

Strasbourg, 23 September 2016

CDDH-MF(2016)R2

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**DRAFTING GROUP ON FEMALE GENITAL MUTILATION
AND FORCED MARRIAGE
(CDDH-MF)**

Report

2nd meeting
21-23 September 2016

Item 1: Opening of the meeting and adoption of the draft agenda

1. The CDDH Drafting Group on Female Genital Mutilation and Forced Marriage (CDDH-MF) held its second meeting in Strasbourg from 21 to 23 September 2016 with Mr Rob LINHAM (United Kingdom) in the Chair. The list of participants is contained in Appendix I. The agenda as adopted appears in Appendix II.
2. The Chairperson welcomed everyone to the meeting and explained that he had exchanged views with the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) on the previous day, as it had been agreed at the first meeting. During the exchange of views he had stressed the usefulness of working in a complementary manner in order to achieve the common goals. He had further underlined that any work conducted by the CDDH on the prevention and elimination of Female Genital Mutilation and Forced Marriage had to be conducted in the context of encouraging States to sign and ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).
3. The Chairperson had further assured the GREVIO members that the CDDH-MF would take into account their concern of focusing only on two of forms of violence against women which were predominant in migrant communities in Europe and the risk thereby of creating a feeling of “otherness”, or overshadowing other forms of violence. In response to this concern the Drafting Group decided to explain in the introduction to the Guide to good practices aimed at combating female genital mutilation and forced marriage the reasoning behind its focus on FGM and FM in order to stress that these were part of various forms of violence against women, caused by deep-rooted gender discrimination in society.
4. The Chairperson also informed the Group that he had been invited in November to a similar exchange of views with the members of the Council of Europe Gender Equality Commission (GEC).

Item 2: Contributions from committees and other bodies of the Council of Europe, international and regional organisations as well non-governmental organisations and religious and belief communities

5. The representatives of intergovernmental and regional organisations, non-governmental organisations, religious and belief communities presented their respective mandates and their relevant work on preventing and combating FGM and FM.
6. The Group was also informed that the Committee on Equality and Non-Discrimination of the Parliamentary Assembly recently adopted a report on female genital mutilation, which included a draft resolution tabled for adoption by the Parliamentary Assembly at its autumn session in October.

Item 3: Discussion on a guide to good practices aimed at combating and preventing female genital mutilation and forced marriage

a) General discussion on a Guide to good practices

7. The Group held a general discussion to determine the target group of the Guide. It agreed that the main addressees were policy makers and public authorities in member States, but it could also be useful for non-governmental organisations involved in advocacy/lobbying and the implementation of policies in this field. The Guide could also serve as inspiration for other regions beyond Europe.

8. The Group then exchanged views on the most appropriate title for the Guide and agreed to add “and promising” to the words “good practices”.

9. As for the selection of national practices to be included in the Guide it was agreed that they should be done on the basis of the diversity of national approaches, that they were transferable to other States and their innovative character. They should furthermore ensure, so far as possible, the representation of the member States that have contributed with examples. The criteria should be mentioned in the introduction to the Guide where it should also be noted that the practices could not be regarded as exhaustive and any evaluation of whether they were effective or not was not within the scope of the Group. When representing the examples it would be useful to include the eventual challenges that they faced.

10. The Group agreed on a number of changes to the structure of Guide. It should follow the same structure as in the Group's analysis report starting with ‘Integrated policies and data collection’ followed by Prevention, Protection and Prosecution as well as included a section on Asylum issues after the Protection chapter.

11. The examples of the various practices should include a title to usefully direct the reader. In the event of common practices in several member States an introductory point could explain the main theme followed by the mentioning of the practices of individual States. States referred to should not be highlighted in bold but rather in italic.

12. Furthermore, it was agreed that it would be useful if the Guide would include an appendix with a table of contact details and links to national policies and legislation for as many member States as possible, so as to enable those interested in knowing more about the specific practices to make contact with the country in question and search for further information on the practices. An additional appendix guiding the readers to further resources as well as an appendix containing a glossary of the relevant terms would also be included.

13. Conclusions should be added to the Guide which would draw up some general trends, mention the existing challenges (such as lack of relevant data, implementation gaps, the need for further research, etc.). The conclusions should mention the need to disseminate the Guide as widely as possible within member States and beyond Europe, and to this end the usefulness of translating it into other languages as well. The conclusions should finally recall the need regularly to update that the appendix containing contact details and links to national policies and legislation, and emphasise

the need for maintaining and strengthening the ongoing contact and exchange of good and promising practices internationally.

b) Examination of the preliminary draft text for a Guide to good practices

14. The Group then had a first reading of the preliminary text of the draft Guide proceeding paragraph by paragraph. It proposed a number of changes both with regard to the content and the wording.

15. Under the supervision of the Chairperson, the Secretariat was asked to include the specific changes made at the meeting into a revised text of the Guide which would be sent to the participants by Monday 10 October. Examples of any further practices should be submitted to the Secretariat as soon as possible. The participants would be given until 17 October to check the revised draft text. Subsequently, the draft text prepared at the meeting would be transmitted, in both official languages, to the CDDH in time for its Bureau meeting in mid November. Written proposals and further examples of national practices from member States, including those which were not members of the Drafting Group, would be transmitted to the Secretariat (merete.bjerregaard@coe.int) by 16 December 2016.

16. The Group would welcome any guidance that the CDDH would provide with a view to finalising the text of the draft Guide. The Group considered it useful to be able to have the second reading of the text at its next meeting in January.

Item 4: Exchange of views on proposals for follow-up work

17. The Group discussed the need for any further work on the prevention and the elimination of FGM and FM on the basis of the ideas already included in the Analysis and presented to the CDDH at its June meeting. The Group felt that it would be premature to propose the drafting of any new recommendation or binding instrument given that the GREVIO had just started its work. However a Committee of Ministers declaration on the need to intensify efforts on the prevention and elimination of FGM and FM was considered to be useful. Such a declaration could also encourage further signatures and ratifications of the Istanbul Convention.

18. To ensure that FGM and FM was kept high on the agenda, the Group proposed the holding of an annual conference on these two issues to facilitate communication and contact between actors in this field and promote networking on these issues. Such an event could be organised by the CDDH in cooperation with the relevant bodies of the Council of Europe such the GREVIO, GRETA, GEC and the CDPC and with the participation of other international and regional organisations as well as non-governmental organisations and faith communities.

Item 5: Adoption of the meeting report

19. The English version of the meeting report was adopted at the end of the meeting.

Item 6: Other business

Organisation of the work of the next meeting

20. The third meeting of the CDDH-MF, scheduled on 24-26 January 2017, will focus mainly on finalising the draft Guide but could also consider the practicalities and content of any eventual annual conference, as well as preparing a draft declaration of the Committee of Ministers, subject to the approval of the CDDH.

APPENDIX I

LIST OF PARTICIPANTS**Member States/Etats membres****BELGIUM / BELGIQUE**

Margot TAEYMANS, Attaché, Juriste Criminologue, Service Public Fédéral de la Justice, FOD Justitie,

BULGARIA / BULGARIE

Christina YOTOVA, Second Secretary, Human Rights Department, Ministry of Foreign Affairs, Sofia

CROATIA / CROATIE

Vanja POPOVIC, Counsellor, Division for Human Rights and Regional International Organisations and Initiatives, Ministry of Foreign and European Affairs

FINLAND / FINLANDE

Marjatta HIEKKA, Legal Counsellor, Ministry for Foreign Affairs

FRANCE

Pierre VINCENT, Rédacteur, Sous-direction des droits de l'homme, Direction des affaires juridiques, Ministère des affaires étrangères et du développement international

ITALY / ITALIE

Tiziana ZANNINI, Department for Equal Opportunities of the Italian Presidency of the Council of Ministers *[Apologised]*

THE NETHERLANDS / PAYS BAS

Eleonore VAN RIJSSEN, Legal Officer, Legal Affairs Department, Ministry of Foreign Affairs

NORWAY / NORVEGE

Leila ERDIS, Senior Adviser, Norwegian Ministry of Justice and Public Security, The Integration Department

POLAND / POLOGNE

Agata ROGALSKA-PIECHOTA, Ministry of Foreign Affairs

SPAIN / ESPAGNE

Jose Antonio JURADO RIPOLL, Senior State Attorney, Section coordinator at the Office of the State Attorney before the Audiencia Nacional

SWITZERLAND / SUISSE

Dominique STEIGER LEUBA (*Vice Chair*), Collaboratrice scientifique, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Domaine de direction Droit public, Unité Protection internationale des droits de l'homme

TURKEY / TURQUIE

Aslihan DOĞAN KOROGU, Expert, General Directorate on Status of Women, Ministry of Family and Social Policies

Raife Sidar ALSAN KILIC, Ministry of Family of Social Policies

UNITED KINGDOM / ROYAUME UNI

Rob LINHAM, (*Chair*) Assistant Director for Europe and Domestic Human Rights, Ministry of Justice

Christian PAPALEONTIOU, Acting Head, Public Protection Unit

Observer States

Non-governmental organisations

End FGM European Network

Natalie KONTOULIS, Advocacy and Communications Officer

FORWARD

Naana OTOO-OYORTEY, Executive Director of Foundation for Women's Health Research and Development

International and regional organisations

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Federica DONATI, Coordinator, Equality, Non-Discrimination and Participation Unit
Special Procedures Branch, OHCHR-Palais Wilson, United Nations Office at Geneva

Office of the United Nations High Commissioner for Refugees (UNHCR)

Gert WESTERVEEN, UNHCR Representative to the European Institutions in Strasbourg

John DORBER, Legal Associate, UNHCR Representation to the European Institutions in Strasbourg

European Institute for Gender Equality (EIGE) - EU

Cristina FABRE

Agency for Fundamental Rights (FRA) - EU

Rossalina LATCHEVA, Senior Programme Manager - Statistics and Surveys, Freedoms and Justice Department

Organisation of Islamic Cooperation (OIC)

H.E. Ismat JAHAN, Ambassador and Permanent Observer to the EU

Dr. Salima DALIBEY, Liaison officer to UNESCO

Committees or other bodies of the Council of Europe engaged in related work

Parliamentary Assembly / Assemblée parlementaire

Elise CORNU, Head of the Secretariat, Committee on Equality and Non-Discrimination

Deborah CALDERAZZO, trainee

Conference of INGOs of the Council of Europe / Conférence des OING du Conseil de l'Europe

Jean-Bernard MARIE, Représentant de la Conférence des ONG au CDDH

Anne NEGRE, experte égalité homme/femme

Gender Equality Commission / Commission pour l'égalité de genre (GEC)

Carolina LASÉN-DÍAZ, Secretary of the GEC and Head of the Gender Equality Unit

Elena SCHIATTI, Trainee

Group of Experts on action against violence against women and domestic violence / Groupe d'experts sur la lutte contre la violence à l'égard des femmes et la violence domestique (GREVIO)

Bridget O'LOUGHLIN, Executive Secretary of GREVIO and the Committee of the Parties to the Istanbul Convention

Christina OLSEN, Administrator

Johan FRIESTEDT, Administrator

Group of Experts on Action against Trafficking in Human Beings / Groupe d'experts sur la lutte contre la traite des êtres humains (GRETA)

Inter-Governmental Cooperation, Anti-Gypsyism and Roma Equality (I-CARE) Unit

Isabela MIHALACHE, Project Manager, Anti-Gypsyism, Roma Women and Children activities
Support Team of the Special Representative of the Secretary General for Roma Issues
Council of Europe

Saška JOVANOVIĆ, Country Coordinator Italy of the project „Marry when you are ready”

Children's Rights Division

Livia STOICA BECHT, Programme Officer

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'Homme et Etat de droit
Council of Europe / Conseil de l'Europe**

Alfonso DE SALAS, Secretary to the CDDH / Secrétaire du CDDH, Head of Division / Chef de Division,
Human Rights Intergovernmental Cooperation Division / Division de la coopération
intergouvernementale en matière de droits de l'Homme

Merete BJERREGAARD, Head of the Human Rights Development Unit / Chef de l'Unité
"Développement des droits de l'homme", Human Rights Intergovernmental Cooperation Division /

Division de la coopération intergouvernementale en matière de droits de l'Homme, *Secretary of the CDDH-MF / Secrétaire du CDDH-MF*

Douglas WEDDERBURN-MAXWELL, Lawyer / Juriste, Human Rights Development Unit / Unité "Développement des droits de l'homme", Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

INTERPRETERS / INTERPRÈTES

Amanda BEDDOWS

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APPENDIX II

AGENDA

Item 1:	Opening of the meeting and adoption of the agenda
Item 2:	Contributions from committees and other bodies of the Council of Europe, international and regional organisations as well non-governmental organisations and religious and belief communities
Item 3:	Discussion on a guide to good practices aimed at combating and preventing female genital mutilation and forced marriage

- a) General discussion on a Guide to good practices
- b) Examination of the preliminary draft text for a Guide to good practices

<u>Reference Documents</u>	
Relevant extracts of the 85 th CDDH meeting report	CDDH-MF(2016)04
Analysis of the legal situation at international level and in Council of Europe member States on combating and preventing female genital mutilation and forced marriage (as adopted by the CDDH at its 85th meeting, 15-17 June 2016)	CDDH(2016)R85 Addendum II
<u>Working Documents</u>	
Preliminary draft guide to good practices aimed at combating and preventing female genital mutilation and forced marriage	CDDH-MF(2016)05
Replies from member States on national frameworks and good practices concerning female genital mutilation (FGM) and forced marriage (FM)	CDDH-MF(2016)03rev1 <i>Bilingual</i>
Replies from Non-Governmental Organisations which have a focus on Combating Violence against Women, in particular FGM and FM	CDDH-MF(2016)07
<u>Information Documents</u>	
<u>United Nations</u> Good practices and major challenges in preventing and eliminating female genital mutilation, report of the Office of the United Nations High Commissioner for Human Rights Preventing and eliminating child, early and forced marriage, report of the Office of the United Nations High Commissioner for Human Rights Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices Eliminating female genital mutilation, an interagency statement - OHCHR, UNAIDS, UNDP, UNECA, UNESCO, UNFPA, UNHCR, UNICEF, UNIFEM, WHO	A/HCR/29/20 A/HCR/26/22 Publication

<p><u>Council of Europe</u></p> <p>Analytical study of the result of the 4th round of monitoring the implementation of Recommendation Rec(2002)5 on the protection of women against violence in Council of Europe member States</p> <p>The Council of Europe Convention on preventing and combating violence against women and domestic violence - A tool to end female genital mutilation</p> <p>Forced marriages in Council of Europe member States: comparative study of legislation and political initiatives</p> <p>Promoting gender equality within Roma communities, with a focus on child/early and forced marriages</p> <p>Report of the Parliamentary Assembly on female genital mutilation and draft Resolution</p>	<p>CDEG(2005)1</p> <p>CAHROM(2015)8</p> <p>Link</p>
<p><u>European Union</u></p> <p>Addressing forced marriage in the EU: legal provisions and promising practices (European Union Agency for Fundamental Rights(FRA))</p> <p>Estimation of girls at risk of female genital mutilation in the European Union (European Institute for Gender Equality (EIGE) Report)</p> <p>Step-by-step guide: estimation of female genital mutilation in the European Union (European Institute for Gender Equality (EIGE) Report)</p>	
<p><u>European Parliament</u> (Directorate General for internal policies)</p> <p>Forced marriage from a gender perspective</p>	

Item 4: Exchange of views on proposals for follow-up work
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Elements for draft preliminary proposals for follow-up work	CDDH-MF(2016)06
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Item 5: Adoption of the meeting report

Item 6: Other Business

Organisation of the work for the next meeting, [24-26] January 2017.