



**LEGISLATIVE COUNCIL
OFFICIAL REPORT**

**RECORTYS OIKOIL
Y CHOONCEIL SLATTYSSAGH**

P R O C E E D I N G S

D A A L T Y N

(HANSARD)

Douglas, Tuesday, 5th May 2009

Present:**The President of the Council (The Hon. N Q Cringle, OBE)**

The Lord Bishop of Sodor and Man (The Rt Rev. R M E Paterson),
Mr D Butt, Mr D A Callister, Mrs C M Christian, Mr E A Crowe, Mr A F Downie,
Mr E G Lowey, Mr J R Turner and Mr G H Waft,
with Mr J King, Clerk of the Council.

Business transacted

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The Council adjourned at 10.48 a.m.

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Legislative Council

The Council met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

PRAYERS

The Lord Bishop

Leave of absence granted

The President: This morning, Hon. Members, as was indicated last week, we are aware that Her Majesty's Attorney General is missing today, so he has permission to be absent.

Orders of the Day

Prohibition of Female Genital Mutilation Bill

Third Reading approved

1. Mrs Christian to move:

That the Prohibition of Female Genital Mutilation Bill be now read a third time and do pass.

The President: We have but the one Item on our Order Paper, which is the Prohibition of Female Genital Mutilation Bill and, having completed its Second Reading and clauses stage, we are down for Third Reading this morning.

Mrs Christian.

Mrs Christian: Thank you, Mr President.

The Prohibition of Female Genital Mutilation Bill has had a very supportive passage through the stages so far and in moving the Third Reading, I would just remind Members that there is a United Nations statement, published by 10 of the agencies of the United Nations, supporting the elimination of female genital mutilation, and such legislation has been passed in England, Wales and Northern Ireland for some years. This measure brings us into line with our neighbours and with many other countries in the world which are striving to eliminate what is an unnecessary, and in fact, a barbaric practice.

The provisions in the Bill, as you will recall, not only outlaw this practice in the Isle of Man, but it outlaws the encouragement or incitement of this practice taking place in some other part of the world, other than those countries which have their own legislation to eliminate or protect women and children against the practice.

Of course, in the Bill there is also the provision to enable those who are assisting these people and under certain other medical situations to carry out practices for medical or mental

health reasons, and those people have to be properly qualified and acknowledged.

Apart from that, Mr President, I think that it is right that our community does embrace the principles of this Bill to ensure that in this small corner of the world, whilst we think that there is no cause for concern in relation to such a practice at the moment, we would certainly not wish to provide a loophole where such practices could be carried out.

I therefore seek your support for the Third Reading of the Bill.

The President: Mr Callister, Hon. Member.

Mr Callister: Thank you, Mr President.

I beg to second and give it complete and total support. The United Kingdom Act dates from 2003, so it has taken us some time to catch up with that, and we have done it through a Private Member's Bill, and I think congratulations are due to the Hon. Member, Mr Gill, the Member for Rushen, for bringing this forward.

Female genital mutilation is, I suppose, a practice that rarely, if ever, crops up in conversation. It was not part of my education when I went to school, but then I think that my education all happened after I left school. For centuries, it is a thing that has been out of sight and out of mind to the western world, and as we know, of course, it is mostly practised in Africa and the Middle East. Whether it is done in the name of religion or traditional culture, it can only be described, as the Hon. Member, Mrs Christian, in moving it, described it, as barbaric. It is quite outrageous.

It is sometimes called female circumcision in some countries, which is a total misnomer for it. Amnesty International – and I think we had this in an earlier Reading – says that it has affected 130 million people in the world who are still with us, or most of them still with us now. The World Health Organisation estimates that it still is used on up to 3 million young girls a year, and apart from the physical and psychological pain of the act itself, the initial act, there are all sorts of complications which follow, such as bladder and urinary-tract infections, infertility, risks at childbirth, if they ever get to the stage of childbirth. There is also the need for later surgeries. The operations are often carried out by unqualified people in conditions... really, with instruments that are totally unsuitable, basic and crude, and in insanitary conditions.

Just a week ago, it was reported from Australia that 10 doctors had been approached by parents to have FGM, which they call female circumcision, on their daughters. In Australia, offenders face a seven-year prison sentence or a heavy fine. I am glad that in our Bill that sentence is 14 years, though effectively it will only be seven years, if it is given the full force of the law.

It is a small Bill. It will not stop these activities worldwide, but I do hope, Mr President, that it will be fully supported by all the Members of the Council.

The President: Mr Waft, Hon. Member.

Mr Waft: Thank you, Mr President.

I think it has the full support of the Council. I just wondered how long it would be before a male genital mutilation Bill will be coming along on religious or cultural grounds. It has been raised in the US, I know. There is a

Leave of absence granted

Prohibition of Female Genital Mutilation Bill – Third Reading approved

body of people over there, but they do not want to offend too many people so it has not been progressed through the Senate or anything. I just wondered whether that would be before us in the future.

Thank you, Mr President.

The President: Mr Turner.

Mr Turner: Thank you, Mr President.

I have been supportive of this throughout its progress. I will not go over all the points I made then, but I think that although this is something that we are unlikely to see on the Isle of Man, it is right that we are proactive by putting this piece of legislation in, rather than complaining about it after the event. We have managed to close another location where this act can be carried out. I am fully supportive of the Third Reading and again I concur with Mr Callister's comments congratulating the Member concerned for bringing this Bill through.

The President: Mr Lowey, Hon. Member.

Mr Lowey: I think Mrs Christian is absolutely right: it will not prevent it, it will not stop it, but it is another brick in the wall and I think this Bill is necessary for that. It does sadden you that it is practised on children and young ladies where the pressure of culture and custom has got to be broken down, and I think the more the outside world puts pressure on these countries, the more they say 'it ain't satisfactory', the better, and I am glad that the Isle of Man has joined that club.

The President: Mr Downie.

Mr Downie: Yes, Mr President, I would like to speak in support of the Bill.

I think Mr Callister raised a good point, that when he was young and at school things like this were not talked about. I think, as the world gets smaller and we get to understand what happens in different cultures around the world, we automatically see some unacceptable practice taking place.

I am totally against female genital mutilation. I have been in countries where it is common. I have been in West Africa, Nigeria and the Middle East where it takes place, but also, sadly to say, there are still people living on the Indian subcontinent who blind or cripple children of a lower caste to make beggars out of them. No doubt in parts of rural China there are still people who are binding their female children's feet with the view that they are more acceptable in marriage, and it is not until you start to go into issues like this where you see that a lot of these things, that were customary in some of these countries, are still sadly very much to the fore.

I honestly think that, despite all of the education that is available in the world today, the world being a much smaller place, we are all better educated, some of the countries that allow this terrible practice to take place are bound by some sort of a cultural myth that women who have had this done to them are more acceptable in marriage to men, and I think if organisations like the Commonwealth Parliamentary Association were perhaps to be a bit more active, or proactive, in trying to get this message across... and I would not have a problem if there was an article done on this, but the sad thing is that the people who get involved in these practices – the local midwives, or whatever you want to call them,

unqualified midwives – do not have access to any sort of education, and I think the problem is that they believe that they are acting in good faith when they do these things.

There is a big cultural change required and it has to come with education. I think one of the sad things is that some of the countries that are affected now do not trust what comes out of the western world and I think there is a big bridge to be built there.

I will be supporting the Bill, but I just wish there was something that we could do to educate these people that what they are doing is very, very wrong.

The President: Hon. Member, Mr Butt.

Mr Butt: Thank you, sir.

I would just like to support the Member for the Third Reading of this Bill and congratulate also Mr Gill for his move in bringing it forward as a Private Member's Bill. It makes the Isle of Man part of the international community which is standing against this practice, which is very important. There is a substantial population in the United Kingdom now for whom this culture may be part of their lifestyle and had we not passed this legislation we could have been seen as a back door for allowing it to happen within the British Isles, and it is important that loophole has been closed. I fully support this Bill, Mr President.

The President: Mr Crowe.

Mr Crowe: Thank you, Mr President.

I fully support the Bill and a lot of what has been said I totally agree with – in fact, I totally agree with all of what has been said. I congratulate the mover, Mr Gill, and the Hon. Member, Mrs Christian, for bringing this forward and I hope it is introduced as soon as possible.

The President: Lord Bishop.

The Lord Bishop: Mr President, just to echo the feelings of all the other Members that I am totally in support of it. The difficulty always arises with things like this that, in those places where it is practised, the accusation is that what we are doing is cultural imperialism and we are trying to impose our own cultural standards on them.

I am satisfied, and I am sure all of us here are satisfied, that what we are doing in this particular case is not only good for the people who are affected, but it is actually morally right.

The President: Mrs Christian, would you like to reply?

Mrs Christian: Thank you, Mr President.

I thank Hon. Members for their support of the Bill and I will convey to Mr Gill your remarks in congratulating him on bringing it forward. He has worked hard on it and done a lot of research before he introduced it, and I am sure he will be pleased with the outcome.

If I could just comment on the point raised by Mr Downie in respect of the Commonwealth Parliamentary Association, they have had debates on this issue at their plenary conferences and on other issues which affect women and children, particularly the trafficking of women and children.

We recognise this is a cultural matter. It will take a long time, I think, to turn things around, but part of the issue is that in many of these countries, women have no voice and that is where the Commonwealth Parliamentary Association is striving to encourage the participation of women through their parliaments. They are becoming more successful in some of the African countries, but if there is no voice and if the culture does not allow women to have a voice, it is very difficult for them to bring about change. Indeed, some of them do not want to bring about change and that is where the importance of education lies in respect of issues such as this.

So it is not that such an organisation as the CPA is not doing anything. They are making efforts through various avenues to try and tackle issues such as this, and I am sure that, going forward, we, in our participation in their debates and activities, will hopefully support them in that, recognising that the position of women in many other countries is not as it is here.

Mr President, the Bill will, I hope, get to Tynwald Hill this year for promulgation and I am sure Mr Gill and other Members will be pleased to see this on our statute book to ensure that we are taking a stance on this issue.

The President: Hon. Members, the motion that I put to the Council is that the Prohibition of Female Genital Mutilation Bill 2009 be read for a third time. Hon. Members, those in favour, please say aye; and against, no. The ayes have it. The ayes have it. Passed with unanimity this morning, Hon. Members.

Procedural

The President: I think we were very well aware, when we were taking it at the Second Reading and clauses stage last week, that in fact it was inevitable that it would probably be the only thing we would have on our Order Paper today. That turned out to be correct, so that actually draws to a conclusion the business before the Legislative Council this morning.

Suffice to say it was the absence of the Mr Attorney that meant that the Advocates (Amendment) Bill would not reach its Second Reading today, so in fact next week we will have the Advocates (Amendment) Bill for Second Reading and then following on from that, naturally, is the clauses stage, and, subject to the Keys passing the Third Reading of the Terrorism (Finance) Bill in the Keys this morning, Hon. Members, we will also have that.

Another interesting measure, I suppose, which is in front of the other place this morning is the Constitution Bill 2007, which is there for Third Reading as well this morning, Hon. Members, and we await the outcome of that to see where it progresses next in its legislative success or not in the other place.

That draws to a conclusion the business before the Legislative Council this morning, Hon. Members. Thank you very much.

The Council adjourned at 10.48 a.m.