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Charities # CC11104

27 January 2020

Committee Secretariat
Health Committee
Parliament Buildings
Wellington

Tēnā koe

Family Planning welcomes the opportunity to comment on the Crimes (Definition of Female Genital Mutilation) Amendment Bill. Overall Family Planning strongly supports the Bill and the intention to update the definition of Female Genital Mutilation (FGM) in legislation so all forms of FGM are illegal in New Zealand. The Bill is an important step toward ensuring New Zealand laws are up to date, fit for purpose and protect and promote human rights and sexual and reproductive health and rights (SRHR).

Background

Family Planning is New Zealand's largest provider of sexual and reproductive health services and information. We are a non-governmental organisation (NGO) operating 23 clinics as well as school and community-based outreach services. We provide about 154,000 clinical consultations each year to clients across the country.

FGM is recognised internationally as a violation of human rights including the right to be free from torture, the right to attain the highest standard of health, the right to be free from discrimination and the rights of the child.¹ FGM is a form of violence perpetrated against

¹ Human Rights Council discusses the identification of good practices in combatting female genital mutilation (2014). Retrieved from:
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14713&LangID=E>

women and girls as a traditional sociocultural practice² which is embedded in some countries and communities. It is usually performed on young girls who are unable to consent to their body being altered nor the associated risks. There are no health benefits from FGM however there is usually significant short and long-term harm including infection, painful menstruation, childbirth complications and pain with sexual activity.³

There is no evidence that FGM occurs in New Zealand⁴, however, internationally it is estimated that it impacts between 100 and 200 million women and girls.⁵ New Zealand has a population of immigrants from countries where FGM is practiced.

The Legislation

Family Planning supports the intention of the Bill to update the definition of FGM in legislation. We ask the Committee to consider whether the explanatory note should more explicitly acknowledge that FGM is a violation of human rights based on New Zealand and international law. The current language in the note, which describes FGM as “a complex and multifaceted practice” does not specifically explain that FGM is broadly accepted as a violation of human rights, particularly the rights of women and girls.

Family Planning supports the changes to section 204A of the Crimes Act 1961. We ask the Committee to consider whether it would be beneficial to include a broader definition of FGM alongside the specific definitions in section 204A (1). The WHO defines FGM broadly: “Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons.”⁶ The four types of FGM are then defined. A UNICEF publication which considers legislation to eliminate FGM⁷ states:

In practice, prohibiting all forms of FGM/C without defining them may create disagreement over which practices constitute FGM/C, while listing the various types of FGM/C may not include all forms.

² WHO (2018) Female Genital Mutilation – Fact Sheet. Retrieved from: <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

³ IPPF (2015) International Medical Advisory Panel (IMAP) Statement on the elimination of female genital mutilation. Retrieved from: https://www.ippf.org/sites/default/files/ippf_imap_fgm_web.pdf
⁴ <https://fgm.co.nz/>

⁵ UNICEF (2016) Retrieved from: https://www.unicef.org/media/files/FGMC_2016_brochure_final_UNICEF_SPREAD.pdf

⁶ WHO (2018) Female Genital Mutilation – Fact Sheet. Retrieved from: <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>

⁷ UNICEF (2010) Legislative Reform to Support the Abandonment of Female Genital Mutilation/Cutting. Retrieved from: https://www.unicef.org/policyanalysis/files/UNICEF_-_LRI_Legislative_Reform_to_support_the_Abandonment_of_FGMC_August_2010.pdf

A broader definition could ensure that no forms of FGM are excluded and could also make the law more easily understood by the general public.

The larger sexual and reproductive health and rights context in New Zealand

FGM represents an extreme form of denying sexual and reproductive health and rights to women and girls. Family Planning strongly supports addressing this harm and welcomes the prioritisation of sexual and reproductive health and rights through this legislative initiative. There are a number of other barriers to New Zealanders realising their sexual and reproductive health and rights including inequity in access to contraception and abortion, high rates of sexual violence and coercion, discrimination based on gender and sexuality and inconsistent access to education and information about relationships and sexuality. These barriers are most significant for Māori, Pasifika, young people, women and girls, LGBTQI communities and refugee and migrant communities. Family Planning urges MPs supporting this Bill to continue to prioritise sexual and reproductive health and rights in New Zealand through other legislative change, new budget allocations and policy initiatives.

Thank you for the opportunity to comment.

Ngā mihi nui



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