

Israel report- Intensifying global efforts for the elimination of female genital mutilation (A/RES/73/149)

The practice of female genital mutilation, which had been documented in Israel up to the early 90ies, has been eradicated completely.

Female genital mutilation was in the distant past a traditional practice among a small number of Arab-Bedouin tribes in the Negev desert; however, this practice was abolished thirty (30) years ago. It was documented in a study published in the Archives of Sexual Behavior in 1995 (Asali A, Khamaysi N, Aburabia Y, Letzer S, Halihal B, Sidovsky M, Maoz B and Belmaker ,RH Ritual Female Genital Surgery among Bedouin in Israel, 24:573-577). At that time, physical examination of Bedouin Women before childbirth observed only small scars on the labia and prepuce of the clitoris, but no evidence of clitoridectomy.

Following these reports, a study from 2007 examined whether the practice of female genital mutilation still exists. The study was approved by Helsinki Ethics Committee of the Ben-Gurion University in Israel, and after receiving consent from each patient, young Bedouin women who underwent prenatal genital physical examinations were asked about having experienced female genital mutilation. In addition, the gynecologists looked for any signs indicating that such an operation took place. Over 150 women from the different Bedouin tribes, including the tribes that were previously reported to perform ritual female genital mutilation, were examined, and no woman under the age of 30 was found to have any evidence of female genital mutilation, not even minor scars.

A recent inquiry conducted by different government authorities, including by the Ministry of Social Affairs and Social Services' Unit for the Bedouin community and the Ministry of health, shows that **today, the practice of female genital mutilation has been completely eradicated in Israel.**

An inspection by the Ministry of Health with different health facilities in Israel, in particular of health clinics and hospitals in the Negev area, indicates that in the last decade no instances of FGM occurred in Israel. Nonetheless, few cases of FGM were identified during the last eight years among Sudanese and Eritrean women who illegally entered Israel through the Egyptian border, **though the procedure itself was conducted prior to their entry into Israel.**

On February 29th, 2020, the Israel Supreme court has decided on granting refugee status in Israel to a family from Côte d'Ivoire who has entered Israel illegally, as the family has proved that there is a specific risk of forced FGM to both their girls (7 and 13 years old).

Notwithstanding the fact that no cases of FGM occurred over the last decades in Israel, the Ministry of Health regularly conducts training sessions for all medical staff in Israel on clinical identification of FGM. The training enables medical staff to identify, during a medical examination, intentional physical abuse suffered by women, including the identification of FGM.

A recent study that was conducted by Dr. Avinoam Tzabari, Head of Obstetrics & Gynecology Department in Yoseftal Hospital, Eilat, Israel, (A. Tzabari, T.Yampolski, R. Visnovich, M. Grabarnik, S. Raviv, Managing Female Genital Mutilation during Delivery in Yoseftal Hospital), suggests that midwives and obstetricians should be made aware of female genital mutilation issues in African obstetrics patients (e.g. women who illegally entered Israel through the Egyptian border) and the potential complications during delivery. According to this research, managing these cases by taking a medical history and by making a diagnosis before labor, may significantly reduce the obstetrics complications of Type III FGM.

In order to prevent isolated cases of FGM, the Ministry of Health intends to publish updated guidelines and information for medical staff in delivery rooms and Maternal Child Health Clinics, on identifying FGM and emphasizing the importance of early identification, especially before childbirth.

In the framework of legislation, female genital mutilation is considered to be a criminal offence in Israel. Once a complaint is made that such an act was performed, the Police is obliged to initiate an investigation. Though Israel's *Penal Law* 5737-1977 (hereinafter: the "*Penal Law*") does not contain a specific offence of FGM, it provides that committing such an act constitutes a harm with aggravating intent according to Section 329(a)(1) of the *Penal Law*.¹ A person who commits the crime of harm with aggravating intent may be sentenced to up to twenty (20) years imprisonment.

¹ "329. (a) *If a person did one of the following with the intention to disable, disfigure or cause grievous harm to a person, or in order to resist or prevent his own or another person's lawful arrest or detention, then he is liable to twenty years imprisonment:*

(1) he unlawfully wounded or caused a person grievous harm"

The definition of "*grievous harm*" in the *Penal Law* (Section 34(X)) indicates that such criminal offence includes performing FGM, since grievous harm is defined as any harm which amounts to dangerous harm, or which seriously or permanently injures or may possibly injure the health or comfort of the person harmed, or which extends to permanent disfigurement or to **a permanent or serious injury to an external or internal organ, membrane or sense.**

A health provider that practices FGM is also subject to the same criminal offence, and, in addition, would be subject to a disciplinary proceeding, in which his/her license to practice medicine can be revoked.