

Women For Freedom

FGM – wilfully harming women is a crime against humanity

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Among all categories of human right violations, one would be hard pressed to identify even a single one more severe – and less meaningful – than female genital mutilation, FGM. Compare this with the Ministerial Council Decision 15/05 on “Preventing and Combating violence against Women”, stating a need to emphasise:

the persisting level of violence against women and girls in the OSCE region, as well as at human and political costs of this phenomenon...

Furthermore, the same decision stresses

that participating states have a duty to prevent, investigate and punish perpetrators of such violence, as well as to protect victims, especially women and children [...].

Women For Freedom is gravely concerned by the fact that these commitments in some participating States are not sufficiently applied although the Charter for European Security explicitly states that *in order to prevent such crimes, the participating states decided [...] to promote the adoption and strengthening of legislation to hold accountable persons responsible for these acts as well as to strengthen the protection of victims [...].*

Unfortunately this problem still persists, even in north European countries, and immigration from North African / Middle Eastern countries, the original home of this tradition, tends to increase rather than diminish the problem. It is estimated that in the United Kingdom, despite well intended legal tools, some 66,000 women have been victim of FGM, and annually some 20,000 girls or young women are at risk of the crime. United Kingdom has yet to take a single case of FGM to court, though, while Germany suffers a lack of appropriate law in that field.

Further complicating the problem is the fact that little support can be expected from Islamic community leaders, due to Islamic law (Sharia) either permitting or mandating the practice, (Reliance of the Traveller, Book E 4.3), making it difficult for classically trained imams to speak against it in Islamic communities and effectively put an end to the practice.

Mutilation of female genitals is a cruel and barbaric crime, at odds with fundamental human rights and OSCE commitments to uphold them. It is a deplorable side effect of mass immigration that this practice has come to OSCE participating States, and it should be a top priority to eliminate it, also when the actual crime is being committed during travels to home lands. Also, the victims:

"are hidden behind a wall of silence".

The practice is described by professionals as:

"illegal and life-threatening"

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as it results in extreme pain as well as physical and psychological problems that can continue into adulthood. Female genital mutilation, sometimes known as female circumcision, is generally illegal in Europe, but is still being propagated in secret, frequently even carried out without any anaesthetics. There is also a huge pressure within the communities to keep quiet about female genital mutilation, with some people even being threatened with violence if they speak out. ([BBC](#), 24.6.2013, [DW](#), 11.4.2013)

Teachers, police and administration are not well prepared to deal adequately with children who have undergone the life threatening mutilation. One example is the story of Nimko Ali an immigrant from Somalia to the UK, who has undergone the procedure in her summer holidays, confided in her teacher, but was dismissed with the words

'That's nice dear. A bit like a Bar Mitzvah.'

It has taken surprisingly long time for journalists and authorities to amass sufficient courage to talk about the problem, but now people are starting to speak up, like Ruth Styles in Daily Mail:

For too long, it has been passed off as a "cultural" ritual. But this act is not about celebration. FGM is gender-based violence. ([Daily Mail](#), 7.5.2013)

Further gruesome details of the practice are reported by the German radio station Deutsche Welle:
Female genital mutilation (FGM) is typically carried out on girls sometime between infancy and puberty. It is usually performed without anesthesia, using a knife, razor or scissors. The procedure is centuries old, and it renders girls and young women unable to experience sexual pleasure. It is traditionally conducted in – and therefore associated with – African countries, the Middle East and areas of Southeast Asia.

And the British government is, fortunately, addressing the problem. In an interview to German radio station Deutsche Welle, UK International Development Minister Lynne Featherstone commented that:

New figures show that girls in Britain are more at risk of FGM than anywhere else in Europe. Approximately 66,000 women living in the UK have already been through the procedure. An additional 20,000 girls a year are at risk of being subjected to female genital mutilation. ([Deutsche Welle](#), 11.4.2013)

Germany

In Germany, FGM is punished under criminal law. According to the association of doctors, the Bundesärztekammer, it may be punished as bodily injury (§ 223 StGB), severe bodily harm (§224 StGB), dangerous bodily harm (§226 StGB) or as abuse of wards (§225 StGB). ([Bundesärztekammer](#), 18.1.2013)

In Germany, it is estimated that between 30,000 and 50,000 children are in danger of mutilation, and that some 80 % of the actual instance are executed abroad. The legal situation, unfortunately, is less effective than in UK. If parents send their children abroad to have them mutilated, they can, under German law, only be punished if the victim has a German citizenship. So it may happen that children are sent to their mother country, for example Sudan, where FGM is not punishable, and their parents will not be punishable in Germany.

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In July 2013, a law in the German parliament defined genital mutilation as a criminal offense, but the law has yet to enter into force. The second chamber, Bundesrat suggested in 2010 to introduce a bill which aims to adding a §226a about genital mutilation. “Whoever mutilates the outer genitals of a woman by circumcizing or mutilating it will be punished not less than two years.”

Women For Freedom is concerned about a lack of awareness within the German legislative organs. The Socialdemocratic Party (SPD) even suggested to lower the penalty for perpetrators to only one year and treat it as grievous bodily harm (§224) and not as heavy bodily harm (§226). This contradicts the OSCE commitments as outlined before, directly. ([Task Force FGM](#), 9.4.2013)



Women For Freedom suggests the following, especially to the German government:

- That FGM should explicitly be added to the catalogue of human rights offenses.
- FGM should be classified as severe bodily harm in all of Europe, as it constitutes a lifelong suffering, and should be punished accordingly.
- Training about FGM should be conducted for teachers, doctors and police officers, that they will be able to handle it in real life.
- Children at risk of FGM should be taken out of their families for their own safety.
- Children who are already victims of FGM should have a clear path towards taking guilty parties to court, including possibly their own parents.