

Current situation and trends of female genital mutilation in Slovenia



LEGAL FRAMEWORK

International and European conventions

Slovenia 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 (CFREU). Slovenia has signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CEDVA No. 119).

Criminal law

General criminal law could be applied to cases of FGM, in particular Articles 123-124 of the Penal Code, which refer to the crimes of serious bodily injury and especially bodily injury. The consent of the victim, however, does affect the legal qualification of the act. The principle of arbitrariness is applicable, making FGM punishable even if it is committed outside the country. In addition, the Family Violence Protection Act (2008) could be applied to FGM as the definition of family violence includes any physical, sexual and psychological violence of one family member against the other.

Child protection law

General child protection law could be applied in cases of FGM under Article 411 of the Civil Procedure Act. This Article includes the right to request a child protection order to secure certain interests of the child. A child protection order, which can only be issued by the courts, can limit or forbid contact between parents, parents and a child. This is a temporary solution and is only available if the perpetrator is also the parent of the child.

Asylum law

Articles 1 and 2 of the Asylum Act refer to the refugee definition of the Geneva Convention, and to the possibility of subsidiary protection.

Professional secrecy law

General laws with regard to professional secrecy and disclosure may be applied to report cases of performed or planned FGM. According to Article 45 of the Patient's Rights Code, a doctor is allowed to report information about a patient's medical condition in order to save her or his life or to prevent damage to the health of other persons. Where the victim is a child, a medical doctor is obliged to report any suspicion of a criminal offence.

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 Violaine Belding, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and Yelena Witkova Management Consultants in division of I.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 prevention.

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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