

Female genital mutilation in light of Polish criminal law

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ABSTRACT

Introduction: Female genital mutilation is a practice that causes devastating physical, psychological, and social consequences for girls and women. Female genital mutilation is internationally recognized as a violation of the human rights of girls and women.

Purpose: To examine whether women are appropriately protected against female genital mutilation under Polish criminal law, in particular, whether a special criminal offence should be created.

Materials and methods: The international legal acts, reports and other online available data related to female genital mutilation have been examined. The provisions of the Polish Penal Code and the relevant regulations of English criminal law have been analysed. Moreover, judgements of the Polish courts and the literature have also been the subject

of research.

Results: In Poland, there is no special legislation on female genital mutilation. However, female genital mutilation is punishable under general criminal law provisions. Female genital mutilation is a criminal offence and can be prosecuted as a form of grievous bodily injury or as a form of bodily injury and impairment to health.

Conclusions: A legislative action is needed to ensure that acts of female genital cutting are criminalized irrespective of the place of their commission. The Polish criminal lawmaker should make female genital mutilation exempt from the condition of double criminalization.

Key words: female genital mutilation, female circumcision, infibulation, penalization of female genital mutilation, grievous bodily harm, violence against women
