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FGM and forced marriage in Slovakia

Barbora Holubová

Institute for Labour and Family Research

1. Introduction and relevant Slovakian context

It is worth to mention, that the scope of harmful practices is much broader than female genital mutilation (FGM) or forced marriage (FM). Early marriage and early childbearing, polygamy, son preference resulting in female infanticide and sex-selective abortions, bride kidnapping, so-called honour crimes, stoning or flogging of women, forced pregnancies (committed during conflicts as a strategy to suppress ethnic or religious communities or within intimate partner violent relationship as a weapon of control), acid attacks, dehumanising widowhood practices, virginity tests and more others are further types of traditional harmful practices against girls and women.¹ The body modifications, including fashionably thin appearance and surgically altering bodies that may result in damaging health and even death are emerging modern-day harmful practices.² All harmful practices are violation of human rights of girls/women and have common origins in the historically unequal social and economic relationships between men and women.

Some of the harmful practices are widespread in many countries, some of them are rare and identified only in a few countries. However, the harmful practice identification is heavily dependent on the sensitivity, willingness and the evidence systems of the particular countries. In regard of the harmful practices in Slovakia, the paper will focus mainly on FGM (on the ground of primary emphasis of the learning programme) and FM (cause of data availability). If possible, evidence of the other harmful practices in Slovakia will be provided as well.

Female genital mutilation: no prevalence estimates have been performed in Slovakia on FGM until now. The evidence of cases is not formalised, therefore the information on girls/women in threat or with FGM consequences are only informal and indicative. The possible FGM cases are strongly related to foreign citizens, refugees and asylum seekers, especially from so-called third countries. According to available data, there is currently a small number of females from countries where FGM is practised living in Slovakia.³ For example, between 1992 and 2010, the number of asylum granted to persons from countries in which FGM is performed (notably Benin, Liberia, Cote d'Ivoire, Sierra Leone, Somalia and Sudan) amounts to 23, and three persons became resident (Liberia, Somalia). The International Migration Network reports about one FGM-based asylum claim in Slovakia. Additionally, NGOs working with asylum seekers mentioned one case where FGM was one of the grounds to grant asylum, and one case where a FGM victim was granted asylum, although FGM was not the main reason. Those who seem to be more aware of the existence of FGM in Slovakia are NGOs working directly with

¹ The Advocates for Human Rights, 2010, Types & Prevalence of Harmful Traditional Practices, available at: http://www.stopvaw.org/harmful_practices_types_prevalence

² UNHCR, 2014, Eradicating harmful practices against women and girls, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/Eradicatingharmfulpracticesagainstwomenandgirls.aspx>

³ The only data disaggregated by sex are available for the "All valid permits by age, sex and citizenship on 31 December of each year (migr_resvas) from Eurostat, where in 2011 there were 9,855 girls/women permitted to stay in Slovakia in total, which was 42 % of all the permissions for residents.

asylum seekers.⁴ In 2015 the Slovak Republic granted asylum to 8 people. Citizens of Iraq, Afghanistan and Ukraine applied for asylum most often. The number of asylum and new asylum applicants in 2015 amounts to 330 persons.⁵

Forced marriages in Slovakia: forced marriage among girls and women is identified within the context of trafficking in human beings in Slovakia. In the 2011 – 2015 period, there were 25 victims of forced marriages in Slovakia classified for the Programme for Support and Protection of Victims of Human Beings Trafficking.⁶ The number of forced marriages increased from 7 cases in 2013 to 9 in 2014, in 2015 there were 4 cases identified. In 2014 and 2015, all victims of forced marriage were women. The target countries where the forced marriages were aimed for are mostly United Kingdom (9 cases in the last two years), Germany (2 cases in 2014), Austria (1 case in 2014) and Slovakia (1 case in 2015).⁷ The forced marriage is usually inter-sectioned with another form of trafficking, e.g. sexual exploitation and forced labour. Victims are forced to travel to another Member State and to enter into a marriage of convenience with a third country national, often in order to repay debts of the woman's family. The forced marriages/marriage of convenience are connected also to the illegal immigration. Among the documented cases of facilitation of illegal immigration for the purpose of forced marriage, there were 10 cases in 2014 and 11 cases in 2015 identified.⁸

Early births/pregnancies in Slovakia: in 2014, there were 44 births by girls 10-15 years old and 1,301 births by girls 16-17 years old. The share of births by girls under 18 years is approximately 2.5 % from all births in every year. The most affected regions are the east Slovakian self-governmental regions of Prešov and Košice. The early births by 16-17-years olds are higher occurring in the Banská Bystrica region of central-south Slovakia.⁹ These are the territories indicatively with the highest share of Roma population, socially excluded or threatened by social exclusion and segregation.

2. Policy debate in Slovakia relevant to FGM and forced marriage

Current policy framework of gender equality, violence against women or migration policies does not deal with FGM, FM or another harmful practices specifically. Therefore, specific policies on FGM or FM have not been developed.

⁴ EIGE, 2013, Female Genital Mutilation in the 27 European Union Member States and Croatia - Report, p. 55 – 57, available at: <http://eige.europa.eu/sites/default/files/documents/eige-report-fgm-in-the-eu-and-croatia.pdf>

⁵ International Organization for Migration. 2015, Migration in Slovakia, available at: <http://www.iom.sk/en/about-migration/migration-in-slovakia>

⁶ Ministry of Interior of the Slovak Republic: Data on human beings trafficking victims involved in the Programme of support and protection of victims of trafficking of human beings, retrieved from: http://www.minv.sk/?statistika_obchodovanie_s_ludmi

⁷ Ministry of Interior of the Slovak Republic: Overview of the Victims of Trafficking of Human Beings Classified to the Programme for Support and Protection of Victims of Human Beings Trafficking 2014 and 2015; retrieved from: http://www.minv.sk/?program_podpory_a_ochrany_obeti

⁸ Presidium of the Police Force, Bureau of Border and Alien Office of Slovak Republic, Statistical overview of legal and illegal Migration in Slovak Republic, retrieved from: http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2015/2015_r_ocenka_UHCP_EN.pdf, p. 77

⁹ National Centre for Health Information, 2016: Care of the mother and the new-born in Slovakia 2014 <http://www.nczisk.sk/Documents/publikacie/2014/zs1651.pdf>

Nevertheless, Slovakia is obliged to adhere to various international conventions preventing and condemning violence against women, including harmful practices as FGM, forced marriage and others. Slovak Republic has to respect the regulations of 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 for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Charter of Fundamental Rights of the European Union (2010/C 83/02). Slovakian government has signed, though not ratified, the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.

To fulfil the international commitments, Slovak Republic is currently in the second year of implementation of the *National Action Plan for the Prevention and Elimination of Violence against Women 2014 – 2019*. In 2014 the *Coordination-methodical centre for gender-based violence and domestic violence*, co-financed by grants from the Norway Grants and Slovak Government, was established. In previous two years, more national projects related to violence against women and cofounded by the European Social Fund have been implemented and further projects are planned to be implemented in the new programme framework.

2.1. The policy and legal framework of FGM in Slovakia

Slovak Republic identified only one case of FGM and moreover the women after the commencement of the asylum procedure left the country. Slovak Republic does not have a focal point or coordinator dealing with FGM. There are no NGOs which would specifically and exclusively deal only with this issue. Slovak Republic does not have specific guidelines on this issue. In this case, Slovak Republic applies the Act on Asylum (Nb. 480/2002), i.e. in case of a vulnerable asylum seeker, the interview is conducted by a decision-maker who is specialised in dealing with vulnerable asylum seekers. These women belong to the group of vulnerable asylum seekers and according to the Act on Asylum (Nb. 480/2002), they are provided medical and psychological care and/or mental treatment.¹⁰

Furthermore, FGM can be treated as a crime according to the general provisions of the Act 300/2005 Coll. Penal Code with defined criminal offences. In particular, the sections §123, §155 and §156 referring to acts of bodily injury can be applied. Also section §208 can be theoretically applied to FGM, as it consists of the crime of abuse of a close person causing physical or psychological suffering. The principles of extraterritoriality are applicable, making FGM punishable even if it is committed outside the borders of the country.¹¹

General provisions with regard to professional secrecy and disclosure may be applied to report cases of performed or planned FGM. According to the Code of Ethics of Health Care Professionals, these professionals are obliged to report the information on abuse and cruel treatment, especially when concerning a minor. In addition, according to the Act n. 305/2005 on Social and Legal Protection of Children and Social Curatorship everyone is obliged to report the violation of

¹⁰ European Migration Network, 2010, Ad-Hoc Query on Female Genital Mutilation and Asylum in the EU, retrieved from: http://emn.fi/files/198/Compilation_SE_ad-hoc_femal_genital_mutilation_-_Wider_dissemination.pdf

¹¹ EIGE, 2013, Female Genital Mutilation in the 27 European Union Member States and Croatia – Report, p. 55 – 57, available at: <http://eige.europa.eu/sites/default/files/documents/eige-report-fgm-in-the-eu-and-croatia.pdf>

children's rights. Furthermore, not reporting a serious crime is punishable under the Penal Code. The bodies to whom to report are the police and the prosecution office.¹²

2.2. The policy and legal framework of FM in Slovakia¹³

Forced marriage is specifically recognised as a form of trafficking in human beings and it is explicitly incorporated in the Article of the Criminal Code defining that offence¹⁴ in order to comply with the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

To reduce the number of marriages of convenience/sham marriages and, thus, as part of this phenomenon, forced marriages, the Slovak Ministry of the Interior is taking part in the EU-funded project 'Preventing human trafficking and sham marriages: A multidisciplinary solution' (HESTIA), which has been implemented since January 2015 by six EU Member States (Estonia, Finland, Ireland, Latvia, Lithuania, and Slovakia). Within the framework of the project a variety of activities are provided (e.g. discussions of legislators, policy planners and practitioners at national and regional level, a comprehensive research of the problem of sham marriages, training for social workers, awareness raising campaigns). As a result of these activities, the project is expected to contribute to increasing awareness, even though indirectly, on forced marriage and outlining effective strategies to prevent it.

Moreover, the current 'National Programme on the Fight against Human Trafficking for 2015-2018' adopted by the Slovak Government on 4 February 2015 provides for both statistical data on forced marriages and the establishment of a Joint Investigation Team (JIT) between the UK and the General Prosecutor's Office of the Slovak Republic aimed to facilitate investigation and prosecution of trans-national cases of forced marriage and sexual violence.

By reporting cases of forced marriage, raising awareness and assisting victims, Slovak NGOs also play a very important role in tackling the practice of forced marriage. For example, from 24 November 2014 to 31 March 2015, the NGO People in Need Slovakia (*Člověk v tísni*), with the financial support of the Ministry of Interior, ran the project 'Defend yourself against trafficking' (*Bráňme sa pred zobchodovaním*) which, targeting a group of young people from marginalised communities, aimed at raising awareness among them on human trafficking activities (including those realised through forced marriages).

Currently, young people belonging to marginalised communities in Slovakia are the most vulnerable to forced marriage. Various cases of trafficking in human beings occurring through forced marriages as well as marriages of convenience/sham marriages have been recorded amongst Roma communities. The Roma Media Centre (*Rómske mediálne centrum*) reported that most cases of forced marriage of young Roma women involve illegal immigrants residing in the territory of another EU

¹² EIGE, 2013, Female Genital Mutilation in the 27 European Union Member States and Croatia – Report, p. 55 – 57, available at: <http://eige.europa.eu/sites/default/files/documents/eige-report-fgm-in-the-eu-and-croatia.pdf>

¹³ The following part is a citation from the European Parliament study: Psalia, E., et al, 2016, Forced Marriage from the Gender Perspective (Study for the FEMM Committee), 2016, pp. 66 – 67. The experts from Slovakia, Michaela Kopalova; Hana Spanikova delivered comprehensive description of the situation in Slovakia.

¹⁴ Section 179 of Law 300/2005 of the Penal Code

Member State (e.g. Pakistanis residing in the UK) who are willing to marry a Roma woman (who is forced to marriage) in order to obtain a residence permit. As the vulnerability of Roma people to forced marriage can be mainly attributed to their social exclusion, the adoption of a national strategy for social and economic inclusion of these communities and its proper implementation would have a positive impact on tackling the practice of forced marriage in Slovakia.

3. Transferability aspects

3.1. Transferability aspects of the good practices for FGM in the UK

The good practice for FGM eradication from the UK is comprehensive and is based on long-term experience and well-developed policies related to violence against women and girls, and upon to the long tradition in women's NGO, policy makers and broader community cooperation.

Barriers of transferability into Slovakia:

- The good practice stands on the Female Genital Mutilations Act 2003 and more measures are anchored on the specific law, e.g. the specialist FGM unit of the Home Office in the UK. In Slovakia, the FGM is not even mentioned in the Penal Code, and only indirect sections can be applied.
- There are questions on the extent of the problem in the UK and in Slovakia. In the UK, the evidence data (study on the prevalence estimates) revealing that FGM is a relatively massive problem in UK supported the policy. In Slovakia, according to existing information, the number of FGM victims will be much lower (related to immigrant population). Therefore, to raise awareness or to allocate finances to a problem concerning only small number of girls/women might be unrealistic.

Positive inspiration:

- The good practice on FGM from the UK is very inspirational for another reasons; it describes many tools and measures that might be useful for another type of harmful practice or for other forms of gender-based violence;
- The conjunction of special act, special police units, studies of prevalence estimation, involvement of relevant professionals, communities, e-learning, guidelines, even helpline is a very good example for a holistic and systematic approach to a particular problem that has to be solved.

3.2. The transferability of the good practice of eradicating FGM and FM in Italy

- The fight against FGM in Italy is strongly connected to immigration flows and especially of women from FGM practicing countries that rationalised the development of the measures in Italy, including the Law and the particular Articles on FGM; Slovakia has one of the most stringent asylum laws in Europe

and current stand-point of Slovak Government to contemporary immigration flows will probably remain refusing and restricted in forthcoming period of time;

- On the other hand, the risk that the problem of FGM and other harmful practices will be perceived as “immigrant issues” might be misused in the context of the anti-immigrant atmosphere in Slovakia for further demonisation of immigrants and as an additional argument for rejection of immigrants as such.¹⁵

4. Recommendations for action

In Slovakia, many issues in women’s human rights violations, including harmful practices, need sustainable attention and further development. The recommendations for action in Slovakia are as follows:

- Despite the current anti-immigration policy and strict asylum law in Slovakia we recommend to change fundamentally the approach and to show solidarity and humanity regarding refugees/immigrants, especially women/girls and children expose to violence (this requires political courage and not to draw on nationalistic and even fascist public opinions).
- Raise awareness on suffering of women and children escaping from effected countries, including the threatening with FGM and other harmful practices in their countries of origin.
- Ratify unconditionally the Council of Europe Convention on preventing and combating violence against women and domestic violence, and prepare carefully for proper implementation, including the FGM Article.
- Draft and propose a comprehensive law on violence against women for all forms of violence, including harmful practices and/or propose amendments of respective current laws.
- Contribute to capacity building of health personnel within prevention and treatment of FGM.
- Strengthen efforts on FGM, FM and early childbirths prevention and eradication as a part of other relevant priorities, like gender equality, maternal and child health, primary education and human rights.
- Continue in the set projects and processes in forced marriage identification within the framework of trafficking in human beings, especially in cooperation with UK and other target countries.
- Strengthen the projects aiming to support and empower the Roma women and girls to prevent their economic and social dependence on their family and socially excluded communities.

¹⁵ Analogically the sexual assaults committed allegedly by migrants in some European cities during the New Year Eve 2015 were misused by some representatives of the Slovak Government for justification “to protect Slovak women” against immigrants (see for example <http://dennik.hnonline.sk/slovensko/567354-fico-reagoval-na-incident-v-koline-nehceme-aby-niekto-obtazoval-nase-zeny-video>)

- Neither religion nor cultural traditions should be used as excuse for denying girls and women their human rights. Therefore, more measures have to be taken to strengthen the reproductive rights of women, to prevent compulsory births by limiting freedom of choice and obtaining comprehensive information, relevant to women's/girls' choices.

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