

Female Genital Mutilation

Criminal Laws (Amendment) Bill 2024

What is Female Genital Mutilation?

Female genital mutilation is a form of violence against women and girls. It involves the female genital organs being injured or changed when there is no medical reason for doing so. It is frequently a traumatic and violent act for the victim and can cause harm in many ways.

The age at which female genital mutilation is carried out varies enormously and may be carried out shortly after birth, during childhood or adolescence, just before marriage or during a woman's first pregnancy. Victims can be adults or children and female genital mutilation can occur in any type of relationship and is not limited to certain cultures, religions or areas of the world.

Is Female Genital Mutilation currently an offence?

Undertaking, aiding and encouraging female genital mutilation is currently a criminal offence which has a maximum sentence of 14 years imprisonment.

What does the Bill aim to do?

The Bill aims to improve protection against female genital mutilation offences by updating the current law.

Female genital mutilation offences can be committed inside or outside the Falkland Islands, for example where a person lives in the Falkland Islands and is taken abroad and subjected to female genital mutilation. The current law does not protect all residents equally and the Bill amends the law so that it applies equally to all people who are resident in the Falkland Islands.

The Bill introduces a new criminal offence of failing to protect a girl under the age of 16 from female genital mutilation. The offence places a duty on people who have responsibility for a girl under the age of 16 to take reasonable steps to protect the girl from female genital mutilation, such as reporting the risk of female genital mutilation to a social worker or police officer.

Female genital mutilation is a serious criminal offence which is deeply harmful and highly personal in nature. The Bill protects victims of the offence by giving them lifelong anonymity which prevents the publication of any matter which is likely to lead members of the public to identify them. This protection operates in the same manner as the protection for victims of sexual offences in relation to reporting which can lead to their identification.

The Bill also gives the court the power to make a female genital mutilation protection order, the terms of which can be tailored to protect from harm the victims of female genital mutilation and those at risk of female genital mutilation. For example, an order can require the surrender of passports and travel documents to prevent travel outside of the Falkland Islands where there is a risk of female genital mutilation taking place abroad.

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