



LEGAL FRAMEWORK

International and European conventions

Sweden 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 (2010/C 83/02). Sweden has signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210).

Criminal law

Since 1982, female genital mutilation has been explicitly prohibited in Sweden. This rule is primarily contained in the 'Act Prohibiting the Genital Mutilation of Women' (1982). According to the wording of the Act, an operation may not be carried out on the outer female sexual organs with a view to mutilating them or bringing about some other permanent change in them, regardless of whether or not consent has been given for the operation. Those attempting to perform, prepare or conspire to commit the offence of female genital mutilation are punishable, as is a party who fails to report female genital mutilation. The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

General child protection laws could be used in cases of FGM, namely the Social Services Act (2001), the Care of Young Persons (Special Provisions) Act (1990), and the Act regarding Special Representative for a Child (1999). With the aim of clarifying the



applicability of the Social Services Act in relation to FGM, the Swedish Board of Health and Welfare issued guidelines (2002) for officials in the social sector concerning actions and measures in a variety of situations: 'If there is an impending risk that FGM is about to be performed', 'If the parents have positive views on FGM', and 'If there is a suspicion that FGM has been performed'. Social service interventions for children and young people must primarily be provided in a voluntary form with the support of the Social Services Act. It is only where this is not possible, that the Care of Young Persons (Special Provisions) Act (LVU) can be applied. LVU is a supplementary protective act, which regulates the circumstances in which a young person can be taken into care or protective custody without their consent. LVU is used when the young person has a need for care or protection which cannot be

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 Viviane 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 (a division of E.A.D.C.).

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 in prevention, protection, prosecution, provision of 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

INDICATOR COUNTRY	FGM prevalence studies	Asylum granted on FGM grounds	Specific criminal law provision on FGM	National action plan covering FGM	FGM-related child protection interventions	Hospital/medical records of FGM
BELGIUM	✓	✓	✓	✓		✓
BULGARIA						
CZECH REPUBLIC						
DENMARK			✓	✓	✓	
GERMANY	✓	✓				
ESTONIA						
IRELAND	✓	✓	✓	✓		✓
GREECE				✓		
SPAIN			✓	✓	✓	
FRANCE	✓	✓		✓	✓	✓
ITALY	✓	✓	✓	✓	✓	
CYPRUS			✓			
LATVIA		✓				
LITHUANIA		✓				
LUXEMBOURG						
HUNGARY	✓	✓				
MALTA						
NETHERLANDS	✓	✓		✓	✓	✓
AUSTRIA		✓	✓	✓		
POLAND						
PORTUGAL				✓		✓
ROMANIA		✓				
SLOVENIA						
SLOVAKIA		✓				
FINLAND				✓	✓	
SWEDEN		✓	✓	✓	✓	✓
UNITED KINGDOM	✓	✓	✓	✓	✓	✓
CROATIA			✓	✓		

What is female genital mutilation?

- Female genital mutilation (FGM), also known as female genital cutting, is a form of gender-based violence. It comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.
- Female genital mutilation has negative effects on the health of women in the short, medium and long term and may even lead to death. It is carried out for both cultural and social reasons. Religious arguments tend to be used to justify the practice but there is no religious mandate for it.
- According to UNICEF, FGM is practised in more than 20 African countries spreading between Senegal in the west and Somalia in the east.
- Although overall figures are difficult to estimate, thousands of women and girls residing in the European Union may have been genitally mutilated or are at risk of FGM.
- The EU institutions and the Member States are committed to fighting FGM, as it is shown in the Commission's 'Strategy for equality between women and men (2010–2015)'. The Daphne III programme has played a crucial role in putting FGM on the agenda in several EU countries and in providing financial support for the implementation of transnational projects in this field.
- The European Parliament resolution of 14 June 2012 on ending female genital mutilation clearly stipulates that 'any form of female genital mutilation is a harmful traditional practice that cannot be considered part of a religion, but is an act of violence against women and girls which constitutes a violation of their fundamental rights'. The European Parliament calls on the Member States to take a firm action to combat this illegal practice.

met by means of voluntary solutions. The Act regarding Special Representative for a Child allows for a medical examination by a physician, even when the parents refuse to grant permission.

Asylum law

Before 2008, in FGM-related cases asylum has been granted mainly on the grounds of torture. After 2008, the Board of Migration stated that FGM could be grounds for asylum as a form of gender-based persecution.

Professional secrecy law

According to the Social Services Act, every citizen, including health professionals bound to secrecy, is obliged to report any suspicion of child abuse, or any knowledge that a child's welfare is threatened to the social authorities. Due to secrecy provisions laid down in the Public Access to Information and Secrecy Act, the Social Welfare Committee is prevented from reporting crimes to the police (unless there are specific circumstances allowing such reporting). An exception is any crime of FGM, which should always be reported to the police, unless there are specific circumstances.

In Sweden, there is also a specific legal provision with regard to reporting cases of performed and planned FGM. The Act Prohib-

iting the Genital Mutilation of Women stipulates that anyone who fails to report the performance or attempt of FGM to the police is punishable in accordance with section 23 of the Penal Code.

POLICY FRAMEWORK

Policy development began in the early 1980s in Sweden, with a proposal to have a specific criminal law on FGM. The National Board of Health was instrumental in policy development in the 1990s. Sweden is one of the eight countries in the EU 27 and Croatia that has developed a specific national action plan on FGM. The 'National Action Plan against FGM' dating from 2003 has expired, and has not been renewed. It was issued by the Ministry of Health and Social Affairs, which provided SEK 3 million. This National Action Plan aimed at preventing FGM among girls living in Sweden and at providing appropriate care to girls and women in Sweden who have already been subjected to FGM. With regard to child protection, the government increased the budget for the Ombudsman for Children in 2003 in order to continue its work, which included FGM.

PREVALENCE OF FGM IN THE COUNTRY

As of February 2012, there is no representative FGM prevalence study available in Sweden. Three studies have been done (in 2004, 2005 and 2006) among health professionals that aimed at assessing the number of women who have been subjected to FGM. However, these studies were not representative and therefore do not provide reliable prevalence data on FGM for Sweden. As of 31 December 2010, 91,420 migrants born in countries where FGM is being practised were residing in Sweden.

Facts

- As of February 2012, no prevalence studies have been performed in Sweden.
- Policy development began in the early 1980s in Sweden, with a proposal to have a specific criminal law on FGM. A national action plan against FGM was developed in 2003 by the Ministry of Health and Social Affairs, but it has expired and has not been renewed.
- A significant number of organisations, including public bodies from a variety of sectors and civil society organisations as well as individual academic experts, deal with FGM in their activities.
- In Sweden, there is broad cooperation between the actors (public and non-governmental) working on FGM. There is also local cooperation in networks at the municipality level.
- The first tool developed to address FGM in Sweden dates from 1992.

Figures

- Since 1982, two FGM cases have gotten to criminal court, both in 2006. Since then no cases have been taken to court.
- Records show that up to 2002, 39 women were granted asylum based on FGM, while at the same time the possibility of a high number of unrecorded cases cannot be excluded since FGM-based cases are not specifically registered.

What is gender-based violence?

- Gender-based violence is a violation of human rights and a form of discrimination. It is defined as violence directed against a person on the basis of gender. Gender-based violence reflects and reinforces inequalities between men and women and results in physical, mental and sexual harm. It includes, among others: domestic violence, rape, sexual harassment, sexual violence during conflict, female genital mutilation, forced marriages, forced prostitution, forced sterilisation, female infanticide and prenatal sex selection.
- In the European Pact for Gender Equality (2011–2020) the Council of the European Union reaffirms its commitment to fulfil EU ambitions regarding gender equality as mentioned in the Treaty. In particular, it emphasises the need to combat all forms of violence against women in order to ensure the full enjoyment of human rights by women and girls and, as a consequence, to enhance gender equality with a view to creating inclusive growth and development in labour markets in Europe.
- The European Parliament Resolution on the elimination of violence against women of 26 November 2009 urges Member States to improve, among others, their national laws and policies to combat all forms of violence against women, in particular through the development of comprehensive national action plans to combat violence against women.
- The European Commission's Strategy for Equality between Women and Men 2010–2015 emphasises the importance of combating violence against women. The Stockholm Programme 2009 highlights the need for special support and legal protection for victims of violence against women. In addition, the Women's Charter 2010 envisages the implementation of a comprehensive and effective policy framework to combat gender-based violence as well as the strengthening of the measures to eradicate female genital mutilation and other acts of violence.

About the European Institute for Gender Equality (EIGE)

The European Institute for Gender Equality is the EU knowledge centre on gender equality. EIGE supports policymakers and all relevant institutions in their efforts to make equality between women and men a reality for all Europeans and beyond, by providing them with specific expertise and comparable and reliable information on gender equality in Europe.

More information: eige.europa.eu

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ISBN 978-92-9218-258-8
doi:10.2839/8503



Publications Office



MH3213148ENC