



College of Physicians and Surgeons of British Columbia

Legislative Guidance

Female Genital Mutilation

Preamble

This document provides interpretive guidance on the law and describes the position of the College of Physicians and Surgeons of British Columbia on female genital mutilation.

Female genital mutilation 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.

The Law

Female genital mutilation is against the law in Canada. The *Criminal Code* categorizes female genital mutilation as aggravated assault, except in situations exempted under section 268(3):

Aggravated Assault

- 268.** (1) Every one commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.

Punishment

- (2) Every one who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

Excision

- (3) For greater certainty, in this section, “wounds” or “maims” includes to excise, infibulate or mutilate, in whole or in part, the labia majora, labia minora or clitoris of a person, except where
- (a) a surgical procedure is performed, by a person duly qualified by provincial law to practise medicine, for the benefit of the physical health of the person or for the purpose of that person having normal reproductive functions or normal sexual appearance or function; or
 - (b) the person is at least eighteen years of age and there is no resulting bodily harm.

Consent

- (4) For the purposes of this section and section 265, no consent to the excision, infibulations or mutilation, in whole or in part, of the labia majora, labia minora or clitoris of a person is valid, except in the cases described in paragraphs (3)(a) and (b).

Section 273.3 of the *Criminal Code* prohibits any person from transporting any child outside of Canada for the purpose of obtaining female genital mutilation.

College's Position

The College endorses the position of the World Health Organization (WHO), and many other medical organizations, regarding female genital mutilation, as having no health benefits, and both immediate and long-term negative health consequences.

A physician must decline to perform female genital mutilation and must not make a referral for the purpose of female genital mutilation.

An adult parent or guardian cannot consent to the excision, infibulations or mutilation of the labia majora, labia minora or clitoris on behalf of a child, except in the circumstances described under section 268(3) of the *Criminal Code*.

Urgent action must be taken if a physician considers that a child may be at risk of female genital mutilation.

Duty to Report

A physician must report to the College and to the Ministry of Children and Family Development if:

- A physician learns of another physician performing female genital mutilation;
- A physician is requested to perform female genital mutilation or learns that these procedures may be performed on a child or person under 18 years of age; or
- A physician considers that a child may be at risk in relation to the practice of female genital mutilation.

Guiding Ethical Principles

CMA Code of Ethics

Fundamental Responsibilities

1. Consider first the well-being of the patient.
9. Refuse to participate in or support practices that violate basic human rights.

References

World Health Organization Fact Sheet
www.who.int/mediacentre/factsheets/fs241/en/

Criminal Code R.S.C, 1985, c.C-46, s.268

<http://laws-lois.justice.gc.ca/eng/acts/C-46/page-127.html>

Health Professions Act [RSBC 1996] c.183 sections 32.2 – 32.5

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96183_01

See also [Duty to Report](#)

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Replaces an earlier guideline entitled, Circumcision (Female), September 2009