

'SIT DOWN GIRLIE'

Legal issues from a feminist perspective

GLOBAL GIRLIES — GIRLIE OF THE MONTH

While Girlie enjoys getting stuck into the problems which face Australian girlies, she has developed a better global perspective after reading an article in the *Melbourne Age* (10 May 1996) on the work of PLAN International Australia in West Africa. PLAN has received a grant from AusAID, the Federal Government's aid body, to educate villagers in Burkina Faso about the dire and unnecessary consequences of female genital mutilation (FGM). It is estimated that 70% of young women in Burkina Faso are genitally mutilated in a variety of ways including infibulation, a procedure where the girl's labia are removed and her body stitched together. Not surprisingly, many girls die of infections or haemorrhaging after the procedure. The practice has been outlawed by the country's elected government but local women say that the legislation is hard to enforce. Tricia Caswell, the Executive Director of PLAN in Australia, recently went to Burkina Faso to see how the PLAN education project was going. She agreed to be 'Girlie of the Month' and have a chat to Girlie about her visit.

G: *How long has PLAN been involved with the women of Burkina Faso?*

TC: In relation to the FGM project about two years, however in relation to other projects, PLAN has been active in Burkina Faso for more than a decade. Women have always been our focus in any projects in that country.

G: *What are the PLAN workers doing to encourage the villagers to stop female genital mutilation?*

TC: The PLAN workers are Burkinans who travel throughout the villages and distribute written materials about the risks of FGM, facilitate discussions with the villagers, and play the video.

G: *The Age article also mentioned the video that PLAN staff play to villagers and then use to facilitate discussions. What is in the video and how is it received?*

TC: The video is produced by the Burkinan Government in a story form and the parts in it are played by local villagers. It is a graphic representation of all the issues surrounding this issue and has

much more impact than any other material. It is an hour and a half long narrative and has the villagers entranced whenever we play it. When I was there we played it in villages where there is no electricity so they were blown away to see this brilliant video. PLAN has employed two Burkinan women as articulators who introduce the issues, play the video and then facilitate discussion, and at times even video tape the reaction of the villagers to the video.

G: *Who performs the procedure on the girls?*

TC: The older women do it with a carving knife, without any anaesthetic. This is shown in the video. The result is that childbirth and menstruation are extremely painful.

G: *What is the present rationale for the procedure?*

TC: One is that it has always been done, and the men say that it helps control the women's sexuality.

G: *What reaction have you had in Burkina Faso to the PLAN project?*

TC: The project is very carefully done. The information and video are only presented in villages where the locals know and respect PLAN and we have helped to establish an economic independent base. The villagers trust PLAN and take the video seriously. The fact that the parts in it are played by locals and that it is a realistic story helps. The Committees of each village we go to are opposed to FGM so we are not showing them a piece of propaganda but rather a brilliant statement about everyone's point of view.

G: *How do you respond to the view that PLAN is interfering in another culture and imposing so called 'western values' on it with no respect for the values already in place in Burkina Faso?*

TC: Most of our workers are Burkinan and PLAN never introduces any project into a village where they do not ask for and endorse it. The whole philosophy of PLAN is that it will never do a project unless the locals are part of it. So the FGM project is not an imposition, PLAN offers options for support and

development. In this case the project is supported by the government and PLAN has been asked to do a national program on FGM. Our grant from AusAID has just been extended and we have great support from the Burkinan villagers and health department.

G: *How do you measure the success of this project. Is it the aim to prevent all female genital mutilation or simply to inform people of the hazards?*

TC: Our first stage goal is prevention. It is hard to measure success. I guess we want 'zero tolerance' to FGM. We are in the process of developing a data base and some techniques to assess the awareness and prevention of FGM in the regions PLAN has been working.

G: *You mentioned in the Age article that there is a vigorous women's movement in Burkina Faso? How does the movement operate?*

TC: Well actually I found out about it once I had returned to Australia. I didn't learn about it locally as the women are still very shy about talking about their activities. It is known internationally that the women of Burkina Faso took a very brave stance during the 60s and 70s about ancient anti-women rituals such as FGM and the killing of witches. In relation to the work of PLAN and the women's movement, if women are not on the committee of a village PLAN is involved in, then we will not commence any work there.

G: *Is improving the lot of women and girls a focus of PLAN?*

TC: Yes, very much so. In each of our five domains — growing up healthy, learning, crosscultural relationships, habitat, and livelihood — we have the all encompassing aims of gender equality and protection of the natural environment.

G: *How can Australian girlies help?*

TC: As we are an organisation which is seeking the best way to develop projects, we are open to new ideas. If any concerned Australian lawyers contact us we would welcome their input. We are not an organisation which has a pri-



ority of sending westerners to developing countries as we prefer to use local field workers. However, people can help PLAN by sponsoring children or by volunteering in the office here or just coming and talking to us about a different way of doing things. We welcome input.

G: *On a more personal note, you are a girlie who has held a number of influential positions, including Director of Australian Conservation Foundation and General Secretary of the Technical Teachers Union Victoria. Haven't you ever heard of the 'glass ceiling'?*

TC: Yes, but I have no respect for it! Girls just have to assume that they can do anything. My daughter who is 9, keeps asking me what qualifications from the university are required to be the prime minister.

Any Girlie reader who wants to help PLAN help women and girls in other countries can ring (03) 9482 5922 for more information.

A LAW UNTO THEIR OWN?

Interestingly, it was heard on the girlvine that some women involved in law societies around Australia are working on instituting 'Codes of Conduct' which will include references to the inappropriateness of sexual harassment. It is rumoured that in one State, the director of the law society is mumbling that there is no such code of conduct because the women say they don't need it.

In New South Wales, the Law Society did not adopt the inclusion of the sentence: 'A legal practitioner must not, in the course of practice, discriminate against any person on the basis of sex, race, marital status, sexual orientation, age mental or physical disability . . . must not sexually harass a colleague, staff member client or other person' into its professional conduct rules (*Australian Financial Review*, 3 May 1996). It was too much for the Council to concede that their members needed this sort of guidance. As Sheryl Bagwell wrote in the *AFR*: 'you would think, in the sunset of the 20th century that rather than being voted down, such an amendment would be greeted with a resounding assent'. The solicitor and Law Society Councillor who has sought the rule change, Kylie Nomchong, deserves a Girlie gold star for her bravery in facing the angry mutterings of her learned colleagues. She has one fellow councillor calling for her resignation and another asking whether he can now

be struck off for pinching his secretary's backside (maybe he should also be struck at). The response from the female side of the profession has been positive. Bagwell writes that many women have rung to tell Nomchong about their own stories of harassment. The proposal Nomchong has made is in response to complaints made by female lawyers and legal staff to her and in surveys such as the 1995 Keys Young Report into gender bias. That Report found that one in five women it interviewed had resigned or changed jobs as a result of sex discrimination or harassment. Nomchong told *AFR* that she is under no illusions that the rule change would solve the problem but hopes that at least it may make the boys in the profession stop and think about the issue as a serious one.

The *AFR* reported that the Bar Association of New South Wales has done something about discrimination and sexual harassment by passing a resolution that this behaviour may be held to be professional misconduct. Bagwell laments: 'It seems amazing to me that the Law Society of NSW would not do the same thing'. Girlie thinks it amazing as well. It seems like it will be a long time before the wish of the newly formed Australian Women Lawyers, that all State bodies have a uniform policy of stomping out sexual harassment, is granted.

The need for such a policy has been demonstrated many times but is aptly reinforced by one girlie's complaint (overheard this week in a lawyer lift) that she was hassled to 'put out' for three of her colleagues at the local Bar Dinner and would never attend such an event again!!! This sort of behaviour is getting really boring and upsetting. When will the guys who do this sort of thing realise that we girlies will not put up with it any more!!!

A MATTER FOR REGRET

This is what the Northern Territory Police Commissioner called the incident where an Aboriginal woman who complained that she had been gang raped was locked up by police for 12 hours on a minor arrest warrant. Jenny Kiss writing in *The Australian Lawyer*, comments that when the incident was reported in the *Northern Territory News* on 9 January 1996 she felt as a woman and a lawyer, that she could not rest until she checked the story further. She found that when the woman told police that she had been gang raped by three

men she was not taken to hospital for treatment and a medical examination but instead was thrown into the police watch house at Berrimah and locked up for 12 hours. The reason for this, according to the police, was that they were following the 'normal practice' of holding people they think are drunk until they are sober for questioning. In this case, the police said that there was an outstanding warrant for the woman's arrest for failing to appear in court on a charge of drinking in public. The offence had at the time a penalty of a small fine. In the opinion of the woman's lawyer, the police would not have treated a non-Aboriginal woman in the same way. The Police Commissioner has entered the debate and vehemently denied that his force was racist and the officers would have taken the same action if the woman had been white. Does that make it acceptable then? Girlie doesn't think so!!!

Kiss doesn't either and ends her article with the following words:

In the Territory, the results of complaints and reports of investigations can disappear, sinking beneath the weight of official and semi-official silence and public apathy. And, by effectively muzzling the debate, the racism, injustice and selective application of the law are allowed to continue.

A WORD FROM OUR SPONSORS

A conference on 'Feminist Interventions in International Law — Reflections on the Past and Strategies for the Future' has been organised by Pene Mathew, Dianne Otto and Kristen Walker of the University of Melbourne Law School for 30 September 1996 at the University. The Keynote speakers are Professors Hilary Charlesworth and Christine Chinkin, both highly regarded feminists and international lawyers. For a registration form and further details contact the Development Office, Law School University of Melbourne on (03) 9344 6194.

Polly Math

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