

Current situation and trends of female genital mutilation in Germany



LEGAL FRAMEWORK

International and European conventions

Germany 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 Slavery 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 (2010/C 46/02). Germany has signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 216).

Criminal law

In Germany, FGM cases can be criminally prosecuted through Articles 224, 225 and 226 of the Penal Code, referring respectively to criminal offences of grievous bodily injury, mistreatment by parents or persons having custody, and grievous bodily injury having as consequence the loss of essential parts of the body or identity. The principle of territoriality is applicable, making FGM punishable even if it is committed outside the country. In 2011, an amendment to the Penal Code was proposed with the aim to include a specific criminal law provision on FGM. However, it has not yet entered into force.

Child protection law

In Germany, general child protection law could be applied in cases of FGM, particularly the German Social Code, Book VIII, Section 8a is relevant to Protective Assignment in Case of Threat of the Child's Welfare. Therefore, if a girl becomes a victim of, or is threatened by FGM, this represents an existing or impending danger of child abuse, measures can be taken to avert the danger. Measures to protect the girl may include accommodating her away from her family, as well as counselling, therapy, family support and other services.

Asylum law

Immigration Law §40, Section 1, No. 3 refers to the Geneva Convention. Granting asylum on the basis of FGM is linked to membership of a particular social group, defined by Article 10 of the Qualification Directive. The Federal Agency has to evaluate whether refugee status can be granted to women who are in danger of FGM.

About the study

In order to contribute to identifying and filling the gaps in previous 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 Iratze Redondo, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and Helene Winshaw Management Consultants (a division of S.A.D.C.).

The desk research from 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 governance.

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

Downloads

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[Current situation of female genital mutilation in Germany](#)
 EN (PDF, 12.66 MB)
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[Aktuelle Situation: Weibliche Genitalverstümmelung in Deutschland](#)
 DE (PDF, 12.68 MB)

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