

Current situation and trends of female genital mutilation in Malta



LEGAL FRAMEWORK

International and European conventions

Malta 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 (2010/C 83/02). Malta has signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 216).

Criminal law

General criminal law is applicable to FGM, in particular Article 214 of the Penal Code, which consists of the crime of bodily injury. Physical mutilation, as referred to in Article 244(3), is punishable if it causes death or seriously endangers health. In Malta, there is no specific criminal law provision on FGM.

Child protection law

General child protection law could be used in cases of FGM. The Commissioner for Children Act (ACT 30 of 2005), as amended by Legal Notice 427 of 2007, provides for the appointment of a Commissioner for Children with power to investigate any infringements of the rights of children and to promote special care and legal protection. According to the Domestic Violence Act (ACT 38 of 2008), domestic violence means any act of violence perpetrated by a household member or any other household member, including a child or parent, and includes any neglect that causes physical or moral harm to the other. Paragraph 10(1) of the Subsidiary Legislation 200:11 entitled 'Children and Young Persons (Care Orders) Regulations' (Legal Notice 49 of 1985), as amended by Legal Notices 41 of 1999 and 102 of 2005, states that it shall be the duty of any person or persons responsible for the home, foster or institution with whom or in which a child or young person has been boarded out or accommodated in accordance with the provisions of article 10(1) of the Act to ensure that such a child or young person is treated and brought up in an environment (...) which is conducive to psychological security as well as to physical well-being, so as to promote normal and healthy development.

Asylum law

The Subsidiary Legislation 420:07 'Asylum Procedures (Application for a Declaration) Regulations (Legal Notice 215) of 2007 refers to the 'Children and Young Persons (Care Orders) Act for those instances where a child under the age of 18 years, who is not in the custody of any person, is seeking asylum, in which case the said Act shall apply to that 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 Valeriu Beedee, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Queen University and fellow Window Management Consultants (a 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 in prevention, protection, prosecution, provision of services, partnership and prevalence.

The data provided in the 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, 12.65 MB)



Is-sitwazzjoni prezenti dwar il-mutilazzjoni genitali femminili f' Malta

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