



LEGAL FRAMEWORK

International and European conventions

Croatia has ratified various 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) and the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Croatia has not yet ratified the Charter of Fundamental Rights of the European Union (2010/C 83/02).

Criminal law

In Croatia, cases of FGM can be prosecuted under criminal law, referring respectively to the criminal offence of physical injury and arbitrary treatment. In some cases, the principle of extra-territoriality may be applicable, making FGM punishable when committed outside the country. The new Croatian Code of Criminal Law, which will enter into force in 2013, contains, in Article 116, a specific criminal law on FGM: 'whoever completely or partially removes or permanently changes the external genitalia of a female person shall be punished'. In the case of a child or family member, the penalty will be increased.

Child protection law

In Croatia, it is the Family Law that is applicable to protect children's rights. Its principles, particularly Article 114 that refers to 'gross violation of child rights', could be applied to a case of (pending) FGM.

Asylum law

Articles 2, 74 and 91 of the Asylum Act, pertaining to vulnerable groups, could be applied to cases of FGM.



Professional secrecy law

In Croatia, general law with regards to professional secrecy and disclosure may be applied to reporting cases of performed or planned FGM. The general principle of professional secrecy is stipulated in Articles 89, 132 and 300 of the Penal Code. Health care providers are specifically mentioned. However, professionals shall be criminally prosecuted where they fail to report information obtained in the context of their occupational activities and which concerns a serious offence for which the law prescribes long-term imprisonment. Furthermore, teachers and other educational staff shall be criminally prosecuted if they do not report an offence committed against a child or a juvenile.

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.

POLICY FRAMEWORK

Policy actions to tackle FGM in Croatia started in 2006. Two policy documents have included FGM: the 'National Policy for the Promotion of Gender Equality 2006–2010' and the 'National Policy for Gender Equality 2011–2015'. Both national policies deal with FGM under the chapter on violence against women and were prepared by the Government Office for Gender Equality and adopted by the Croatian Parliament. The key actors responsible for implementing the set of measures proposed in the policies are the Office for Gender Equality, the Office for National Minorities and the Ministry of Health and Social Welfare, in collaboration with civil society organisations. Although both policies emphasise the need to research all forms of violence including FGM, no action has been initiated (by February 2012).

PREVALENCE OF FGM IN THE COUNTRY

There is no representative prevalence study on FGM available in Croatia. The Working Group for the Development of the Action Plan on Violence against Women 2007–2010 concluded that FGM is not a problem in the Republic of Croatia and that no women with FGM could be identified among asylum seekers.

The need for prevalence data was underlined in the National Policy for the Promotion of Gender Equality 2006–2010 and the latest National Policy for Gender Equality 2011–2015.



Facts

- Policy actions to tackle FGM in Croatia started in 2006.
- A specific criminal law addressing FGM has been adopted and shall enter into force in 2013.
- The need for prevalence data was underlined in two policy documents on gender equality, the latest issued in 2011. No representative prevalence study has yet been initiated in Croatia.

Figures

- No asylum cases on grounds of FGM have been documented.

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



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