



FGM and the law

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Chair of RRTC, School of Law, Charles Darwin University

- 2012 Association of Women Barristers FGM presentation
- 2012 The Guardian "[Female Genital Mutilation: Time for a prosecution](#)"
- 2013 Panel member Launch of the [Integrate Bristol FGM play "My Normal Life"](#)
- 2013 Appeared in the [BAFTA nominated FGM documentary "The Cruel Cut" on UK channel 4.](#)
- 2014 Opened the Darwin premiere of the [Honour Diaries Movie.](#) – chanting Vagina
- 2014 The Guardian [10 ways why FGM law has failed and 10 ways to improve FGM law](#)
- 2014 Published a peer reviewed article in the [Griffith Journal of law and human dignity](#) special edition on women and violence: "*Let's talk about Vaginas: Female Genital Mutilation, the failure of international obligations and how to end an abusive tradition*".
- 2014 Member of the working party for the UK Bar Human Rights Committee which prepared & submitted the influential report on FGM o the UK Government Home Affairs Committee – several of the recommendations have been accepted and now proposed by the British Government.
- 2015 Fried clitoris at the FGM café for Huffington Post http://www.huffingtonpost.co.uk/felicity-gerry/fgm-womens-right_b_6128050.html?
- 2015 Vaginal Piercings have always been FGM for Halsbury's Law Exchange <http://www.halsburyslawexchange.co.uk/vaginal-piercings-have-always-been-fgm/>
- 2015 Joint project on Women's Health and the Law with Menzies School of Health in Darwin, Australia – research and training midwifery, family planning and lawyers.
- 2015 September 2015 Damned Whores and God's Police 40 years on – Panel.
- 2016 Judicial Development Program for SA Magistrates



My Background on FGM

- Female genital mutilation (FGM) is a global cultural practice where female children are cut, to varying degrees of severity, often as part of ceremony into adulthood.
- The historical and cultural context of this practice is essentially patriarchal.
- There have been international and domestic legal responses but millions of women and girls are still cut every year and there have only been a handful of prosecutions.
- Although there has been law for decades prohibiting FGM, it continues.
- If the stage of prosecution and trial is reached, the practical reality is that it is too late, as a girl has already suffered FGM, which is often irreversible.
- FGM is a crime. Here or if taken abroad.
- Types in Australia – introcison, labiaplasty, migrant traditional practices
- Approach genuine therapeutic purpose with care – health responses.
- Approach in non discriminatory way.

What is FGM?

- <https://youtu.be/yBK6nS3HV-Y>

**Safe from fear, safe from
violence: Istanbul convention**

- In 2003, the World Health Organization (WHO) estimated that between 100 million and 140 million women and girls were believed to have undergone FGM worldwide.
- The 2014 WHO Fact Sheet gives similar figures.
- New figures in 2016 include Indonesia
- Implementation of legislation followed by community engagement has been effective in empowering some communities to voluntarily abandon the practice but progress is slow. According to the UN Population Fund, currently the annual rate of reduction ('ARR') of FGM is only 1%.
- Collecting data – midwives, health visitors, well woman checks

Data on FGM

- There are over 6 decades of international Declarations, Conventions and legislation to combat FGM .
- 2012 *Intensifying global efforts for the elimination of female genital mutilations*, GA Res/67/146, UN GAOR, 3rd Comm, 67th sess, Agenda Item 28(a), UN doc Res/A/67/146. The Australian government announced that it would co-ordinate efforts to address FGM in Australia. Fifteen national projects were funded with a specific focus on raising awareness and providing support within affected communities (NT example)
- 2013 Review of Australia's Female Genital Mutilation legal framework Final Report: An attempt at uniformity.
- September 2015 Damned Whores and God's Police 40 years on – Panel.
- February 2016 first successful prosecution in Sydney.
- March 2016 Victorian Government's Royal Commission into Family Violence. The 227 law and policy recommendations included recognising vulnerability pertaining to culturally and linguistically diverse (CALD) women and communities in the context of specific forms of family violence, including FGM.
- April 2016 In the context of migration the transnational nature of the FGM issue was recognised in Australia in April 2016 when an Australian toddler at risk of FGM in West Africa was repatriated to Queensland after a campaign by NGO 'NoFGM Australia'

Australian Responses

- Criminal Legislation – difficulties with investigations.
- Protection Orders
- Domestic / Family violence intervention order.
- Family Court Orders
- Mandatory Reporting
- Civil proceedings

Legal Mechanisms

- As long ago as 1977, Elizabeth Moen contended that FGM is a method of control. She called for worldwide recognition ‘that all of these practices are linked via sexual politics’. Essentially, combatting FGM she said may ‘encourage women everywhere to join in a common battle for self-determination’.
- In the decades that have followed, social conventions associated with ideas of cultural relativism continue to be prioritised over criminal justice and the protection of women and girls from abuse.

Past Campaigning

- Awareness is vital: FGM as a practice has been imported into countries where it was not routine but where use of social media is common.
- In August 2013, Sydney University's *Honi Soit* magazine website was shut down when they used an image on the cover of their magazine of female student vaginas. Apparently the suggestion was that the images were indecent and it was potentially a publication in contravention of a criminal offence. In a Facebook statement, the magazine editors said, '[w]e are tired of society giving us a myriad of things to feel about our own bodies.... either accept vaginas as normal, non-threatening and not disgusting or explain why you can't'.
- NoFGMOz

Modern Campaigning

- CEDAW
- Article 24(3) of the *UN Convention of the Rights of the Child* is mandatory for all signatories and is not limited to the making of laws: All necessary measures.
- Legislation must be accompanied by education, training and understanding.
- Crime prevention is still more important than prosecution
- Novel areas of law

Non-legal intervention

- Talk
- Tell
- Thank you

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