



COUNTRY FOCUS

GERMANY

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COUNTRY CONTEXT

According to 2014 figures provided by the German Federal Statistical Office, Germany is home to some 16.4 million people of an immigrant background. While there are no official statistics on the prevalence of female genital mutilation (FGM) in Germany, migration from African countries with a high prevalence of FGM has markedly increased in recent years.¹

TERRE DES FEMMES (TDF) compiles an annual report on FGM in Germany, estimating the number of cases based on UNICEF worldwide prevalence data and national migration statistics. In calculating the likely number of cases, TDF distinguishes between girls and women who were born in Germany and those who have lived in countries of origin with a high prevalence of FGM. Since 2014, TDF has also included Asian diaspora communities in its calculation.

The steep rise in migration to Germany has led to a dramatic increase in the estimated number of affected and at-risk women and girls. TDF estimates that in 2016 over 48,000 women and girls in Germany were affected by FGM, with a further 9,300 at risk - a year-on-year increase of 37% in the number affected and 56% in those at risk. The increase is particularly marked in the case of migrants from Eritrea - the largest group of African asylum-seekers to Germany, accounting for a rise of 155% in the numbers at-risk and of 120% in those affected. (A complete overview of TDF figures is available online. TERRE DES FEMMES, 2016.)

More precise data on FGM in Germany is expected in 2017, with the release of research into African diaspora communities in Berlin, Frankfurt am Main, Düsseldorf, Cologne and Munich, commissioned by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ). The study will use qualitative and quantitative methods to establish diaspora communities' knowledge, attitudes and behaviour towards FGM, and the needs of affected women and girls.

01
Country Context

1. According to the Federal Office for Migration and Refugees report, Eritrea, for example, is among the top ten countries of origin of migrants to Germany, accounting for 10,876 applications for asylum by women in 2015 compared to 3,616 in 2013. Somalia has also been among the top ten countries of origin of applications for asylum in recent years (BAMF, 2015).

LEGISLATIVE FRAMEWORK

/ INTERNATIONAL AND EUROPEAN CONVENTIONS

The Federal Republic of Germany has signed European and international conventions on children's rights and violence against women, including FGM. These conventions include, among others, the Maputo Protocol to the African Charter, UNCRC, UDHR, CEDAW, CAT, CRC, ICCPR and ICESCR. Germany has signed but not yet ratified (as of June 2016) the Istanbul Convention on combatting violence against women, adopted by the Council of Europe in 2011 (COE, 2016). The Convention expressly refers to FGM, detailing measures to prevent the practice, protect victims and prosecute perpetrators, as well as to coordinate measures to end FGM at the national and European levels.

/ CRIMINAL LAW

In 2013 the mutilation of female genital organs was specifically declared a criminal offence under Article 226a of the German Penal Code (StGB), "Female Genital Mutilation", and classified as grievous bodily harm punishable by a prison term of up to 15 years. In particularly serious cases (i.e. where FGM results in death), Article 227, "Grievous Bodily Harm Resulting in Death", applies. Article 225 on the "Maltreatment of Charges/Wards" may also apply in some cases.

A medical professional accused of FGM will be charged under Article 226a of the German Penal Code (StGB) and, if found guilty, their licence to practise revoked. Under German law, all persons living in Germany are obliged to report any knowledge of a serious crime, as specified in Article 138, "Failure to Report Planned Criminal Offences". However, Article 226a on FGM is not explicitly referred to in Article 138. FGM is also prosecutable if carried out abroad, according to Article 5, "Foreign Crimes with a Particular Connection to this Country", and pursuant to Article 7, "Application to Foreign Crimes in other Cases". Furthermore, Article 78b specifies a statute of limitation for FGM as beginning only once the victim reaches the age of 30.

Pursuant to Article 26, "Incitement", parents can be held responsible as instigators of FGM. According to Article 171, "Violation of the Duties of Care or Education", parents can be held responsible for the non-implementation and/or non-performance of the duties of a parent/legal guardian. Other persons involved in facilitating FGM may be viewed as co-perpetrators subject to criminal prosecution under Article 25, paragraph 2 of the German Penal Code (StGB), "Perpetration". Consent to genital mutilation by girls, women or parents are excluded, according to Article 228, "Consent".

The introduction of Article 226a has resulted in changes to the Code of Criminal Procedure, according to which the injured party may join a lawsuit as joint plaintiff, and is also entitled to a guardian ad litem.

02

Legislative Framework

/ ASYLUM LAW

According to the UNHCR, 184 applications for asylum in the EU were granted on the grounds of FGM in 2013 (UNHCR, 2013).

German asylum law can be applied for gender-specific reasons. Under Article 60 of the 2005 Immigration Act, "Prohibition of Deportation", individuals are protected from non-governmental persecution. In addition, the Residence Act (AufenthG) states that an individual may not be deported to a country where his or her life or freedom is threatened because of his or her affiliation to a certain social group. In this case, women and girls threatened with gender-based violence are a "defined social group", such that the threat of FGM constitutes gender-based grounds for the granting of asylum. Women or girls already affected by FGM may also be entitled to asylum - for example where there is the threat of a more severe form of FGM in the case of marriage (e.g. infibulation) or birth (e.g. re-infibulation) (UNHCR, 2009).

In 2016 the government responded to the large number of refugees arriving in Germany by implementing an accelerated procedure for assessing migrants' right to asylum (Bundesgesetzblatt, 2016).² Under this procedure, the special needs of female victims of violence such as FGM cannot sufficiently be accommodated (including one-on-one discussions, gender-sensitive/female interviewers, etc.), despite the requirements of the EU Asylum Procedures Directives (END FGM, 2016).

/ CIVIL LAW

Article 1631 of the German Civil Code (BGB), "Contents and Limits of Care and Custody", stipulates that children have the right to a life free of violence, corporal punishment, psychological harm and other degrading measures, including FGM. The legal framework protecting the welfare of a child in the case of an impending or actual offence is provided by Article 8a of the Social Code, "Protection Order in the Case of Endangerment of the Child's Welfare", and Article 1666 of the Civil Code, "Court Measures in the Case of Endangerment of the Child's Welfare", while Article 1666a, "Principle of Proportionality; Priority of Public Help", outlines recommended courses of action. In addition, Article 8 of the Social Code, specifies that children and young people are entitled to counselling without the knowledge and/or consent of a parent or guardian.

2. In English: Federal Law Gazette (BGBl) part I, No. 12, 2016, Article 1 "Amendment of the Asylum Act, AsylG: Art. 30a "Accelerated Procedures.

EMERGENCE OF SUSPECTED CASES / SELF-REPORTING			
Contact points with their own protection mandate pursuant to Art. 4 (1) of the Protection of Children Act (KKG) well as to Art, 8 b German Social Code (SGB VIII)	Contact points with their own protection mandate pursuant to Art. 8a of German Social Code (SGB VIII)	Contact points with their own protection mandate pursuant to the Act on Protection of Public Security and Order (SOG) as well as the German Code of Criminal Procedure	Contact points without their own protection mandate
Teachers	Protective facilities, in particular girls' refuge of the Child and Youth Emergency Service (KJND)	Police	Relatives/ dependents
State recognized professional staff in counselling centres*	Staff of Children's and Youth Welfare Services		Friends
Doctors, midwives as well as other members of a health care profession	General Social Service (ASD) (or Child and Youth Emergency Service (KJND)	Public Prosecutor's Office	Neighbours
Professional psychologists			Other players
* State recognized social workers, social pedagogues, marriage counsellors, family counsellors, child guidance counsellors and youth counsellors, recognized counsellors for drug-related issues	Case handover to General Social Service (ASD) Outside of ASD standby times Child and Youth Emergency Service (KJND)		
	In the event of significant indications in accordance with Art. 8 a of the German Social Code (SGB VIII)		

Table 1: Chain of action in suspected case of FGM
Source: Hamburger Runder Tisch gegen FGM 2015, 9

/ VICTIMS' RIGHTS REFORM ACT

The German parliament (Bundestag) passed the so-called "Opferrechtsreformgesetz" (the Victims' Rights Reform) in 2015, thus transposing into national law EU Directive 2012/29/EU, known as the Victims' Rights Directive (Official Journal of the European Union, 2012).³ The Reform includes the Act on Psychosocial Support during Legal Proceedings (from 1 January 2017), entitling children and young people who are victims of serious violent crimes and sexual offences, including FGM, to psychosocial support during legal proceedings (Code of Criminal Procedure (StPO) Article 406g). Similar support for adult victims is made available on a discretionary basis.

/SPECIFIC PROVISIONS FOR PROFESSIONAL STAFF

Doctor confidentiality

The obligation to secrecy for medical professionals is governed by Article 203 of the German Penal Code (StGB) and Article 9 of the professional code of conduct for doctors, which reads:

"Doctors must treat things which are entrusted to them or come to their notice in their capacity as a doctor (...) as confidential" (Article 9 (1))

"Doctors are authorised to disclose facts if they have been released from the obligation to discretion or if the disclosure is necessary for the protection of a more significant legal interest (...)" (Article 9 (2)).

As FGM is considered a violation of human rights, disclosure to protect "a more significant legal interest" applies where a girl/woman is at risk. This is ruled in § 4/ Abs 3 "Act on cooperation and Information in Child protection. Independent of that, are doctors entitled to inform other without official release from the obligation to discretion according to § 34 StGB in cases of legitimate emergency.

Professional staff with a protection mandate

Professionals with a protection mandate, such as teachers, staff of girls' shelters, children/youth emergency services and social services, police and the public prosecutor's office must take action if they have a strong suspicion that a girl is at risk from FGM (Article 8, German Social Code; Articles 8a and 8b and Article 4, "Act on Cooperation and Information in Child Protection"). Where there is suspicion of FGM, such professionals have the right to request youth welfare services to assess a child's welfare, for the purposes of which they are authorised to make available relevant information in an anonymised form.

3. According to the Victims' Rights Directive, at-risk and affected girls and women are entitled to claim special protection, including professional support and legal protection. All EU member states are obliged to provide affected persons, including the non-documented, with information and counseling in a comprehensible form.

POLICY FRAMEWORK

03

Policy Framework

/ A. NATIONAL ACTION PLANS (NAP)

In 2009 the nation-wide INTEGRA network against FGM drew up a request for a national action plan (NAP) on FGM, including preventive measures for the comprehensive protection of at-risk and affected girls and women in Germany and countries of origin, scientific research, greater inclusion of women and men from migrant communities, and further training of professional staff.⁴ (For more on the interdisciplinary Federal Working Group (Bund-Länder-NRO) founded to design the NAP, see below under Institutions.)

/ B. INTERDISCIPLINARY GUIDELINES

Germany has no legally binding regulations on approaches to FGM, relying instead on the following recommendations, guidelines and manuals developed by individual organisations.

"Intervention und Unterstützung bei Weiblicher Genitalverstümmelung - Möglichkeiten interdisziplinärer Fallzusammenarbeit" (Intervention and Support in the Case of Female Genital Mutilation), published in 2015 by the Hamburg Roundtable - bringing together individuals of a migrant background with professional personnel to develop prevention and intervention strategies for FGM affected and at-risk women and girls. The guidebook is aimed at professional personnel such as teachers, police officers and staff from the youth-welfare, victim protection and health services (Hamburger Runder Tisch, 2015).

"Weiblicher Genitalverstümmelung begegnen: Ein Leitfaden für Fachkräfte in sozialen, pädagogischen und medizinischen Berufen" (Responding to Female Genital Mutilation: A Guide for Key Professionals in Social, Pedagogical and Medical Professions), (TERRE DES FEMMES, 2014). This brochure for professionals, written by TDF as part of the CHANGE project, contains information about the health, legal and other consequences of FGM, as well as professionals' legal responsibilities and prevention strategies.

"Empfehlungen zum Umgang mit Patientinnen nach weiblicher Genitalverstümmelung" (Recommendations for dealing with FGM affected girls and women by the German Federal Doctors' Chamber) (Bundesärztekammer, 2016).

"Leitfaden für pädagogische Fachkräfte" (Guide for educational personnel), (Stop mutilation, 2012).

4. The INTEGRA network against FGM consists of 28 German organisations working nationally and abroad to end FGM.

/ C. INSTITUTIONS (ROUNDTABLES, WORKING GROUPS, ETC.)

Federal Working Group (Bund-Länder-NRO AG)

The Federal Government/Länder (States) Working Group is led by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and its Department for Children and Young People and is made up of members of the Federal Ministries of Health, the Interior, Foreign Affairs, Justice and Consumer Protection, and Economic Cooperation and Development, as well as the Federal Commissioner for Migration, Refugees and Integration, the Länder (States) of the Federal Republic of Germany, the German Medical Association and the INTEGRA network. The working group is tasked with developing strategies, exchanging best practice and sharing information about developments in the field, in line with European Commission goals to end FGM (EU Commission, 2013).

State-level roundtables

The state governments of North Rhine-Westphalia, Hamburg, Berlin-Brandenburg and the Capital of the Land of Bavaria, Munich have introduced roundtables on FGM, bringing together NGOs such as TDF and government representatives to discuss a range of topics, such as psychological care in refugee accommodation. The aim of the roundtables is to improve prevention and care through local 'intervention chains', as well as networking and the exchange of information.

MILESTONES / PROMISING PRACTICES

Milestones /
promising practices

04

FGM established as a specific criminal offence

In 2013 FGM was specifically identified as a criminal offence in the German Penal Code, under Article 226a. FGM is now recognised as grievous bodily harm, punishable by up to 15 years in prison.

FGM included in the medical diagnosis code

Also in 2013, the four forms of FGM identified by the World Health Organisation were assigned reference numbers in Germany's medical diagnosis code (N90.8 and Z 91.70 to Z 91.74 in the ICD-10-DE), enabling doctors to indicate to health insurers the effect of FGM on patient treatment and facilitating the recovery of costs of reconstructive surgery, should the patient's insurance cover it. However, the obligatory medical screening of children (U-Untersuchungen, under Article 26 of the German Social Code) does not, as a rule, include the female genitals.

Empowerment of diaspora communities in Germany

The EU-financed and TDF co-ordinated CHANGE Project (2013-15, followed by CHANGE Plus, 2016-18) aims to empower African communities to initiate the fight against FGM, training community 'multipliers' in Berlin, Hamburg and other European cities to trigger sensitisation activities and behavioural change in fellow community members (see www.change-agent.eu).

The Assobul (Messengers) platform co-ordinated by Fatou 'Sister Fa' Mandiang Diatta is a mixed-nationality association of students, artists and friends providing ideas, solutions and work experience in different Berlin communities. Activities and discussions include FGM, early marriage, empowerment of women, children's rights and education (see <http://www.sisterfa.com/news/new-project-from-sister-fa-in-berlin-germany/>).

Training sessions/courses for professional staff

Frauengesundheit in der Entwicklungszusammenarbeit (FIDE AG e.V. - Women's Health in Development Co-operation) offers practical training for medical personnel, including sessions led by Dr Zerm, an experienced doctor in the field of FGM. TDF, FPZ and LebKom e.V. also offer training for professional staff, as well as developing teaching material for schools. LebKom e.V. offers teaching modules designed by anti-FGM professionals, and has developed special guided tours on the topic for schools. CENTER for PROFS, Fulda, offers value-centred training in gender equality with a focus on ending FGM.



Restorative medical procedures

A small number of surgeons in Germany are specialised in clitoral reconstruction, including Dr Dan mon O'Dey, who has developed a special technique (aOAP flap surgery). According to Stop Mutilation e.V., all medical reconstruction carried out by him have been covered by the German health insurance, with no additional charge. Dr Dan mon O'Dey works at the Luisenhospital in Aachen (telephone +49 0241/4142446).






The Desert Flower Center at the Waldfriede Hospital in Berlin. The hospital offers plastic reconstruction surgery. Phone: (030) 818108582. E-mail: desertflower@waldfriede.de.

ADVICE AND SUPPORT

/ A. EMERGENCY NUMBERS AND EMERGENCY CARE

-  **Violence against Women Hotline:** (+49) 08000 116 016. This is a nation-wide, toll-free, 24-hour hotline for women in distress. Counsellors are all female and highly qualified. Counselling is anonymous, confidential and secure, adhering to all legal requirements for data protection. The service is available in a number of languages. The hotline operates as a first aid provider in the first instance, before directing callers to appropriate services.
-  In **urgent** cases, call the police (emergency number 110). For help in the event of an imminent threat, contact the local police victim protection supervisor, the youth welfare office or social services.

/ B. COUNSELLING CENTERS AND PROFESSIONAL STAFF

- German-wide:**
 -  **INTEGRA** is an association of 28 German organisations actively committed to ending FGM, through work in Germany and/or internationally (www.netzwerk-integra.de).
- Berlin:**
 -  **BENKADI e.V. Kultur Raum Afrika** Email: Kultur-Raum-Afrika@Benkadi.org
BENKADI works to promote African culture and its preservation, as well as working to end FGM by financing of operations for affected girls/women, and awareness-raising through the film "Ainsi va la vie - Leben mit dem Ritual der Beschneidung" (That's how life goes - life with the ritual of FGM)
 -  **Mama Afrika e.V. gegen FGM** Email: info@mama-afrika.org. Educational and information projects on the topic of FGM.
 -  **TERRE DES FEMMES - Menschenrechte für die Frau e.V.**
Email: fgm@frauenrechte.de, phone: (+49) 30 40 50 46 99-0.
TDF is a not-for-profit human rights group that supports girls and women by means of international networking, public relations work, targeted measures, personal counselling and the promotion of projects abroad. Its core areas of interest are FGM, violence in the name of honour, domestic and sexual violence, prostitution and trafficking in women, as well as rights and support for female refugees. The group also operates a free-of-charge advice centre for girls and women affected by FGM, forced or early marriage and domestic violence.
 -  **Familienplanungszentrum Berlin - BALANCE e.V. (FPZ)**
Mauritiuskirchstraße 3, 10365 Berlin, phone: (+49) 030/23623680. The centre offers a wide range of services to support women's sexual self-determination, including sex education, sexual counselling, gynaecological counselling, antenatal care, psychological counselling, specialist counselling for professional personnel, and training in FGM and diversity in the

Advice and Support

05

counselling context. Contact migration and public affairs officer Diana Crăciun at craciun@fpz-berlin.de.

Frankfurt/Main:



FIM e.V. - Frauenrecht ist Menschenrecht, phone: +49 (0)69 9709797-0, Email: info@fim-beratungszentrum.de. An intercultural counselling centre, FIM currently runs a project aimed at empowering and helping the social integration of migrants from Africa.



FORWARD Germany e.V. – Frankfurt: Dr. Pierrette Herzberger-Fofana, phone: (+49) 09131-302152, Email: drpierrezbergerfofana@forward-germany.de, www.forward-deutschland.de. Research and counselling for African women and families, and public relations work.



Maisha e.V. - Afrikanische Frauen in Deutschland – Frankfurt am Main, phone: (+49) 069/90434905, Email: maisha-african-women@gmx.de. An organisation of African women offering self-help groups to discuss topics including physical and mental health.

Fulda:



The CENTER for PROFS, Email: center-for-profs@web.de, phone: +49-6657-9142796, www.centerforprofs.com. An independent research institute originating from the University of Applied Sciences, Fulda and accredited by the United Nations, the centre works to develop innovative strategies in the field of gender equality and women's rights, in addition to offering counselling, training and specialist lectures.



LebKom e.V. - Lebendige Kommunikation mit Frauen in ihren Kulturen phone: +49 (0)661 65062, Email: lebendige-kommunikation@gmx.de. LebKom e.V. works to end FGM, using the value-centred approach in projects in Germany and Kenya (www.fulda-mosocho-project.com) to sustainably protect at-risk girls. A café for migrants in the rural district of Fulda particularly aims to empower women from FGM - practising communities. The group also works in the educational field, training volunteers, working in schools and organising exhibitions and tours.

Halle:



AG FIDE e.V. - Frauengesundheit in der Entwicklungszusammenarbeit (Women's Health in Development Cooperation) Universitätsfrauenklinik, Ernst-Grube-Str. 40, 06120 Halle, phone: (+49) 02330/890704. The FIDE working group organises seminars, lectures and panel discussions on FGM for medical professionals.



Cologne/Düsseldorf/Duisburg

Agisra e.V. - Menschenrechte für Migrantinnen und Flüchtlingsfrauen (Human Rights for Female Migrants and Women Refugees), phone: (+49) 0221/124019. Based in Cologne, the organisation offers information and advice for female migrants and refugees on topics including FGM.



Stop Mutilation e.V. - Himmelgeister Str. 107a, 40225 Düsseldorf, phone: (+49) 0211/93885791, Email: j.cumar@stop-mutilation.org, www.stop-mutilation.org.

The association Stop Mutilation e.V. is actively engaged in combatting FGM, offering support and protection to affected and at-risk women and girls, including a counselling centre in North Rhine-Westphalia. Weekly counselling sessions with Dr Zerm are held on Wednesdays, by appointment.



DAAEV - Deutsch-Afrikanischer Ärzteverein in der BRD e.V. (German/African Doctors' Association, phone: (+49) 01520 82 20 417, Email: info@daaeV.de, www.daaev.de. DAAEV runs prevention and information campaigns on topics including FGM and inter-marriage, as well as organising intercultural health and social counselling, health care and treatment for trauma.

Munich:



NALA e.V. - Bildung statt Beschneidung (Education instead of Mutilation) phone: (+49) 089/14098147, Email: info@nala-fgm.de. Nala offers counselling for FGM-affected and at-risk women and girls, as well as operating an emergency phone line.



IMMA e.V. - Wüstenrose Fachstelle Zwangsheirat/FGM (Desert Rose Office for Forced Marriage/FGM), phone: (+49) 089/4521635-0, wuestenrose@imma.de, Goethestr. 47, 80336 München. The centre offers counselling for FGM-affected and at-risk women/girls, as well as operating a telephone advice line and a refuge centre offering temporary accommodation and care.



TERRRE DES FEMMES e.V. Münchener Städtegruppe (Munich City Group), Prасhlerstr. 30, 81673 München, phone: (+49) 089 43651474, Email: muenchen@frauenrechte.de. The Munich city group provides information and further training on FGM for social workers and other professionals.

/ C. EDUCATIONAL MATERIAL FOR COMMUNITIES



"Nicht mit Mir" (Not with me). A picture based brochure aimed at newcomer/newly arrived migrants in Germany. A joint effort by Aktion Weißes Friedensband e.V., Stop Mutilation e.V., Afrikanischer Dachverband NRW and funded by the Ministry of Health, Equality, Care and Ageing of the Land of North Rhine-Westphalia (see <http://www.kutairi.de/material/>).



"Wir schützen unsere Töchter" (We protect our daughters), TERRE DES FEMMES. Sponsored by misereor, this is available in seven languages (German, English, French, Arabic, Tigrinya, Swahili and Somali, reissued 2016 - see www.frauenrechte.de).



FGM Bookmark by FPZ Balance and the roundtable on FGM in Berlin-Brandenburg, available in German, English, French, Arabic, Bamanankan and Swahili (see <http://www.fpz-berlin.de/uploads/FGM-Lesezeichen.pdf>).

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