

Current situation and trends of female genital mutilation in Luxembourg



LEGAL FRAMEWORK

International and European conventions

Luxembourg has ratified various international 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 (2000/46/EC). Luxembourg has signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210).

Criminal law

The general criminal law (Articles 398–403) is applicable to FGM, in particular Article 403 of the Penal Code punishing intended bodily harm causing a permanent injury, disability, total loss of an organ or a severe mutilation. Article 403 states that if the intended violence referred to in Article 403 is performed against a child under 14, the sentence is between 10 to 15 years, and it is a life sentence if the perpetrator is a legal tutor or ascendant. The principle of non-retroactivity is not applicable, therefore FGM is not punishable when committed outside the country.

Child protection law

In Luxembourg, child protection law refers explicitly to FGM. Two relatively recent acts, passed in 2003 and 2006, have reinforced protection measures. The perpetrators act on domestic violence (2003) stipulates that the perpetrators of intended bodily harm against a person with whom they regularly live or their legitimate ascendants or descendants can be temporarily evicted from their residence. Finally, the protection measure can apply to violence against underage ascendants. The Act on children and family assistance (2006) contains, in its second Article, the first explicit reference to FGM in domestic legislation, prohibiting inhuman or degrading treatments and genital mutilations within families or educational communities. However, the law does not establish specific protection measures, it only provides a framework for measures of assistance to children at risk. Article 11 lists interventions that can be proposed with the support of parents or tutors, and which are subject to possible legal prosecution.

Asylum law

The act on asylum rights and subsidiary protection measures can be used in cases of FGM. Article 33 refers to acts of a gender-specific or child-specific nature. Article 37 provides the

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 Winflow Management Consultants in division of I.A.D.C.

The desk research on 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, partnerships 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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EN (PDF, 560.2 KB)



Situation actuelle de la mutilation génitale féminine au Luxembourg

FR (PDF, 571.42 KB)

Metadata

COUNTRY: Luxembourg

AREAS: Gender-based violence

AUTHOR: EIGE

PUBLISHER: Publications Office of the EU

ISBN: EN 978-92-9218-245-8; LU 978-92-9218-070-6

DOI: EN10.2839/78221; LU10.2839/71616