

Response ID ANON-S7U2-RU39-4

Submitted to **Female Genital Mutilation (FGM) Bill: Consultation**
Submitted on **2019-01-03 19:32:38**

Introduction

Anonymity for victims of female genital mutilation

1 Do you believe that a provision for anonymity for victims of FGM should be introduced?

Yes

Please explain your answer.:

A number of self regulated or victim/ court dependent mechanisms have been described to support or protect the anonymity of victims, yet there is no evidence of the real level of risk that these pose. It is accepted that, as no criminal cases have reached court as yet, this also means that the current provisions described have not been 'tested'. We consider that it is vital that victims of FGM have maximum assurance that a criminal case would not place them at risk of exposure to further associated trauma. In addition, they should not be reliant on the actions, inactions or views of others or themselves to ensure they are protected. Therefore, their right to anonymity should be protected at the highest level through legislative provision.

2 If anonymity is not introduced and having regard to existing convention and powers of the courts, what further steps do you consider could be taken to ensure protection of victims and complainers of FGM in the Justice system?

If anonymity is not introduced and having regard to existing convention and powers of the courts, what further steps do you consider could be taken to ensure protection of victims and complainers of FGM in the Justice system?:

Legislative provision is considered to be the most protective in offering certainty of anonymity and anything short of that would present an unknown level of risk that FGM victims require to have mitigated and be protected from. Media self-regulation is a considerable risk, therefore in the absence of legislative anonymity, a form of mandatory regulation around media activity should be considered.

Offence of failing to protect a girl from risk of genital mutilation

3 Do you think that Scotland should introduce an offence so that individuals can be prosecuted if they fail to protect a person they have caring responsibilities for being subjected to FGM?

Yes

Please explain your answer.:

Taking account of the views and reasons held and described above for not supporting such an offence. The risk and consequence to females at risk of FGM is significant in impact, therefore there is merit in having such an offence that could support a cultural shift in FGM communities.

This is not dissimilar to cases of abuse to children where prosecutions of non- abusing persons have occurred due to their 'failure to protect' or similar. Each case would and should be considered on its own merits, with any potential offence, where failing to protect is being considered. Having such an offence also sends a strong and clear message as to the seriousness and impact of FGM for victims and the role and responsibilities of those with a caring role.

Female genital mutilation protection orders

5 Do you think that the Scottish Government should introduce Female Genital Mutilation Protection Orders?

Yes

Please explain your answer.:

The introduction of an FGMPPO strengthens the overall collective provisions aimed at reducing rates of FGM and the life long impact on those who are subjected to it . With this in mind, this proposal is welcomed and supported.

6 What do you think the penalty should be for breach of a FGMPPO?

What do you think the penalty should be for breach of a FGMPPO?:

Each case would need to be individually considered on its own merits, although send a clear message as to the seriousness of the breach..

Duty to notify police of female genital mutilation

7 Do you think the Scottish Government should introduce a duty to notify Police of FGM?

Yes

Please explain your answer.:

FGM practices are criminal offence's whereby the police should be tasked with reviewing any potential or actual FGM cases with a view to considering prosecution. This does not change the potential (pre –existing) negative consequence of presenting a barrier to reporting. This already exists in the context of

child protection; however the introduction of such a duty reduces any dubiety around this practice and reinforces the criminal element of it. Additionally, regulated health and social care professionals and teachers would have clear direction relating to the required action they should take should they encounter FGM practices among girls under eighteen.

Guidance about female genital mutilation

8 Do you agree that the Scottish Government should issue statutory guidance for professionals in relation to female genital mutilation?

Yes

Please explain your answer.:

The current status of the 2017 Guidance is such, that it is entirely optional as a point of reference and in relation to aligning any actions or inactions to the content. The introduction of statutory guidance would strengthen the consistency and appropriateness of how professionals in Scotland respond to victims and potential victims of FGM.

9 Using existing non-statutory guidance as a basis, what should be covered by statutory guidance?

Using existing non-statutory guidance as a basis, what should be covered by statutory guidance?:

Responding to Female Genital Mutilation in Scotland Multi-Agency Guidance (2017) is a very comprehensive and recent document that covers the multiple scenarios of how FGM could present and be responded to by a professional. All aspects of this should be included and translated into any statutory guidance.

Other issues

10 Do you consider that additional protections need to be introduced in Scotland in respect of the practice of vaginal elongation?

Don't know

Please explain your answer.:

We are not aware of this specific practice presenting as an issue within Scotland; however if this was the case, it would appear necessary to consider and understand further the nature, background and consequences of this practice.

11 Do you have any evidence to suggest that individuals in Scotland have been subject to the practice of vaginal elongation?

No

Please explain your answer.:

As above.

12 Do you consider that additional protections need to be introduced in Scotland in respect of the practice of breast ironing?

Don't know

Please explain your answer.:

We are not aware of this specific practice presenting as an issue within Scotland; however if this was the case, it would appear necessary to consider and understand further the nature, background and consequences of this practice. Current existing child protection measures should offer initial provisions in relation to such a practice.

13 Do you have any evidence to suggest that individuals in Scotland have been subject to the practice of breast ironing?

No

If yes, please explain your answer.:

As above.

14 Do you have views in relation to the place of cosmetic genital piercings in relation to protections and guidance?

Don't know

If yes, please explain.:

It would appear appropriate to consider and understand further the nature, background and consequences of a cosmetic genital piercing in each individual who presented with this.

Current existing child protection measures should offer initial provisions in relation to such a practice where there was a potential concern.

15 In relation to the issues covered within this consultation, are there any other points you would wish to make that are not already included under other answers?

In relation to the issues covered within this consultation, are there any other points you would wish to make that are not already included under other answers?:

No

About you

What is your name?

Name:

Emma Currer

What is your email address?

Email:

emma.currer@rcm.org.uk

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

The Royal College of Midwives

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

I emailed on several occasions enquiring if a paper/ word document of the online response was available, as that would better enable internal organisational discussion. These emails were never responded to.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.: