

Current situation and trends of female genital mutilation in Italy



LEGAL FRAMEWORK

International and European conventions

Italy 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 (2000/46/EC).

Criminal law

Since 2006, there is a specific criminal law provision concerning FGM (Law No. 73/06). Articles 583 bis and 583 ter of the Penal Code prohibit the performance of all forms of FGM, including clitoridectomy, excision, infibulation and any other practice causing effects of the same kind or causing mental or physical illness. The principle of automaticity is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

General child protection law could be used in cases of FGM. Article 330 of the Civil Code refers to the removal of the child from the family and suspension of parental custody of the parent whose behaviour is threatening the child's wellbeing. Moreover, Article 333 of the Civil Code refers to preventive interventions in case of prejudicial parental behaviour.

Asylum law

Asylum claims on the grounds of FGM could fall under Directive 2011/286/EC, which considers physical or psychological violence or acts specifically directed against one specific gender or against children as relevant for granting refugee status. The law includes both past and future persecutions (Art. 3.3b).

Professional's secrecy law

In Italy, general law with regard to professional secrecy and disclosure may be used to report cases of performed or planned FGM. According to Article 361 of the Penal Code, any public officer has the duty to report any criminal offences they have been informed about while performing their duties or because of their profession. Administrative sanctions are imposed. Article 362 of the Penal Code affirms the duty to report under the same conditions as above (for whom, without being a public officer with related powers, in charge of delivering a public service in public bodies/institutions). Article 363 of the Penal Code specifies that health professionals should be prosecuted when they fail to report information about a crime, obtained in the context of their occupational activities. This rule does not apply where reporting the activity would expose the patient to criminal prosecution.

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 Yellow Window 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 one EU Member State 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 to prevent, promote, prosecute, protect or provide services, partnership and provisions.

The data provided in this publication were collected through desk research conducted between October 2011 and April 2012. More information and references about the study are available at eige.europa.eu.

Downloads



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