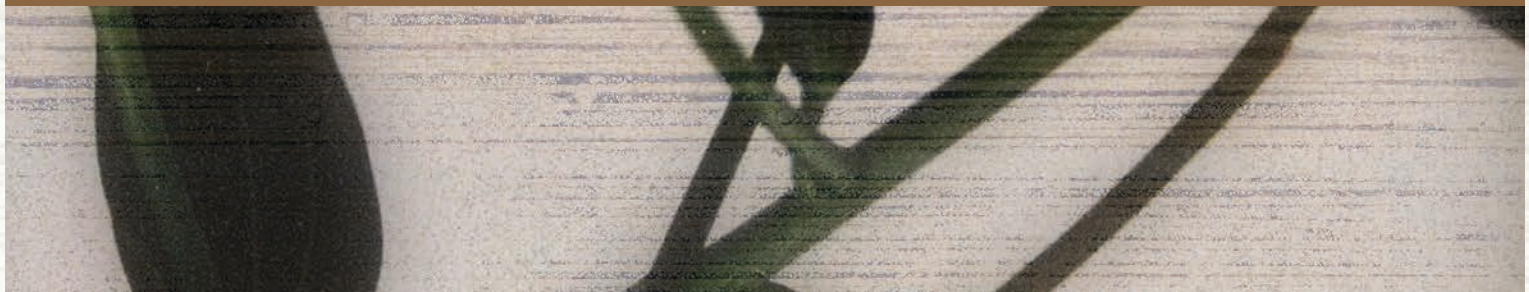




# FEMALE GENITAL MUTILATION AND NEW ZEALAND LAW





**Female genital mutilation (FGM) is a traditional practice supported by a wide range of cultural and social beliefs and customs. FGM is an important women and children's rights issue globally, with 200 million girls affected and 4 million girls are at risk every year.**

In New Zealand, FGM is not a traditional practice, however there are women and children here from countries that practice FGM. In response to this, there are services available to provide health assistance for women affected by FGM, and there are community-led initiatives underway to help prevent FGM occurring here. FGM is a complex multifaceted practice, which may be endorsed by some community members and loving parents who believe it is in the best interests of a young girl – so sensitivity, understanding and skills are required when engaging with communities affected by the practice.

## **What is the definition of female genital mutilation?**

Female genital mutilation (FGM) is defined as *“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”* (WHO, 2020). There are four types of FGM: Type 1 Clitoridectomy, Type 2 Excision, Type 3 Infibulation and Type 4, with variations within each of these types.

## **What does the New Zealand Government say about FGM?**

Section 204A of the NZ Crimes Act (updated in 2020) states that FGM is illegal. A person cannot perform “any medical or surgical procedure or mutilation of the vagina or clitoris of any person” for reasons of “culture, religion, custom or practice”. For the purposes of this section, FGM means the excision, infibulation, or mutilation of the whole or part of the female genitalia of any person; and includes

- (i) the partial or total removal of the clitoris, labia majora, labia minora, or prepuce, or any combination of these;
- (ii) the narrowing of the vaginal opening by cutting or repositioning the labia majora or the labia minora, or both;
- (iii) other harmful procedures carried out on any part of the female genitalia, such as pricking, piercing, incising, scraping, or cauterising, but does not include a procedure carried out for cosmetic or enhancement purposes only.

### **This means it is illegal to:**

- circumcise a woman, girl or female baby
- remove or cut out any part of the female genital area
- stitch up the female genital area
- cut the clitoris or part of the clitoris
- prick, pierce, incise, scrape, or cauterise any part of the female genital area
- damage the female genital area in other ways
- for reasons of culture, religion, custom or practice.

## Why is FGM illegal in New Zealand?

FGM is illegal in NZ because it is harmful to the health of women and girls and is internationally recognized as a violation of the human rights of girls and women. It is nearly always carried out on minors and violates a person's rights to health, security and physical integrity; the right to be free from torture and cruel, inhuman or degrading treatment; and the right to life when the procedure results in death.

NZ is also a signatory to the following International Instruments and Conventions that encourage and oblige action against FGM;

- The Universal Declaration of Human Rights
- The Convention on the Rights of the Child
- The Convention on the Elimination of all Forms of Discrimination against Women

## Can you send a child overseas for FGM?

It is against the law to:

- send any child out of NZ for FGM to be performed,
- make any arrangement for a child to leave NZ for FGM to be performed,
- assist or encourage any person in NZ to perform FGM on a NZ citizen or resident outside NZ,
- convince or encourage any other NZ citizen or resident to go overseas to have FGM performed.

It is also against the law to send or arrange for a child or any other NZ citizen to go overseas for FGM to be performed, or assist or encourage someone to perform FGM outside of New Zealand. If someone performs FGM, the penalty is imprisonment for up to seven years. This occurs whether the person performs the procedure, helps, or gets someone else to perform FGM.

## Can you perform FGM if the woman or girl agrees to it?

It is against the law to perform FGM even if the woman or girl wants it to be done, because it is harmful to the health of women and girls.

## What happens if FGM occurs in New Zealand?

Anyone who breaks the law may be imprisoned for up to a maximum period of seven years.

The punishment applies whether a person performs the procedure, assists someone else, or arranges for someone else to perform FGM.

If you would like support for FGM,  
are concerned it may occur, or want  
more information please contact:

The FGM Education Programme

Email: [hello@fgm.co.nz](mailto:hello@fgm.co.nz)

[www.fgm.co.nz](http://www.fgm.co.nz)

