


Current situation and trends of female genital mutilation in Estonia



LEGAL FRAMEWORK

International and European conventions

Estonia 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 (CFREU) (EU/2000/C 46/02).

Criminal law

In Estonia, Article 118 of the Penal Code may be applied to FGM-related cases: 'Causing serious damage to health which results in, for example, the loss or cessation of functioning of an organ'. The following articles could also be used: Article 121 'Causing damage to the health of another person, beating, battery or other physical abuse which causes pain' and Article 134 'Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on the grounds of race or gender or for other reasons, and where he or she lacks legal protection against such treatment and does not have the possibility to leave this situation'. The principle of non-retroactivity is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

In Estonia, general child protection laws could be applied in cases of FGM. In cases of impending FGM, two laws might be applied: Family Law (Child Protection Act), which states that 'It is prohibited to humiliate, frighten or punish a child in any way which abuses the child, causes bodily harm or otherwise endangers (his mental or physical health), could be applied: Adults who violate this principle might be subject to criminal prosecution and a child who has suffered violent treatment is provided with the necessary assistance. Everyone is required to report any child they know to be in need of protection or assistance. Secondly, under the Family Law, general rights might be restricted or suspended if parents endanger the mental, physical and/or emotional well-being of their child.

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 Ylva Hedin, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and Yelena Winkler Management Consultants (p. division of I.A.D.C.).

The desk research in the 27 EU Member States and Croatia and the in-depth research in one 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 policies.

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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EN (PDF, 12.66 MB)



Naiste suguelundite moonutamise olukord Eestis

ET (PDF, 12.66 MB)

Metadata

COUNTRY: [Estonia](#)

AREAS: Gender-based violence

AUTHOR: EIGE

PUBLISHER: Publications Office of the EU

ISBN: EN 978-92-9218-246-5; ET 978-92-9218-105-5

DOI: EN 10.2839/78249; ET 10.2839/14399