

*Private Members' Business*

It is estimated that 80 million women around the world, 600 every day, undergo this torment, often in the most primitive and barbaric circumstances, frequently without anaesthesia or properly sterilized equipment. The pain and the loss of blood may lead to shock, permanent injury, both physical and physiological and in some cases to death.

The physical manifestations, although seldom reported to authorities, are still well known. Less is known about the psychological and emotional effects of the operation.

This practice is not restricted to the third world. It is today an increasing concern for Canadians. For example, between 1986 and 1991, 40,000 people immigrated to Canada from northern and eastern Africa. In these areas the practice is routine enough that it is naive to think it has not been imported. It is naive and is in fact dangerous to ignore.

At the same time the argument has been made that we have no business imposing our cultural values on Canadian communities, especially Canadian ethnic communities. Canada is a society premised on the foundation of tolerance. Culture cannot and must never be used as an excuse to perpetuate criminal acts and violate human rights.

• (1840)

As a multicultural society, we must balance our respect for cultural variation with protection of the rights of children, women, indeed all humanity. Female genital mutilation is a cultural practice, nothing more. It is not and has never been sanctioned by any religion. Let us be emphatic on this point when we say that no religion sanctions such practice. As great as our concern for cultural freedom, greater is our concern for the lives of our young immigrant and refugee women.

The very fact of this debate indicates clearly the development of our understanding and our concern about this important issue. Our legal structures are evolving to accommodate the changing needs of Canadians. For example, I note the gender related persecution provision used by Canada in its refugee determination process. Members will recall the new guidelines being applied to a woman whose daughter faced potential ritual genital mutilation in their homeland. Canada in that case granted them refuge.

At the same time, it is critical that in addressing this problem we must target our legislative response to bring about the most effective prevention. We must move with care in order to prevent the practice from moving still further underground and we must be sensitive to the communities involved.

I commend the member for her intentions and for her work in bringing this bill forward. I fully recognize the critical impor-

tance of the principle. However, at this point, I also want to bring out the reservations that I have about the bill, not the issue.

The bill essentially proposes to amend the Criminal Code to create a specific offence of genital mutilation, punishable on indictment, and carrying a term of up to five years' imprisonment. Compare this to the existing code provisions which contain, among the various assault provisions, the offence of aggravated assault which applies to everyone who wounds, maims, disfigures or endangers the life of another person and carries a sentence of up to 14 years' imprisonment.

Moreover, section 21 of the code makes it clear that any party who aids or abets in the commission of an offence is guilty of the offence. As well, it is an offence under the code to remove a child from Canada who is ordinarily resident in order to commit any of the listed assault offences. Any person performing such an operation is also liable to prosecution.

Certainly then the existing code already covers these offences. Let us make no mistake, the Criminal Code when properly applied can be a formidable tool in this battle.

Bill C-277 is not tough enough. If the police were to charge under the specific offence, such as is stated in this bill, they would not be entitled to the stiffer penalty that we have now in the code.

I am concerned about driving the practice still further underground. This practice is very well entrenched and hidden and we must ensure that it does not slip entirely from view. I have been advised that there has not been a single prosecution in Canada of this practice. Is this just because it does not go on? I do not think so. We are not catching it.

Why are we not catching it? It is a brutal practice and it has been entrenched by the passage of time. In some communities the practice has great social prestige, marking the girl's transition to womanhood. Believe it or not, many girls look forward to this procedure with excitement and terror. They have been coerced by social pressures, the desire to please parents and communities or the fear of not finding a husband, into undergoing this brutal torment.

It will come as no surprise that even in those areas of the world where the practice is common, there are still women working against it. The Canadian Advisory Council on the Status of Women notes in its brief on the subject:

Women from various African countries now living in Canada who had the operation as children remember sheer agony. They speak bitterly of how they were held down by several women despite their resistance. They strongly agree that they will not circumcise their daughters, would never inflict such pain upon them.

As the document notes: