



27 January 2020

S20.01

Submission to the Health Select Committee on the Crimes (Definition of Female Genital Mutilation) Amendment Bill

Introduction

- 0.1. The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing over 200 organisations affiliated at either national level or to one of our 15 branches. In addition, about 450 people are individual members. Collectively our reach is over 450,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.
- 0.2. Our submission was prepared by the NCWNZ Health Standing Committee, within the framework of the United Nations' Convention on the Elimination of Discrimination against Women, the United Nations' Convention on the Rights of the Child, the Sustainable Development Goals and NCW's longstanding commitment to the health and well-being of children and young women. It has not been possible to consult with all NCWNZ branches, individual members and member organisations within the timeframe for submissions.

1. Executive Summary

- 1.1. NCWNZ welcomes the opportunity to make a submission to the Health Select Committee on the Crimes (Definition of Female Genital Mutilation) Amendment Bill ("the Bill"). We particularly welcome the cross-party cooperation by the four female MPs sponsoring the Bill, demonstrating that women's rights are human rights that transcend partisan politics. We also welcome the opportunity to support leaders and members of the main refugee and migrant communities in New Zealand who strongly support this legislation.

- 1.2. Female Genital Mutilation (FGM) violates the most basic rights of girls and women – to life, health, safety and control over their bodies and reproductive rights. NCWNZ strongly supports legislation to update the definition of female genital mutilation to ensure all types of FGM are illegal in line with international best practice and our international obligations.

2. International conventions

- 2.1. New Zealand is signatory to three international conventions that recognise that FGM violates the most basic human rights of female children and adults. We recognise that New Zealand has already outlawed three of the four methods of FGM and welcome the extension of the legal definition to include Type Four (incision into the clitoris), in line with World Health Organisation definitions.
- 2.2. **UN Convention on the Elimination of Discrimination Against Women.**
In its introduction to the Convention, the Committee on the Elimination of Discrimination Against Women (CEDAW) states: “the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations;” and “the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights”.¹
- 2.3. Article 5 declares that “States Parties shall take all appropriate measures:
- a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
 - b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases”.
- 2.4. General Recommendation No. 14 is specifically on FGM and recommends to States parties that:
- a) States parties take appropriate and effective measures with a view to eradicating the practice of female circumcision.
 - b) States parties include in their national health policies appropriate strategies aimed at eradicating female circumcision in public health care”.
- 2.5. **UN Convention on the Rights of the Child (UNROC).**
Article 19 declares that:
- a) “States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including

¹ CEDAW <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”²

2.6. UN Sustainable Development Goals.

Sustainable Development Goal 5 recognises that Gender Equality is fundamental to progress on all other goals; notes progress on reducing FGM but also recognises that there is “much work required to eliminate the practice”.³

3. Measures to support the legislation

- 3.1. The Explanatory Note to the Bill states that another objective of the legislation is to ensure that “all women and girls are adequately protected from FGM.”. We submit that legislation by itself will not achieve this as FGM is “a complex multifaceted practice deeply rooted in a strong cultural and social framework”. FGM is driven by very strong cultural and social norms and beliefs, making it very difficult for women to resist or speak out and those that do are often severely socially and economically disadvantaged.
- 3.2. It is important that the legislation, when enacted, is accompanied by information targeted at affected communities, community leaders and professionals. Government and NGOs need to increase existing efforts to work with refugee and migrant communities to promote open discussion, counter stigma and myths, empower young women and take good care of those living with FGM.

4. Conclusion

- 4.1. NCWNZ has welcomed the opportunity support this important Bill which recognises the International Conventions to which New Zealand is a signatory.



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NCWNZ Board



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² UNROC <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

³ UN <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>