

FEMALE CIRCUMCISION (TRADITIONAL CUTTING) AND THE LAW IN AUSTRALIA



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

Female circumcision, or 'traditional female cutting' is against the law in Australia.

What is female circumcision?

Female circumcision is a traditional cultural practice. Sometimes it is also called Female Genital Cutting (FGC). It involves cutting the external parts of the vaginal area. There are no health benefits with this practice, it can actually harm a woman's sexual and reproductive health.

What the law says about this practice?

It is against the law for female circumcision to be performed on babies, girls or women.

The following practices are illegal where they are not performed by a doctor for health reasons:

- removal 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 (clitoridectomy)
- damaging or mutilating the genital area

It is also illegal in Victoria to:

- take a female anywhere in Australia or another country to be circumcised
- help someone to do the female circumcision
- find someone else to do the female circumcision

Even if a woman agrees to have a circumcision done, or her parents give permission, it is still illegal.

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 in Victoria.

Are there any surgical procedures which are allowed?

Surgical procedures on female genitalia can be performed by a medical doctor when:

- the procedure is necessary for the health reasons
- it is necessary during labour or immediately after the birth
- it is a sexual reassignment surgery (a sex change)

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 for non-health reasons. Stitching however may be needed after childbirth if there has been tearing or surgical-cutting. This is done by a doctor or midwife soon 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 child under the age of 18. This means that people in occupations who work with children must notify the Department of Health and Human Services 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 and Human Services. (*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

T: (03) 8345 3058

E: farrep.program@thewomens.org.au

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

Search our website for more information:

www.thewomens.org.au

Legal References

Victoria law

- Crimes Act 1958 (Vic) s32 – 34A
- Children, Youth and Families Act 2005 (Vic) s162, s163, s182, s184

Other Australian States' law

- Crimes Act 1900 (ACT) s73-s77
- Crimes Act 1900 (NSW) s. 45, s45A
- Criminal Code Act (NT) Division 4A
- Criminal Code Act 1899 (Qld) 323A, 323B
- Criminal Law Consolidation Act 1935 (SA) Division 8
- Criminal Code Act 1924 (Tas) s178A
- Criminal Code Act Compilation Act 1913 (WA) s306