



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 3rd July 2014

Statement on the report of the Home Affairs Committee on Female Genital Mutilation

The Bar Human Rights Committee (BHRC) welcomes the Home Affairs Committee's report on FGM. The BHRC considers FGM to be one of the most serious forms of violence against women and girls facing the UK. In submitting written evidence to the Home Affairs Committee's investigation into FGM the BHRC's opinion was that the UK was failing to meet its obligations under international law in its response to FGM.

The UK's obligations under international law require it to do more than simply prohibit FGM in law; it is obligated to take positive public policy action to eliminate FGM. We welcome that this fundamental issue is reflected in the report of the Home Affairs Committee.

The BHRC commends the inclusion of civil protection measures - as recommended in BHRC's submission - in the report of the Committee. The current prohibition in criminal law is inadequate to the task of preventing FGM as it relies upon vulnerable women and girls reporting FGM and then giving evidence in court, often against family members or community leaders. Civil protections give women and girls at risk of FGM more control over how the law protects them and also facilitate prevention of FGM rather than attempting to identify and punish the perpetrators in the aftermath.

The BHRC supports the Committee's recognition that FGM is a social and cultural issue and that the response to it must include improved education and engagement with those at risk, practising communities and front line professionals encountering FGM.

However the BHRC regrets that the Committee has not included a recommendation for the establishment of an FGM unit in the FCO similar to the current unit on forced marriage. FGM is a complex and evolving practice and an effective response requires high levels of research and expertise. Developing this should be the responsibility of the government in consultation with the Third Sector (which, the Committee notes, is already overburdened in the response to FGM). We strongly urge delegates to the government's July summit on FGM to consider a dedicated FGM unit.

The BHRC also emphasises that, while greater parliamentary attention to FGM is to be welcomed it is not a substitute for public policy action. Despite widespread attention the

government's policy response has thus far been limited to a letter to head teachers advising them of existing guidelines. As the Committee's report clearly demonstrates, this is inadequate. We urge the government to act swiftly in implementing the recommendations contained in this report. Continued delay increases the number of women and girls at risk of mutilation.

END.

NOTES FOR EDITORS:

1. The Bar Human Rights Committee of England and Wales ("BHRC") is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with protecting the rights of advocates, judges and human rights defenders around the world. The Committee is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. The remit of BHRC extends to all countries of the world, apart from its own jurisdiction of England & Wales. This reflects the Committee's need to maintain its role as an independent but legally qualified observer, critic and advisor, with internationally accepted rule of law principles at the heart of its agenda.
2. The written submissions of BHRC can be found here:
<https://www.barhumanrights.org.uk/node/415>
3. The UK's obligations under international law are primarily contained in the UN Convention on the Elimination of All Forms of Discrimination Against Women, the UN Convention on the Rights of the Child, the International Covenant on Civil and Political Rights and the European Convention on Human Rights.