



## LEGAL FRAMEWORK

### International and European conventions

The Czech Republic has ratified various conventions condemning FGM, including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Charter of Fundamental Rights of the European Union (2010/C 83/02).

### Criminal law

In the Czech Republic, general criminal law could be applied to cases of FGM, particularly the criminal offence integrated in paragraph 199 of the Penal Code. This paragraph primarily addresses violence against women and could be applied to FGM as being a form of physical abuse or ill treatment among family or household members. Also, paragraphs 145 and 146, containing the offence of (grievous) bodily harm, can be used. Since 2006, the system of juridical protection against domestic violence can be extended to children suffering abuse. The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the borders of the country. Nevertheless, there is no specific law or provision addressing FGM or any other type of mutilation in the Czech Republic.

### Child protection law

General child protection law could be used in cases of FGM. The Social and Legal Protection of Children Act (No. 359/1999) applies to families in which children are suspected to be endangered. Children can, upon the decision of the competent court and proposal of the local administration, be removed from their families and placed in the custody of another family. This act is applicable to any child having its permanent residence in the Czech Republic, as well as to asylum applicants and persons under temporary protection. The Domestic Violence Act



(No. 135/2006) contains a measure for the eviction of an offender within a minimum of 10 days, implemented by the police. It also includes general protection measures for people at risk of suffering violence from relatives or other people living with them. Those measures aim at ensuring psychological and medical support provided by 'intervention centres' and access to a shelter for victims of violence (paragraph 74a).

### Asylum law

There are several general laws allowing FGM to be presented as a ground for asylum claims. Act No. 325/1999 on asylum, modifying Act No. 283/1991, introduced several forms of protection such as refugee status, humanitarian protection

## About the study

In order to contribute to identifying and filling the gaps in prevalence data collection and support the development of strategies for combating female genital mutilation (FGM), the European Institute for Gender Equality has commissioned the 'Study to map the current situation and trends of female genital mutilation in 27 EU Member States and Croatia'. The study was launched at the request of Viviane Reding, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and Yellow Window Management Consultants (a division of E.A.D.C.).

The desk research in the 27 EU Member States and Croatia and the in-depth research in nine EU Member States brings about the first collection of information and data, legal and policy framework, actors, tools and methods in the area of FGM in the EU. The different national approaches to tackle FGM in the EU were analysed and compared in order to identify practices with potential in prevention, protection, prosecution, provision of services, partnership and prevalence.

The data provided in this publication were collected through desk research conducted between December 2011 and April 2012. More information and references about the study are available at: [eige.europa.eu](http://eige.europa.eu)

INDICATOR COUNTRY	FGM prevalence studies	Asylum granted on FGM grounds	Specific criminal law provision on FGM	National action plan covering FGM	FGM-related child protection interventions	Hospital/medical records of FGM
BELGIUM	✓	✓	✓	✓		✓
BULGARIA						
CZECH REPUBLIC						
DENMARK			✓	✓	✓	
GERMANY	✓	✓				
ESTONIA						
IRELAND	✓	✓	✓	✓		✓
GREECE				✓		
SPAIN			✓	✓	✓	
FRANCE	✓	✓		✓	✓	✓
ITALY	✓	✓	✓	✓	✓	
CYPRUS			✓			
LATVIA		✓				
LITHUANIA		✓				
LUXEMBOURG						
HUNGARY	✓	✓				
MALTA						
NETHERLANDS	✓	✓		✓	✓	✓
AUSTRIA		✓	✓	✓		
POLAND						
PORTUGAL				✓		✓
ROMANIA		✓				
SLOVENIA						
SLOVAKIA		✓				
FINLAND				✓	✓	
SWEDEN		✓	✓	✓	✓	✓
UNITED KINGDOM	✓	✓	✓	✓	✓	✓
CROATIA			✓	✓		

## What is female genital mutilation?

- Female genital mutilation (FGM), also known as female genital cutting, is a form of gender-based violence. It comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.
- Female genital mutilation has negative effects on the health of women in the short, medium and long term and may even lead to death. It is carried out for both cultural and social reasons. Religious arguments tend to be used to justify the practice but there is no religious mandate for it.
- According to UNICEF, FGM is practised in more than 20 African countries spreading between Senegal in the west and Somalia in the east.
- Although overall figures are difficult to estimate, thousands of women and girls residing in the European Union may have been genitally mutilated or are at risk of FGM.
- The EU institutions and the Member States are committed to fighting FGM, as it is shown in the Commission's 'Strategy for equality between women and men (2010–2015)'. The Daphne III programme has played a crucial role in putting FGM on the agenda in several EU countries and in providing financial support for the implementation of transnational projects in this field.
- The European Parliament resolution of 14 June 2012 on ending female genital mutilation clearly stipulates that 'any form of female genital mutilation is a harmful traditional practice that cannot be considered part of a religion, but is an act of violence against women and girls which constitutes a violation of their fundamental rights'. The European Parliament calls on the Member States to take a firm action to combat this illegal practice.

and subsidiary protection. Subsidiary protection can be granted in case of fear of prejudice, including inhuman or degrading treatments (Article 14a). Prosecutions on the grounds of sex are mentioned, but grounds to define a social group are not specified. Act No. 221/2003 on temporary protection addresses situations where a person escapes from immediate danger.

### Professional secrecy law

General laws with regard to professional secrecy and disclosure may be applied to reporting cases of performed or planned FGM. Chapter 8, §367 of the Penal Code states that the non-denunciation of criminal offences, including 'sexual abuse', 'inhuman or cruel treatment', and 'grievous harm to bodily integrity' can be punished by a sentence of up to three years in prison. The Code of Ethics of the Czech Doctor's Governing Body mentions that information sealed by medical secrecy can be disclosed at the request of a patient or in any case specified by law. Act No. 372/2011 on Health Care Services mentions numerous exceptions to professional secrecy, such as the duty to report criminal acts (§51).

## POLICY FRAMEWORK

While there are no specific policies addressing the issue of FGM in the Czech Republic, two policy documents provide a general framework in which specific prevention or monitoring actions on FGM could be implemented, were FGM to be put on the agenda. These documents are the 'National Action Plan against Domestic Violence 2010–2014' and the 'National Strategy to prevent Violence Against Children 2008–2018'. The first plan aims at improving and systematising the implementation of existing provisions in the area of domestic violence (which covers women and children). The National Strategy develops a mainstream strategy to eradicate violence against children, using a broad definition of domestic violence against children and of abuses of children. Neither of these policy documents refers explicitly to FGM.

## PREVALENCE OF FGM IN THE COUNTRY

There is a lack of prevalence data on FGM in the Czech Republic. Statistics on the foreign communities living in the country show that less than 4% of people residing in the Czech Republic are foreign citizens or were born as such. Most of this population is from Europe (>75%) and from Asia (Vietnam, China). Given the structure of its population, which is highly homogenous and includes few people from countries where FGM is performed, it is clear that the Czech Republic has few cases of women with FGM.

### Figures

- Less than 4% of the population in the Czech Republic is of foreign origin, mostly European and Asian.
- In 2009, the total number of asylum applicants from Africa was 105, of which only five were granted asylum (all men).

### Facts

- Although there is no policy designed to tackle FGM in the Czech Republic, the policy documents that deal with domestic violence (which includes domestic violence against children) provide an inclusive framework through which other kinds of abuses or violence could be addressed.
- There is no record of any asylum application submitted on the grounds of fear of FGM.



## What is gender-based violence?

- Gender-based violence is a violation of human rights and a form of discrimination. It is defined as violence directed against a person on the basis of gender. Gender-based violence reflects and reinforces inequalities between men and women and results in physical, mental and sexual harm. It includes, among others: domestic violence, rape, sexual harassment, sexual violence during conflict, female genital mutilation, forced marriages, forced prostitution, forced sterilisation, female infanticide and prenatal sex selection.
- In the European Pact for Gender Equality (2011–2020) the Council of the European Union reaffirms its commitment to fulfil EU ambitions regarding gender equality as mentioned in the Treaty. In particular, it emphasises the need to combat all forms of violence against women in order to ensure the full enjoyment of human rights by women and girls and, as a consequence, to enhance gender equality with a view to creating inclusive growth and development in labour markets in Europe.
- The European Parliament Resolution on the elimination of violence against women of 26 November 2009 urges Member States to improve, among others, their national laws and policies to combat all forms of violence against women, in particular through the development of comprehensive national action plans to combat violence against women.
- The European Commission's Strategy for Equality between Women and Men 2010–2015 emphasises the importance of combating violence against women. The Stockholm Programme 2009 highlights the need for special support and legal protection for victims of violence against women. In addition, the Women's Charter 2010 envisages the implementation of a comprehensive and effective policy framework to combat gender-based violence as well as the strengthening of the measures to eradicate female genital mutilation and other acts of violence.

## About the European Institute for Gender Equality (EIGE)

The European Institute for Gender Equality is the EU knowledge centre on gender equality. EIGE supports policymakers and all relevant institutions in their efforts to make equality between women and men a reality for all Europeans and beyond, by providing them with specific expertise and comparable and reliable information on gender equality in Europe.

More information: [eige.europa.eu](http://eige.europa.eu)

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