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BELGIUM: Burkini or not in swimming-pools? Strasbourg must decide

BANNING BODY-COVERING SWIMWEAR: THE HUMAN RIGHTS CENTRE SUBMITTED A THIRD PARTY INTERVENTION TO THE ECtHR IN MISSAOUI AND AKHANDAF V. BELGIUM

By Cathérine Van de Graaf

Human Rights Center of Ghent University (28.10.2022) - <https://bit.ly/3DkWwAX> - On the 12th of September, the [Human Rights Centre\[1\]](#) (HRC) of Ghent University (Belgium) submitted a third party intervention (TPI) before the European Court of Human Rights (ECtHR or the Court) in the communicated case of [Missaoui and Akhandaf v. Belgium](#), after being granted leave to intervene by the President of the Court's Third Section.

In the case, the Court is asked whether the prohibition of body-covering swimwear in a public swimming pool in Antwerp constitutes indirect discrimination based on religion under the European Convention on Human Rights (ECHR or Convention). In our submission to the Court, we highlight relevant elements of the Belgian legal and societal context as well as possible pathways for development of the Court's reasoning, based on our Centre's expertise on the topic.

Facts of the case

With this application the Court is asked to rule on the prohibition of body-covering swimwear imposed on the basis of the police regulations of the city of Antwerp (Belgium). The applicants are two women of Muslim faith who wished to swim in a swimming pool in the city but were denied entrance.

On the 22nd of September 2017, they first lodged a motion of cessation against the regulation before the president of the Antwerp Court of First Instance. The motion was based on the Decree of the 10th of July 2008 on the framework of the Flemish policy of the equal opportunities and treatment and the Law of the 10th of May 2007 to combat certain forms of discrimination. Their request was rejected by a judgment of 18th of December 2018. Then, on November 23, 2020, the Antwerp Court of Appeal dismissed the appeal lodged by the applicants against this judgment. Finally, on the 22nd of April 2021, a lawyer at the Court of Cassation gave a negative opinion on the chances of an appeal against the judgment of the Court of Appeal.

As such, the applications exhausted the domestic remedies and the case was submitted to the Court on the 22nd of October 2022. Relying on Article 14 in conjunction with Article 9 of the Convention, the applicants complain of indirect discrimination based on religion.

Legal and societal context

In the third party intervention, we first highlighted several relevant elements of the legal and societal context of the case of which the Court might not be aware. This includes the situation regarding bans on body-covering swimwear in swimming pools in Belgium, the broader context of other bans on religious signs/dress in Belgium, the broader context of hostility against Muslims in Belgian society, and the treatment of bans on religious signs/dress in international human rights law.

Bans on body-covering swimwear in swimming pools in Belgium

First, we referred to a [study](#) from 2017 by the HRC, focusing on Flanders (the Dutch-speaking Northern part of Belgium), which revealed that regulations concerning the wearing of body-covering swimwear were commonplace in public swimming pools. Among the 128 pools about which information could be obtained, only 30 responded that they allowed or would allow body-covering swimwear.

In the 76 swimming pools where 'burkinis' were not allowed, interviewees were asked what the reason was for the bans. 50 interviewees replied to that question by stating reasons such as hygiene (36 mentions), water quality (3 mentions), safety (13 mentions), majority morals favouring uncovering (7 mentions), the burkini being offensive (3 mentions) as well as concepts of neutrality, integration, tradition, and gender equality (each 1 mention).

We also mentioned the July 2017 [advice](#) of the Belgian inter-federal equality body (Unia) on body-covering swimwear. The advice states that a ban on body-covering swimwear is discriminatory against those who wear such swimwear for religious reasons, and that it affects individual autonomy and religious freedom. Thus far, three local 'burkini bans' have been challenged in court. The [Court of First Instance of Ghent](#) held in two judgments of July 2018 that such a ban violates the prohibition of discrimination based on religion.

One of these judgments was upheld when challenged before the [Ghent Court of Appeal](#), the other was never challenged. However, the Court of First Instance of Antwerp ruled in a judgment of December 2018 that an implicit 'burkini' ban in a public swimming pool in the city of Antwerp did not amount to an indirect discrimination on grounds of religion.

This diverging case law by courts in Ghent and Antwerp confronts local governments with legal uncertainty which will be further clarified below.

Other bans on religious signs/dress and hostility against Muslims in Belgian society

In Belgium, bans on veiling are "[spreading like an oil spill](#)" across the [various sectors of society](#): when confronted with any manifestation of Islamic veiling, banning has become the default option in Belgian society. This way, veiling – whether it is in the form of a headscarf or as part of a swimsuit – is de facto denormalized and almost automatically problematized.

The ban on body-covering swimwear case is an example of a particularly disturbing trend where Muslims wearing a hijab are denied access to services and facilities which other persons can make use of without any impediments. We cite cases where women were refused to enter an ice-cream bar, the terrace of a restaurant, the gym, a bowling alley and now a public swimming pool because they wore religious clothing.

This negative attitude seems to have resulted in a [growth](#) of explicit and measurable physical and verbal attacks toward Muslims. These [hate crimes](#) are often heavily gendered. In a [study](#) conducted by the EU Fundamental Rights Agency, out of all Muslim respondents in Europe (10 527), 31% of Muslim women who at least sometimes wear religious clothing in public reported experiencing harassment 12 months before the survey.

The decision-making processes over the 'burkini' often took place at a local level with often very limited actors involved where personal attitudes can easily play a role (as shown by [this study](#)). We thus invited the Court to be mindful of how the myriad of above-mentioned bans [facilitate and legitimatise](#) Islamophobic discourse by the general public.

Bans on religious signs/dress in international human rights law

We submitted that, in 2016, when multiple French municipalities banned body-covering swimsuits on their beaches, the United Nations Office of the High Commissioner for Human Rights [expressed its support](#) for the French Conseil d'État's decision to overturn the ban in one of those municipalities, and urged other municipalities to repeal their bans as well, calling them 'a grave and illegal breach of fundamental freedoms' and 'highly discriminatory'.

Additionally, we mentioned the clear consensus among UN treaty bodies that the practice of bans on religious dress in public spaces, particularly those affecting Muslim women, reveals problematic attitudes towards Muslim women in Belgium, and violate those women's right to freedom of religion as well as right to non-discrimination. We also noted that – on a global level – bans on body-covering swimwear [remain few](#). They occur almost exclusively in only three European countries – France, the Netherlands and Belgium – and even in those countries, they are only implemented on an individual basis, by a minority of swimming pools and municipalities.

Legal Reasoning under the European Convention on Human Rights

We respectfully submitted that (explicit and implicit) bans on body-covering swimwear in public swimming pools are not in conformity with Article 9 ECHR taken alone and read in conjunction with Article 14 ECHR. Since it is clear that Muslim women wear body-covering swimwear for religious reasons, there can be no doubt that the issue falls within the ambit of Article 9 ECHR. In view of the limited scope of our intervention, we

particularly focused on the context of legal uncertainty that surrounds bans on body-covering swimwear bans, which impacts the legality test under Article 9 ECHR, and the discriminatory nature of these bans.

We stated that the [Court has held](#) on multiple occasions that only a standard stated with sufficient precision to enable a person to regulate their conduct can be considered a 'law'. In the context at hand, vague provisions are not uncommon and – as the present case also demonstrates – their interpretation or application to a concrete case is often left to the person working at the ticket desk. We discussed that, if people working within the swimming pool have doubts about how certain rules should be applied, a person visiting the swimming pool will *a fortiori* be unable to regulate their conduct.

First, we argued that a general policy can constitute a case of indirect discrimination if it causes 'disproportionately prejudicial effects' which discriminate against a group, in spite of its ostensibly neutral phrasing. Some swimming pool regulations do explicitly mention body-covering swimwear, or even 'burkini's, as banned, whilst dress code regulations in other swimming pools solely contain a more generally formulated dress code, from which a ban on body-covering swimwear is subsequently deduced. In the present application, the latter is the case.

Hence, whilst Muslim women are not denied entry to swimming pools on the grounds of their religion as such, the swimming pool regulations do institute a difference in treatment on account of the prejudicial effect which they inflict onto them. Here, we outlined that Muslim women (who wear body-covering swimwear) constitute a vulnerable group, because they clearly appear today as a minority group that is suffering 'from widespread stigma and exclusion'. We submit that the jurisprudence on vulnerable groups should therefore apply, and 'very weighty reasons' should be required to justify a *prima facie* case of discrimination in the exercise of the freedom of religion.

We discussed the objectives that have been relied upon by municipalities according to the abovementioned study carried out by Unia and submit that none of these can be qualified as sufficiently weighty reasons capable of justifying a blanket (implicit) ban on body-covering swimwear in swimming pools.

First, we stated that, in spite of their legitimacy, neither hygiene concerns, nor concerns pertaining to the alleged complexity of verifying the correct use constitute sufficiently weighty reasons in this respect.

Then, we mentioned that, in light of the current absence of any concrete evidence in this regard, the argument regarding the protection of safety remains purely hypothetical and consequently does not constitute a (sufficiently weighty) reason capable of justifying a ban on body-covering swimwear.

We reminded the Court that, in the broader context of the neutrality of public services, it generally did not consider the behaviour of the users to pose a potential threat to the neutrality of the State. As certain swimming pools have invoked the fact that body-covering swimwear might be considered offensive by fellow swimmers by way of justification, we mentioned that the Court has [already indicated](#) that the wearing of a burkini is an instrument that actually enhances the integration of Muslim women. We therefore submit that the argument of 'living together' cannot be legitimately relied upon in order to justify a blanket ban on body-covering swimwear.

Consequently, we respectfully asked the Court to not to accept (as in previous [case law](#)) the aim of gender equality when it is not accompanied by concrete evidence of the alleged oppression of women, and to allow women to regulate their own appearance in the swimming pool.

We submitted that the present case offers a perfect opportunity for the Court to engage with intersectionality, which is increasingly recognized as a necessary dimension for supranational human rights bodies to engage with. The situation of Muslim women who prefer to wear body-covering swimwear in a country such as Belgium exemplifies the relevance of intersectionality analysis. Their gender, religion and race interact in a way that places them in a unique position and subjects them to a variety of vulnerabilities at all levels of society. As such, legal analyses that artificially limit their cases to the religious aspect consequently ignore the ways in which 'burkini bans' impact Muslim women not just based on their religion, but on its specific intersection with their [gender](#) and [race](#).

The [full third party intervention](#) can be found on the website of the [Human Rights Centre](#).

[1] For the Human Rights Centre, the academic team consisted of Dr. Pieter Cannoot, Dr. Sarah Ganty, Dr. Cathérine Van de Graaf, Tobias Mortier and Sarah Schoentjes.

DENMARK: Hijab ban proposal sparks debate, protests in Denmark

A new recommendation to ban Muslim headscarves in Danish elementary schools has been met with a backlash in Denmark.

By Anna Gudmann Hansen

Al Jazeera (12.09.2022) - <https://bit.ly/3ddpOIG> - The Danish Commission for the Forgotten Women's Struggle – a body set up by Denmark's ruling Social Democratic Party – has [recommended](#) that the country's government ban hijabs (Muslim headscarves) for students in Danish elementary schools.

The August 24 proposal is one of nine recommendations with the stated aim of preventing "honour-related social control" of girls from minority backgrounds. The other recommendations propose providing Danish language courses, promoting modern child upbringing practices in ethnic minority families, and strengthening sexual education in elementary schools.

Huda Makai Asghar, 15, would be forced to take off her headscarf if the ban is implemented. The ninth grader at the Kokkedal Skole – a school outside of the Danish capital, Copenhagen, with close to 800 students – has been wearing the hijab for two years.

"I have always known that we have freedom of religion in Denmark. I can wear what I want, and I can believe in what I like. So when I heard about the proposal, I was surprised," she told Al Jazeera on the phone.

Asghar feels the idea of a ban violates her freedom, and that of girls like her, and that it is wrong to force her to take the headscarf off.

"I can't do that; it is a part of me," she said.

The ban proposal has sparked a backlash in Denmark.

Iram Khawaja, an associate professor at the Danish School of Education at Aarhus University, has been outspoken against the proposal.

Her research focuses on how children from religious and ethnic minorities navigate Danish society, and she is co-founder of the Professional Psychology Network Against Discrimination.

According to Khawaja, a ban will not solve any of the issues faced by girls who are subject to social control.

"On the contrary, a ban can add to bigger issues. The girls who are already being exposed to negative social control will be put under increasing pressure," she told Al Jazeera.

"It is problematic to equate wearing the hijab with negative social control – there are also girls who do not wear the hijab who are exposed to negative social control," Khawaja added.

According to the commission's report ([PDF](#)), the "use of scarves in elementary school can create a division between children in two groups – 'us' and 'them'".

The study was conducted by the research companies Als Research and Epinion on behalf of the Danish Ministry of Education. It is based on a survey of 1,441 students in sixth to eighth grades from 19 elementary schools and eight independent and private schools, as well as 22 interviews with students and 17 interviews with teachers.

According to Khawaja, a study from 2018 on the extent of negative social control showed that few Danish school children – 8 percent of the participants in the study – are actually exposed to social control.

"The majority of girls wearing the hijab are doing it of their own free will," Khawaja said.

According to her, simply making the recommendation and the debate that will follow could have negative consequences.

"It will, of course, have consequences if the ban is put into action, but I believe there are already negative outcomes now. Simply putting the proposal out there is already stigmatising, problematising, and casting suspicion on a large group of religious minorities," she said.

"Although the intentions are good, it ends up stigmatising and disempowering the ones you are trying to help."

Lone Jørgensen, principal of Tilst Skole, an elementary school in Jutland with approximately 700 students, does not support the recommended ban, either.

"The ban would create a law between the children and their parents, and the children would get stuck in between," Jørgensen told Al Jazeera.

"My job is to run a good school for everyone, where there is room for everyone and everyone is of equal value."

'Part of Denmark'

On August 26, several thousand people took to the streets of Copenhagen to protest the ban proposal.

According to the Danish newspapers [Arbejderen](#) and [B.T.](#), several thousand took to the streets.

Midwife and activist Lamia Ibnhsain, 37, organised the event, titled "Hands off our hijabs".

"I realised that our voices are invisible in society. The initial intention with the demonstration was to go to the streets and make our voices heard," she told Al Jazeera.

Ibnhsain said she has had "a lot of difficult feelings" following the ban proposal.

She has felt "othered", placed under suspicion as a mother, and she fears a ban might add to some girls feeling "wrong" compared to others.

"Muslim women wearing the hijab are everywhere in Danish society. They are doctors, psychologists, bus drivers, and artists. They are a part of Denmark," she said.

Ibnhsain is a mother to two girls – an eight-year-old and a 16-year-old.

Her older daughter wears the hijab, while the youngest wears it on days when she feels like it.

Ibnhsain explains how talking to her girls about a possible ban has been tough.

"My girls are wearing the hijab with joy and happiness. The hijab is a matter of the heart, and it should under no circumstances be turned into a political discussion," she said. "It violates my girls' basic rights."

The commission

The commission was set up by the current ruling party, the Social Democratic Party, in January.

Although it presented the recommendations unanimously on August 24, two members of the commission later on retracted their support for a hijab ban following the debate, which led to one of them withdrawing completely from the commission, stating that she could not support the proposal of a ban.

In a written response to the criticism of the study presented to the commission in an email, the secretariat behind the commission told Al Jazeera it had been set up by the government and its mission was to present recommendations on how to ensure that all women from a minority background could enjoy the same rights and freedoms as other Danish women.

"The commission focuses on how Danish society can reinforce the efforts against honour-related social control, which we know from research is a problem in certain environments in Denmark," it said in an email response.

"The study from 2018, which is referred to, states that only 43 percent of the ethnic minority girls in the study are allowed to see male friends in their spare time, while the same is the case for 88 percent of the ethnic Danish girls," the statement read.

"And 13 percent of ethnic minority girls are afraid that their families will plan their future against their will, while the same is the case for 5 percent of the ethnic majority girls. One of the aims of the commission is to bring recommendations on how to equalise differences like these between Danes who are ethnic minorities and majorities," it added.

The secretariat said the commission consisted of nine members with different backgrounds and knowledge – "they are people with practical experience, research backgrounds, and people who have experienced these issues personally. All know about the challenges related to countering honour-related social control".

The commission is set to make additional recommendations in the coming months.

Photo: On August 26, people took to the streets to protest a proposed hijab ban in Danish elementary schools [Courtesy of Lamia Ibnhsain]

FRANCE: Muslim students' robes are latest fault line for French identity

When the French education minister declared that the abayas favored by some Muslim women "can no longer be worn in schools," he stoked a fierce debate over the country's secular ideals.

By [Roger Cohen](#)

[New York Times](#) (15.09.2023) - The mass French return to work, known as the "rentrée," is often marked by renewed social conflict. This year has been no exception as the summer lull has given way to yet another battle over a recurrent national obsession: How Muslim women should dress.

Late last month, with France still in vacation mode, Gabriel Attal, 34, the newly appointed education minister and a favorite of President Emmanuel Macron, declared that "the abaya can no longer be worn in schools."

His abrupt order, which applies to public middle and high schools, banished [the loosefitting full-length robe](#) worn by some Muslim students and ignited another storm over French identity.

The government believes the role of education is to dissolve ethnic or religious identity in a shared commitment to the rights and responsibilities of French citizenship and so, as Mr. Attal put it, "you should not be able to distinguish or identify the students' religion by looking at them."

Since then, organizations representing the country's large Muslim minority of about five million people have protested; some girls have taken to wearing kimonos or other long garments to school to illustrate their view that the ban is arbitrary; and a fierce debate has erupted over whether Mr. Attal's August surprise, just before students went back to their classrooms, was a vote-seeking provocation or a necessary defense of the secularism that is France's ideological foundation.

"Attal wanted to look tough, and draw the political benefits, but this was cheap courage," said Nicolas Cadène, the co-founder of an organization that monitors laïcité in France, which is broadly the idea of a nondiscriminatory society where the state upholds strict religious neutrality. "Real courage would be to tackle the lack of social mingling in our

schools, leading to segregated development and separate ethnic and religious identification.”

France banned “ostentatious” religious symbols in middle and high schools almost two decades ago. This, like the Second Amendment in the United States, left much room for interpretation.

The issue has been whether the 2004 law took aim equally at Muslim head scarves, Catholic crosses and Jewish kippas, for example, or was in effect a means to target an Islam viewed as increasingly threatening. The abaya, a garment that generally reflects Muslim religious affiliation but may merely amount to the choice of modest attire, had inhabited a gray area until Mr. Attal’s pronouncement.

In practice, “ostentatious,” as interpreted by school officials, has tended to mean Muslim. France’s concern over the fracturing of its secular model, fueled by a series of [devastating attacks](#) by Islamist terrorists, has focused on the perceived danger that Muslims will shun purportedly universal “Frenchness” in favor of their religious identity, and fanaticism in its name.

The niqab, the veil, [the burkini](#), the abaya and [even the head scarves worn by Muslim women accompanying children on school trips](#) have all been pored over in France to a degree unusual in Europe — and much more so in the United States, which posits freedom of religion in contrast to French freedom from religion.

More on France

- **Abaya Ban:** A top court in France [upheld a new government decree](#) barring [children in public schools from wearing the abaya](#), a robe worn by some Muslim women, in a blow to critics who had filed an emergency petition to strike it down.
- **Parisian Pools:** Swimming in Paris is a full-on cultural experience, [offering intimate views into the French psyche](#), which is on near-naked display in the swimming lanes, locker rooms and (mostly coed) showers.
- **Macron’s Political Outreach:** After a tumultuous year, President Emmanuel Macron is meeting with his opponents in hopes of building bridges. [But few seem interested in working with him.](#)
- **Cafe Culture:** Paris has long been renowned for its bustling cafe scene, but thousands of additional outdoor spaces bloomed under a pandemic program. [Now they are permanent.](#)

No French president would ever suggest that God bless France. The country’s lay model supplants any deity. A 2021 survey from IFOP, a leading French polling group, found that half of French people identify as atheists, a far greater proportion than in the United States.

Over recent years, *laïcité*, set out in a 1905 law that removed the Roman Catholic Church from public life, has hardened from a broadly accepted and little debated model that permitted freedom of conscience into a rigid and contested dogma. It has been passionately embraced on the right, and supported by a wide spectrum of society, as the French defense against everything from Islamist fundamentalism to American multiculturalism.

“This should have been done in 2004, and would have been if we did not have gutless leaders,” Marine Le Pen, the far-right, anti-immigration leader, said of Mr. Attal’s announcement. “As General MacArthur observed, lost battles can be summed up in two words: too late.”

The question is: too late for what? To ban the abaya from schools, as Mr. Attal now demands? Or to stop the spread of inferior, understaffed schools in ghettoized, drug-plagued neighborhoods on the outskirts of big cities, where the opportunities for children of Muslim immigrants are diminished and the possibility of radicalization increased? Here is where France splits — not down the middle, because Mr. Attal's ban has an approval level of over 80 percent, according to polls, but in critical ways for the country's future sense of itself.

Where some still see laïcité as the core of a supposedly colorblind nation of equal opportunity, others see a form of hypocrisy that masks how far from unprejudiced France has become, as illustrated by those troubled suburbs with large Muslim populations. Hence the explosiveness just beneath the surface of French life.

[Fury still lingers](#) over [the beheading by an Islamist extremist of Samuel Paty](#), a teacher who in 2020 showed caricatures of the Prophet Muhammad in class to illustrate how free speech works in a secular France.

At the same time, the nights of [violent rioting in June](#) this year that followed a police officer's shooting of [Nahel Merzouk](#), a 17-year-old of Algerian and Moroccan descent, demonstrated the pent-up rage stirred by the feeling that to be Muslim in France is to be at greater risk.

"The French government that invokes the laws of 1905 and 2004 to 'protect the values of the Republic' from an adolescent dress reveals its great weakness and lack of initiative in creating a peaceful form of living together that would ignore differences," Agnès de Féo, a sociologist, wrote in the daily Le Monde.

To which Éric Ciotti, a leader of the Republicans, a center-right party, retorted that "communautarisme" — or identification first and foremost with a religious or ethnic identity — is "a leprosy that threatens the Republic." Mr. Attal, he said in a statement, had given the appropriate response.

The views of the Republicans are important to Mr. Macron because his Renaissance party and its centrist allies do not have an absolute majority in Parliament, and their likeliest ally in passing legislation is probably Mr. Ciotti's party.

In this sense, Mr. Attal's decision has a clear political dimension. Mr. Macron governs from the center but leans right.

Mr. Attal took over one of the most sensitive of French ministries in July, after his predecessor, [Pap Ndiaye](#), the [first Black education minister](#), was effectively hounded from office by a torrent of rightist abuse, with thinly veiled racism appearing to lace much of the vitriol against him.

He was targeted for his supposed [importation into France](#) of America's "doctrine of diversity" and his "reduction of everything to skin color," as Valeurs Actuelles magazine, an extreme-right publication, put it this spring.

In June, just before he was ousted, Mr. Ndiaye rejected a sweeping ban on abayas of the kind adopted by Mr. Attal and [upheld by a top French court last week](#). He said, "We are not going to edit a catalog of hundreds of pages with dresses of different colors and forms of sleeves."

Rather, Mr. Ndiaye said, decisions about abayas should be left to the discretion of school principals.

Outside a high school in the northern Paris commune of Stains, Sheik Sidibe, a 21-year-old Black teaching assistant, said he had until recently worked at a school where the principal "showed a lack of respect" to Muslim students, "putting in place checkpoints where she arbitrarily decided which students could enter and which not" and criticizing Muslim women who chose to wear head scarves in the street.

"We should focus on real problems, like lousy teachers' salaries," said Mr. Sidibe, who is Muslim. "We have students living in states of extreme precariousness and we marginalize them even more. Our mission should not be to police clothes."

The political ramifications of Mr. Attal's measure remain to be seen. What appears clear already is that in a restive French society, it has been more polarizing than unifying, the declared aim of laïcité.

"Laïcité must be a form of liberty, the equality of everyone whatever their convictions," Mr. Cadène said. "It must not turn into a weapon to silence or block people. That is not how you make it attractive."

FRANCE: Female genital mutilation: 'Women circumcise little girls for men'

By Assiya HAMZA

[France 24](#) (06.02.2023) - In France, nearly 125,000 women have undergone female genital mutilation (FGM). The fight against this practice has led to the creation of psychological and surgical care over the last 40 years but the subject remains taboo. FRANCE 24 provides an overview of the situation on the International Day of Zero Tolerance for Female Genital Mutilation, February 6.

Excision: The cutting or removal of some or all of the [external female genitalia](#), her clitoris, her inner labia. "[Cutting is a form of violence committed against little girls](#). It is one of the most [serious types of sexual violence](#)," says Dr Ghada Hatem, an obstetrician-gynaecologist, in front of a crowded room at Hospital Delafontaine in the French suburb Seine-Saint-Denis. The practice, which some describe as "traditional", "religious" or even "mandatory", is difficult to eradicate, including in France, where it is nevertheless punishable by law.

[Diaryatou Bah](#) was circumcised when she was 8 years old in Guinea Conakry where she lived before coming to France: "It happened one morning. A woman came and took me outside. I found myself surrounded by aunts, neighbours and my grandmother. Two held my feet while two others help my hands. They covered my face with leaves. No one explained what was going to happen to me."

The founder of the "Espoirs et combats de femmes" ("Hopes and dreams of women") association and author of the book "They stole my childhood from me", Bah remembers certain details vividly.

"I'll never forget the knife and the feeling when the woman cut me. My own scream. I am 37 and I still remember the details. I knew I was going to endure the procedure one day because it was what every little girl went through; that was the ritual. All the women in my family have undergone the practice."

What followed was "indescribable pain and three weeks without being able to walk". She took a long time to understand her experience, she says.

"Until the age of 20, I thought all the women in the world went through the same procedure."

Risk of FGM increased by Covid pandemic, war in Ukraine

Bah's story is similar to the one shared by millions of little girls in Africa, the Middle East and Asia. Out of the 200 million women who have been victims of FGM worldwide, 125,000 who have undergone the procedure live in France, according to statistics published by the [Weekly Epidemiological Bulletin \(BEH\)](#) in July 2019. The overall number of victims could even be revised upwards, according to projections by the [United Nations](#). The Covid pandemic and the war in Ukraine account for the increasing number of women suffering FGM. "In Africa, some circumcisers have begun to re-adopt the ritual. Families do not have enough to eat, schools are being closed and the solution is to marry off their daughters," says Isabelle Gillette-Faye, sociologist and director of [GAMS](#) (Group for the Abolition of Sexual Mutilation, Forced Marriage and other traditional practices harmful to the health of women and children). Globally, she adds, we have gone from a risk of 2 million victims of FGM per year to 3 or 4 million by 2030.

Despite the gloomy predictions, and even if she says it is necessary to remain "attentive", Gillette-Faye prefers to concentrate on the achievements of 40 years of prevention and education. In France, the first cases of FGM appeared at the end of the 1970s. Men from Sub-Saharan Africa who had come to France to work also brought their wives. Paediatricians from the Maternal and Infant Protection (PMI) service discovered the first mutilated girls during medical examinations. In 1982, a three-month-old girl died in hospital in Paris following an excision. A wave of shock rippled across France. The little girl's doctors filed a civil action lawsuit.

At the time, even though excision was not mentioned, [FGM was considered a crime punishable by 10 years in prison](#) and a €150,000 fine, according to article 222-9 of the [penal code](#). The law applies whether or not FGM took place in France or during a vacation in the country of origin, as long as the victims live on French soil.

"Families find it difficult to understand that [the law applies in France](#) even if they have their children circumcised outside the national territory and regardless of their nationality," says Gillette-Faye.

Since the 1980s, nearly 30 circumcisers or parents of mutilated girls have been put on trial in France. In April 2022, a 39-year-old mother received a five-year suspended prison sentence for the excision of her three oldest daughters, including one who is mentally handicapped, between 2007 and 2013. The procedures took place during the girls' visits to their grandmother in Djibouti, a country where FGM has been banned since 1995.

"Up until then, we had only been talking about West Africa. We discovered that families from East Africa could be judged, condemned and owe damages to their children for having practiced FGM even if the procedure took place outside the national territory," says Gillette-Faye, who attended the trial.

Silence prevails

What accounts for the persistence of this tradition despite the laws against it? For uprooted families, perpetuating this tradition allows them to cling to their cultural identity.

"Many use the religious argument that it is written in the Koran," says Dr Ghada Hatem, also founder of La Maison des femmes ([The House for Women](#)) in the Parisian suburb of Seine-Saint-Denis. She adds that the practice does not exist in any of the books of the three Abrahamic religions: Judaism, Christianity and Islam. There is also the fantasy that a "pure" woman is an excised woman, that it increases fertility and that the child has a better chance of being born alive.

As for the taboo about openly discussing FGM, it is almost omnipresent within the family and the community of origin. "In the community silence prevails, as always in the case of violence, guaranteeing that the practice will be maintained," says Hatem. "Girls are excised without an explanation. Over there [in the country of origin], what is not normal is an uncircumcised girl. She is seen as impure and above all, she will not be able to marry. In order for her to remain a virgin until marriage, she must be circumcised," confirms Bah.

Sometimes these women are unaware of their excision. "I see women on a daily or at least weekly basis who have undergone FGM. Some of them do not even know they have had it," says Agathe André, a midwife at a public hospital in Nanterre, near Paris. "There is no easy way to say it but it is important that we inform them, especially when they give birth to a little girl. They will potentially return to their country of origin and they must be made aware that in France, the practice is forbidden."

"Many women don't know if they are excised because they were in the cradle when they went through the procedure," says Gillette-Faye. Very often, they only discover what happened to them during a visit with their gynaecologist or sometimes during childbirth. "I have patients who were very angry. Some had given birth four times in France and no one ever told them anything," says Hatem.

Do some doctors and women stick their head in the sand when it comes to FGM? Certainly. Fear also plays a role. As with other cases of violence against women, doctors must measure their words in order not to accentuate or awaken sometimes buried trauma. "If you approach the subject in an inappropriate, humiliating or critical way, you will do a lot of harm to the young woman you're dealing with," says Hatem, who trains health workers in best practices.

"As soon as you start talking about 'normal' vulvas, you do damage," adds Gillette-Faye, speaking from her own experience and also referring to reconstructed genitals seen in pornographic films. "It's a form of aggression against mutilated women who already have a tendency to beat themselves up because they tell themselves that they are not normal."

For Hatem, a victim expects above all that "you explain to her what FGM is, what has been done to her, the consequences, if she can live normally and [what you can offer her](#)".

Repairing lives

Victims sometimes suffer silently for many years. FGM can lead to sexual problems such as a lack of desire and/or pleasure, and shame. The trauma runs deep. Excision, forced marriage, rape, abuse - "The average fate of a little girl in Sub-Saharan Africa is often a continuum of violence," says Hatem.

To help them rebuild their lives, repairing the anatomy of FGM victims is possible. In 1984, Dr Pierre Foldès, an urological surgeon and co-founder of Doctors without Borders, developed the only surgical method to repair the clitoris. "Everything is

absolutely repairable...," says Foldès. "The technique is reliable and there is an extremely low failure rate."

The traditional circumcisers do not cut everything. "There is scarring that hides what remains of the clitoral glans. The technique consists of finding all these dead parts and gently removing them," Foldès explains. "In this process, the clitoral stump is pulled upwards by the scarring and the pubic bone. When these abnormal adhesions are removed, the clitoris will descend and reposition itself normally."

In 35 years, Foldès has performed reconstructive surgery on 6,000 women and his waiting room is always full. The victims sometimes come from very far away. And they're ready to wait as long as it takes for an appointment.

All eyes on men

Having surgery is far from the end of the ordeal. "The goal is not to restore the clitoris but to restore normal sexuality," says Foldès, who also helped found [Women Safe & Children](#), the first care centre to provide full recovery for women victims of violence, in the Paris suburb of Saint-Germain-en-Laye. "We must consider all aspects of the trauma, treat each and accompany the victims throughout. If we operate, we have to accompany the patient for two years. We will treat the patient, teach her how to live with a normal organ and try to rebuild her sexual life. When you take time, the healing process works better."

Repairing a woman's mutilated genitals without repairing her mental health inevitably leads to failure. "Some women are disappointed because they do not see any improvement. Often, it is because their healing process is not optimal," says Foldès. "Some women's condition deteriorated after their operation...," says Gillette-Faye. "Sometimes they skip steps and go to a plastic surgeon. There is a real market for cosmetic surgery. At GAMS, we have chosen to promote global care."

To help eradicate FGM, all eyes are now on men. In Belgium, [GAMS](#) has launched awareness campaigns called ["Men speak out"](#).

In France, the national federation also works with the association [Femmes Entraide et Autonomie \(FEA\)](#) (Mutual aid and autonomy for Women).

"We have to leave behind the notion that this is a women's problem and that men don't have to be involved," says Gillette-Faye.

"We need to involve men so that they say 'I will not marry a woman who has been circumcised'," says Hatem. "Women circumcise little girls for men. If men say no, they will stop getting circumcised."

EU: International Day of Zero Tolerance for FGM

EU Delegation to the UN in Geneva (04.02.2022) - <https://bit.ly/3sgkszY> - Ahead of the International Day of Zero Tolerance for Female Genital Mutilation, 6 February 2022, High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission Josep Borrell Fontelles, Vice-President for Values and Transparency, Věra Jourová, Vice-President for Democracy and Demography, Dubravka Šuica, Commissioner for Equality, Helena Dalli, and Commissioner for International Partnerships, Jutta Urpilainen, joined together to reaffirm the EU's strong commitment to eradicate female genital mutilation worldwide and made the following statement:

"Ahead of the International Day of Zero Tolerance for Female Genital Mutilation, 6 February 2022, High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission Josep **Borrell Fontelles**, Vice-President for Values and Transparency, Věra **Jourová**, Vice-President for Democracy and Demography, Dubravka **Šuica**, Commissioner for Equality, Helena **Dalli**, and Commissioner for International Partnerships, Jutta **Urpilainen**, joined together to reaffirm the EU's strong commitment to eradicate female genital mutilation worldwide and made the following statement:

"Female Genital Mutilation (FGM) is a crime and a violation of women's human rights. We must stop it.

There is no justification for such a horrific practice. There are, however, very serious negative consequences that affect the physical and mental health of women and girls, including infections, infertility and chronic pain. This practice puts the lives and wellbeing of thousands of women and girls at risk and in some cases it can even lead to their death.

While many communities have abandoned FGM and cultural norms are changing, leading to a decrease in FGM, the COVID-19 pandemic has slowed progress towards its eradication. In times of confinement, maintaining access to prevention, protection and care services remain more important than ever.

Ending all forms of gender-based violence, including FGM, is at the heart of EU equality policies. Since the start of this Commission's mandate, we stepped up our actions in Europe and globally with the EU Action Plan on Human Rights and Democracy 2020-2024, the EU Gender Equality Strategy 2020-2025 and the EU Gender Action Plan III. We presented a comprehensive Strategy on the Rights of the Child, which also sought to put an end to violence against children, including FGM. This year, we will present a legislative proposal to prevent and combat violence against women and domestic violence, as well as a recommendation on the prevention of harmful practices. We cannot tolerate violence against women and girls."

Background

Female genital mutilation comprises all procedures involving partial or total removal of the female external genitalia or other injury to the female genital organs for non-medical reasons, as defined by the World Health Organization. FGM is a worldwide issue, which exists in Europe too. It is estimated that 180,000 girls in 13 European countries alone are at risk of being mutilated while [600,000 women are living with the consequences of FGM\(link is external\)](#) in Europe. FGM is carried out erroneously for a variety of cultural, religious or social reasons on young girls between infancy and 15 years of age. FGM constitutes a form of child abuse and violence against women; it has severe short- and long-term physical and psychological consequences.

Criminalisation of FGM is required under [the Council of Europe Convention\(link is external\)](#) on preventing and combating violence against women and domestic violence. The Convention is signed by all EU Member States and has been ratified by 21 Member States so far. The Commission has been working together with the Council towards the EU's accession to the Convention. The Commission will put forward a proposal to prevent and combat violence against women and domestic violence, as well as a specific Recommendation on the prevention of harmful practices.

In addition, through the [Citizens, Equality, Rights and Values Programme \(CERV\)](#), funding will continue to be provided to Member States' and civil society-led projects

tackling gender-based violence, including FGM. Under the [2021 DAPHNE call for proposals](#), 40 projects were awarded to be funded with a budget of €17.7 million. The Commission published a new [call for proposals](#) with a budget of €30.5 million, open until 12 April 2022, which specifically includes a priority dedicated to combating and preventing violence linked to harmful practices. Currently, with EU funding the CHAIN project is strengthening the prevention, protection and support for victims of FGM and early and forced marriage through, through training, capacity building and awareness raising activities in Germany, Spain, France, Italy and Belgium.

The [1989 UN Convention on the rights of the child\(link is external\)](#), to which all EU Member States are party, also condemns FGM as a form of violence against girls. In 2021, the Commission presented a comprehensive EU [Strategy on the Rights of the Child](#), which contains concrete actions and recommendations on how to effectively prevent and put an end to violence against children, including FGM.

In the context of external action and development cooperation, ending FGM continues to be a key action under the [EU Action Plan on Human Rights and Democracy 2020-2024](#) and the EU Gender Action Plan 2021-2025. This is reflected in political dialogues as well as concrete actions, for example, through the support to the [UNFPA/UNICEF Global Joint Programme on the Elimination of Female Genital Mutilation\(link is external\)](#) through the [Spotlight Africa Regional Programme\(link is external\)](#), which dedicated €7.5 million to tackling the practice in 17 partner countries. Despite the restrictions during the COVID-19 pandemic, around 650,000 women and girls were provided with gender-based violence services, including support to the prevention of harmful practices. The EU also supports projects addressing FGM at country level through its European Instrument for Democracy and Human Rights (EIDHR). For example, in Somalia, the EU supports the empowerment of CSOs to lobby and advocate for FGM policy adoption; in Sudan, the EU supports the legislative reform for the abandonment of FGM in rural communities.

[The New Pact on Migration and Asylum](#) put forward by the Commission in September 2020 aims to reinforce the protection safeguards available to persons with specific needs, in particular, female applicants who have experienced gender-based harm. This includes ensuring access to medical care, legal support, appropriate trauma counselling and psycho-social care at different stages of the asylum procedure.

For More Information

To find out more about female genital mutilation and what the European Union is doing to eliminate this practice, [see website](#).

[Myth-Busting Female Genital Mutilation \(FGM\)](#)

Research from the [European Institute for Gender Equality](#) estimating the number of girls at risk of female genital mutilation in Denmark, Spain, Luxembourg and Austria: [FGM study: More girls at risk but community opposition growing](#) (2021)

Watch this [video\(link is external\)](#) from Commissioner Dalli and MEPs Evelyn Regner and Assita Kanko on Zero Tolerance to Female Genital Mutilations."

EU: 28 Factsheets on the femicide framework in EU member states

EIGE (04.01.2022) - <https://eige.europa.eu/gender-based-violence/femicide> - Femicide is the most severe manifestation of gender-based violence.

It is deeply rooted in and a manifestation of power imbalances in society, which promotes an unequal status for men and women. Femicide is broadly defined as the killing of a woman or girl because of her gender, and can take different forms, such as the murder of women as a result of intimate partner violence; the torture and misogynist slaying of women; killing of women and girls in the name of "honour"; etc.

EIGE has carried out [four studies](#) on administrative data collection and developed 13 indicators on intimate partner violence, rape and femicide for the police and justice sectors. The necessity to better understand and measure the phenomenon of femicide has led EIGE to develop a definition of femicide:

EIGE has developed 28 factsheets on the femicide framework in Member States.

Data collection systems vary widely across EU Member States, as they draw on various sources.

EIGE has collected information from a wide variety of stakeholders through a questionnaire sent to official data providers and an online survey filled in by national experts. Based on these EIGE is presenting country-factsheets with detailed information on the data gathering at national level.

[Belgium](#)
[Bulgaria](#)
[Czechia](#)
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EIGE is currently working in a project entitled "Improving legal responses to counter Femicide" (2021).

The overall aim of the study is to improve the institutional responses by identifying the gaps within and between law and in practice when providing justice to victims of femicide.

The report will be published in 2022.

FRANCE: Trial of female circumcision: a mother sentenced

The court has decided: the law takes precedence over tradition.

TV5 Monde (05.04.2022) - <https://bit.ly/3xjxjFH> - Jurors and magistrates have decided: the law takes precedence over tradition. In Le Mans, a mother was given a five-year suspended sentence for circumcising her three eldest daughters during trips to Djibouti. Sociologist Isabelle Gillette-Faye, a specialist in excision, sheds light on the issues of this trial.

On March 30 and 31, 2022, a mother of seven children appeared before the Assize Court of Sarthe, in west-central France, for "complicity in violence against minors under the age of 15 followed by mutilation or permanent infirmity". In concrete terms, she is accused of having her three eldest daughters undergo excision. However, this female mutilation is strictly prohibited and punishable, in France, by fifteen years of imprisonment - in Djibouti too, excision has been prohibited since 1995. This trial is the first in ten years in France after [that of Nevers in 2012](#).

Excised in Djibouti

If [Nevers' trial](#) tried parents who had excised their girls in precarious conditions, at their home in France, the 39-year-old woman tried in Le Mans had her three eldest daughters excised in 2007 and 2013, during stays with their grandmother in Djibouti, her country of origin. The little ones were then 4, 5 and 7 years old.

In France, the eldest girl, who has a mental disability, is followed in a socio-educational center. Upon her return from the trip to Djibouti undertaken by the family in 2013, she explained to her educators that she has "*no darling, no zizizi*" by showing the genital area. His drawings depict children crying tears of blood.

Alerted, the socio-educational team issued a "notice of concern", in accordance with the reporting procedure. This resulted in a medical examination that confirmed the girl and her two sisters had undergone genital mutilation. "*This time, and this is not always the case, the magistrate in charge of the case went to the end, to the trial in assizes,*" noted Isabelle Gillette-Faye.

An exemplary trial

The sociologist, who is the Director of the [National Federation GAMS](#) (Group for the Abolition of Sexual Mutilation, Forced Marriage and other traditional practices harmful to the health of women and children), attended part of the trial as an expert witness, at the request of the court. She explained the ins and outs of an excision and contextualized the facts committed by the mother. "*I was there to shed light on people, jurors or assessors, who are not used to being confronted with this kind of case,*" she explained, stressing the attitude of stakeholders: "*very attentive and eager to do well, to understand without judging. How can a mother do this to her daughters? Why do girls themselves continue to trivialize an act that could, and can still have had dramatic consequences?*"

The accused humiliated in her good faith

Isabelle Gillette-Faye, found the mother "very worthy, who says she understood that excision is prohibited by law." The sociologist has another deciphering of the accused's thought: "I believe that she remains convinced that it is a religious necessity (Editor's note: the mother is Muslim) and that she does not understand why she is prevented from doing so." However, since 2015, the mother has had four other children. "She didn't touch any of them, girls and boys. So she seems to have understood the ban, but not the why," analyzes Isabelle Gillette-Faye.

"Throughout the trial," said Isabelle Gillette-Faye, "the mother of the three young excised women wanted to convince that the infibulation she herself suffered in her childhood (total or almost total excision, female genital mutilation type 3) did not have any harmful consequences on her life as a woman": "She assures that her sexuality remained perfect, that her deliveries went very well," reported the sociologist.

In addition, the accused argued that she brought a nurse home so that her daughters' excisions take place in the best hygienic conditions and that their excisions were relatively minimally invasive - female genital mutilation type 1. "She thinks she behaved like a good Djiboutian mother and does not understand why the sky falls on her head.

In fact, when the verdict was read, the accused collapsed into tears. Surprised by this reaction, Isabelle Gillette-Faye said: "It is extremely rare that this kind of woman expresses her emotions in public so intimately. This says a lot about the humiliation she felt for being convicted for an act she considers normal." Disgrace is all the more cuncky for the mother as she will now be under surveillance to dissuade her from touching her youngest children and that socio-educational follow-up will probably be imposed on her older children.

Victims in denial

The girls, the victims, did not attend the trial. The older one, disabled, must remain under protection. As for the two younger ones, "they are in total denial of what happened to them," explained Isabelle Gillette-Faye. They consider that this trial of their mother was wrong and spoke of their excisions as something normal. They did everything to exonerate their mother, so that she was not convicted. "Denial is a fairly classic reaction for children who are victims of violence and abuse," said the sociologist.

What about the fathers?

The late father of the victims was, according to the accused, not aware of the intervention suffered by his three daughters during their stay in Djibouti. He was certainly not present, according to Isabelle Gillette-Faye, but he must have been aware of it: "We had to pay for these interventions. Especially since in Djibouti, dowries are very high, and the only way for a father to monetize his daughters to a Djiboutian for an amount as high as he himself had to pay for his wife was that they be excised before marriage."

A Djiboutian family condemned

In the eyes of Isabelle Gillette-Faye, the origin of the accused is an important point in this Le Mans trial, because it is the first time that a Djiboutian family has been convicted.

However, France is facing the arrival of populations in East Africa who have not been made aware of the ban of female genital mutilation unlike West African migrants. "This

verdict is an excellent reminder," said the sociologist, "especially since the Djiboutian community is relatively large in the Le Mans region, and the shock wave of the trial will remind everyone that France, like Djibouti, prohibits female circumcision."

HUNGARY Tightens abortion law by decree

In a sign of the extreme-right flexing its muscles, Hungary's government amended the law to now require women requesting an abortion to prove they have seen the foetus's vital signs.

Reporting Democracy (13.09.2022) - <https://bit.ly/3QOUrBP> - Hungary's nationalist-populist government amended the country's abortion law following the lead of the extreme right, with women now needing to prove to doctors they have listened to the "heartbeat of their foetus" before gaining access to abortion services.

With this [decree](#) issued on Monday, Hungary joins a regional trend of conservative and religious forces trying to restrict women's rights. In October 2020, the Polish Constitutional Tribunal – stuffed with judges appointed by the populist right – [tightened the existing legislation](#) to virtually ban abortion. That same month, a group of ultra-conservative MPs in Slovakia [tried, but narrowly failed](#), to impose new delays on women's access to abortion by extending the current 48-hour mandatory waiting period to 96 hours.

In Hungary, the arrival of the extreme-right [Mi Hazank \(Our Homeland\)](#) party in parliament following the April general election appears to be pushing Viktor Orban's government to further align itself with ultra-conservative forces, say experts.

Mi Hazank's deputy president, Dora Duro, has long campaigned for the introduction of a "heartbeat" law ostensibly as a way reduce the number of abortions performed in the country.

In the government decree published in the National Gazette on Monday, it reads: "Foetal vital functions have to be presented to patients in a clearly identifiable manner".

"I find it striking that the government introduces a measure which has a direct effect on women's lives without any public consultation," Reka Safrany, president of the Hungarian Women's Lobby, told BIRN, saying it is a clear tightening of the current abortion legislation that, she fears, will further humiliate women.

"The government is sending the message to women that we have no control over our own bodies," she added.

This is not the first time Fidesz has turned for inspiration to the far-right opposition. The government's [anti-LGBT campaign](#) also began with [Dura publicly shredding an LGBT-friendly children's book in 2020](#), which was followed by legal restrictions on same-sex couples adopting.

Yet abortion has not traditionally been a particularly contentious issue in Hungary. Hungarian society is mostly pro-choice and the number of abortions has been steadily declining, from 56,000 in 2010 to 23,900 in 2020, due mostly to education but perhaps also to generous government policies supporting childbearing.

Current legislation allows women to request an abortion until the 12th week of pregnancy if they feel "they are in a critical situation". Even so, they need to take part in two compulsory consultations prior to abortion with childcare services, where they are often humiliated, women's rights organisations allege.

Even though members of Hungary's conservative government have repeatedly promised not to touch the country's abortion laws, several steps taken over the last few years have raised fears among those campaigning for women's rights.

The Hungarian constitution – written in 2012 by the current government – states that "a foetus has to be protected from conception".

And in 2012, medical abortion (i.e., through use of an abortion pill) was banned by the Fidesz government, leaving women with no alternative to the much more traumatic surgical abortion.

The Fidesz government, along with a number of autocratic and oppressive regimes, is a [co-sponsor of the Geneva Consensus Declaration](#), which campaigns against abortion and promotes the traditional family model.

President Katalin Novak said in a recent [speech](#) that she would support "protecting life from the moment of conception" and predicting that there might be steps taken towards tightening abortion rights.

RUSSIA: Female genital mutilation in Dagestan

HRWF (13.09.2022) - On 30 August 2022, a number of courageous Russian civil organizations published an 88-page [report](#) about the situation of human rights in rights for the OSCE Moscow Mechanism. Concerning FGM, they highlighted reports published by two researchers:

- Yulia Antonova is a lawyer cooperating with the Legal Initiative Project
- Saida Sirazhudinova - Candidate of Political Sciences, President of the Center for Research of Global Issues of Modernity and Regional Problems "Caucasus. Peace. Development."

Report in 2016: The practice of genital mutilation on girls/ Report on qualitative research in the Republic of Dagestan

In 2016, the Legal Initiative project published [a study](#) on the practice of female genital mutilation in Russia, based on field studies conducted in nine high-altitude areas of Dagestan, where circumcision is mainly carried out for girls under the age of three at home using conventional household tools such as knives or scissors. The report, which is only accessible in Russian, also states that the purpose of this procedure was to monitor female sexuality and behavior.

Second report in 2018: The practice of female genital mutilation in Dagestan

In 2018, a second study by the same researchers was published, which indicated that the minimum number of female genital mutilation in Dagestan [is estimated](#) at **minimum 1,240 girls per year.**" It is accessible in Russian and in English (with the automatic translation)

The purpose of their report was quite practical - to draw attention to the problem of female genital mutilation and joint actions of interested persons and organizations to contribute to its elimination as much as possible.

In their presentation, they were saying:

"Female genital mutilation is a problem in some parts of Dagestan that has long been without any attention from the official authorities, the human rights community, public discussion and condemnation. Press publications that have appeared in the past year have demonstrated the secrecy of this tradition, and the reaction to it has shown that the public assesses the legitimacy of female genital mutilation extremely ambiguously. Opinions were divided from deeply unacceptable to condescendingly justifying or even justifying its necessity. In Dagestan, most of society is still not ready to recognize the existence of this problem, and the lack of any reliable and evidence-based information on the prevalence and forms of maiming operations requires closer attention and comprehensive study.

To achieve this goal, we have set the following objectives: to study the perception of the practice of mutilation by different groups of respondents, to study the prevalence of this practice, to determine the origins and justification for female mutilation, to show the consequences of female circumcision in Dagestan."

Third report in 2018: Mutilation practices in the North Caucasus republics: Strategies for overcoming them

The main purpose of this [report](#), only accessible in Russian, was to draw the attention of officials and individuals to the problem of maiming operations in the region, to help eradicate practices and protect girls from the risk of becoming a victim of harmful practices in the future.

Objectives of this report:

- to conduct a qualitative study in the republics of the North Caucasus, to study men's awareness of FGM, their attitude to practice, men's willingness to support FGM, the impact of operations on the quality of relations (sex) with wives, men's right to vote in decision-making on the commission of FGM over daughters and many other points;
- to analyze effective strategies taken by different countries over the past 30-40 years to eradicate and reduce the practice of FGM;
- to evaluate the results of the first report, which was published in 2016 and caused public discussion and polarization of public opinions in Russia.
- to provide an overview of the changes that took place from 2016 to 2018 in international law to combat FGM practices in the world.

After this report, the authors concluded:

"Since the publication of the first report, no steps have been taken to intervene, assess and change the situation of FGM in Dagestan.

Girls continue to perform operations for non-medical purposes and outside medical institutions to remove all or partially the clitoris or damage it by means of an incision or

notch with a knife, scissors, blades, needles or other available tools in unsanitary artisanal conditions.

This practice continues to be reproduced in conditions of tacit consent, as well as in systematic disregard by official structures of the need to take any measures against this practice and for the protection of the integrity and the right of girls not to be exposed to violence by close relatives."

RUSSIA: Patriarch Kirill proposes stripping private clinics of right to receive female patients for abortions

Interfax Religion (17.05.2022) - Patriarch Kirill of Moscow and All Russia has come up with an initiative to prohibit private clinics from performing the artificial termination of pregnancies.

"Proposals being articulated by lawmakers right now, specifically on stopping the facilitation of abortions in private clinics, which would make statistical data more accurate and eradicate the encouragement to chase profits by terminating children's lives, seem to be important," Patriarch said when speaking during Parliamentary Meetings in Russia's Federation Council on Tuesday.

He went on to call on lawmakers to show a braver approach to the protection of life, without paying attention to any opinions meant to frighten people with the potential growth in illegal operations. "Any illegal actions must prompt an adequate response," Patriarch Kirill said.

He expressed hope that law enforcement authorities would ensure that healthcare issues remain "solely within the scope of competence of the professional medical community, and not merchants."

Patriarch Kirill also told parliamentarians that the Russian Civil Code protects the right of any unborn heir. This rule could be modified in such a way so as to make the law protect the life of a child, a future member of society, from the moment of inception. "Surprisingly, the right to inherit is protected, and the right of a child is not! How did we get this? From what culture? From what tradition?" the Russian patriarch asked.

HRWF Comment

During the 2000s, Russia's steadily falling population (due to both negative birthrates and low life expectancy) became a major source of concern. On 21 October 2011, the Russian Parliament passed a law restricting abortion to the first 12 weeks of pregnancy, with an exception up to 22 weeks if the pregnancy was the result of [rape](#), and for medical necessity it can be performed at any point during pregnancy. The new law also made mandatory a waiting period of two to seven days before an abortion can be performed, to allow the woman to "reconsider her decision". Abortion can only be performed in licensed institutions (typically hospitals or women's clinics) and by physicians who have specialized training. The physician can refuse to perform the abortion, except the abortions for medical necessity. The new law is stricter than the previous one, in that under the former law abortions after 12 weeks were allowed on broader socioeconomic grounds, whereas under the current law such abortions are only allowed if there are serious medical problems with the mother or fetus, or in case of rape.

SPAIN: New stricter rape law to be reviewed

Recent rulings led to reduce some jail sentences; judges accused of 'misapplying the law'

By Graham Keeley

[Euronews](https://bit.ly/3Vca60E) (16.11.2022) - <https://bit.ly/3Vca60E> - Spain is to review a new law to give victims of sexual offences more protection after a series of court rulings led to prison sentences being reduced for offenders because of a loophole in the legislation.

The law came into force last month, six years after what became known as the 'Wolf Pack' case in which five men gang-raped an 18-year-old woman at the Pamplona bull-running festival but were at first handed a lesser sentence for the crime of sexual abuse.

This case prompted demonstrations across Spain and led the government to change the criminal law on sexual offences.

Known as the 'yes means yes' law, the new legislation qualifies any non-consensual sex as rape, bringing Spain into line with 11 other European countries, including Britain, Sweden and Portugal.

The wide-ranging legislation also dealt with sex offences against children and punished catcalling towards women, and proposed re-education of offenders.

However, lawyers for convicted sex offenders used a loophole in the law which allowed for a general reduction of jail sentences when new criminal legislation comes into force in Spain.

Reductions in jail sentences

When the law was written, it established minimum and maximum sentences and allowed sex offenders to apply to reduce their sentences retroactively.

In some cases, this meant when the maximum sentence was imposed, it could be reduced by defence lawyers citing the new law.

Lawyers for convicted offenders have sought to exploit this loophole in the law.

Before the law was passed, Spain's General Council of the Judiciary, the ruling body of the judiciary, warned this might happen.

In general, when a new criminal law comes into force, the principle is to apply more lenient sentences. Spain is regarded as having some of the most severe sentences in Europe.

In the latest case, a man who was condemned to eight years in prison for sexually abusing his 13-year-old stepdaughter had his sentence cut by a Madrid court to six years.

In Barcelona, a 28-year-old man, who raped a 60-year-old woman in her own home, was sentenced to three years and ten months. Judges ruled that in line with the new law, the sentence should be between two and four years.

Judicial authorities in Madrid told Euronews that there were scores of other cases in which sentences would be reviewed.

Maria Jesus Montero, the Spanish Treasury Minister, told the Senate on Tuesday that "after some sentences that were handed down, I think that this issue needs to be studied...because obviously, it was not the objective of the law that the sentences for child abuse could be lowered. Quite the opposite."

Manuel Cancio Melía, a professor of criminal law at the Autonomous University of Madrid, said when criminal laws changed in Spain, the idea was to reduce sentences in general, but jail terms depended on the circumstances of individual cases.

"I cannot comment on these cases because we will have to see what happens with this law. There have been reductions but also in some cases of sentences being increased," he told Euronews.

"In some cases, the sentences might be reduced if judges decide intimidation or violence was not used."

The reductions in jail terms sparked a political row over a law which was championed by Spain's left-wing government as a way to give victims of sex offences more protection.

'Misapplying the law'

Ione Belarra, the leader of the far-left Unidas Podemos party, the junior partner in the coalition government which introduced the legislation, accused some judges of misinterpreting the legislation.

"Some of the judges in this country have set themselves up as opposition to the coalition and especially to the Equality Ministry...they are misapplying the law," she tweeted.

Javier Maroto, the spokesman in the Senate for the conservative opposition People's Party, called for a review of the law next week in the Senate.

"Spaniards are angry at the reduction of sentences for assaults on women and children. This should never have happened. The criminals are rubbing their hands together in glee."

Under Spain's previous sexual laws, an attacker had to use physical violence or intimidation for an assault to be classified as rape.

One aspect of the new law classes stalking or street harassment, or catcalling in a humiliating way will become crimes instead of misdemeanours.

Gang rape is considered an aggravating factor which could bring sentences of up to 15 years, a measure designed to deter these attacks, which have shocked Spain.

The law has created a four-hour sexual assault helpline and specialised children's homes for underage victims.

Spain's left-wing coalition government has sought to make sexual politics a cornerstone of its policies, but the opposition claims it is not workable.

In the Wolf Pack case, which got its name from the men's WhatsApp group, they were originally convicted of sexual abuse because the court found that they had not used violence or intimidation and were sentenced to nine years in prison.

The verdict sparked immediate demonstrations across Spain.

In 2019, three years after the original attack, the Supreme Court reversed the original verdict and convicted the five of sexual assault or rape and handed down sentences of up to 15 years.

It was not the only gang rape case to horrify the Spanish public.

Another case in Sabadell, a town near Barcelona, caused similar outrage and paved the way towards the law change.

In 2021, three members of a gang that raped an 18-year-old woman in an abandoned industrial unit in the Catalan city in 2019 were jailed for between 13 and 31 years.

UK: New law raises minimum marriage age to 18 in England & Wales

By Emaan Warraich

BBC (26.04.2022) - <https://bbc.in/3mM3xmp> - Previously, people could get married at 16 or 17 as long as they had parental consent.

The new law also applies to cultural or religious marriages that are not registered with the local council.

Conservative MP Pauline Latham, who introduced the bill to Parliament, said it would "transform the life chances of many girls".

Under the new rules, children will not face penalties but adults who facilitate their marriage could face up to seven years in jail and a fine.

This would include adults who took children abroad to carry out the marriage.

Backed by the government, the bill has sailed through Parliament with very little opposition - and will receive Royal Assent later this week, meaning it will become law.

Payzee Malika, who was coerced into a marriage, said: "Today, tears of joy roll down my face because I know what this means for girls like me."

While Payzee escaped her marriage, her sister Banaz was murdered in a so-called honour killing.

"There has not been a single moment in this journey when Banaz was not at the forefront of my thoughts," [she tweeted](#).

"Every day I thought of her. I fought for her. This law could have saved her."

Mihai Calin Bica, of the Roma Support Group, said the bill was "a good initiative to protect our youth", but the group expressed concern "about how it will be applied in practice".

It noted that in Roma communities the word "married" was often used to explain boyfriend-girlfriend relationships their children have.

They warned this could create complications when enforcing the law and urged the government to run an educational campaign aimed at raising awareness of the new rules.

The new law will not affect the validity of any marriages or civil partnerships that happened before the legislation comes into force.

It does not apply to Northern Ireland and Scotland, where the minimum age will stay at 16 - in Northern Ireland you still need parental consent to marry at 16, but in Scotland you don't.

UK: Femicide - 125 women killed by men March 2021 - 2022

See the full list and pictures [HERE](#)

By [Joan Smith](#)

Telegraph (03.03.2022) - <https://bit.ly/3s0VHbq> - Some of their faces are familiar, but dozens more we are seeing for the first time.

Their names are barely known, except to families and friends. But two other women and a teenage girl were killed by men in the same week that [Sarah Everard's murder shook the country to its core](#) a year ago. Four murders of women in such a short space of time is unusual – it tends to be between two and three per week – but it is a stark reminder of how many of their deaths go unremarked.

Around 125 women have been killed by men since March last year. The figure is not definitive because the perpetrator has yet to be identified in some cases. But we know that the victims ranged in age from 16 to 88. Most were attacked by someone known to them and many died in their own homes, challenging the notion that the streets are the most dangerous place for women.

Some of their faces are familiar, such as [Sabina Nessa](#), the 28-year-old primary school teacher attacked while walking through a London park to meet a friend; [Julia James](#), 53, a PCSO killed while walking her dog; teenager Bobbi-Anne McLeod, who went missing from a bus stop and was found dead on a Devon beach in November last year.

Dozens more – some of whom are pictured above, all of whom are named below – we are seeing for the first time.

The figure is substantially higher than in 2020, when the annual Femicide Census recorded 110 women killed, but similar to the 128 recorded in 2019. Despite all the assurances by police and government ministers that they are determined to protect women, the number killed by men has never fallen below two a week.

The list shatters some myths, demonstrating that stranger-killings like that of Sarah Everard are comparatively rare. The largest number of women are killed by current or former partners, while the next most significant group is mothers killed by sons; anyone who thinks that matricide is a rare event, confined to Greek tragedy, should think again. Sexually motivated murders are third on the list.

The popular notion that women in their 20s and 30s are most at risk is quite wrong, confirming the urgent need to make tackling violence against older women a priority.

Of the women killed over the last 12 months, 11 were in their 70s, another nine were 80 or older and 14 were in their 60s. That's over a quarter of the total. There is a peculiar horror about these fatal attacks on older women, some of them carried out by men they gave birth to and raised.

In April last year, a DJ strangled his mother, 85-year-old Loretta Herman, in their east London home. Mark Herman, 54, later killed himself in a secure mental health facility. It is one of many cases in which there were warning signs: Herman, who had been unable to work because of Covid, had previously attempted suicide and attacked his mother.

It followed a horrendous murder-suicide the previous month in Northern Ireland. Karen McClean, 50, was stabbed to death by her son, Ken Flanagan, 26, who went on to kill his girlfriend, Stacey Knell, 30, and himself. Friends of the family, who lived in Northern Ireland, said Ms McClean had been worried that her son was using drugs and might hurt himself or someone else. Ms Knell's previous partner, who had a child with her, had contacted police and social services the day before the double murder.

There is a repeated sense of the police letting women down. One of those failed was [Yasmin Chkaifi](#), 43, who was killed in January, in Maida Vale, by her ex-husband. There was an arrest warrant out for Leon McCaskie, who had been accused of breaching an interim stalking protection order and failed to appear in court, when he stabbed his former partner on the street. Friends told how Yasmin had previously predicted that she would die at her ex-husband's hands. Her son, Zayd Bakkali, has since said [he will "never fully trust" the police again](#).

A look at figures from the Femicide Census in recent years shows that the number of women confirmed to have been killed by a man they know hovers between the 60-65 per cent mark each year (that number is likely higher, but the killer has not been caught).

That was the case for the youngest victim last year: 16-year-old Wenjing Ling. She was killed two days after Sarah Everard, strangled at her family's Chinese takeaway in Wales. The murder was carried out by a friend, Chun Xu, 32, who had gambling debts and owed money to the family. In November last year, Xu was jailed for a minimum of 30 years for the murder. He was also convicted of the attempted murder of Wenjing's stepfather.

Three days earlier, Samantha Heap, 45, was found dead in a flat in Congleton, Cheshire. Her neighbour, David Mottram, 47, strangled, stabbed and inflicted multiple blunt force injuries on her. Mottram boasted that he killed Ms Heap "because he didn't like her". He was sentenced to life with a minimum term of 30 years.

Another woman was killed on the day following Ms Everard's murder. Geetika Goyal, 29, met a hideous death at the hands of her husband, Kashish Aggarwal, 28. Ms Goyal's body was found with 19 stab wounds, wrapped in plastic and dumped in a street in Leicester. Aggarwal told her family she had gone missing but later admitted murder, and was sentenced to a minimum of 20 years and six months in prison.

What's striking about these murders is that the men received long prison sentences, but too late to help their victims. Around three-fifths of men who kill women known are found guilty of murder or manslaughter, a relatively high proportion, but they are clearly not deterred by the prospect of spending decades in prison.

A chilling feature is the prevalence of "over-killing", where the perpetrator uses far more force than was needed. These are men who refuse to control their rage towards the women in their lives – and their prior behaviour offers ample warnings. In the decade after the Femicide Census was founded in 2009, a history of domestic abuse featured in 59 per cent of killings committed by current or former partners.

During the outcry that followed Sarah Everard's murder, many people expressed the hope that it would be a turning point. We now have 125 reasons to doubt that aspiration.

It is in part a consequence of an under-funded criminal justice system, but it is also a question of priorities. Women who report abuse or threats to kill still don't get the advice and protection they need, and police have been slow to use measures such as domestic violence prevention orders. The failures are so egregious that there appears to be an unspoken assumption that a certain level of fatalities is inevitable.

The agonies these women went through – stabbed, strangled, bludgeoned, raped, even set on fire – are almost unbearable to contemplate. Like Sarah Everard, they all had a right to life, but every single one was let down.

UKRAINE: Ukrainian Churches against the ratification of the Istanbul Convention, due to the 'gender ideology'

Orthodox and other Churches in Ukraine are opposed to President Zelensky's ratification of the Istanbul Convention protecting women against violence and domestic abuse because of the 'gender ideology' included in the Convention. They complain about being excluded from the public debate.

Position of the All-Ukrainian Council of Churches and Religious Organizations

RISU – (05.07.2022) - <https://bit.ly/3uPflZr> - The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention, was signed 11 May 2011 and became effective 1 August 2014. Official opposition to the Convention has been voiced in Bulgaria, Hungary, and Slovakia, none of which has ratified it, and in Poland. Armenia, the Czech Republic, Latvia, Lithuania, and the United Kingdom have not ratified it. Turkey denounced the Convention in 2021, alleging that LGBTQ groups had sought to use it to promote their [ideology](#).

On 18 June 2022, Ukrainian President Volodymyr Zelensky registered a bill on the ratification of the Convention in parliament. Parliament ratified it and the president signed it into law on 21 June, effective 1 October. Afterwards, the All-Ukrainian Council of Churches and Religious Organizations objected that a full public discussion had not taken place, as had been promised ([UGCC website](#), 24 June 2022).

Instead, the Council alleged, social media had been full of verbal attacks on religious organizations. The Council noted that religious persons and organizations are entitled to take part in all public discussions, and should not be excluded from the public forum. Read the whole article [here](#).

Position of the Ukrainian Orthodox Church (UOC)/ Moscow Patriarchate

Union of Orthodox Journalists (27.06.2022) - <https://bit.ly/3RxJMwW> - On June 21, 2022, the President of Ukraine signed a law, which had been opposed by all religious organizations in Ukraine and a significant part of society. Why?

On June 20, 2022, the Verkhovna Rada [voted](#) for the ratification of the Istanbul Convention, the next day the President [signed](#) the law on the ratification of the

Convention: "Its main content is simple, but extremely important. It is an obligation to protect women from violence and all forms of discrimination. We share European values." But Ukrainian society, notably Christians, does not share the head of state's optimism. What's next?

Read the whole article **here**. It addresses the following topics:

Why Ukraine ratified the Istanbul Convention

The main destructive provisions of the Convention

1. Popularization of gender ideology at all levels of education, culture and sports.
2. *Destruction of traditional ideas about social roles.*
3. *Ample room for abuse*

What are we to do now?

Conclusions
