

## LEGAL FRAMEWORK

### International and European conventions

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

### Criminal law

FGM could be treated as a crime according to the general provisions of the Penal Code. In particular, Articles 123, 155 and 156 referring to acts of bodily injury can be used. Furthermore, Article 208 could be applied to FGM as it consists of the crime of abuse of a close person causing physical or mental suffering. The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country.

### Child protection law

General child protection provisions could be used in cases of FGM, particularly the provision included in Article 27 of the Act No. 305/2005 on Social and Legal Protection of Children and Social Curatorship. This provision refers to cases in which the life, health or physical and mental development of a child is endangered. Although subject to court permission, the Office of Social and Legal Protection of Children and Social



Curatorship may suggest the suspension of parental authority or the removal of a child from the family.

### Asylum law

Act No. 480/2002 on Asylum could be applied to FGM cases, as they fall under the definition of prosecution in the form of physical or mental violence including sexual violence and actions targeting a particular sex or children (Article 2).

### 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 the Code of Ethics of Health Care Professionals,

## 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.

these professionals are obliged to report information on abuse and cruel treatment, especially when concerning a minor. In addition, according to Act No. 305/2005 on Social and Legal Protection of Children and Social Curatorship, everyone is obliged to report a violation of children's rights. Furthermore, not reporting a serious crime is punishable under the Penal Code. The bodies to which reports should be made are the police and the prosecution office.

## POLICY FRAMEWORK

Female genital mutilation is not dealt with under gender equality, violence against women, or migration policies. Specific policies on FGM have not been developed. This is probably due to the very low number of women coming from countries where FGM is practised. Based on the relatively strict asylum policy and Slovakia's labelling as a transition country, immigration flow from countries where FGM is practised is predicted to remain low.

## PREVALENCE OF FGM IN THE COUNTRY

As of February 2012, no prevalence studies have been conducted in Slovakia. Statistics on refugees and asylum seekers, published by the Bureau of Border and Aliens Police, indicate that between 1992 and 2010, the number of people granted asylum from countries in which FGM is performed (notably Benin, Liberia, Ivory Coast, Sierra Leone, Somalia and Sudan) is 23, and three persons became residents (originating from Liberia and Somalia). There was no disaggregation by sex or age available. However, studies have shown that men outnumber women among refugees and asylum seekers in Slovakia.

## Figures

- Between 1992 and 2010, the number of people granted asylum from countries in which FGM is performed was 23, and three persons became residents.
- In the period 2004–2010, 92 African women, originating from countries where FGM is practised, registered for residence in Slovakia.
- The European Migration Network reported one FGM-based asylum claim. Additionally, NGOs mentioned one case where FGM was one of the grounds for granting asylum, and one case where an FGM victim was granted asylum, although FGM was not the main reason.

## Facts

- Among the refugees and asylum seekers living in Slovakia, there are a small number of females from countries where FGM is practised.
- Those who seem to be more aware of the existence of FGM in Slovakia are NGOs working directly with asylum seekers.
- The topic of FGM will be included in the Annual Report on Violence against Women in Slovakia.
- In cooperation with the UNHCR and the African Cultural Centre in Slovakia, an inquiry will be conducted within the African community living in Slovakia with the aim of estimating the number of girls/women at risk of FGM.
- In the framework of the programme of health treatment of women, which is the responsibility of the National Centre for Health Information, the possibility to implement administrative data collection on girls/women affected by FGM will be considered.



## 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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ISBN 978-92-9218-262-5  
doi:10.2839/85670

ISBN 978-92-9218-262-5



Publications Office



MH3113764ENC