

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN HUMAN RIGHTS COMMISSION

Question No. 6

Senator Heffernan asked the following question at the hearing on 16 October 2012:

Senator HEFFERNAN: Can I just ask what the attitude of the Sex Discrimination Commissioner is and perhaps you, Professor Triggs. I have struck a couple of cases of young women who have been sent back home to their parents' original country of birth to be circumcised because, as you know, it is illegal here. We know that in some of those countries—and I have got the Parliamentary Library to do the research for me—80 per cent of the girls are circumcised or trimmed when they reach puberty. Why do we not do something about it and what is the attitude of the Sex Discrimination Commissioner to the fact that it seems to just go by and that we do not seem to care?

Ms Broderick: Firstly, around so-called FGM—female genital mutilation or cutting—there is no question that, in Australia, that would be violence against women. Of course, in certain cultures, as you properly refer to, it is a strongly embedded social norm.

Senator HEFFERNAN: But does that make it—

Ms Broderick: No, I am not defending it at all. All I am saying is that, in Australia, there are a number of things. We have done some work with African communities and other communities around education, firstly, but also around ensuring that this practice—

Senator HEFFERNAN: What is the work that we have done? Could you take that on notice?

Ms Broderick: Yes, I will take it on notice. There have been some developments in that area, as well as looking at some legal developments. I do not have that information to hand, but I will take that question on notice.

Senator HEFFERNAN: We do not seem to take up that practice here. There are young ladies here who are being sent back to be done. Being a bushie, I use rather cruder language, which I will not here but, even to the point where, for young ladies, who in some countries do not deserve an education can be shot at the bus stop coming home from school, why is there not an outrage from people like you?

Ms Broderick: There is outrage from people like me.

Senator HEFFERNAN: I have not seen it.

Ms Broderick: In a number of forums—

Senator HEFFERNAN: Could you take on notice how you reacted?

Ms Broderick: Of course, we will take it on notice.

The answer to the honourable senator's question is as follows:

There have been a number of positive measures undertaken in Australia to prohibit and prevent female genital mutilation (FGM).

In 1998 the Commission recommended the development of legislation specifically prohibiting FGM (see *Article 18 Freedom of religion and belief* (1998), p59, at http://www.humanrights.gov.au/human_rights/religion/index.html). Today, there are laws across Australia which prohibit FGM, as well as prohibit taking a child out of the jurisdiction to have FGM procedures performed.

The issue has also been raised with the Commission in past consultations with African Australian communities in 2010 (see <http://www.humanrights.gov.au/africanaus/compendium/health/>).

There has also been a lot of work in Australia on the prevention of FGM. There are community education programs found across Australia that aim to educate and work with communities to prevent the practice of FGM.

Both the legislative and preventative measures identified above are important steps in Australia meeting its obligations under the *Convention on the Elimination of All Forms of Discrimination Against Women* and the *Convention on the Rights of the Child (CRC)*. The Committees of these conventions have identified FGM to be a violation of the rights of women and girls.

As part of my functions as Sex Discrimination Commissioner I regularly publicly comment on sex discrimination, sexual harassment and violence against women wherever it occurs in Australia.

In relation to the specific event Senator Heffernan refers to namely, the shooting of 15 year old, Malala Yousufzai, who was shot on 9 October 2012 by the Taliban in Pakistan for advocating for girl's rights to education, I commented on this horrific incident via Twitter and Facebook. I find that communication through such social media mechanisms can be effective for broadcasting comments on such issues.