



Ad-Hoc Query on Female Genital Mutilation (update)

Requested by FI EMN NCP on 23rd January 2014

Compilation produced on 10th November 2014

Responses from [Finland](#), [Germany](#), [Sweden](#), and [Norway](#) (4 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

Finnish Immigration Service is currently in the process of establishing guidelines for handling FGM related asylum cases. In order to compare different national practises we would like to invite you to send us your national guidelines/handbook on FGM and reports on good practices (if any). Your countries were selected for the comparison as you indicated in an EMN Ad-Hoc Query on Female Genital Mutilation and Asylum in the EU (requested by SE EMN NCP on 22nd March 2010) that your MS has national guidelines/handbook for FGM cases.

http://emn.fi/files/198/Compilation_SE_ad-hoc_femal_genital_mutilation_-_Wider_dissemination.pdf



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FGM is a form of gender-based violence that inflicts severe harm, both mental and physical, and amounts to persecution.



We are particularly interested in the following questions:

- 1) Is the question concerning FGM or possible threat of FGM raised by your national authorities, OR is it in the asylum seeker's responsibility to mention it? Please indicate the authority raising the question.
- 2) If the question FGM or possible threat of FGM is raised during the process, at what stage does that happen?

2. Responses

		Wider Dissemination?	
	Finland	Yes	<ol style="list-style-type: none"> 1. Currently there is an assumption that if FGM is the reason (or one of the underlying reasons) for the asylum application, the asylum seeker herself will mention it when explaining the reasons for her asylum application. The Finnish immigration authorities do not address the question during the asylum procedure unless the asylum seeker herself mentions it or there are indications that FGM might be an underlying reason for the asylum application. Therefore, the question of FGM is not raised automatically with all female asylum seekers. 2. Not unless the asylum seeker herself raises the question or there are other indications that the asylum seeker might be under the threat of FGM. Finland is requesting this Ad-hoc query, because Finland is currently reviewing its practice.
	Germany	Yes	<ol style="list-style-type: none"> 1. Generally, it is in the responsibility of the applicant to submit all facts that can substantiate her fear of being persecuted or her risk of facing a serious harm (art. 25 Asylum Procedure Law). When there are any indications that FGM is of importance for an individual claim it is also in the responsibility of the decision-maker to explore this question in a sensitive manner. If necessary, specialised decision-makers for cases of gender specific persecution can be consulted. 2. That depends on the individual circumstances of every claim, possible <ul style="list-style-type: none"> • At the stage of recording an application. The applicant gets the information that she can ask for a female decision-maker and interpreter, especially in cases of gender specific persecution. • During the interview and also afterwards. <p>Unfortunately, internal national guidelines regarding FGM cannot be provided because this chapter of the guidelines is classified information (for official – internal – use only).</p>

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	<p>Sweden</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. In the asylums process the main rule is that it is the asylum seekers that has to raise the question and provide the evidence. But it is also said that the burden of proof is lower when it comes to persons that is in a vulnerable position like women in some cultures and children. The authority should inform the asylum seeker about the possible grounds to be granted asylum, including grounds based on sex (in which we include FGM). 2. Normally and ideally in the initial stages but there is also an awareness that due to the possible sensitivity of the issue the grounds may not be raised until later in the process. <p>In Sweden the question of FGM is considered to be part of the possibility of getting asylum based on discrimination due to sex. In Sweden the guidelines are compiled in the Handbook for Migration Cases (Handbok för migrationsärenden) which is available online at: http://www.migrationsverket.se/download/18.5e83388f141c129ba63109a5/1390548250909/handbok_migrationsarenden.pdf Please note that this handbook is only available in Swedish.</p>
	<p>Norway</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. If there are general or individual factors indicating that a girl is at risk of FGM, UDI has a duty to assess whether the girl is at real risk of FGM, even if such a risk has not been claimed by the applicant/the applicants' parents. This is in accordance with instructions issued by the Ministry of Justice and Public Security in June 2012. <p>Guidelines for Health Sector (Norwegian) http://www.nkvt.no/sites/Veiviser-KL/ressurser/Documents/veileder_helsepersonell_omskjaering_ik-2723.pdf http://www.nkvt.no/sites/Veiviser-KL/SiteCollectionDocuments/Fra_kunnskap_til_handling_Innhogkap1og2.pdf</p> <p>We also have (legal) “Guidelines about handling of immigration cases where FGM is an issue. «Retningslinjer om håndtering av utlendingssaker der kjønnslemlestelse er et tema» http://www.udiregelverk.no/no/sok/?q=2012-003-GI</p> <p>We also have a questionnaire guideline that we do not wish to circulate. However, if you provide a mailing address, we will send them to you. «Retningslinjer for intervju i saker der UDI har plikt til å vurdere om jentebarn risikerer kjønnslemlestelse».</p> <ol style="list-style-type: none"> 2. Normally during the asylum interview.
