



## LEGAL FRAMEWORK

### International and European conventions

Finland 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). Finland has signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210).

### Criminal law

In Finland, according to general criminal law, all types of FGM are treated as crimes. The following paragraphs could be used: Penal Code, chapter 21, §5 (assault), §6 (aggravated assault) and §7 (minor assault). The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country. However, no criminal procedures on FGM have so far been initiated.

### Child protection law

The Child Welfare Act could be used in child protection cases related to FGM. As such, child welfare authorities could utilise the child protection measures contained in chapter 3, §15; chapter 5, §25–28 and chapter 9, §40, including removing the child from the family and suspension of parental custody. No custody cases based on FGM have been registered so far.



### Asylum law

Chapter 4, §52 and chapter 6, §87a-b, §88 of the Aliens Act could be used for granting asylum on the grounds of FGM. Asylum can be granted in case of risk of persecution for physical injury, torture, or other inhuman or degrading treatment.

### Professional secrecy law

In Finland, the general law on professional secrecy and disclosure may be applied to report cases of performed or planned FGM. The Child Welfare Act foresees a reporting mechanism in case of a violation of the physical freedom of children. Certain professional

## 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](http://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.

categories, such as health care providers, social workers, teachers, youth services and the police, are obliged to report these cases, while citizens have the right to report them.

## POLICY FRAMEWORK

FGM came to the forefront in Finland in the early 1990s and resulted in a number of parliamentary questions, including the request to draft a specific criminal law. Policy development commenced in the 2000s, with the inclusion of FGM in a number of action plans. The 'Promotion of Sexual and Reproductive Health Action Programme 2007–2011' as well as the 'Action Plan to Reduce Violence Against Women 2010–2015' both issued by the Ministry of Social Affairs and Health, refer to FGM. The latter recommends the development of a specific action plan on FGM. These action plans emphasise the importance of continuous prevention at all levels. In 2012 a specific action plan on FGM ('Finnish Action Plan for the prevention of circumcision of girls and women 2012–2016') has been published by the Ministry for Social Affairs and Health, in collaboration with the Finnish League for Human Rights and the National Institute for Health and Welfare, among others.

## PREVALENCE OF FGM IN THE COUNTRY

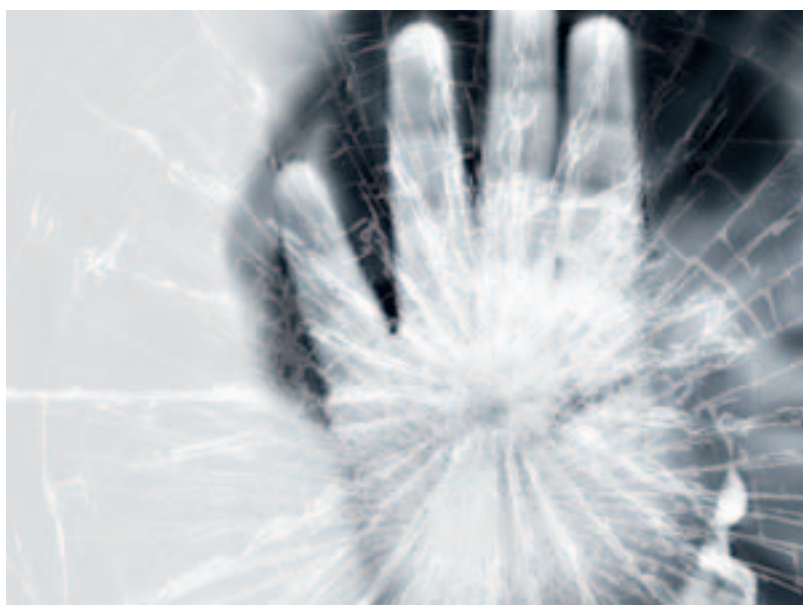
There has been no representative estimation of the number of women who have been affected by FGM in the country to date. Studies in Finland focused mainly on the Somali population and were qualitative, rather than aiming to quantify the prevalence of FGM in the country. A forthcoming research project of the National Institute of Health and Welfare (spring 2012) on the health and welfare of migrants is expected to give some insights into the magnitude of the problem of FGM in Finland.

### Figures

- In 2010, 25,650 persons migrated to Finland from various countries.
- In 2000, there were 4,149 Somalis in Finland, and in 2010 this number was 8,073. The corresponding figures for persons born in Egypt are 407 and 796, and for Guinea 9 and 53. Slightly less than 50% of these were women.

### Facts

- FGM received attention from policymakers in the early 1990s, and was subsequently included in action plans that dealt with violence against women and sexual and reproductive health.
- The Ministry of Social Affairs and Health of Finland has published a specific action plan on female genital mutilation in 2012.
- A significant number of organisations, including public bodies and civil society organisations, as well as individual experts, are dealing with FGM in their activities. However, the Finnish League for Human Rights and its Kokonainen (The Whole Woman) project was the only identified actor with FGM as its main focus.



### 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](http://eige.europa.eu)

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