

# FEMALE CIRCUMCISION (TRADITIONAL CUTTING) AND THE LAW IN VICTORIA



the women's  
the royal women's hospital  
victoria australia

Female circumcision, or “traditional female cutting”, is against the law in Victoria.

## What the law in Victoria says about this practice?

In Victoria the following practices are illegal:

- » removing or cutting of any part of the female genital area (excision), including the clitoris and labia
- » stitching up the female genital area (infibulation)
- » any procedure to narrow or close the vaginal opening
- » cutting the clitoris or part of the clitoris
- » damaging or mutilating the genital area.

It is against the law in Victoria to:

- » circumcise a woman, young girl or any child under the age of 18
- » take a person out of Victoria to be circumcised. This means you cannot go to or take a person to another state or country to have this practice done.

Even if someone agrees to have circumcision done, or their parents have provided permission, it is still illegal.

The Crimes Act refers to all types of female circumcision and genital cutting as female genital mutilation.

## What happens if someone breaks the law?

A person is breaking the law if they:

- » do the procedure
- » help someone to do the procedure
- » find someone to do the procedure.

The punishment is a prison sentence of up to 15 years.

## Are there any surgical procedures which are allowed?

Surgical procedures on the vagina can be performed by a medical doctor when:

- » the procedure is necessary for the health of a person and only if it is performed by a doctor
- » it is medically necessary during labour or immediately after the birth and is performed by a doctor or midwife
- » it is a sexual reassignment procedure (a sex change) which is performed by a medical practitioner.

It can only be done if it is for the medical welfare of the person or to relieve physical symptoms.

## Can a woman be re-stitched (re-infibulated) after childbirth or after any other type of gynaecological procedure?

No, a woman is not permitted to have re-infibulation that is intended to narrow or close the vaginal opening. However, stitching may be needed after childbirth if there has been tearing or cutting. This is normally done by a doctor or midwife straight after the birth.

## Who reports female circumcision (traditional cutting) in a child to the authorities?

In Victoria female circumcision is illegal and is considered child abuse if performed on a person under the age of 18. This means that people in occupations that work with children have to notify the Department of Health if they suspect a child has been circumcised. Those people include: doctors, nurses, teachers, child care workers, and police, however anyone can make a report to Department of Health. (*Children, Youth and Families Act 2005* section 162)

## For more information

The FARREP workers at the Women's are available Monday to Friday, 9am to 5pm.

Tel: (03) 8345 3058

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You can also talk to the FARREP worker at your local community health centre.

Search our website for more information:

[www.thewomens.org.au](http://www.thewomens.org.au)

## References

- » Children, Youth and Families Act 2005
- » Crimes (Female Genital Mutilation) Act 1996 – <http://www.austlii.edu.au/au/legis/vic/bill/cgmb1996313/>
- » NSW Education Program on Female Genital Mutilation – <http://www.dhi.health.nsw.gov.au/>
- » Victorian Crimes Act 1996

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