

Professor Felicity Gerry QC

FGM and Reproductive Rights Information Sheet

The sixty-fifth session of the [Commission on the Status of Women](#) took place from 15 to 26 March 2021. Representatives of [Member States](#), UN entities, and [ECOSOC-accredited non-governmental organizations \(NGOs\)](#) from all regions of the world were invited to attend the session. The **Priority theme** was Women's full and effective participation and decision-making in public life, as well as the elimination of violence, for achieving gender equality and the empowerment of all women and girls. The **Review theme** was Women's empowerment and the link to sustainable development.

Sustainable Development Goal 5 is GENDER EQUALITY

- Target **5.3** Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation
- Target **5.6** Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences

What is Female Genital Mutilation?

Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons. It reflects deep-rooted inequality between the sexes and constitutes an extreme form of discrimination against women. See WHO Fact sheet [here](#) and UNICEF '7 Questions Answered' [here](#).

FGM is the subject of criminal and family laws in many jurisdictions.

What are Reproductive Rights?

The 58th session of the Commission on the Status of Women in 2014 resolved that progress towards achieving Millennium Development Goal 5, on improving maternal health, and its two targets, to reduce maternal death and achieve universal access to reproductive health. The Commission noted that progress on women's reproductive rights was slow and uneven and that globally there remained an urgent need to fully achieve Goal 5 and to strengthen legal systems to ensure accessible quality, comprehensive and integrated [sexual and reproductive health care services](#). See WHO [Sexual and Reproductive Health and Research \(SRH\)](#).

What is the role of Criminal Law?

FGM is the subject of criminalisation in a range of jurisdictions – see the UN Interagency Statement [here](#).

Termination or Pregnancy (TOP) is the subject of increasing decriminalisation – see the UN Economic and Social Affairs Report on Abortion Policies and Reproductive Health around the World [here](#).

Felicity Gerry FGM and Reproductive Rights career highlights

Felicity has been involved in law reform to strengthen legal frameworks in relation to FGM and to reduce legal frameworks in relation to TOP. She has advised on FGM cases in the context of both criminal law and child protection in the UK and Australia.

In 2012 Felicity wrote the ground breaking article in The Guardian "[Female Genital Mutilation: Time for a prosecution](#)" following a successful training session for CPS lawyers and other professionals on how the law in relation to FGM could be enforced. She was a member of the working party for the Bar Human Rights Committee where her research contributed to the influential report submitted to the UK Government Home Affairs Committee which led to improvements in the laws and policies to combat FGM, particularly the implementation of FGM Protection Orders. Since then, she has advised on FGM cases, lectured on FGM and the law in England, Australia and the Philippines, published research, particularly on the intersection between law, health and education, presented at conferences and appeared in the BAFTA nominated documentary '[The Cruel Cut](#)' on Channel 4 in the UK.

Against a background of advocacy and action by academics, health and legal professionals and members of the public in 2014 to 2015, Felicity was one of 3 Chief Investigators who undertook a collaborative project funded by Menzies School of Health Research and Charles Darwin University on women's health and law in the Northern Territory of Australia (NT). Research ethics permission (HREC# 12-1816) was granted to analyse over 5,000 cases of surgical termination of pregnancy. A literature review was undertaken which examined the compliance of the NT legislation with international human rights obligations and a forum was held to discuss local issues viewed through the lens of women's reproductive health rights. This included consideration of the availability of early termination by the medications mifepristone and misoprostol. Following the project, continued engagement in local advocacy came to fruition with legislative reform in July 2017 decriminalising a range of TOP procedures.



[Felicity speaks at conference on FGM](#)



[Felicity in 'The Cruel Cut'](#)



[Felicity on enduring patriarchal traditions](#)

Felicity's FGM and Reproductive Rights publications

- Felicity Gerry et al, 'Widespread concerns still exist in relation to discrimination towards women and girls and FGM' (2021) 106(9) *Archives of Disease in Childhood* 929.
- Andrew Rowland, Felicity Gerry et al, 'The time is right to introduce an independent commissioner' (2021) 29(1) *British Journal of Midwifery* 50.
- Felicity Gerry et al, 'Failure to evaluate introduction of female genital mutilation mandatory reporting' (2016) 101(8) *Archives of Disease in Childhood* 778.
- Suzanne Belton, Felicity Gerry and Virginia Stulz, 'A Reproductive Rights Framework Supporting Law Reform on Termination of Pregnancy in the Northern Territory' (2018) 6(2) *Griffith Journal of Law & Human Dignity* 25.
- Felicity Gerry, Suzanne Belton and Jeswynn Yogaratnam, 'Reproductive Health and Rights in the Northern Territory: reforming the *Medical Services Act 1974*' (Discussion Paper, December 2015) <http://espace.cdu.edu.au/eserv/cdu:52966/Gerry_52966.pdf>.
- Felicity Gerry, 'Vaginal piercings have always been FGM', Halsbury's Law Exchange (2015).
- Felicity Gerry, 'What can be learnt from the first FGM case?', *Lexis Nexis* (Blog Post, 4 February 2015) <<https://blogs.lexisnexis.co.uk/content/family-law/what-can-be-learnt-from-the-first-fgm-case>>.
- Felicity Gerry, 'Let's talk about Vaginas...Female Genital Mutilation, the failure of international obligations and how to end an abusive cultural tradition' (2014) 2(1) *Griffith Journal of Law and Human Dignity* 78.
- Dexter Dias, Felicity Gerry and Hilary Burrage, '10 reasons why our FGM law has failed – and 10 ways to improve it', *The Guardian* (online, 7 February 2014) <<https://www.theguardian.com/commentisfree/2014/feb/07/fgm-female-genital-mutilation-prosecutions-law-failed>>.
- Felicity Gerry, 'Female Genital Mutilation: Time for a Prosecution,' *The Guardian* (online, 13 November 2012). <<https://www.theguardian.com/law/2012/nov/13/female-genital-mutilation-prosecution-uk>>.
- Felicity Gerry, Catarine Sjölin, Lyndon Harris, *The Sexual Offences Handbook– Law, Practice and Procedure*, (Wildy, Simmonds and Hill Publishing, 2nd edition, 2014) (3rd edition forthcoming).

Felicity's FGM Training and CPD Delivery

- Felicity Gerry et al, 'Female Genitalia as a site of Ambiguity & Intervention' (Webinar, King's College London, 5 December 2020).
- Felicity Gerry, 'A Call to Act to End FGM' (Webinar, Royal College of Midwives, 24 May 2019).
- Felicity Gerry, 'Female genital mutilation: women's health rights and crime prevention' (Webinar, Australian College of Midwives, 23 May 2016).
- Training for health professionals in the NT, Australia which contributed to changing questions in sexual health questionnaires (2016).

- Felicity Gerry et al, 'Damned whores and God's police; 40 years on' (Speech, Gender Institute, Australian National University, 21-23 September 2015).
- Felicity Gerry, 'FGM is child abuse: International obligations and enforcing the law- Can midwives succeed where governments fear to tread?' (Speech, NT Midwifery Seminar, 26 August 2015).
- In July 2015, Felicity presented on FGM and the law to the Law Society of South Australia and participated in meetings with politicians organised by NoFGMAustralia. Read the presentation and handout – [SA FGM event](#) and [NoFGMOz handout](#).
- In April 2015, Felicity was awarded a collaborative grant for a project with the Menzies School of Health on women's health and the law with a focus on FGM, abortion and teenage pregnancy. Resulted in FGM being added to both health and law curricula.
- Felicity Gerry, 'Female Genital Mutilation' (Speech, Annual Bar Conference London, 8 November 2014).
- Felicity Gerry, 'Women's Health and the Law [including FGM and abortion]' (Postgraduate Lecture Series, De La Salle University Manila, May 2014).
- In 2014 Felicity was a member of the working party for the [UK Bar Human Rights Committee which prepared and submitted the influential report on FGM](#) to the UK Government Home Affairs Committee – several of the recommendations were accepted and formed the basis of law reform.
- Felicity Gerry, 'FGM Law for CPS Lawyers' (Training, Association of Women Barristers, 2012).