



NSW Education Program on Female Genital Mutilation

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The NSW Education Program on Female Genital Mutilation (NSW FGM) is a state wide program funded through the NSW Department of Health. The Program commenced its work in September 1997 and ongoing funding has been provided in order that existing work could be consolidated, and further work with new and emerging communities could be planned and implemented.

What is Female Genital Mutilation?

Female genital mutilation (FGM) also known as female circumcision (FC) denotes the range of procedures involving partial or complete removal of the female genital organs. The World Health Organization recognises four different types of FGM (WHO 1995).

Reasons for the practice

FGM is strongly rooted in tradition. It is practised for a variety of inter-related cultural, social and economic reasons.

The practice is thought to enhance hygiene, fertility and child survival and is sometimes viewed as a form of contraception. It is also practiced for aesthetic reasons.

Many communities believe that FGM contributes to social cohesion and family honour. FGM is often seen as a means of ensuring female chastity before marriage and fidelity within marriage. In many communities where it is practiced FGM is viewed as an initiation into womanhood and a prerequisite for marriage.

FGM and religion

FGM is not a religious practice. Although FGM is often erroneously associated with religion, the practice predates religions such as Christianity and Islam and is not sanctioned by any religion.

Countries affected by FGM

Not all communities in countries where FGM is practiced perform FGM. It is quite possible for a country to have isolated communities practising FGM while more urban communities may not undertake the practice.

FGM occurs in more than 40 countries throughout the world. It is practised by communities in twenty-eight African countries, communities in the southern parts of the Arabian Peninsula and along the Persian Gulf and in communities in India, Indonesia and Malaysia.

Health consequences of FGM

The effects of FGM vary from woman to woman. Some women will experience severe physical and mental health problems while others may appear not to experience side effects.

Chronic health impacts include difficulties with sexual intercourse, menstrual problems, recurrent urinary and kidney infections, infertility, acute problems during labour and birth, incontinence, prolapses, fistulas, difficulty in using some contraceptive methods and sexual dysfunction. The psychological effects can include severe depression, loss of sleep, nightmares and post-traumatic stress syndrome.

NSW Legislation

What is the law in NSW regarding the practice of FGM?

Crimes Amendment (Female Genital Mutilation) Act 2014 (NSW) states that FGM is against the law.

If any person is found guilty of performing, or arranging for FGM to be done to a female baby, a girl or a woman in NSW they can be imprisoned for up to 21 years.

If any person is found guilty of taking or arranging for a female baby, girl or a woman to be taken out of NSW, to another Australian state or overseas, can be imprisoned for up to 21 years.

A person cannot:

- Excise, infibulate or mutilate the whole or any part of the labia minora or labia majora or clitoris of another person
- Aid, abet, counsel or procure a person to perform any of these acts on another person

This means that it is against the law to:

- Circumcise a woman, girl or female baby
- Remove or cut out any part of the female genital area ('excise')
- Stitch up the labia majora or labia minora of the female genitalia (infibulate)
- Cut the clitoris or part of the clitoris
- Damage the female genital area in other ways.

When the law says that a person cannot "aid, abet, counsel, or procure" a person to perform FGM, this means that it is also against the law to:

- Assist someone else to perform these acts
- Have someone else perform these acts on your behalf
- Be aware of these acts having been committed and not report the action.

The law on FGM aims to stop FGM, however, other types of injuries to the female genitalia can also be considered assault and wounding and are offences under the NSW Crimes Act.

What happens if someone breaks the law?

Someone who performs FGM can be imprisoned for up to **twenty one (21)** years.

The punishment is the same when a person helps or assists or procures someone else to perform FGM.

Who must report FGM to the authorities?

People employed in particular occupations are mandated (legally bound) to report this offence:

- The law says that a medical practitioner must report FGM to the Director General of the Department of Health, if FGM is carried out on a child who is under 16 years of age.
- FGM is identified as child abuse in NSW. The Children and Young Persons (Care and Protection) Act 1998 mandates a wide range of people in occupations working with children to report to the NSW Department of Community Services any “current concerns” and/or reasonable grounds to suspect “risk of harm” relating to children. For the purposes of this law a child is a person under 16 years. People mandated to report such offences, or the suspicion of such offences having occurred include health workers, teachers, childcare workers, disability workers and the NSW Police.

Which communities does the Program work with in NSW?

The Program works with communities from Egyptian, Ethiopian, Kurdish (Iraq), Kenyan, Liberian, Nigerian, Sierra Leonean, Ethiopian, Indonesian, Somali and Sudanese backgrounds now resident in NSW. The program is also developing links with new and emerging communities across the State, who may be at risk of FGM.

Other Questions Related to FGM

Are there any surgical procedures to the female genitalia that are allowed?

The law allows a surgical operation that is:

- Necessary for the health of a person and which is performed by a medical practitioner
- Medically necessary during labour or birth and which is performed by a medical practitioner, midwife or medical student registered in Australia
- A sexual reassignment procedure, which is performed by a medical practitioner (a sexual reassignment procedure is part of a sex change operation when a doctor operates to change a man into a woman or a woman into a man)

The law says that only matters related to the “medical welfare” of a person can be taken into account when deciding whether an operation is necessary for the health of a person.

Can anyone perform FGM for cultural reasons?

No. The only surgical operations allowed are those listed above.

Can anyone perform FGM if a woman or girl agrees to it?

No. It is against the law to carry out FGM even if the woman or girl wants it done.

Can anyone go to another country or another part of Australia to perform FGM?

No. If a woman, girl or female baby normally lives in New South Wales, it is against the law to have FGM performed on her in another country or in any state of Australia.

Can anyone restitch (re-infibulate) a woman after childbirth?

Yes in certain circumstances. Re-stitching following childbirth can only occur if the doctor considers it is necessary for the mental or physical health of the woman and the woman has made an informed decision. Re-stitching can only occur where a woman has experienced tearing as a result of childbirth.’

NSW Program Goals

The Program's goals are to:

- Promote the development of a consistent and holistic health approach in working with communities and facilitate support and access to the full range of services for women, girls and their families affected by, or at risk of, the practice
- Prevent the occurrence of FGM in NSW through an emphasis on community education, information and support
- Assist women, girls and their families living in NSW who have been affected by FGM to minimise the harmful effects
- Strengthen community ownership of the issues, and promote appropriate approaches to the prevention of FGM in NSW

The Program maintains that the practising communities, who are the custodians of the practice, can best achieve prevention of FGM.

The Program is based on the principles of community development, and the belief that community empowerment is at the core of community capacity building. The strategies developed empower the communities to build their capacities towards prevention of the practice.

NSW Program Structure

Professional Education and Training

The Professional Education Program targets counsellors, youth workers, health services, relevant government and non-government education, welfare workers and police. Training offered covers clinical case management and counselling responses to FGM in order to equip workers to provide care in a sensitive non-judgmental manner to women and girls affected by FGM.

The Community Education Program

The Community Education Program works directly with communities resident in NSW, who have come from countries where FGM is practiced.

Women's Health and Traditions in A New Society (WHATINS) is the main community education strategy for the women's health program. This is an 11-session education program conducted by bi-lingual community workers (BCW) with women in the target communities. WHATINS aims to explore women's health issues, including the health aspects of FGM and the NSW law on FGM. The WHATINS program provides a safe and comfortable environment in which women can confront their own experiences with the practice.

All strategies are based on the core values of respecting and valuing culture whilst emphasising the harmful nature of the practice to the health and well-being of the women and children affected.

The strategies recognise the knowledge base of members of the communities and tap into their existing knowledge and capacities to expand the scope of the program. Individual cultural contexts are explored towards working in a culturally competent manner.

Strategies

Several strategies have been employed over the past ten years including:

- The Communication Strategy – Silver Award Winner of the Premier's Public Sector Awards in 2000
- Community Conference (part of communication strategy)
- Religious Leaders Forums
- Residential Camps for Sierra Leone Women and Children (Cabaslot Fiestas 2003/2005)

- The celebration of International Day of Zero Tolerance to FGM (2005/2006/2007)
- The Inaugural Men's Seminar (2006), Second Men's Seminar (2008)
- A coordinated education strategy for both professional personnel and community members in the regional centers of Coffs Harbour and Newcastle
- Outreach to regional and rural NSW
- Celebrating culture and healthy traditions

Location

The Program's office is located in the grounds of Cumberland Hospital.

Health Care Interpreter Service

The Health Care Interpreter Service (HCIS) provides professional and confidential interpreting and translating services. Services are available in over 120 languages, including AUSLAN (Australian Sign Language) for the Deaf clients. NSW FGM can work with HCIS as required.

Program Personnel

A Program Manager, two Project Officers, and a part time Professional Support and Administrative Officer staff the NSW FGM Program. The Community Education Officer is assisted by a group of trained and highly competent contracted Bilingual Community Workers (BCW's) from the practicing communities.

Postal Address:


NSW Education Program on Female Genital Mutilation
Locked Mail Bag 7118
Parramatta BC NSW 2150

Contact Numbers:

Phone: (02) 9840 3777

Fax: (02) 9840 3004

More information about the NSW FGM Program and resources can be found on the website www.dhi.gov.au/fgm.



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