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CDDH-MF(2017)R1

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

REPORT

3rd meeting
28-31 March 2017

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

1. The CDDH Drafting Group on Female Genital Mutilation and Forced Marriage (CDDH-MF) held its third and last meeting in Strasbourg from 28 to 31 March 2017 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 presented the current work of the CDDH-MF at an International Conference “BAN FGM”, on 30-31 January and 1 February 2017, in Rome, at the Italian Ministry of Foreign Affairs and International Cooperation. The Conference was organised by *No Peace Without Justice* and the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, in partnership with a number of other organisations.

Item 2: Finalisation of draft Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage

3. The Group examined, paragraph by paragraph, the revised text of the draft Guide to good and promising practices which had been prepared by the Secretariat in the light of the many contributions received. A second reading followed of the paragraphs that were amended during the first reading.

4. The Group proposed that, in the interests of consistency with the Istanbul Convention, both the draft Guide and the draft Declaration (Item 3, below) should in their titles refer to “preventing and combating” female genital mutilation (FGM) and forced marriage (FM). The Group sought to ensure that each examples of national good or promising practice was accurate and specific, and indicated the distinctive features of the particular practice being described. The Group recalled that, as the Guide is not a monitoring report, it was not necessary to list every member State where a common national practice existed, and on such points included the most illustrative examples.

5. The Secretariat explained that Appendix II containing national contact details of the relevant authorities, legislation, policies and strategies would be finalised after the meeting and annexed to the draft Guide to be circulated to the members of the Drafting Group and the CDDH members. The Group entrusted the Secretariat with authority to make any remaining editorial changes in the document, and gave guidance as to how certain words and typography should be used consistently through the document. A French translation of the Guide would also be prepared as soon as possible and circulated. For the Guide’s consideration and adoption by the CDDH at its meeting in June, the Group recommended that delegations be invited to submit comments in writing before the meeting.

6. Finally the Group considered it useful to attach to the Guide, the Analysis of the legal situation at international level and in Council of Europe member States on combating and preventing FGM and FM, earlier prepared by the Drafting Group and adopted by the CDDH.

Item 3: Preparation of a draft Declaration of the Committee of Ministers on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe

7. The Group prepared a draft Declaration of the Committee of Ministers, as appears in Appendix III, on the basis of a preliminary text prepared by the Secretariat. The Group proposed that an explicit reference to the Guide to good and promising practices should be included in the Declaration, so as to give it visibility, and included such a reference in the paragraph promoting exchange of practices.

8. A French version, including the final changes to the draft Declaration, would be made available as soon as the translation had been checked by the French-speaking members of the Group.

Item 4: Exchange of views on the preparation of an international Conference in 2018 to facilitate communication and contact between the various actors working on the fight against FGM and FM and to promote networking

9. The Chair recalled that, at its December meeting, the CDDH had supported the idea of organising an international conference in 2018, which if successful could be the first of a series of conferences on FGM and FM. The Group agreed that such a conference would help maintain the momentum of the important work in this area, and its members expressed their willingness to contribute to.

10. The Group examined a paper prepared by the Secretariat containing preliminary ideas for the holding of a conference in 2018. The Group emphasised the importance of including a wide range of participants, including amongst others: other international, intergovernmental and regional organisations; people with personal experience of FGM and FM and organisations that represent and support those people; and professionals working in the field. The Group underlined that the conference should predominantly focus on practical example of actions and projects that have been undertaken to prevent and combat FGM and FM, and should select specific elements of the wide range of work in this area to allow an in-depth discussion. In this regard, the Group proposed to add to the possible conference topics FGM and FM in the migration context, and particularly emphasised its interest in the topic of data collection to assess both the prevalence and the risk of these harmful practices.

11. Mr Christos GIAKOUMOPOULOS, Director of Human Rights, DG-I congratulated the Drafting Group on the high quality of its work. He further explained that due to the strict budgetary situation of the Organisation and the agreement of a thematic distribution of its fields of activities, the administration of any follow-up to the current work on FGM and FM - including the conference in 2018 - would be carried out by the Directorate General of Democracy – DG-II. The Group in response noted that it would nonetheless be important to maintain a human rights based approach, and secure the involvement of all relevant parts of the mission of the Council of Europe, including particularly the CDDH in view of its current work.

12. The experts from the United Kingdom announced on behalf of their country an offer to host such a conference in 2018. The Group welcomed this offer, and invited the Secretariat to work with the United Kingdom to develop this proposal.

13. In the light of the above, the Group agreed to attach the paper, prepared by the CDDH-MF Secretariat to the report of the meeting, as appears in Appendix IV.

Item 5: Adoption of the meeting report

Item 6: Other business

14. With the approval of the draft Guide to good and promising practices and the draft Declaration of the Committee of Ministers, the Group considered that it had fulfilled its terms of reference. It expressed its appreciation for the constructive approach shown by all members throughout its work and thanked the Chairperson of the meeting for the way in which the meetings had been conducted. The Group in particular paid tribute to the exceptional work of its Secretariat throughout its deliberations.

APPENDIX I

LIST OF PARTICIPANTS

Member States / Etats membres

BELGIUM / BELGIQUE

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

BULGARIA / BULGARIE

Mr Kamen KOUTSAROV, Second Secretary, Human Rights Department, Ministry of Foreign Affairs

CROATIA / CROATIE

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

FINLAND / FINLANDE

Ms Marjatta HIEKKA, Legal Counsellor, Ministry for Foreign Affairs

FRANCE

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

ITALY / ITALIE

Ms Tiziana ZANNINI, Executive Office for General and International Affairs and Interventions in the Social Field, Department for Equal Opportunities of the Italian Presidency of the Council of Ministers

THE NETHERLANDS / PAYS BAS

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

NORWAY / NORVEGE

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

POLAND / POLOGNE

Ms Aleksandra ORR, Specialist, Criminal Proceedings Unit, Department of Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs

SPAIN / ESPAGNE

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

SWITZERLAND / SUISSE

Ms 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

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

Ms Sibel DEMİRBAŞ

UNITED KINGDOM / ROYAUME UNI

Ms Uzma ALI, FGM Outreach and Enforcement Policy, Public Protection Unit, Home Office

Mr Rob LINHAM, (*Chair*) Acting Deputy Director, Human Rights and Intergovernmental Relations, Ministry of Justice

Non-governmental organisations**End FGM European Network**

Ms Natalie KONTOULIS, Advocacy Officer

FORWARD

Ms Adwoa KWATENG- KLUVITSE, Head of Global Advocacy and Partnership

Office of the United Nations High Commissioner for Refugees (UNHCR) / Haut Commissariat des Nations Unies pour les Réfugiés (HCR)

Mr Gert WESTERVEEN, UNHCR Representation to the European Institutions in Strasbourg, c/o Council of Europe

Ms Jutta SEIDEL, Senior Legal Associate, UNHCR Representation to the European Institutions in Strasbourg, c/o Council of Europe

Ms Mathilde PAREJA, trainee/Stagiaire

European Institute for Gender Equality - European Union / Institut européen pour l'égalité entre les hommes et les femmes - Union Européenne (EIGE)

Ms Anke GITTENAER, Seconded National Expert Gender Based Violence of the EIGE's Gender-based Violence team

Organisation of Islamic Cooperation (OIC) / Organisation de la Conférence Islamique (OCI)

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

Ms Salima DALIBEY, Ph.D, OIC Liaison Office to UNESCO

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

Ms Anne NEGRE, experte égalité homme/femme

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

Ms Carolina LASSEN DIAZ, Head of Unit, Secretary of GEC

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

Mr Christos GIAKOUMOPOULOS, Director / Directeur, DGI-Directorate of Human Rights / DGI-Direction des droits de l'Homme

Mr 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

Ms 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*

Mr Douglas WEDDERBURN-MAXWELL, Assistant Lawyer / Juriste Assistant, 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

Mr Momchil TSONEV, Trainee, 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

Ms Corinne GAVRILOVIC, Assistant/Assistante, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

INTERPRETERS / INTERPRÈTES

Ms Cynera JAFFREY

Mr Derrick WORSDALE

Ms Isabelle MARCHINI

APPENDIX II**ORDER OF BUSINESS**

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

Item 2: Finalisation of draft Guide to good and promising practices aimed at combating and preventing female genital mutilation and forced marriage

Item 3: Preparation of a draft Declaration of the Committee of Ministers on the need to intensify the efforts to prevent and eliminate female genital mutilation and forced marriage in Europe

Item 4: Exchange of views on the preparation of an international Conference in 2018 to facilitate communication and contact between the various actors working on the fight against FGM and FM and to promote networking

Item 5: Adoption of the meeting report

Item 6: Other business

APPENDIX III

**Draft Declaration of the Committee of Ministers
on the need to intensify the efforts to prevent and combat
female genital mutilation and forced marriage in Europe**

Declaration of the Committee of Ministers on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe

(Adopted by the Committee of Ministers onat the meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe,

1. Recalling the member States' obligation to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and to provide an effective remedy before a national authority for violation of those rights and freedoms, and their obligations arising, as relevant, from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);
2. Recognising that female genital mutilation and forced marriage are violations of human rights, possess a gendered nature and constitute serious forms of violence against women and girls, and are linked to and perpetuate other harmful practices and human rights violations;
3. Recalling that these harmful practices affect women and girls of all ages and are a violation of children's rights, while noting that forced marriage can also affect men and boys;
4. Expressing its deep concern at the severe, often irreparable and irreversible harmful consequences of female genital mutilation and forced marriage;
5. Emphasising that despite growing international awareness of the gravity of female genital mutilation and forced marriage, these harmful practices persist globally and are also present in Europe;
6. Welcoming and supporting the Sustainable Development Goals adopted by the United Nations which include the elimination of female genital mutilation and forced marriage by 2030; and encouraging all Council of Europe member States to make an active contribution thereto;
7. Reaffirming its willingness to co-operate with the European Union, and other international, intergovernmental and regional organisations as well as non-governmental organisations in the fight against female genital mutilation and forced marriage, at the European level and beyond;
8. Recalling the guidance and activities developed by the Council of Europe aimed at the prevention of violence against women, the protection of the victims, the prosecution of the perpetrators and the empowerment of women, in particular Recommendation Rec(2002)5 of the Committee of Ministers on the protection of women against violence, as well as its

Gender Equality Strategy 2014-2017 which includes the strategic objective of preventing and combating violence against women;

9. Convinced that a comprehensive and integrated approach must lie at the heart of all efforts to eliminate female genital mutilation and forced marriage and must involve all those concerned, such as the affected communities, grassroots organisations, social and education services, child protection services, the police, the justice system, the asylum system, health and other relevant professionals;

10. Stressing the need for awareness-raising, information and education campaigns to combat gender stereotypes that lie at the root of discrimination against women and girls, and which lead to harmful practices such as female genital mutilation and forced marriage; and that these campaigns must involve all people - both women and men - in affected communities, professionals and relevant public and private stakeholders in society, and the media;

11. Expresses the need to intensify efforts to prevent and combat female genital mutilation and forced marriage in Europe and beyond and, to this end, calls on member States to:

a. Recognise female genital mutilation and forced marriage as forms of violence against women and girls, as violations of human rights as laid down in the European Convention on Human Rights, and as acts that must constitute crimes according to the Istanbul Convention.

b. Recognise these human rights affronts as violating, in particular, the right to personal security and integrity and physical and mental health or welfare, the right to sexual and reproductive health, and reproductive rights; and also as constituting child abuse, an obstacle to school attendance, a detriment to children's access to education and their intellectual and social development; and recalling that such violations can under no circumstances be justified on grounds of respect for cultural traditions, customs, or religious beliefs.

c. Include these issues in national policies and strategies to prevent and combat violence against women and girls through comprehensive legislation and programmes which: (i.) establish and improve the collection of accurate and comparable data and research into the causes, prevalence and risk of these practices, taking into account where relevant the best interests of the child; (ii.) address the vulnerable situations of women and girls that perpetuate these harmful practices, and encourage, empower and support women, girls, and affected communities to challenge and abandon such harmful practices; (iii.) improve the conditions permitting reporting of cases of female genital mutilation and forced marriage; (iv.) provide a full range of prevention and protection measures including tailored training for professionals and mechanisms to coordinate, monitor and evaluate implementation by national authorities; and (v.) provide for effective sanctions against the perpetrators of these harmful practices.

d. Develop and promote effective measures to protect victims of, and those at risk from, these harmful practices that address their transnational elements, including when they occur outside the country of residence or origin; and ensure that female genital mutilation and forced marriage are recognised as grounds for international protection.

e. Develop national action plans and strategies, and drawing on the Guide to good and promising practices prepared by the Steering Committee for Human Rights¹ promote exchanges of practices aimed at ending female genital mutilation and forced marriage, as well as identify how to provide effective support services for victims of these harmful practices.

f. Sign and/or ratify, and fully implement, the Council of Europe Conventions on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention – CETS 210), on Action against Trafficking in Human Beings (CETS 197), and on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention - CETS 201).

g. Sign and/or ratify, and fully implement, the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage, the Convention on the Elimination of All Forms of Discrimination against Women and the amendment and protocol thereto, and other relevant international instruments.

h. Cooperate with other member States, through the application of relevant international, regional or bilateral instruments, with the purpose of preventing and combating female genital mutilation and forced marriage, identifying these harmful practices, protecting and providing assistance to victims, and ensuring that perpetrators are adequately prosecuted and punished.

¹ Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage ‘Tackling FGM and FM in Europe’, document CDDH...

APPENDIX IV

Paper prepared by the Secretariat containing preliminary ideas for the holding of a conference in 2018

International Conference to cooperate and exchange experience on the fight against FGM and FM

Strasbourg, 2018
(during Croatia or Finland's CM Chairmanship)

Purpose

Facilitate communication and contact between the relevant actors; promote networking; exchange good and promising practices.

Participants

- Government representatives and experts
- NGO and grassroots organisations' representatives
- Representative of faith communities
- Representatives of international, intergovernmental, and regional organisations: GREVIO, GEC, CAHENF, PACE, INGOs Conference, CAHROM; FRA, EIGE, European Commission/Gender Equality; UNHCR; OHCHR; OIC. Possibly also African Union, ECOWAS, Inter-African Committee on Traditional Practices
- People with personal experience of FGM and FM and organisations that represent and support those people
- Professionals working in the field

A list of participants with short biographies including a photo should be distributed in advance of the Conference to facilitate and encourage networking between the participants.

Format

In connection with a CDDH session in 2018, a one-day conference will be organised at the Palais de l'Europe (9h30-17h). It could start with a short opening session in plenary underlining the need for a coordinated approach by various actors to effectively tackle these affronts (violence against women and girls, gender equality, protection of children rights, trafficking in human beings, etc.).

Informal/practical discussions should then follow on a limited number of selected issues within smaller groups (5 to 6) being held simultaneously. The group discussions will each have a main working language, either English or French, the official working languages of the Council of Europe. The format used could be various discussion tables headed by a moderator/expert giving participants the freedom to focus on the areas they are interested in, impart and discuss their experiences, explore and hear about new considerations in turn, and to connect better with their counterparts.

A stand-up lunch buffet could be organised to facilitate further networking (this would also reduce the time usually set off for lunch).

To conclude, the moderators/experts of the discussion groups could in plenary briefly present the issues discussed adding their own comments, if appropriate.

Possible selected issues for discussion

- Difficulty in establishing the proof on the existence of a **Forced Marriage**. Specific concerns in the migration context regarding FM, including child and early marriage (international private law aspect, separation of under-aged spouses in reception centres, etc.)
- Improving **Data Collection** to assess both the prevalence and the risk of FGM and FM. How to deal with the taboo and secrecy aspects surrounding these practices? Ongoing initiatives to find a harmonised methodology to achieve a standardised approach enabling comparable analyses.
- Strengthening **Judicial Cooperation** considering the cross-border element. Experience from countries on the effectiveness of such cooperation as well as obstacles.
- Increasing **Prosecutions** with a greater number of convictions and dissuasive sanctions. Experience from countries where enforcement is high; also sharing experience regarding alternative sanctions.
- Enhancing the **Protection** of the victims. In practice are FGM and FM sufficiently included in the overall system of protecting women and children against violence? Improved identification of at-risk and affected individuals. How do Protection Orders work in practice – effectiveness and obstacles?
- Are all the needed support **Services** available for the victims and at-risk individuals? The challenge of lack of evidence on effective interventions and strategies to mitigate the health consequences (obstetrical and gynaecological consequences, psychological consequences). The provision of long term medical and social care.
- Experiences in **Prevention**, such as the empowerment of women and affected communities to abandon harmful practices.

Documents

The Guide to good and promising practices and documents on the Istanbul Convention should be made available.

Financing/budget

The Council of Europe budget covers the participation costs of the moderators/experts (others would participate at their own expenses), interpretation costs during the plenary sessions, rent of the venue place (plenary meeting room for the opening and closing sessions as well as the Restaurant Bleu for the group discussions), lunch and coffee/tea.