Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1247 (2001)[1]

Female genital mutilation

Parliamentary Assembly

1. The Assembly recalls and reaffirms Resolution 1018 (1994) and Recommendation 1229 (1994) on equality of rights between women and men and the Declaration on Equality of Women and Men adopted by the Committee of Ministers on 16 November 1988. It also recalls the European Convention on the Exercise of Children's Rights (1996), ETS No. 160, as well as Recommendation 1371 (1998), banning the abuse and neglect of children.

2. The Assembly also refers to Articles 2 and 3 of the European Convention on Human Rights, Article 25 of the Universal Declaration of Human Rights, Article 12.1 of the International Covenant on Economic, Social and Cultural Rights and Article 16 of the African Charter on Human and Peoples' Rights.

3. The Assembly also endorses the position of the World Health Organisation, Unicef, the Office of the United Nations High Commissioner for Refugees and the United Nations Commission on Human Rights, which have described genital mutilation as torture and called for it to be banned and the perpetrators prosecuted in accordance with the texts resulting from the United Nations Cairo Conference (1994) and Beijing Conference (1995).

4. The Assembly declares that the universal principles of respect for individuals and their inalienable right to bodily integrity, as well as complete equality between men and women, must take precedence over customs and traditions.

5. Every year, 2 million women reaching the end of their pregnancies are at risk because they have suffered genital mutilation. Moreover, the practice appears to be becoming increasingly common in Council of Europe member states, especially among immigrant communities.

6. It is therefore a matter of urgency to make a distinction between the need to tolerate and protect minority cultures and turning a blind eye to customs that amount to torture and inhuman or barbaric treatment of the type the Council of Europe wishes to eradicate.

7. Genital mutilation should be regarded as inhuman and degrading treatment within the meaning of Article 3 of the European Convention on Human Rights, even if carried out under hygienic conditions by competent personnel.

8. The Assembly underlines the serious consequences for the victims, in particular the direct impact on their physical health of infections caused by lack of hygiene leading to diseases such as Aids, and serious psychological complications.

9. It condemns the increase in the number of forced marriages, which make girls even more vulnerable, and virginity tests.

10. In this connection, non-governmental organisations (NGOs) will have a key role to play in combating genital mutilation by enabling girls and young women to become involved in local communities and helping to devise prevention programmes and information campaigns aimed at eradicating the practice.

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1. (see Doc. 9076, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Vermot-Mangold). Text adopted by the Standing Committee, acting on behalf of the Assembly, on 22 May 2001

11. The Assembly calls on the governments of member states:

11.1. to introduce specific legislation prohibiting genital mutilation and declaring genital mutilation to be a violation of human rights and bodily integrity;

11.2. to take steps to inform all people about the legislation banning the practice before they enter Council of Europe member states;

11.3. to adopt more flexible measures for granting the right of asylum to mothers and their children who fear being subjected to such practices;

11.4. to adopt specific time limits for prosecution that enable the victims to go to court when they reach the age of majority, and to grant organisations the right to bring action;

11.5. to prosecute the perpetrators and their accomplices, including family members and health personnel, on criminal charges of violence leading to mutilation, including cases where such mutilation is committed abroad;

11.6. to conduct information and public awareness-raising campaigns to inform health personnel, refugee groups and all groups concerned by this question about the dangerous consequences of genital mutilation for the health, physical well-being and dignity of the women concerned, about their right to personal fulfilment and about the customs and traditions that are in contradiction with human rights;

11.7. to introduce sex education classes in schools and all relevant groups to inform young people about the consequences of genital mutilation;

11.8. to make sure that any marriages involving young girls under marriageable age are preceded by interviews between the girls concerned and an administrative or judicial authority to ensure that the girls have given their full consent to such marriages;

11.9. to ratify, as a matter of priority, the relevant international conventions with a view to harmonising legislation on women's rights, in particular the United Nations Convention on the Rights of the Child and the United Nations Convention on the Elimination of All Forms of Discrimination against Women, and to ensure that they ratify them without reservations.