

R v Lightbody; R v Mohd 1133/2021 Perth District Court (unreported)

Facts and background

The practice of Female Genital Mutilation (FGM) is criminalised in all states and territories in Australia. Despite this the practice is believed to still be carried out “under the radar” by certain religious and ethnic groups who have migrated to Australia, with a 2019 [report by the Australian Institute of Health and Welfare](#) estimating that as many as 50,000 women and girls living in Australia may have undergone FGM/C.

It is interesting to note that in the 50 years since criminalisation began here there have been only two successful prosecutions and one conviction for the offence in Australia.

The first was in NSW — *The Queen v A2; The Queen v Magennis; The Queen v Vaziri [2019] HCA 35 (16 October 2019)* — but it did not result in any successful conviction due to legal technicalities.

The second was the case at hand — *R v Lightbody; R v Mohd 1133/2021 Perth District Court (unreported)*. The case arose in Western Australia during COVID lockdowns in 2021 that prevented international travel, when a mother and grandmother sought to have their 2-week-old daughter and granddaughter “circumcised” in accordance with their faith and custom. They approached a local GP, but the doctor refused and reported the matter to authorities, sparking an investigation by Child Abuse Squad detectives.

In 2016 the WA Government released a [Guide for Health Professionals in Female Genital Cutting/Mutilation](#). It is an offence under the WA Criminal Code for anyone to perform female genital mutilation or take a child from WA or arrange for a child to be taken from WA, with the intention of having the child subjected to female genital mutilation.¹

The pair were subsequently charged and pleaded guilty to the offences in the Armadale Magistrates Court. The child was placed into the hands of WA Child Services, and the matter was referred to the WA District Court for sentencing. Mohd (grandmother) was handed a 15-month jail sentence and Lightbody (mother) a 12-month jail sentence that were both conditionally suspended for 12 months, with each to be supervised in the community and to undergo treatment by a mental health professional.

¹ WA Criminal Code Compilation Act 1913 ss 306(2) & (4)