



Megrez

Absum

Mekhnishab

Kutairi

Ugwu

Gudiniin

Halalays

Qodiin

Bangu

Marwala

Bolokoli

Negekorosigui

Sunna

طهارة

ختان

## The abandonment of female genital mutilations... **is a right !!!**

In many African countries, in order to become an adult, to become a woman, a girl must go through a painful ceremony that seriously modifies her genitals, mutilating the clitoris, a fundamental organ for a serene sexuality, and sometimes the labia minora. In its most severe form, called infibulation, the practice also includes the stitching of the vaginal opening. This is why the international community has been striving to promote the full abandonment of this tradition classified as **female genital mutilations**.

Once, in some African countries, a woman was considered a "real woman", worthy of marrying and of giving birth, only if her body had thus been altered. Similarly, circumcision was, and is, considered not only a religious dictate, but also a necessary transition in order to become a real man. However, circumcision is very different, as only the prepuce skin of the penis is cut, leaving its functions intact.

Today **things are changing**, thanks to the many information and awareness-raising campaigns led by women's associations, governments and international organizations. But it is a slow, at times reticent change because those who abandon the practice in places where the vast majority of women is still subjected to it, do it covertly: so as not to be considered traitors to their culture and ethics, so as not to be marginalized, so as not to risk condemning their daughters to remain "spinsters".

This is why African women who give birth and raise their daughters in Italy, the country they have chosen as their home, might find themselves confronted with a dilemma: respect the traditions and the ethics of their community by subjecting their daughter to genital mutilation, or choose to break away and abandon the practice, aware of the eventual reactions from the family in the homeland or even from the African community in Italy?

It is thus important to take into account:

### 1. The Italian constitution: equal rights and responsibilities for men and women, also as parents

According to the fundamental law of the Italian State, the **Constitution**, women who come from an African country and live in Italy as legal immigrants have the same rights as Italian women (art. 3). They have the freedom to express their opinions (Art. 21), and the right of access to medical treatment and education for their children (Art. 30). The Constitution also proclaims that a woman has the same rights and obligations as her husband and they both must care for their children.

### 2. Family law: parents' responsibilities and obligations towards sons and daughters

Detailed regulations concerning family relations are dealt with by **Family Law\*** which ordains that children are not the property of fathers, but are legal entities (Art. 136). Both parents must respect and promote their rights and have the precise obligation to support, train and educate them according to their capabilities, natural inclinations and aspirations (Art. 29).

The non-respect of these obligations may lead to penal sanctions and to the removal of the children from the household to a children's home or a foster family.

### 3. Marriage: a free choice of adults

Precocious and arranged weddings without the partners' consent are against the law. **Family Law** ordains that only persons who are 18 years or older can marry (Art. 4) and no one can be compelled by the family or by anyone else to do so. Marriage between members of the same family is prohibited (Art. 5). Husband and wife must be faithful, must collaborate and care for the good of the family to the best of their ability (Art. 24). In Italy, payment or collection of dowry (Art. 47) or of a bride's price is forbidden.

### 4. A person who performs female genital mutilations is liable of imprisonment

According to the Italian State, a person's body may not be subjected to any kind of mutilation unless it is necessary to cure a disease or to prevent a health problem. Since January 9th 2006, there is a **law\*\*** that prohibits female genital mutilations (Art. 1). This law punishes any form of female genital mutilation and provides that whoever causes clitoridectomy, excision, infibulation or whatever other practice having the same type of effect be punished by 4 to 12 years imprisonment, **whether the surgery was performed in Italy or detected upon re-entry in Italy after having been performed in the country of origin.**

"Whoever causes" means that the law punishes not only the person who **performs the operation**, that is the African woman who continues to officiate as **traditional practitioner** in Italy, or the **doctor** who accepts to perform the surgery, but also the **parents and/or family members** who have requested the operation, because their decision initiated the course of action.

The court shall establish the time to be served by the offender according to the gravity of the intervention – the **penalty for infibulation**, that is the excision of the clitoris and of the labia minora and stitching of the vaginal opening, will be **harsher** than the penalty for the excision of the clitoris – and according to the girl's age: if the girl is under 18, the penalty will be increased by one third (Art. 6). 3 to 7 years imprisonment is the penalty for the person who performs other types of genital surgery unnecessary for health reasons but resulting in the same effects, that is a disablement of the sexual functions. A doctor convicted of this offence will be banned from his profession for a period of 3 to 10 years (Art. 6).

### 5. Asking for help is important

There are women gynaecologists, obstetricians, psychologists, social workers and, on occasion, **cultural mediators** in the many "consultori" (sexual and reproductive health centres) all over Italy, available for advice and support. And there are already African men and women, mothers and fathers living in Italy who have abandoned the practice, and watch their daughters grow up serenely, a bit African and a bit Italian.

#### Info:

[www.stopfgmc.org](http://www.stopfgmc.org)  
[www.aidos.it](http://www.aidos.it)

\* Family Law Reform, Law 19 May 1975, n. 151, published in Gazzetta Ufficiale, May 23rd 1975, n. 135, special edition.

\*\* The law that prohibits FGM is Law 9 January 2006, n. 7, entitled "Norms Pertaining to the Prevention and Ban of Female Genital Mutilation Practices".

For more information, visit the website [www.camera.it](http://www.camera.it)



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