

FACT SHEET

CRIMINAL CODE AMENDMENT (FEMALE GENITAL MUTILATION) ACT 2013

The old law

Previously, under section 186C of the Criminal Code, it was a crime for a person to remove a child from the Northern Territory, or to make arrangements to do so, with the intention of performing female genital mutilation. However, it was not a crime to arrange for the removal of an adult woman from the Northern Territory with the same intention.

What does the new Act do?

The *Criminal Code Amendment (Female Genital Mutilation) Act 2013* commenced on 4 December 2013.

The Act amends section 186C of the Criminal Code so that it applies to both adult women and children. This means that it is now an offence for a person to remove a female, whether adult or child, from the Northern Territory, or to make arrangements to do so, with the intention of performing female genital mutilation.

It is not the intention of the legislation to punish or prosecute the victim. As a result, even if she consents to being removed from the Northern Territory, she will not be charged with the offence. The purpose of the offence is only to punish the actions of other persons who remove or make arrangements to remove females from the Northern Territory, with the intention of performing female genital mutilation.

Why did the law change?

In March 2013 a national report called the Review of Australia's Female Genital Mutilation Framework was published. The report made a number of recommendations to ensure the utmost protection for women and children from female genital mutilation. In April 2013 the Northern Territory agreed to take steps to implement the recommendations of the report. The Northern Territory legislation already provided protection in accordance with most of the recommendations of the report, however, the protection of a person from removal to another state or country for the purpose of performing female genital mutilation was limited to children and did not cover adult women. No reason for limiting the offence to the removal of children was identified.

As a result, the Criminal Code has been amended to ensure that both adult women and children are protected from removal to another state or country for the purposes of performing female genital mutilation.

Penalty

If a person removes a female, whether adult or child, from the Northern Territory, or makes arrangements to do so, with the intention of performing female genital mutilation, they will commit a crime. The person will then be subject to a maximum of 14 years imprisonment.

When will the new law apply?

Any person who removes a female from the Northern Territory, or makes arrangements to do so, with the intention of performing female genital mutilation from 4 December 2013 will commit an offence. However, if the offence occurred before 4 December 2013, then an offender can only be prosecuted if they removed or made arrangements to remove a child from the Northern Territory with the intention of performing female genital mutilation.