

Europe

Charter of the fundamental rights of the European Union

Rights to the integrity of the person.

Chapter I art. 3: "Each individual has the right
to his/her own physical and psychic integrity".

The majority of the European countries have not
adopted any specific laws, in these cases they have
recourse to the general legislation in force, which
regards FGM as an abuse on minors or physical
violence (serious or very serious personal injuries).
In Sweden (1982), Great Britain (1985) and Norway
(1998) specific law were issued which regard
all forms of feminine genital mutilations as illegal.
The codes of medical ethics of different European
countries have pronounced themselves on the non-
ethicality of a practice detrimental to health, prohibiting
physicians from cooperating or consenting in any way to
cruel and inhuman treatments, which, besides violating
human rights, are also contrary to medical ethics.

Italy

The **Law n°. 7 of January 9th, 2006** regards
the practices of feminine genital mutilations as
clitoridectomy, excision and infibulation as violations
of the fundamental rights to the integrity
of the person and to the health of women
and little girls, and dictates the necessary
steps to prevent, oppose and repress them.

Art. S83-bis C.C.P.: "Whoever causes, in absence
of therapeutic exigencies, a mutilation of the feminine
genital organs is punished by four to twelve years
imprisonment. Whoever causes injuries
to the feminine genital organs, is punished with three
to seven years imprisonment.

The punishment is increased by a third when said
practices are committed doing damage to a minor,
or if the fact is committed for profit. The provisions
of this Article are also enforced when the fact
is committed abroad by an Italian citizen or by
a foreigner residing in Italy, or if it does damage to
an Italian citizen or to a foreigner residing in Italy."

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Fact sheet on Female Genital Mutilation


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What are Feminine Genital Mutiations (FGM)?

They are all those practices that are rooted in tradition, which alter the woman's external genital apparatus in a permanent manner.

But why are they practiced?

There are those who say that religion demands it. In reality no religion prescribes FGM.

Some believe that they are a typical practice of the Islamic religion, even if there is no indication in any Sura of the Koran of a feminine genital mutilation.

There are those who say that excision is the equivalent of male circumcision.

In reality male circumcision is innocuous - it is not disabling - whereas through the genital mutilation of women a functioning organ is amputated.

After excision, lost integrity cannot return.

There are those who say that it guarantees the purity, virginity and fidelity of women.

In reality the behaviour of an individual is the result of values and feelings.

There are those who say that genital mutilations contribute to women's fertility.

In reality they are often the cause of serious infections, which can also result, besides other effects, in infertility.

What really happens to our daughters?

The FGM can have serious after-effects on their physical and mental health: during the operation, haemorrhages, infections, fever, shock, septicaemia and tetanus can set in, even resulting in death. Frequently they are the cause of pelvic infection, infection of uterus and vagina, and other serious after-effects that can lead to the formation of a neuroma (tumor of nerves) and vulvovaginitis. They cause difficulties and pains during intercourse, as well as irregular and painful menstruations. Cases of difficulty in voiding one's bladder, incontinence, vaginal calculi, hypersensitivity of the genital area and infertility are also frequent.

In addition, infibulated women have many problems during labour because of the operation they underwent, and need particular care during delivery.

A prolonged labour can cause an intrauterine death, whereas an obstructed labour can cause the loss of the fetus.

In order to be able to give birth in a natural way, a woman must be de-infibulated. Re-infibulations, especially if repeated, cause further irreversible damages.

In addition, mutilation, the painfulness of the practice and painful menstruation can cause anxiety and depression.

There is no surgical technique which can remedy a clitoridectomy, or restore the erogenous sensitivity of the amputated apparatus.

Some African countries have adopted specific laws on the matter of FGM, providing for severe punishments to those who violate these rules (relatives and material perpetrators): Burkina Faso (1996), Côte-d'Ivoire (1998), Djibouti (1995), Egypt (1997), Ghana (1992), Senegal (1999), Tanzania (1998), Togo (1998). In the majority of the African countries FGM are punishable, because they violate human rights, physical integrity and are a form of physical violence (serious or very serious personal injury).

What do the laws say?

Africa

No African governments declare their support for FGM, yet they have difficulty in carrying out concrete initiatives for rooting out this settled custom.

African Conventions

African Charter of Human and Peoples' rights (1981)

Art. 4 "Human beings are inviolable. Every human being should have the right to the respect of his/her life and to the integrity of his/her person. Nobody can be arbitrarily deprived of this right".

Additional Protocol – Maputo, July 10-12, 2003

Articles 2; 5; 6; 19 are specific to the struggle for the eradication of FGM and harmful practices. They state, furthermore, that FGM violate the fundamental rights of African women and young girls.

Declaration of Addis Abeba on violence against women derived from traditional practices.

In this document mutilations of feminine genitals are defined as a violation of the most universal human rights, including:

- the right to life;
- the right to protection against cruel, inhuman and degrading treatments;
- the right to self-determination;
- the right to physical integrity;
- the right to health;
- the right to protection against discrimination.

Charter of the rights and the wellbeing of African children

Art. 21 "Protection against negative social and cultural practices".

The States which signed this Charter must take all the proper steps for abolishing the customary, social and cultural practices harmful for the well-being, the normal growth and the development of male/female children and in particular:

- A.** customs and practices detrimental to the health of male/female children;
- B.** customs and practices discriminating male/female children on the base of sex or other causes.