



The EU Mutual Learning Programme in Gender Equality

Combating female genital mutilation and other harmful practices

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Comments Paper – Latvia



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FGM and other harmful practices

Comments paper – Latvia

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1. Introduction

In recent years, female genital mutilation (FGM) has received increasing attention in the EU. In 2012, the European Parliament has adopted the Resolution on ending female genital mutilation; in 2013, the Communication Towards the elimination of female genital mutilation to the European Parliament and the Council was published by the European Commission.

In 2013, European Institute for Gender Equality (EIGE) has prepared the Report on the FGM in EU and Croatia to contribute to the strategies for the elimination of violence against women, based on the analyses of the prevalence, policy and legal framework and actors dealing with FGM in the EU. Some countries have reported an increase in FGM due to migration of people from countries where this form of gender-based violence is practiced.

1.1. Brief context and prevalence of FGM in Latvia

Latvia is a multiethnic country with about 10 major ethnic groups (Latvians, Russians, Byelorussians, Ukrainians, Poles, Jewish, Lithuanians, Roma, etc.).

Migration processes in Latvia show considerable growth during the last decade (2004-2014); the number of immigrants has increased ten times, although the tendency still demonstrate higher rates of emigration than immigration, with net migration -8,652 (2014¹). The major migration flow arrives from the neighbouring countries – Russia, Belarus, Ukraine and Moldova, representing similar past, religious and cultural traditions.

The statistical data on gender aspect of migration show that male migration to Latvia prevails at all age groups², except age group 70+.

Latvia respects social and cultural rights of migrants and their families; it is ranked above average among the worlds sovereign states in democracy, press freedom, privacy and human development.

The number of migrants from countries, where FGM is practiced is very small. Therefore, the probable prevalence of female genital mutilation at present is very low. There are no public data available on cases of FGM.

1

http://data.csb.gov.lv/pxweb/en/Sociala/Sociala_ikgad_iedz_migr/IB0010.px/table/tableViewLayout1/?rxid=7ee5bb2b-7c93-4ccb-8a34-1aa4ade09cc3

2

http://data.csb.gov.lv/pxweb/lv/Sociala/Sociala_ikgad_iedz_migr/IB0040.px/table/tableViewLayout1/?rxid=cdbc978c-22b0-416a-aacc-aa650d3e2ce0

At present, there are no legal initiatives, initiatives by civil society, nor specific policies on FGM in Latvia. The UN Convention on the Rights of the Child and the UN Convention on the Elimination of All Forms of Discrimination against Women can be considered as forming the existing general policy applicable to FGM in Latvia.

There has been an initiative from medical doctors, regularly providing medical assistance to African countries who tried to inform a few women's organisations to break the silence about the FGM and facilitate the discussions on harmful practices. However, there has been no interest from the women's organisations and civil society towards the topicality of FGM issue. The main reason of low interest is the very limited number of women who might experience risks of FGM. There is no wider debate on FGM and/or other harmful practices among civil society, politicians or professionals yet.

EIGE country report on Latvia³ highlighted the difficulties of analysis of FGM issues due to lack of interest and low political significance. The contextual review on possible prevalence of FGM in Latvia confirms very limited information and evidence about this phenomenon.

2. Legal and Policy Framework of FGM in Latvia

2.1. Legal Framework

In Latvia, there exist policies on domestic violence and violence against children. There are no special policies and legal framework regarding FGM and other harmful practices. At the same time FGM and other harmful practices can be addressed through the general legal framework of criminalisation of heavily injuries to health, which can be interpreted as a consequence of FGM. The Criminal Law to be applied in cases of FGM and other harmful practices:

- Intentional serious bodily injury - intentional infliction of such bodily injury which is dangerous to life or has been the cause of loss of any organs or functions of organs (Section 125.1);
- Intentional moderate bodily injury – intentional infliction of such bodily injury which has resulted in a continued health disorder (126.1);
- Illegal removal of tissue and organs from a human being (139);
- Cruelty towards and violence against a minor - cruel or violent treatment of a minor, if physical or mental suffering has been inflicted and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent (174.1).

3

<http://eige.europa.eu/sites/default/files/documents/Study%20to%20map%20the%20current%20situation%20and%20trends%20on%20FGM%20-Country%20reports%20-%20MH3212540ENN.pdf>

According to the information from the Ministry of Justice and the Ministry of Welfare there has not been any court case regarding FGM being performed or on intention to perform it.

There is no national registration system for reports of (suspected) FGM cases.

The Asylum Law can be applied in cases of FGM (Section 22). According to information from the the Asylum Affairs Division there has been one asylum case request based on risk of FGM, when the court has granted refugee status to a female from Ghana and her daughter. FGM is mentioned as a threat the asylum seeker's daughter might face in her home country.

There are no legal provisions regarding to professional secrecy on FGM. However, the Medical Treatment Law states that medical institutions have a duty to report to the state police if the patient has suffered from violence and/or a violation of the rights of the child has occurred (section 56.1.1, 56.1.2). The law states no disciplinary sanctions in case of non-reporting.

Forced marriages, sham marriages and child marriage in Latvia is almost non-existent practice with the certain specific exceptions. In accordance with Civil Law (Section 32 and 33) marriage prior to the age of eighteen is prohibited (except the case when a person who has attained age sixteen marry with the consent of his/her parents or guardians if he or she marries a person of age of 18+).

Statistical data on marriages of minors disaggregated according to ethnicity are not available in Latvia. Therefore it is not possible to make conclusions about specific ethnic groups in Latvia, where marriages occur at the minor age⁴.

At the same time Latvia puts emphasis on the elimination of sham marriages. Latvia has ensured calling to justice persons who organise and recruit persons for the sham marriages, and persons who knowingly agree to marriages that are not aimed at establishing a family but at ensuring third country nationals with the possibility to legally acquire a residence permit in the European Union.

According to the Criminal Law (Section 154.2) in Latvia human trafficking for the purpose of concluding a sham marriage is qualified as the compulsion of a person to provide a service if the aim of the crime is the receipt of a residence permit, whereas, if the aim is to obtain a person (a "wife"), then the respective crime is qualified as a form of slavery⁵.

2.2. Policy Framework

There are no specific policies on FGM or other harmful practices in Latvia. General policy framework on domestic violence was the Programme for the Reduction of

⁴ <https://cs.coe.int/team20/cahrom/7th%20cahrom%20plenary%20meeting/item%2004%20-%20ertf%20and%20phenjalipe%20joint%20paper%20making%20early%20marriage%20in%20roma%20communities%20a%20global%20concern.pdf>

⁵ <http://patverums-dm.lv/en/preventing-human-trafficking-and-sham-marriages-a-multidisciplinary-solution-hestia>

Domestic Violence (2008-2011)⁶ and the Action Plan for the Implementation of Guidelines of the State family policy 2011-2017⁷.

The objective of the policy is to reduce domestic violence, violence in children's educational and care institutions; to develop in co-operation with NGOs and local governments the social services for the victims of violence; develop training for parents, children and specialists on children's rights and duties, child care and safety. The Programme stipulated trainings for law enforcement, service providers, educators, health care professionals and others; awareness raising, assistance and services for victims, enhanced accountability of perpetrator and institutional cooperation capacities. However, FGM or other harmful practices are not mentioned in these documents.

Other harmful practices such as honour based violence or forced marriages so far are not addressed in policy documents in Latvia.

3. Transferability aspects

- The good practice examples from Italy and the UK could be discussed in Latvia and, probably, other Baltic/Eastern Europe countries, because certain initiatives could be very important for Latvia and the region to combat FGM and other harmful practices.
- Awareness raising campaigns on FGM and other harmful practices as a violation of human rights could be transferred to Latvia, putting the emphasis on FGM as issue towards women's human rights.
- Data collection and research on prevalence of FGM and other harmful practices could be useful to identify the phenomenon, demographic characteristics of victims and find gaps in prevention. The methodologies of data collection and qualitative research (Italy and UK) could be used as good practice examples for the adaptation in Latvia.
- The good practice of Italy confirms the need to develop FGM prevention strategy, based on training of professionals and systematic monitoring of the implemented activities. Trainings for professionals contribute to understanding of the specific aspects of women's human rights violation.
- Training for asylum officers are important to increase awareness about the threats of FGM on women's safety and quality of life.
- Cooperation, networking and exchange of expertise between professionals and civil society is important factor for comprehensive solutions to the problem.

⁶ http://www.lm.gov.lv/upload/dokumentu_projekti/lmzino_xxxx_vg-sask.pdf,
<http://likumi.lv/doc.php?id=177115>

⁷ http://www.lm.gov.lv/upload/berns_gimene/apstr_plans_11032013.pdf

4. Recommendations for action

- Data collection and monitoring on FGM prevalence.
- Awareness-raising on FGM, both as specific cultural issue and broader understanding of violence. The framework of understanding FGM as a crime to woman's health and bodily integrity will contribute to the development of policies to protect girls/women from risks of FGM and other harmful practices.
- Policy development. In countries with very low incidence and risks of FGM, it should be integrated into the national strategy against gender based violence and violence against human rights.
- Integrate the protection against FGM and other harmful practices into the framework on prevention of domestic violence.
- Training for professionals dealing with refugees and asylum seekers to approach and recognise risks of FGM as grounds for asylum.
- Interagency coordination and cooperation to better address prevention, protection and prosecution of FGM.
- Signing and ratification of the Istanbul Convention in Latvia. Awareness raising on European level about the results and progress of the countries, which have ratified the Convention.
- Regular evaluation and monitoring of the implemented policies and trainings on risks of FGM and other harmful practices.

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