the preparation and implementation of the measures, including local leaders, practitioners, grass-roots organizations and religious communities. The activities should affirm the positive cultural principles of a community that are consistent with human rights and include information on experiences of successful elimination by formerly practising communities with similar backgrounds;

(g) Build or reinforce effective partnerships with the mainstream media to support the implementation of awareness-raising programmes and promote public discussions and encourage the creation and observance of self-regulatory mechanisms that respect the privacy of individuals.

Article 87. The Committees recommend that the States parties to the Conventions:

(a) Ensure that protection services are mandated and adequately resourced to provide all necessary prevention and protection services to children and women who are, or are at high risk of becoming, victims of harmful practices;

(b) Establish a free, 24-hour hotline that is staffed by trained counsellors, to enable victims to report instances when a harmful practice is likely to occur or has occurred, and provide referral to needed services and accurate information about harmful practices;

(c) Develop and implement capacity-building programmes on their role in protection for judicial officers, including judges, lawyers, prosecutors and all relevant stakeholders, on legislation prohibiting discrimination and on applying laws in a gender-sensitive and age-sensitive manner in conformity with the Conventions;

(d) Ensure that children participating in legal processes have access to appropriate child-sensitive services to safeguard their rights and safety and to limit the possible

negative impacts of the proceedings. Protective action may include limiting the number of times that a victim is required to give a statement and not requiring that individual to face the perpetrator or perpetrators. Other steps may include appointing a guardian ad litem (especially where the perpetrator is a parent or legal guardian) and ensuring that child victims have access to adequate child-sensitive information about the process and fully understand what to expect;

(e) Ensure that migrant women and children have equal access to services, regardless of their legal status.

Annex 4: OIC statement dated 2 Feb 2025 (20)

OIC-IPHRC, on the occasion of the 'International Day of Zero Tolerance for Female Genital Mutilation 2025', made an emphatic call for an end to all forms of violence against women, including Female Genital Mutilation in accordance with the international human rights standards.

Jeddah, 6th February 2025: The Independent Permanent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) joins the international community in commemorating the 'International Day of Zero Tolerance for Female Genital Mutilation (FGM) 2025' and strongly condemns all forms of violence against women and girls, including the harmful practice of Female Genital Mutilation (FGM). The Commission reaffirms that FGM is a deeply entrenched traditional practice with no religious justification and stands in clear violation of human rights.

The Commission emphasizes that Islam upholds the dignity and rights of women and categorically rejects practices that cause physical, psychological, or emotional harm. It is estimated that over 230 million girls and women worldwide have suffered the effects of FGM and that an estimated 27 million additional girls are at risk of undergoing FGM by 2030 unless action is accelerated. FGM violates several human rights outlined under the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination against Women, and the Convention on the Rights of the Child. The practice of FGM is recognized internationally as a violation of the human rights of girls and women. It is mainly carried out on minors and is a violation of the rights of the girl child. The practice also violates a person's right to health, security, and physical integrity; the right to be free from torture and cruel, inhuman, or degrading treatment; and the right to life in instances when the procedure results in death.

The Commission acknowledges and appreciates efforts being taken by the Member States against this practice that endangers the physical and psychological health of women and girls. It was concluded at the Second Islamic Conference of Ministers in charge of Childhood held in Khartoum in 2009² that FGM is a violation of the human rights of girls and women. OIC has adopted 'The Cairo Declaration of the OIC on Human Rights'³, in which specific sections are included on 'Human Rights of Women,' which calls for the protection of women against all forms of discrimination, violence, abuse, and harmful traditional practices. Also, OIC welcomed the UN General Assembly resolution 67/146, entitled, intensifying global efforts for the elimination of female genital mutilations⁴ and resolution 67/144, entitled, Intensification of efforts to eliminate all forms of violence against women⁵, both of which were adopted without a vote. Human Rights Council adopted resolution 44/16 on the

elimination of FGM to speed up efforts to reach zero tolerance for FGM by 2030 and to restate the global ban on the harmful practice as it constitutes a serious violation of women rights. Goal 5 of the 2030 Agenda for Sustainable Development⁷ calls for eliminating FGM. The International Islamic Fiqh Academy, in its Resolution No. 220 (4/23)⁸, categorically stated that female genital mutilation is prohibited in Islam. Accordingly, the OIC Plan of Action for the Advancement of Women (OPAAW) and its comprehensive implementation mechanism, while supporting international efforts, calls for the eradication of all harmful practices, in particular, FGM.

The Commission calls for collective efforts to empower women and girls through education, healthcare, and legal protection. It calls upon governments, civil society organizations, and the media to take urgent and coordinated action to eliminate FGM. Human rights-based approaches to eradication include, but are not limited to, the enforcement of laws, education programs focused on empowerment, and campaigns to recruit change agents from within communities. Accordingly, the Commission urges governments to: (a) enact and enforce legislation to eliminate FGM and other harmful practices; (b) implement effective administrative measures to protect women and girls from harmful practices and violence and ensure accountability; (c) conduct widespread awareness and advocacy campaigns to educate the public on the dangers of FGM and dispel misconceptions regarding its religious basis. In this regard, the Commission, while respecting cultural sensitivities and national laws, affirmed its readiness to work together with all relevant OIC institutions and Member States to bring an end to all forms of violence, bias, and discrimination against women.

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Disclaimer

This report analyses and discusses the application of national (criminal) laws to the commission of FGM/C and any possible related crimes. It also explores other legal factors deemed relevant, such as legal obligations to report the commission or likely upcoming commission of FGM/C, available legal protective measures for girls and women at risk of FGM/C, and any obligations of national governments in relation to FGM.

The initial research conducted for this report consisted of a questionnaire prepared by Hogan Lovells International LLP with input from certain local law firms, local non-governmental organisations and/or other information providers (together, the Information Providers). The information contained in the responses to that questionnaire was then reviewed by Orchid Project, updated and used as the basis of further research from relevant sources.

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