

Ireland: due diligence/state actions in relation to FGM

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Challenge where does FGM sit?

- ▶ Department of Justice and Equality; legislation, Irish Naturalisation & Immigration Service (INIS), Reception and Integration Agency (RIA), Office of the Refugee Applications Commissioner (ORAC), Office for the Promotion of Migrant Integration, an Garda Síochána (Irish police force), Garda National Immigration Bureau (GNIB), Courts, Cosc (Office for the prevention of domestic, sexual and gender-based violence since 2008), sexual violence services.
- ▶ Department of Children and Youth Affairs; “responsible for developing the policy and legislative framework in relation to child welfare and protection”, Tusla - Child and Family Agency (delivers child protection services since 2014).
- ▶ Department of Health; HSE (Health Service Executive), Maternal Death Enquiry (MDE) established 2009, sexual assault treatment units, Crisis pregnancy Programme (sexual and reproductive health remit), Women’s Health Council (dissolved in 2009).
- ▶ Department of Education and Skills; teachers, some elements of child welfare.
- ▶ Department of Foreign Affairs; UNSCR 1325, Irish Aid- overseas development aid, NGOs.
- ▶ Irish Human Rights Commission; submission to UN Committee on Economic, Social and Cultural Rights.

Sorry wrong Department!



Despite this, rapid progress since 2008

In 2007 in Ireland;

- ▶ No FGM prevalence data
- ▶ No government strategy
- ▶ 1 policy (Garda - police) included FGM- very briefly.
- ▶ No legislation - very worrying as UK had legislation since 1985 and cross border movement between Northern Ireland and the Republic common.
- ▶ No medical guidelines
- ▶ No child protection guidelines
- ▶ No Sexual Assault Treatment Unit guidelines
- ▶ One publication aimed at a general audience by a development NGO (2002).
- ▶ **But** Irish Aid funding to eliminate FGM overseas.
- ▶ **And** a committed NGO sector with some political backing (1 failed attempt at introducing legislation to criminalise FGM by 2007).

Currently in 2015

- ▶ Women's Health Council FGM/C Literature Review 2008
- ▶ Ireland's National Plan of Action Addressing FGM 2008-2011 (Daphne funded multi-county project)
- ▶ HSE National Intercultural Health Strategy 2007-2012
- ▶ January 2009 launch of FGM Information for Health-Care Professionals Working in Ireland, AkiDwA and Royal College of Surgeons in Ireland.
- ▶ Women's Health Council research: Translating pain into action a study of gender-based violence and minority ethnic women in Ireland, 2009.
- ▶ An Bord Altranais (Nursing Board) Practice Standards for Midwives, 2010
- ▶ Sexual Health & Asylum Handbook, 2010, IFPA
- ▶ Recent Rape/Sexual Assault: National Guidelines on Referral and Clinical Examination in Ireland (HSE and Department of Justice), revised in 2014
- ▶ Child Protection and Welfare Practice Handbook, Health Service Executive, 2011

CRIMINAL JUSTICE (FEMALE GENITAL MUTILATION) ACT 2012

- ▶ Enacted September 2012
- ▶ Harmonises Irish legislation with Northern Ireland, Scotland and UK.
- ▶ It is now a criminal offence for someone resident in Ireland to perform FGM. The maximum penalty under law is a fine or imprisonment for up to 14 years or both.
- ▶ It is also a criminal offence for someone resident in Ireland to take a girl to another country to undergo FGM.
- ▶ Bill received cross-political party support.

Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012.

- ▶ Now an offence if you do not report cases of FGM.
- ▶ The offences are punishable by fine and/or up to fourteen years imprisonment.
- ▶ Duty to report or mandatory reporting now in Ireland (no longer a moral obligation or right to report).
- ▶ “An offence is committed when a person who knows or believes that one or more of these offences has been committed by another person against a child or vulnerable adult, and the person has information which they know or believe might be of material assistance in securing apprehension, prosecution or conviction of that other person for that offence, and fails without reasonable excuse to disclose that information as soon as it is practicable to do so to a member of the Garda Síochána. Does not apply to the victim”.

- ▶ National Maternity Healthcare Record (NMHCR) 2012 introduced.
- ▶ Conlon, C., O'Connor, J. and Ni Chatháin, S. (2012) Attitudes to Fertility, Sexual Health and Motherhood amongst a Sample of Non-Irish National Minority Ethnic Women Living in Ireland. Dublin: HSE Crisis Pregnancy Programme
- ▶ European Institute for Gender Equality (2013) Female Genital Mutilation in the European Union and Croatia - Report. Vilnius: EIGE.
- ▶ 2nd Edition, Garda Síochána policy on the investigation of sexual crime, crimes against children, child welfare 2013. (clear information on FGM as a crime and section on cultural issues)
- ▶ Knowledge of General Practitioners in Ireland on Female Genital Mutilation, study 2013 AkiDwA.
- ▶ UNHCR, Too Much Pain female genital mutilation & asylum in the European Union a Statistical Overview, 2013.
- ▶ Opening of first specialised clinic for women who have undergone FGM May 2014, IFPA, HSE funding, AkiDwA involvement.
- ▶ FGM: Information Guide for Education Professionals in Ireland, 2015, AkiDwA.
- ▶ European Institute for Gender Equality (2015) Estimation of girls at risk of female genital mutilation in the European Union
- ▶ 3 Irish FGM prevalence studies (2008, 2010, 2013).

In 2010 EU-IMF bailout for Ireland November 2010, the government negotiated a financial assistance package with the EU and the IMF. General election February 2011. Female Genital Mutilation Bill April 2010 debated in Senate and had been planned to progress.



Benefits in Kind

- ▶ Ireland is the only country in the EU to have undertaken three national FGM prevalence estimations carried out using the same definitions and methodology. These studies had the co-operation of, and support, from the Census section in the Central Statistics Office Ireland, Office of the Refugee Applications Commissioner and the Reception and Integration Agency to formulate Irish FGM prevalence estimates. All support and data were provided free of charge.
- ▶ All data requested for the 2014 EIGE FGM and risk study was provided free of charge by Census Office in the Central Statistics Office, National Perinatal Reporting System (NPRS) in the Healthcare Pricing Office, Reception & Integration Agency, the Office of the Refugee Applications Commissioner, and the Irish Naturalisation and Immigration Service.
- ▶ In general Irish politicians and government ministers are accessible to NGOs and the public.

Good Practices emerging from Ireland's experience - why such acceleration?

- ▶ The process of being part of a bigger transnational project to develop the first national plan of action to Address FGM in 2008. Finite launch date for plan and access to international experts.
- ▶ The broad range of participants contributing to the Steering Committee for the action plan. Statutory and NGO actors working together, multiple expertise.
- ▶ Producing the first FGM prevalence estimate figures for Ireland early into the process.
- ▶ Funding was in place for NGOs to do the work.
- ▶ Political support for legislation.
- ▶ Having an action plan to present to policy makers that represented the opinions of a broad range of actors meant that FGM could not be categorised into one sector or area or seen only as an overseas development, migrant or maternity issue.
- ▶ Ongoing research kept a focus on FGM (by Women's Health Council, Crisis Pregnancy Programme, EIGE (twice!), AkiDwA).
- ▶ UN periodic reviews continue to highlight FGM as in issue for Ireland.
- ▶ We're not afraid to copy good things!

What next? Opportunities.

- ▶ Ireland's second national action plan on FGM in progress.
- ▶ New Cosc National Strategy on Domestic, Sexual and Gender-based Violence 2015 to 2019 (?) pending, ongoing discussion as to how FGM can be incorporated in collaboration with the work of all relevant Government Departments and State agencies is occurring.
- ▶ Continuing Professional Development (CPD) now mandatory and legislated for in Ireland from May 2011, all doctors are legally obliged to maintain their professional competence.
- ▶ Social Workers are now legally required to register with Coru (state agency) and demonstrate a bi-annual commitment to CPD as in Section 23. "Keeping your professional knowledge and skills up to date".
- ▶ Nurses and Midwives Act, 2011 states that CPD will become mandatory in order to ensure that that knowledge and competence acquired during undergraduate and postgraduate nursing and midwifery education programmes remain current and, secondly, that new information and evidence are translated into practice.
- ▶ Police Service of Northern Ireland, Service Procedure: Police Response to Female Genital Mutilation, 2011 and Northern Ireland Multi-agency practice guidelines: female genital mutilation, 2014. Cross border opportunities.
- ▶ Victims' Rights Package and Istanbul Convention.
- ▶ Development of a National Maternity Strategy for Ireland.

Concerns

- ▶ First Action plan never specifically adopted by a government department or agency and the “interdepartmental working group” recommended in the plan to monitor and evaluate progress never materialised.
- ▶ National Maternity Healthcare Record (NMHCR), while in use across maternity hospitals data is not being collated and analysed so that more robust data on many elements of maternal health (including FGM) can be extrapolated and examined.
- ▶ FGM does not have an Irish Crime Classification System (ICCS) code. Last revision of ICCS codes was in 2008 prior to the 2012 FGM Act. As a result no cases of female genital mutilation can be specifically recorded by the Crime and Criminal Justice section of the Central Statistics Office.
- ▶ MDE Confidential Maternal Death Enquiry in Ireland Report for 2009 - 2012 noted “*Maternal mortality was proportionally higher among minority ethnic groups of women who were not born in Ireland... 38.7 % of maternal deaths 2009- 2012*” However, no direct maternal death report in Ireland linked to FGM- yet?
- ▶ Development of a National Sexual Health Strategy for Ireland is nearing completion, FGM may not be in it.
- ▶ Department of Justice and Equality has multiple roles to play in relation to FGM how will it balance them?
- ▶ Climate of austerity still, resources (human and financial) a challenge.
- ▶ Challenges with attitudes towards inward migration to Ireland.

Many thanks!

