

Current situation and trends of female genital mutilation in Denmark



LEGAL FRAMEWORK

International and European conventions

Denmark has ratified various international conventions concerning 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 (2000/C 43/02).

Criminal law

Since 2003, there is a specific criminal law provision on FGM, namely section 245a of the Penal Code. The law is applicable to any procedure that involves removing parts of the female external sex organs & therefore, includes, infibulation) whether or not this happens voluntarily or by force. The general provisions of the Danish Criminal Law cover 'abandon or' and 'participation in' whereas 'performance' is described in the specific law. The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

General child protection law could be applied in cases of FGM through the Law on Social Services, section 38 that allows removing the child from the family and suspension of parental custody.

Asylum law

The Aliens Act, section 72 stipulates the possibility of granting asylum as 'a refugee with protection status' in case of reasonable risk of inhuman and degrading treatment, including FGM.

Professional secrecy law

In Denmark, general laws with regard to professional secrecy and disclosure may be used to report cases of performed or planned FGM. It follows from section 15a of the Act on Social Services that any person who hears or becomes aware that a child or young person under the age of 18 is being neglected or abused by their parents or other persons involved in their upbringing, or who is living under conditions endangering their health or development, shall notify the municipal authorities. Based on section 15b, persons involved in public service positions or professions who become aware, during the course of their work, of factors giving rise to the presumption that a child or a young person

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 Valérie Reding, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and Fellow Workforce Management Consultants in Division of I.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.

Downloads



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Status vedrørende kvindelig omskæring i Danmark

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