



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

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 grievous bodily injury and especially bodily injury. The consent of the victim, however, does affect the legal qualification of the act. The principle of extraterritoriality 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 civil protection order to secure certain interests of the child. A civil protection order, which can only be issued by the courts, can limit or forbid contact between parents/a parent 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 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.

against life and body (Chapter 15 of the Penal Code), against sexual integrity (Chapter 19 of the Penal Code) and against wedlock, family and youth (Chapter 21 of the Penal Code). Based on Article 6 of the Family Violence Prevention Act, institutions and organisations that encounter possible continuous violence are obliged to inform the Social Work Centre, unless a victim is explicitly against this action and if there is no suspicion of a criminal offence. Where the victim is a child, everybody, especially those working in the medical, educational or care sector, is obliged to report to the Social Work Centre, police or prosecutor, regardless of regular secrecy norms.

POLICY FRAMEWORK

As of February 2012, no policies on FGM have been developed in Slovenia. This is probably due to the very low number of women coming from countries where FGM is practised.

PREVALENCE OF FGM IN THE COUNTRY

A study showed that between 1991 and 2009, the number of African migrants in Slovenia who obtained citizenship was very low: 73 were registered, but no disaggregation by sex was provided. However, African migrants in Slovenia seem to be mainly male. As of February 2012, no prevalence study on FGM had been done.

Facts

- The number of migrants from African countries where FGM is practised is very low in Slovenia.
- One civil society organisation reports to have been consulted on two cases of suspected FGM.

Figures

- Between 1991 and 2009, 73 African migrants obtained citizenship in Slovenia.
- No FGM-based asylum cases are known.

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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