



LEGAL FRAMEWORK

International and European conventions

Cyprus has ratified various 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

In 2003, a specific criminal law provision on FGM was adopted. Article 233A of the Penal Code prohibits FGM, which is defined as the cutting or mutilation, in any way, of the major lip or the minor lip or the clitoris of a woman's genitalia. The consent of the victim does not affect the legal qualification of the act. Upon decision of the court, the principle of extraterritoriality may be applicable, making FGM punishable even if it is committed outside the country.

Child protection law

The general legislative framework appears to cover cases of FGM as a form of violation of a girl's human rights or child abuse. Nevertheless, FGM is not specified in the Child Protection Law. The Commissioner for the Protection of Children's Rights Law states that the Commissioner has the right to intervene with the aim to protect a child and represent their interests. In addition, the Children's Law, Cap. 352, prohibits cruelty to children under 16. According to Article 54 of this law, cruelty is defined as 'wilful assault, ill-treatment, neglect, abandonment, exposure likely to cause the child unnecessary suffering or injury to health including injury to or loss of sight, hearing, limb or organ'.

Asylum law

Provision 3(c) of the Asylum law 2000 L. 6(I)/2000, last amended in 2009, allows a woman or girl who has either been subjected to FGM or fears being forced to undergo FGM when returning to her country of origin to apply for refugee status. A woman or girl can claim asylum based on the fact that she belongs to a particular social group practising FGM. Nevertheless, the law does not include a specific provision concerning FGM.

Professional secrecy law

In Cyprus, general law with regard to professional secrecy and disclosure may be applied to cases of FGM. However, there is no specific legal provision which concerns reporting cases of performed or



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.

planned FGM. Article 135 of the Penal Code states that all public officers, including medical practitioners, police officers and legal officers are bound by the provision not to disclose state or official information. In extreme circumstances, where it is advisable and necessary, the disclosure of information is allowed when authorised. Both Article 135 of the Penal Code and Article 69A of the Public Service Law stipulate that officials are obliged to report any abuse by other public officers.

POLICY FRAMEWORK

FGM first emerged as a policy issue in 2003 in the House of Representatives, when a Member of Parliament requested that FGM should be mentioned specifically in the criminal law. The National Machinery for Women's Rights under the Ministry of Justice and Public Order, which is the ministry responsible for the overall promotion of gender equality and the protection of women's rights in all walks of life in Cyprus, has prepared a national action plan (2007–2013) on Gender Equality, in collaboration with all government departments, NGOs, local authorities, academic institutions, human rights bodies, etc. One of the focus areas of the national action plan is 'Combating All Forms of Violence Against Women'. Although Cyprus has had a specific criminal

law provision on FGM since 2003, female genital mutilation has not been dealt with explicitly in this action plan.

PREVALENCE OF FGM IN THE COUNTRY

As a partner of the END FGM Campaign in Cyprus, the Mediterranean Institute of Gender Studies made a rough estimate that 1,500 women living in Cyprus in 2010 originate from countries where FGM is practised. This estimate is based on a limited number of records collected from the Migration Department and Asylum Office. However, as of February 2012, no representative prevalence studies have been carried out in Cyprus. While key informants state that the number of refugees and migrants in Cyprus is increasing, no accurate data are available on the number of refugees and asylum seekers from countries where FGM is performed.

Figures

- In 2010, an estimated 1,500 women originating from countries where FGM is practised were living in Cyprus.
- Despite the fact that no information was received about officially reported asylum cases based on the grounds of FGM, one application based on health complications caused by FGM was handed in to the asylum authorities in Cyprus. However, no asylum was granted in that case.
- According to the figures provided by a representative of the Asylum Service, two immigrant women were identified as victims of FGM in 2011. The two women sought medical treatment for an infection caused by FGM.

Facts

- On 5th March 2012, within the framework of the END FGM European Campaign, representatives of Amnesty International and the Mediterranean Institute of Gender Studies (MIGS) participated in a meeting of the Cyprus House Committee on Human Rights and Equal Opportunities between Women and Men to discuss ways in which Cyprus can support the pan-European effort to combat female genital mutilation. The government was urged to take action on ending FGM, particularly due to the then upcoming Presidency of the Council of the EU held by Cyprus in the second half of 2012. During the meeting, the House Committee made a number of commitments to promote the recommendations of the campaign during the Cyprus EU Presidency period and to promote the adoption by the Cyprus Council of the EU Presidency Convention on Preventing and Combating Violence against Women and Domestic Violence.
- Two professional development training programmes on FGM were organised by MIGS, one in 2010 and the other in 2012.

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

Neither the European Institute for Gender Equality nor any person acting on its behalf can be held responsible for the use made of the information contained in this publication.



eige.europa.eu

ISBN 978-92-9218-239-7
doi:10.2839/75597



MH3113754ENC