# Response of Estonia to the questionnaire on good practices and major challenges in preventing and eliminating female genital mutilation (FGM)

1. **Can the Member State provide information on what it considers to be good practices in preventing and eliminating FGM? In answering this question, the Member State may wish to take the following into consideration:**

* **Does the Member State have a national policy or strategy on FGM which is enacted in law?**
* **Does the legislation contain preventive measures, as well as measures for the protection of and assistance to victims including in cases where the mutilation has been found to have been done in another country?**
* **Does the legislation have special provision regarding health provider’s practicing FGM?**
* **Are these mechanisms implemented and in use across the Member State?**
* **What does the Member State consider as good practices in support and care services for women and girls living with FGM or for women and girls at risk of FGM?**
* **Does the Member State have and disseminate evidence based information on the health risks of FGM?**
* **Does the Member State have a proactive outreach programme aimed at raising awareness on FGM including penalties for perpetrators and available services for victims?**
* **Good practices in working with civil society organizations including women groups, community leaders, and United Nations Partners to end this practice?**

Estonia has signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. Also, Estonia is a party to the Conventions that protect the fundamental rights FGM offends.

**Criminal law** – in Estonia, several articles of the Penal Code may be applied to FGM-related cases; e.g. Article 118 of the Penal Code stipulates it punishable to cause serious damage to health which results in the loss of cessation of functioning of an organ; Article 121 of the Penal Code stipulates that it is punishable to cause damage to the health of another person, beating, battery or other physical abuse which causes pain; Article 134 of the Penal Code stipulates that it is punishable to take or leave a person, through violence or deceit, in a State where it is possible to persecute or humiliate him or her on the grounds of race or gender or for other reasons, and where he or she lacks legal protection against such treatment and does not have the possibility to leave this situation.

**Professional secrecy law** – in Estonia, the general law on professional secrecy and disclosure may be applied to report cases of performed or planned FGM. According to Article 768 of the Law of Obligations Act, health care providers are bound by the duty of confidentiality. It is permitted to deviate from this duty if failure to disclose information might cause significant damage to the patient or to other persons. The Family law stipulates that in case the well-being of a child is endangered, an official of a state agency or local government authority, police officer, health care professional, judge, prosecutor, teacher or any other person who has information concerning the endangered child shall notify the authorities of the child’s residence or a court thereof.

**Child protection law** – in Estonia, general child protection laws could be applied in cases of FGM. In cases of impending FGM, two laws could be applied. Firstly, the Child Protection Act stipulates that it is prohibited to humiliate, frighten or punish a child in any way which abuses the child, causes bodily harm or otherwise endangers their mental or physical health. Adults who violate this principle might be subject to criminal prosecution and a child who has suffered violent treatment is provided with the necessary assistance. In Estonia, everyone is required to report any child they know to be in need of protection or assistance. Secondly, under the Family Law, parental rights might be restricted or suspended if parents endanger the mental, physical and/or emotional wellbeing of their child.

**Policy framework** – the “Guidelines for Development of Criminal Policy until 2018” suggests that criminal policy should consider future possible risks of harmful traditional practices, and be ready to prevent and respond to problems such as forced marriage and honour related violence. It does not, however, specify FGM as one of the practices that should be taken into account, or specify how to deal with or what measures to use in the case of such risks. Thus far, the absence of specific policies on FGM has been related to the fact that no cases of FGM have been reported in Estonia.

1. **Can the Member State provide information on what it considers to be the major challenges in preventing and eliminating FGM?**
2. **Where applicable, has the Member State identified good practices in building the capacity through promoting self-learning, training, and mentoring of key persons and professionals from the health, social, education, judicial, law-enforcement, migration and asylum sectors in responding to the specific needs of girls and women at risk of FGM or affected by FGM?**
3. **Where applicable, has the Member State identified good practices in providing assistance by means of technical cooperation and the exchange of information concerning administrative, legislative and judicial and non-judicial measures to address FGM, as well as experiences and best practices regarding data collection to map prevalence and incidence rates among various groups inside the country?**