

Current situation and trends of female genital mutilation in Croatia



LEGAL FRAMEWORK

International and European conventions

Croatia 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), and the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Croatia has not yet ratified the Charter of Fundamental Rights of the European Union (CFRE).

Criminal law

In Croatia, cases of FGM can be prosecuted under criminal law, relating especially to the criminal offence of physical injury and arbitrary treatment. In some cases, the principle of extra-territoriality may be applicable, making FGM punishable when committed outside the country. The new Croatian Code of Criminal Law, which will enter into force in 2013, contains, in Article 116, a specific criminal law on FGM, however, completely or partially removes or permanently changes the external genitalia of a female person shall be punished in the case of a child or family member, the penalty will be increased.

Child protection law

In Croatia, it is the Family Law that is applicable to protect children's rights. Its principles, particularly Article 114 that refers to 'grave violation of child right', could be applied to a case of (planned) FGM.

Asylum law

Articles 2, 74 and 81 of the Asylum Act, pertaining to vulnerable groups, could be applied to cases of FGM.

Professional secrecy law

In Croatia, general law with regards to professional secrecy and disclosure may be applied to reporting cases of performed or planned FGM. The general principle of professional secrecy is stipulated in Articles 86, 110 and 186 of the Penal Code. Health care providers are specifically mentioned. However, professionals shall be criminally prosecuted when they fail to report information obtained in the context of their occupational activities and which concerns a serious offence for which the law prescribes long-term imprisonment. Furthermore, teachers and other educational staff shall be criminally prosecuted if they do not report an offence committed against a child or juvenile.

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, protect, prosecute, provide 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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EN (PDF, 12.64 MB)



Trenutacno stanje sakacenja ženskih spolnih organa (FGM) u Hrvatskoj

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