



LEGAL FRAMEWORK

International and European conventions

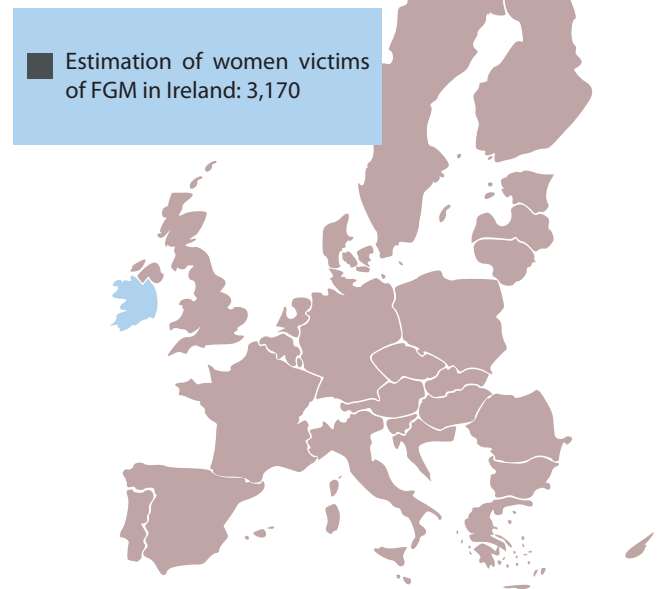
Ireland has ratified various international conventions condemning FGM, including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or 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). Ireland has accepted the terms of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210).

Criminal law

Since April 2012, there has been a specific criminal law concerning FGM, namely the Criminal Justice (Female Genital Mutilation) Act 2012. It states that neither a reference to customary or ritual reasons for FGM nor the girl's consent can constitute a defence for the accused person. The penalties under the Act are up to 14 years in prison and/or a fine of EUR 10,000. The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country. The offences of aiding, abetting, counselling or procuring for the commission of FGM are provided for in Irish general criminal law.

Child protection law

Apart from the recent Criminal Justice (Female Genital Mutilation) Act, general child protection provisions could be applied in cases of FGM charges as well. The Child Care Act (amended



in 1991) is primarily intended to allow for the removal of children by the Health Service Executive (HSE) in cases of abuse or mistreatment.

The Children First Bill 2012 (National Guidance for the Protection and Welfare of Children) intends to put child protection on a legal basis.

Asylum law

FGM asylum claims can fall under the Refugee Act 1996, as amended, as it includes 'belonging to the female or male sex' in its interpretation of 'a particular social group'. It has proposed to introduce domestic gender guidelines in the Immigration, Residence and Protection (IRP) Bill 2012 to provide for more gender-equal and gender-sensitive asylum and protection processes in Ireland.

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.

Professional secrecy law

General law with regard to professional secrecy and disclosure may be applied to report cases of performed or planned FGM. The current Children First Bill will provide those working with children with a clearly defined statutory responsibility to report and act on suspicions where a child's safety or welfare may be at risk. The Bill makes it a criminal offence to withhold information in relation to serious specified offences committed against a child or vulnerable person including sexual offences and offences such as assault causing harm, abduction, manslaughter or murder. The offences are subject to a minimum penalty of five years imprisonment.

POLICY FRAMEWORK

Ireland is one of only eight countries of the EU 27 and Croatia that have a National Action Plan (NAP) dealing specifically with FGM. The 'Irish National Plan of Action to Address Female Genital Mutilation 2008–2011' was developed in the framework of the Daphne project (Developing National Action Plans to Prevent and Eliminate Female Genital Mutilation). The National Steering Committee of the NAP consisted of a mix of

civil society organisations and government agencies from various sectors. The presence of the Health Service Executive, the Women's Health Council and Irish Aid ensured that the initial Steering Committee was in a strong position to influence future statutory policies and make recommendations to government departments. The NAP was never adopted by a government department or agency and consequently no funding to implement the whole national action plan was allocated. FGM is referred to in the 'National Intercultural Strategy 2007–2012', issued by the Health Service Executive (HSE) and the HSE 'Policy on Domestic, Sexual and Gender Based Violence' (2010). The HSE 'Child Protection and Welfare Practice Handbook' (2011) clearly references FGM as a child protection concern. The 'Garda Síochána Policy on Investigation of Sexual Crime, Crimes against Children, Child Welfare' (2010) also includes FGM as a child protection issue. The 'Domestic Violence Policy' (2007), issued by the National Police (An Garda Síochána), defines the framework for police work in relation to domestic violence including FGM.

PREVALENCE OF FGM IN THE COUNTRY

Two FGM prevalence studies were performed in Ireland. The first study was published in 2008, followed by a second one in 2010. A third one is forthcoming in 2012. The Irish study of 2010 adds data from the Office of the Refugee Applications Commissioner on women from FGM-practising countries seeking asylum in Ireland (period 2006–2010), as well as the female migrant population from FGM-practising countries of the 2006 Population Census, to calculate the number of women with FGM. According to the most recent estimation, 3,170 women living in Ireland may have been subjected to FGM, whereas in April 2006 the number was estimated at 2,585. Data for minor girls are not available. In 2012, the National Maternity Health Care Record began to be used in all maternity hospital settings in Ireland. It contains a section on FGM listed under 'Risk Factors' and is supposed to provide data on pregnant women who have undergone FGM in the future. The newly developed Ethnic Identifier from the HSE will provide additional data about a patient's ethnicity. There is still a need for a national data collection tool to identify girls at risk of FGM and baby girls born to women who have undergone FGM.

Facts

- A new prevalence study is forthcoming in 2012. Data will be collected through the National Maternity Health Care Record, which will provide data on pregnant women who have undergone FGM.
- Since the introduction of the National Action Plan there has been an increase in the number of policies and strategies that refer to or address the issue of FGM directly. 'The National Plan of Action to Address FGM 2008–2011' has been important in putting the issue on the agenda.
- The procedure of granting asylum on the grounds of FGM may be a long process and involve numerous stages of appeal.
- The recent 'Practice Standards for Midwives' (2010) and 'Recent Rape/Sexual Assault: National Guidelines on Referral and Clinical Examination in Ireland' (2010) both include FGM.
- A significant number of actors, mostly civil society organisations (including professional associations from the medical sector), are actively dealing with FGM in their work. The National Steering Committee of Ireland's National Plan of Action to Address FGM brings together actors in their work against FGM. Ireland's branch of Amnesty International is the leading force of the European End FGM Campaign that is run in partnership with NGOs (<http://www.endfgm.eu/en/>).

Figures

- In 2011, the total number of women who may have undergone FGM was estimated at 3,170.
- Asylum applications have been submitted and granted on the grounds of FGM, but the overall number is unknown.

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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