

8 December 2014

Regarding Questionnaire for the Report of the OHCHR on Good Practices and Major Challenges in Preventing FGM pursuant to UNHRC resolution 27/22 (reference OHCHR/RRDD/FGM):

Female genital mutilation (FGM) is criminalized in the Danish Criminal Code section 245 a. Pursuant to the Danish Criminal Code section 245 a any person who assaults a girl or woman by cutting or otherwise removing external female genitals in full or in part, whether with or without consent, is sentenced to imprisonment for a term not exceeding six years.

Complicity to commit FGM, e.g. parents' complicity to have their daughter circumcised, is also criminalized pursuant to the Danish Criminal Code section 245 a and section 23.

The Danish Criminal Code section 245 a also covers acts committed outside of Denmark. Such acts can be prosecuted in Denmark where Denmark has jurisdiction according to the Danish Criminal Code rules regarding jurisdiction. Pursuant to the Danish Criminal Code acts covered by section 245 a committed within the territory of another state by a person who was a Danish national or has his permanent or similar habitual residence within the Danish state at the date of the provisional charge are subject to Danish criminal jurisdiction, if the offended had the aforesaid attachment to Denmark. As such it is not a requirement for prosecution that the act is also criminalized in the state where it is committed.

A national strategy on Honour Related Conflicts was published in 2012 in cooperation between the Danish Ministry of Justice, the Ministry of Foreign Affairs in Denmark, the Danish Ministry of Education, the Danish Ministry of Gender Equality and Church and the Danish Ministry of Social Affairs and Integration.

FGM is considered an honour-related conflict when the criteria as outlined in the national strategy are met. Honour is, as such, closely related to the female sexuality, which needs to be controlled in order for the family's honour to stay intact.

In 2006 the Danish National Police initiated a countrywide monitoring effort regarding criminal offences related to honour-related conflicts. In 2007 the Danish National Police furthermore published a classified strategy and matching guide regarding the Danish police effort on honour-related conflicts. The guide was updated in 2013.

The strategy and guide address, among other things, relevant measures to be taken regarding both prevention and protection of potential victims of honour-related conflicts, as well as investigative measures to be followed.

The Police Academy in Denmark, among other subjects, teaches the students how to handle cases that have to do with body damage and also working with and solving cases that imply ethnical, sexual or religious minorities and the encounter with socially vulnerable and marginalized parts of the population. At the end of three years of the bachelor studies the students are given 60 lectures of the subject "Laws of the Police - Advanced Criminal Law". At this point, the students are taught a wider range of violations that do not occur very often but nevertheless are significant for several other reasons. Consequently, the students leaving the Police Academy with a bachelor degree will know that FGM is an illegal operation and that the female victims will need help from e.g. the health service and the social authorities. In regards to the further education of police officers, it is a focal point of interest to maintain knowledge in this area.

As FGM is a criminal offence in Denmark, the procedure – when undertaken - tends to take place abroad. The Ministry of Health considers one of the main challenges in combatting the practice to be reaching out to the relevant minority groups that have FGM performed to provide them with information of the harmful practice. Within the resort of the Danish Ministry of Children, Gender Equality, Integration and Social Affairs, an initiative to develop a mobile app about how to deal with honour-related conflicts (which is part of the National Strategy against honour-related conflicts launched in 2012) has recently been developed. The app targets ethnic minority youth as well as professionals, informing them that FGM is illegal, and that persons conducting or contributing to FGM (also outside of Denmark) can be punished with imprisonment.