

Current situation of female genital mutilation in Belgium



LEGAL FRAMEWORK

International and European conventions

Belgium has ratified various 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 (2000/C 364/01).

Criminal law

In 2003, a specific criminal law provision on FGM was adopted. Article 40B of the Penal Code prohibits all forms of FGM, ranging from clitoridectomy to infibulation. The criminal offence consists of the performance of FGM, the participation, the facilitation and the attempt to perform it. Committing the offence on an underage female is considered an aggravating circumstance that increases the penalty. The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

The general Belgian Child Protection Law, including preventive and protective procedures, could be applied in cases of FGM. Referral cases concerning a possible risk of FGM could be followed up by visiting the family, counselling them on the issue, and assessing them. But the practice is illegal in Belgium and that legal action will be taken if an offence is committed. Where the health, security or morality of an underage female are endangered by the behaviour of parents or guardians, law-enforcement authorities may request the intervention of the youth court, based on Article 16.2 of the Child Protection Law.

Asylum law

The Asylum Law of 1990, changed in 2006, is an important addition to the Geneva Convention in terms of what asylum means. Article 41B refers to acts of persecution such as acts of physical or psychological violence including sexual violence, and acts of gender-specific or child-specific nature. Nevertheless, specific asylum law provisions for FGM are not foreseen in this law. Within the Office of the Commissioner General for Refugees and Stateless Persons there is a special department monitoring asylum claims based on the fear of FGM; the department's personnel are specially trained on gender-specific issues and FGM. Girls granted refugee status on FGM grounds have to submit a yearly medical certificate.

Meet 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 coordinated by the International Centre for Reproductive Health (ICRH) of the Ghent University and Yvonne Windmeijer Consultants in division of I.A.D.C.S.

The desk research in 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 prevention, protection, prosecution, provision of services, partnership and practices.

The data provided for 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, 584.81 KB)



Situation actuelle de la mutilation génitale féminine en Belgique

FR (PDF, 620.16 KB)



Huidige situatie van vrouwelijke genitale verminking in België

NL (PDF, 611.4 KB)

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