



LEGAL FRAMEWORK

International and European conventions

Italy 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).

Criminal law

Since 2006, there is a specific criminal law provision concerning FGM (Law No. 7/2006). Articles 583 bis and 583 ter of the Penal Code prohibit the performance of all forms of FGM, including clitoridectomy, excision, infibulation and any other practice causing effects of the same kind, or causing mental or physical illness. The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country.

Child protection law

General child protection law could be used in cases of FGM. Article 330 of the Civil Code refers to the removal of the child from the family and suspension of parental custody of the parent whose behaviour is threatening the child's wellbeing. Moreover, Article 333 of the Civil Code refers to preventive interventions in case of prejudicial parental behaviour.

Asylum law

Asylum claims on the grounds of FGM could fall under D.Lgs 251/2007 Art. 7.2 e, which considers physical or psychological violence or acts specifically directed against one specific gender or against children as relevant for granting refugee status. The law includes both past and future persecutions (Art. 3 §4).



Professional secrecy law

In Italy, general law with regard to professional secrecy and disclosure may be used to report cases of performed or planned FGM. According to Article 361 of the Penal Code, any public officer has the duty to report any criminal offences they have been informed about while performing their duties or because of their profession. Administrative sanctions are foreseen. Article 362 of the Penal Code affirms the duty to report under the same conditions as above (for whoever, without being a public officer with related powers, is in charge of delivering a public service in public bodies/institutions). Article 365 of the Penal Code specifies that health professionals shall be prosecuted where they fail to report information about a crime, obtained in the context of their occupational activities. This rule does not apply where reporting this activity would expose the patient to criminal prosecution.

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.

More information and references about the study are available at: www.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
AUSTRIA		✓	✓	✓		
BELGIUM	✓	✓	✓	✓		✓
BULGARIA						
CYPRUS			✓			
CZECH REPUBLIC						
GERMANY	✓	✓		✓	✓	
DENMARK			✓	✓	✓	
ESTONIA						
GREECE				✓		
SPAIN			✓	✓	✓	
FINLAND				✓	✓	
FRANCE	✓	✓		✓	✓	✓
CROATIA			✓	✓		
HUNGARY	✓	✓				
IRELAND	✓	✓	✓	✓		✓
ITALY	✓	✓	✓	✓	✓	
LATVIA		✓				
LITHUANIA		✓				
LUXEMBOURG						
MALTA						
NETHERLANDS	✓	✓		✓	✓	✓
POLAND						
PORTUGAL				✓		✓
ROMANIA		✓				
SLOVAKIA		✓				
SWEDEN		✓	✓	✓	✓	✓
SLOVENIA						
UNITED KINGDOM	✓	✓	✓	✓	✓	✓

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.

POLICY FRAMEWORK

FGM has been a policy issue in Italy since the late-1990s, when a parliamentary commission on childhood, that approved a resolution on FGM, requested a survey on FGM. Between 2000 and 2004, a number of Daphne projects and other forms of collaborations at the international level contributed to putting FGM on the agenda.

Law No. 7 of 9 January 2006, 'Dispositions regarding prevention and prohibition of female genital mutilation practices', sets out a number of initiatives and strategies in order to deal with FGM in Italy. This act is aimed at the prevention of FGM as well as at the rehabilitation and care of women and girls victims of FGM. It not only prohibits FGM, but also mandates a range of prevention measures, support services for victims of FGM and information and training initiatives.

The law provides for the following measures:

- A toll-free number 800 300 558, set up within the Ministry of the Interior;
- Information campaigns on fundamental human rights that inform and communicate the prohibition of such practices in Italy;
- Public awareness initiatives, in collaboration with health care centres, voluntary organisations and non-profit organisations, in addition to information courses for pregnant and infibulated women.

In order to better accomplish and coordinate the tasks assigned by the law, in 2006 the Minister for Equal Opportunities established, by Ministerial Decree of 16 November 2006, a commission for the prevention and combat of the practice of female genital mutilation, which is chaired by the Minister and comprised of governmental officers and experts.

In January 2007, the commission approved the first strategic plan aimed at programming initiatives and measures to combat these traditional harmful practices. The plan was finalised in a public call, published in August 2007, aimed at financing projects to prevent and combat the practice of female genital mutilation in three different areas: actions/research projects; awareness-raising campaigns; and training courses. The public call admitted regions, local authorities, and the National Health Service's administrations, in addition to bodies of the Third Sector, non-profit organisations that have, as their main purpose, the protection of health or the human rights of migrants. The total amount allocated by the DEO for this initiative was EUR 4 million.

In January 2011, the commission approved the second strategic plan to prevent and combat FGM, based on the validation and agreement of the Conferenza Stato Regioni. The total amount allocated for future initiatives is EUR 2.8 million.

The Department has also prepared a draft Memorandum of Understanding to be validated by the Conferenza Stato Regioni. The criteria to be validated include allocation of resources, aims, methods, implementation and monitoring of the system to develop interventions for preventing and combating FGM.

In February 2012, the Minister of Social Policies, Employment and Equal Opportunities included FGM as one of the nine relevant problems that will be tackled, when she presented the political priorities on equal opportunities.

PREVALENCE OF FGM IN THE COUNTRY

The Ministry of Health was the first institution to try and make some estimates of FGM prevalence in Italy, based on data of the population census of 2006. A study, performed in 2009 and commissioned by the Department of Equal Opportunities, 'Qualitative and Quantitative Evaluation of FGM phenomenon', estimates the number of women with FGM by extrapolation of prevalence data from FGM-practising countries in Africa to the migrant women population legally residing in Italy and originating from the same countries. The obtained prevalence estimate is further reduced to take into consideration the impact of migration on FGM practices, although no details are provided in the study about the method used for taking this impact factor of migration into consideration. In 2009, two other studies were performed in three regions of Italy; however, research activities carried out within projects funded by Law No 7/2006 do not provide a representative picture of the prevalence of FGM in Italy, especially given their regional focus. Both studies included surveys conducted among various professionals, which were qualitative in nature, to assess their knowledge, opinions and experiences with FGM.

Facts

- Law 7/2006 was instrumental in putting FGM on the agenda.
- The first tool developed in Italy to address FGM dates from 1999.
- At the international level, Italy promoted and organised three side events dedicated to the issue of combating FGM, which were organised during the 54th (March 2010), the 55th (February 2011) and the 56th (February 2012) sessions of the United Nations Commission on the Status of Women in New York.
- Italy is one of the top donor countries to the UNFPA-UNICEF Joint Programme on Female Genital Mutilation-Cutting.
- Italy also strongly supports the adoption, by the UN General Assembly, of an ad hoc Resolution on FGM, facilitating negotiation and discussion among African partners.

Figures

- In 2009, an estimated 110,000 women originating from countries where FGM is practised resided in Italy.
- The most recent prevalence estimates in Italy show that there are 35,000 women with FGM and 1,000 girls are at risk in the country.
- Seven court appeals were found mentioning FGM in the asylum claim, of which five base their claim on FGM specifically. The court accepted the appeal in three of these cases.

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: www.eige.europa.eu



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