

Combating female genital mutilation in the EU

European Parliament resolution of 24 March 2009 on combating female genital mutilation in the EU (2008/2071(INI))

The European Parliament,

- having regard to Articles 2, 3, and 5 of the Universal Declaration of Human Rights, adopted in 1948,
- having regard to Articles 2, 3, and 26 of the 1966 UN International Covenant on Civil and Political Rights,
- having regard in particular to Article 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979,
- having regard to Article 2(1), Article 19(1), Article 24(3), and Articles 34 and 39 of the Convention on the Rights of the Child, adopted on 20 November 1989 by the UN General Assembly,
- having regard to the 1989 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the 1990 African Charter on the Rights and Welfare of the Child,
- having regard to Article 1, Article 2(f), Article 5, Article 10(c), and Articles 12 and 16 of General Recommendation No 19 of the UN Committee on the Elimination of Discrimination against Women, adopted in 1992,
- having regard to the Vienna Declaration and Programme of Action, adopted by the June 1993 World Conference on Human Rights,
- having regard to the December 1993 UN General Assembly Declaration on the Elimination of Violence against Women, the first international human rights instrument relating solely to violence against women,
- having regard to the Declaration and the Programme of Action of the UN International Conference on Population and Development, adopted in Cairo on 13 September 1994,
- having regard to the Beijing Declaration and Platform for Action, adopted by the World Conference on Women on 15 September 1995,
- having regard to its resolution of 15 June 1995 on the Fourth World Conference on Women in Beijing: ‘Equality, Development and Peace’¹,

¹ OJ C 166, 3.7.1995, p. 92.

- having regard to its resolution of 13 March 1997 on the violation of women’s rights¹,
- having regard to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 12 March 1999 by the UN Commission on the Status of Women,
- having regard to the Council of Europe Committee on Equal Opportunities for Women and Men resolution of 12 April 1999 on female genital mutilation (FGM),
- having regard to its position of 16 April 1999 on the amended proposal for a European Parliament and Council decision adopting a programme of Community action (the DAPHNE Programme) on measures aimed to prevent violence against children, young persons and women²,
- having regard to its resolution of 18 May 2000 on the follow-up to the Beijing Action Platform³,
- having regard to its resolution of 15 June 2000 on the outcome of the Special Session of the General Assembly of the United Nations entitled ‘Women 2000: gender equality, development and peace for the twenty-first century’ of 5-9 June 2000⁴,
- having regard to the ACP-EU partnership agreement (Cotonou Agreement), signed on 23 June 2000, and the Financial Protocol thereto,
- having regard to the joint proclamation of the Charter of fundamental rights by the Council, the European Parliament, and the Commission at the Nice European Council of 7 December 2000,
- having regard to its decision of 14 December 2000 to include FGM within the scope of Article B5-802 of the 2001 budget, intended to finance the DAPHNE programme,
- having regard to Council of Europe Parliamentary Assembly resolution 1247 (2001) of 22 May 2001 on FGM,
- having regard to the report on FGM adopted on 3 May 2001 by the Council of Europe Parliamentary Assembly,
- having regard to its previous resolution of 20 September 2001 on female genital mutilation⁵,
- having regard to UN Commission on Human Rights resolution 2003/28 of 22 April 2003 declaring 6 February the international day of ‘zero tolerance’ of female genital mutilation,
- having regard to Articles 2, 5, 6, and 19 of the 2003 Protocol to the African Charter on Human and Peoples’ Rights, also known as the ‘Maputo Protocol’, which entered into

¹ OJ C 115, 14.4.1997, p. 172.

² OJ C 219, 30.7.1999, p. 497.

³ OJ C 59, 23.2.2001, p. 258.

⁴ OJ C 67, 1.3.2001, p. 289.

⁵ OJ C 77 E, 28.3.2002, p. 126.

force on 25 November 2005,

- having regard to petition 298/2007, submitted by Cristiana Muscardini on 27 March 2007,
 - having regard to its resolution of 16 January 2008: ‘Towards an EU strategy on the rights of the child’¹,
 - having regard to Articles 6 and 7 of the EU Treaty on respect for human rights (general principles) and Articles 12 and 13 of the EC Treaty (non-discrimination),
 - having regard to Rule 45 of its Rules of Procedure,
 - having regard to the report of the Committee on Women’s Rights and Gender Equality (A6-0054/2009),
- A. whereas, according to figures compiled by the World Health Organization (WHO), between 100 and 140 million women and girls worldwide have undergone genital mutilation, and, according to figures from the WHO and the United Nations Population Fund, approximately two to three million women a year are potentially at risk from these severely disabling practices,
- B. whereas every year approximately 180 000 female emigrants in Europe undergo, or are in danger of undergoing, FGM,
- C. whereas, according to the WHO, FGM is widely practised in at least 28 African countries, some Asian countries and in the Middle East,
- D. whereas violence against women, including FGM, derives from social structures based on inequality between the sexes and on a skewed balance of power, domination, and control in which social and family pressure leads to violation of a fundamental right, namely respect for the integrity of the human person,
- E. whereas sexual mutilation imposed on young girls calls for the most emphatic condemnation and constitutes an obvious violation of international and national legislation protecting children and their rights,
- F. whereas the WHO has identified four types of FGM, ranging from clitoridectomy (partial or total removal of the clitoris) and excision (removal of the clitoris and the labia minora) – the latter accounts for 85% of FGM procedures – to the most extreme form, infibulation (removal of all of the clitoris and the labia minora and of the inside of the labia majora and stitching of the vulva, leaving only a narrow vaginal opening), and introcision (pricking, piercing, or incising of the clitoris or the labia),
- G. whereas any form of FGM, of whatever degree, is an act of violence against women which constitutes a violation of their fundamental rights, particularly the right to personal integrity and physical and mental health, and of their sexual and reproductive health; whereas such violations can under no circumstances be justified by respect for cultural traditions of various kinds or initiation ceremonies,

¹ OJ C 41 E, 19.2.2009, p. 24.

- H. whereas in Europe some 500 000 women have suffered FGM and whereas it is particularly in immigrant and refugee families that such circumcision is customary and girls are even sent back to their home country for this purpose,
- I. whereas FGM causes very serious and irreparable injuries in the short and long term to the physical and mental health of the women and girls who undergo it, constituting a grave assault on their person and integrity and in some cases can even be fatal; whereas the use of rudimentary instruments and the absence of antiseptic precautions have further harmful effects so that sexual intercourse and childbirth may become painful, the organs are irreparably damaged and there may be complications such as haemorrhaging, shock, infection, transmission of the AIDS virus, tetanus, benign tumours and serious complications affecting pregnancy and childbirth,
- J. whereas FGM, which is a violation of women's and girls' rights as enshrined in various international conventions, is prohibited under the criminal law of the Member States and in breach of the principles laid down in the Charter of Fundamental Rights of the European Union,
- K. whereas its resolution of 16 January 2008 also urges Member States to adopt specific provisions on FGM enabling prosecutions to be brought against persons who perform such procedures on children,
- L. whereas the Convention on the Elimination of All Forms of Discrimination against Women requires States Parties to take all appropriate measures to modify or abolish existing laws, customs and practices which constitute discrimination against women, and to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women,
- M. whereas the Convention on the Rights of the Child adopted in 1989 requires States Parties to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's sex and to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children,
- N. whereas the African Charter on the Rights and Welfare of the Child recommends that signatory states eliminate social and cultural practices affecting the welfare, dignity, and the normal growth and development of the child,
- O. whereas paragraph 18 of the Vienna Declaration and Programme of Action, adopted in June 1993, states that the human rights of women and girls are an inalienable, integral, and indivisible part of universal human rights,
- P. whereas Article 2 of the 1993 UN Declaration on the Elimination of Violence against Women refers explicitly to FGM and other traditional practices harmful to women,
- Q. whereas Article 4 of that Declaration stipulates that states should condemn violence against women and should not invoke customs, traditions, or religious considerations to avoid the obligation of eliminating it,

- R. whereas the Programme of Action of the UN International Conference on Population and Development, held in Cairo in 1994, calls on governments to abolish FGM wherever it exists and to support the NGOs and religious institutions which are fighting to eliminate such practices,
- S. whereas the Platform for Action adopted at the Fourth UN Conference in Beijing calls on governments to strengthen their laws, reform their institutions, and promote standards and practices aimed at eliminating discrimination against women, embodied in, among other forms, FGM,
- T. whereas the ACP-EU partnership agreement (Cotonou Agreement) is based on similar universal principles and contains provisions serving to prohibit female genital mutilation (Article 9, specifying the essential elements of the agreement, and Articles 25 and 31 on, respectively, social development and gender issues),
- U. whereas the report adopted on 3 May 2001 by the Council of Europe Parliamentary Assembly calls for FGM to be banned and equates it with inhuman and degrading treatment within the meaning of Article 3 of the European Convention on Human Rights; whereas the report maintains that the protection of cultures and traditions must not be allowed to take precedence over respect for fundamental rights and the need to outlaw practices amounting to torture,
- V. whereas, as far as a common European immigration and asylum policy is concerned, the Council and Commission recognise that FGM constitutes a violation of human rights; whereas an increasing number of asylum requests by parents are justified by the threat to which they may be subject in their home country for having refused to consent to their child undergoing FGM,
- W. whereas unfortunately, granting to parents the status of asylum seekers does not guarantee that the child will escape from the risk of FGM which, in some cases, is carried out after the family has settled in the EU host country,
- X. whereas in a statement issued on 5 February 2008 Commissioners Ferrero-Waldner and Michel explicitly spoke out against FGM, describing it as unacceptable whether carried on in the EU or in non-EU countries, and maintained that violating women's rights can never, under any circumstances, be justified by invoking cultural relativism or traditions,
- Y. whereas national centres and institutions for young people and families can provide help to families in time to act preventively against the performance of FGM,
1. Roundly condemns FGM as a violation of fundamental human rights, as well as a savage breach of the integrity and personality of women and girls and therefore considers it to be a serious crime in the eyes of society;
 2. Calls on the Commission and Member States to draw up an overall strategy and action plans aimed at banishing FGM from the EU and, to that end, to provide the means required – in the form of laws and administrative provisions, prevention systems, and education and social measures, and in particular, wide dissemination of information regarding the existing protection mechanisms available to vulnerable groups – to

enable real and potential victims to be properly protected;

3. Insists on the necessity to examine on a case by case basis each asylum request made by parents on the grounds that they are threatened in their home country for having refused to consent to their child undergoing FGM and to ensure that such requests are supported by a thorough body of evidence which takes into account the quality of the request, the personality and the credibility of the asylum seeker, and whether the motives behind the request are genuine;
4. Insists that women and girls who are granted asylum in the EU because of the threat of FGM should as a preventive measure have regular check-ups by health authorities and/or doctors, to protect them from any threat of FGM being carried out subsequently in the EU; considers that this measure would be in no way discriminatory against these women and girls, but a way to ensure that FGM is banned in the EU;
5. Calls for this overall strategy to be accompanied by educational programmes and the organisation of national and international awareness raising campaigns;
6. Supports the moves by Europol to coordinate a meeting of European police forces with a view to intensifying the measures to combat FGM, tackling the issues related to the low reporting rate and the difficulty of finding evidence and testimonies, and taking effective steps to prosecute offenders; to that end calls on the Member-States to examine possible additional measures for the protection of victims once they have come forward;
7. Observes that the measures to overcome harmful practices such as FGM which are referred to in the above-mentioned Maputo Protocol comprise the following: creation of public awareness by means of information, formal and informal education and campaigns, prohibition of all forms of FGM, including its performance by medical personnel, by means of laws and sanctions, support for victims through health services, legal and judicial support, psychological counselling and training and protection of women who are at risk of being subjected to harmful practices or other forms of violence, abuse and intolerance;
8. Calls on the Member States to quantify the number of women who have undergone FGM or are at risk in individual countries, taking into account the fact that there are as yet no figures available for many countries, which likewise do not have harmonised data-gathering systems;
9. Calls for a 'European health protocol' to be introduced for monitoring purposes and for an FGM data bank to be set up, since this might be useful from the statistical point of view or for information campaigns targeted at the immigrant communities concerned;
10. Calls on the Member States to gather such scientific data as might assist WHO support for the efforts to rid Europe and all other continents of FGM;
11. Calls on the Commission to include, in its co-operation negotiations and agreements with the countries concerned, a clause to eradicate FMG;
12. Calls for the best practices being applied at the various levels to be compiled and

assessed in terms of their impact (making use where appropriate of the projects financed and results obtained under DAPHNE III) and for the related information to be disseminated widely, making use of the practical and theoretical experience of experts;

13. Points out that national centres and institutions play a vital role in the identification of victims and in taking precautionary measures against the practice of FGM;
14. Calls for the European networks currently aimed at preventing harmful traditional practices to be strengthened, for instance by organising training courses for NGOs, regional non-profit-making organisations, and persons working on the ground, and for promotion of the formation of such networks;
15. Appreciates the important contributions made by many international and national non-governmental organisations (NGOs), research institutions, the European Network for the Prevention of Female Genital Mutilation in Europe and committed individuals who, thanks to financing from United Nations agencies and the DAPHNE programme, among other sources, are carrying out various projects to raise awareness and prevent and eliminate FGM; points out that networking among NGOs and community-based organisations at national, regional and international level is, without question, fundamental to success in eradicating FGM and pooling information and experience;
16. Points out that Article 10 of Council Directive 2004/83/EC¹ on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection, specifies that gender aspects can be taken into account, but that these alone do not lead to the application of Article 10;
17. Calls for both the European Union Agency for Fundamental Rights and the European Institute for Gender Equality, under their respective multi-annual and/or annual work programmes, to take a leading role in combating FGM; believes that these agencies could carry out priority research and/or awareness-raising actions, thus helping to improve understanding of the FGM phenomenon at European level;
18. Considers it necessary to organise dialogue forums, reform traditional legal provisions, address the subject of FGM as part of schooling and promote cooperation with the uncircumcised in the countries concerned;
19. Urges the European Union and the Member States to work together, in the interests of human rights, the integrity of the person, freedom of conscience and the right to health, to harmonise existing legislation and, should existing legislation not prove appropriate, to propose specific legislation on this issue;
20. Calls on the Member States to enforce their existing laws on FGM, or legislate for penalties for the grievous bodily harm resulting from it, if these practices have been carried out within the European Union, and to help to prevent and combat FGM by fostering proper awareness among the professionals involved (including social workers, teachers, police forces, and health professionals), thus enabling them to recognise FGM cases, and to do their utmost to achieve the greatest possible degree of

¹ OJ L 304, 30.9.2004, p. 12.

harmonisation of the laws in force across all 27 Member States;

21. Calls on Member States to make it compulsory for general practitioners, doctors and health clinic teams to report FMG to health authorities and/or to the police;
22. Calls on Member States to either adopt specific legislation on FMG or under their existing legislation to prosecute each person who conducts genital mutilation;
23. Calls on the European Union and the Member States to pursue, condemn and punish the carrying out of these practices, by applying an integrated strategy which takes into account the legislative, health and social dimensions and the integration of the immigrant population; calls, in particular, for the relevant directives on immigration to treat the act of committing genital mutilation as an offence and to lay down appropriate penalties for persons guilty of such an offence, if these practices have been carried out within the European Union;
24. Calls for permanent technical harmonisation and contact desks to be set up in order to bring together the Member States and provide a link between them and African institutions; believes that the desks should be staffed by FGM specialists and representatives of leading European and African women's organisations;
25. Urges firm rejection of pricking of the clitoris and medicalisation in any form, which are being proposed as a halfway house between circumcision and respect for traditions serving to define identity and which would merely lead to the practice of FGM being justified and accepted on EU territory; reiterates the absolute and strong condemnation of FGM, as there is no reason -social, economic, ethnic, health-related or other- that could justify it;
26. Calls for FGM to be eliminated by means of policies to support and integrate women and families who live according to traditions encompassing it, so as to ensure that, without watering down the law or violating fundamental human rights, and without prejudice to the right of sexual self-determination, women are protected against all forms of abuse and violence;
27. Affirms that the reasons given by many communities for maintaining traditional practices harmful to the health of women and girls have no justification;
28. Calls on the Member States to:
 - regard any form of FGM as a crime, irrespective of whether or not the woman concerned has given any form of consent, and to punish anybody who helps, encourages, advises or procures support for anybody to carry out any of these acts on the body of a woman or girl,
 - pursue, prosecute and punish any resident who has committed the crime of FGM, even if the offence was committed outside their borders (extraterritoriality),
 - adopt legislative measures to allow judges or public prosecutors to take precautionary and preventive measures if they are aware of cases of women or girls at risk of being mutilated;

29. Calls on the Member States to implement a preventive strategy of social action aimed at protecting minors without stigmatising immigrant communities, through public programmes and social services aimed at both preventing these practices (training, education and awareness-raising among the communities at risk) and assisting the victims who have been subjected to them (psychological and medical support including, where possible, free medical treatment to repair the damage); calls also on the Member States to consider, in accordance with child protection legislation, that the threat or risk of being subjected to FGM may justify intervention by the authorities;
30. Calls on the Member States to draw up guidelines for health professionals, teachers and social workers aimed at informing and educating parents, in a respectful manner and with the assistance of interpreters if necessary, about the enormous risks of FGM and the fact that such practices are considered as a crime in the Member States, and also to cooperate with and fund the activities of the networks and NGOs that are working to educate, raise awareness and mediate in the sphere of FGM, in close contact with families and communities;
31. Calls on the Member States to disseminate accurate information which can be understood by an illiterate population, in particular at the consulates of Member States when visas are being issued; takes the view that information on the reasons for the legal ban should also be communicated by the immigrant services when people arrive in the host country, so that families understand that the ban on a traditional act is in no way to be seen as cultural aggression, but as legal protection for women and girls; considers that families should be informed of the consequences under criminal law, which may entail imprisonment, if mutilation is ascertained;
32. Calls for an improvement in the legal status of women and girls in countries where FGM is practised, in order to increase women's self-confidence and their independent initiative and responsibility;
33. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.