



LEGAL FRAMEWORK

International and European conventions

The United Kingdom 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).

Criminal law

Since 1985, female genital mutilation has been specifically prohibited in the United Kingdom. The rules were initially set out in the Prohibition of Female Circumcision Act, which was then replaced in 2003 by the Female Genital Mutilation Act. According to this Act, it is prohibited to carry out, aid or abet any form of FGM, including excision, infibulation or mutilation in relation to the whole or any part of the major lip, minor lip, prepuce of the clitoris, the clitoris, or vagina. In Scotland, similar prohibitions are set out in the Prohibition of Female Genital Mutilation Act (2005). The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

In the UK, there are four child protection laws that could be applied to cases of FGM. The Children Act of 1989 does not specifically include FGM, but the practice can be classified as a cause of significant harm to the child as laid out in Section 47, Part V of the Act. Section 65, Part VI of the Children (Northern Ireland) Order 1995 states that: 'if any police officer or member of staff believes that a child could be at immediate risk of significant harm they should consider the use of Police Protection Powers'.

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



■ Estimation of women victims of FGM in the UK: 65,790

■ Estimation of girls at risk of FGM in the UK: 30,000

Section 55, chapter III of the Children (Scotland) Act 1995 states that: 'A sheriff may grant an order for an assessment of the state of a child's health or development, or of the way in which they been treated (to be known as a child assessment order)'. Based on Section 11, Chapter 2 of the Children Act 2004, all professionals and volunteers from all agencies and departments (health, education, police, and social services) have statutory responsibilities to safeguard and promote the welfare of children. This makes it an obligation for all professionals to protect a child from any harm.

Asylum law

Women and girls fearing FGM can base their application on wellfounded fear resulting from FGM being is knowingly

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.

tolerated by the authorities in their country of origin, or on their membership of a particular social group amongst which FGM is practised. Cases of past persecution can still be considered when there is a risk of forced marriage or of re-infibulation after delivery.

Professional secrecy law

General law with regard to professional secrecy and disclosure may be applied to report cases of performed or planned FGM. Based on the Children Act 2004, all professionals have a statutory responsibility to safeguard and promote the welfare of a child. Professionals envisaged include all health workers, teachers, social services workers, and members of the police in addition to others. All frontline professionals are obliged to report when it is considered that a child might be at risk of harm or abuse.

POLICY FRAMEWORK

Policy development on FGM began as early as the 1980s in the UK, when two crucial events occurred: the publication in 1980 of the Minority Rights Group report 'Female Circumcision, Excision and Infibulation: the Facts and Proposals for Change', and a debate in the House of Lords in 1982, which among others requested the drafting of

a specific criminal law. The 'Action Plan Call to End Violence Against Women and Girls 2011–2015', issued by the Home Office, provides an overview of the key measures the government will undertake with partners to deliver its strategy to tackle violence against women and girls. The Action Plan recognises that violence against women and girls occurs in all countries and is an issue that crosses borders. The action plan mentions FGM specifically in prevention, intervention as well as in training. With regard to child protection, the first policy on FGM was developed in 1999, 'Working together to Safeguard Children', issued by the Home Office. Several other policy documents on child protection followed, the most recent one being the 'FGM – Multi-Agency Practice Guidelines' of 2011, which pays particular attention to the identification of girls at risk and girls that have already been subjected to FGM and how to respond appropriately. With regard to prosecution, the UK Action Plan 'Call To End Violence Against Women and Girls (2011-2015)' provides for the development of learning programmes for the police, and legal guidelines for prosecution of cases of FGM. 'Female Genital Mutilation Legal Guidance (2011)', issued by the UK Crown Prosecution Service (CPS), sets out how the laws on FGM are to be implemented and the challenges prosecutors may face in bringing a case to court.

PREVALENCE OF FGM IN THE COUNTRY

In 2007, the 'Statistical Study to Estimate the Prevalence of Female Genital Mutilation in England and Wales' was published. This study revealed that 65,790 women with FGM and 30,000 girls at risk of FGM were living in England and Wales. The study was commissioned by FORWARD, a civil society organisation. A recent updated estimate showed a significant increase in the number of births to women with FGM in the city of London: in 2000, 4,238 women with FGM had given birth to girls, and in each of the years 2007 to 2009 approximately 7,000 women with FGM gave birth to girls. In the UK, there has been no other study to estimate the prevalence of FGM in the country.

Facts

- In the UK, several policies have been developed with regard to protection, prosecution and prevention. The 'Action Plan Call to End Violence Against Women and Girls 2011–2015' provides a number of measures dealing with prevention, training, interventions and legal guidelines for prosecution of FGM, while the 'FGM – Multi-Agency Practice Guidelines' of 2011 include a focus on child protection.
- The UK has a large number of actors who work specifically in the field of FGM, but also others who have incorporated FGM into of their work. Actors comprise public bodies from a variety of sectors, clinics providing specialist FGM services, professional associations, civil society and community-based organisations either working specifically on FGM or within the broader area of reproductive health and rights.
- The first African Well Woman Clinic, an FGM specialist clinic, was opened in Northwick Park hospital in 1992. Also in the 1990s, the first conference on FGM in the UK was organised by a civil society organisation (FORWARD) and was attended by over 150 people. Since then, there has been a steady increase in the number of actors incorporating FGM within their agenda.
- The first tool addressing FGM in the UK dates from 1985.

Figures

- A prevalence study published in 2007 showed that 65,790 women victims of FGM and 30,000 girls at risk of FGM were living in England and Wales.
- Although no exact figure on FGM-based asylum applications is available, there is record of five cases where women were granted asylum on the grounds of FGM.

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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