



PROHIBITION OF FEMALE GENITAL MUTILATION(FGM): INTERNATIONAL AND REGIONAL FRAMEWORK

African Charter on the Rights and Welfare of the Child, 1990

Article 21: Protection against Harmful Social and Cultural Practices

1. States Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:

- (a) those customs and practices prejudicial to the health or life of the child; and
- (b) those customs and practices discriminatory to the child on the grounds of sex or other status.

General Comment 13(2011), The right of the child to freedom from all forms of violence

Paragraph 29: Harmful practices. These include, but are not limited to: (a) Corporal punishment and other cruel or degrading forms of punishment;

- (b) Female genital mutilation;



COUNTRY	PROHIBITION OF FEMALE GENITAL MUTILATION(FGM) UNDER LAWS OF AFRICAN COUNTRIES
Algeria	<p>Not prohibited</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.html</p> <p>Female genital mutilation is reportedly not practiced in Algeria. However, the IPU has no first-hand official information on this subject.</p>
Angola	<p>Not prohibited- the practice does not exist</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.html</p> <p>Female genital mutilation is reportedly not practiced in Angola. However, the IPU has no first-hand official information on this subject</p>
Benin	<p>Criminalized</p> <p>Law on repression of the practice of Female Genital Mutilation (FGM), 2003</p> <p>Article 1: The purpose of this law is to outlaw female genital mutilation in the Republic of Benin.</p> <p>Article 2: All types of female genital mutilation performed by anyone, in whatever capacity, are prohibited.</p> <p>Article 4: Any person who performs female genital mutilation of any form whatsoever, shall be punished by imprisonment of six (06) months and three (03) years and a fine of one hundred thousand (100,000) to two million (2,000,000) francs.</p> <p>Section 5:When genital mutilation is practiced on a minor under 18 years, the offender will be punished with imprisonment of three (03) to five (05) years and a fine ranging up to three million (3,000,000) francs.</p> <p>Article 6: In case of death of the victim, the offender shall be punished with penal servitude for five (05) to twenty</p>

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	<p>(20) years and a fine of three million (3,000,000) to six million (6,000,000) francs.</p> <p>Article 7: Any person who has helped, assisted, or solicited the circumciser, has provided the means or instructed, will be treated as an accomplice and sentenced to penalties by the author principal.</p> <p style="text-align: center;">Law relating to Sexual and Reproductive Health, 2003</p> <p>Article 19: female genital mutilations and pedophilia</p> <p>The following acts shall be considered violations of the rights to sexual and reproductive health and shall be punishable in conformity with the criminal laws of the State:</p>
<p>Botswana</p>	<p>Criminalized</p> <p style="text-align: center;">Children’s Act, 2009</p> <p>Section 62 (1) :Subject to section 61 (3), and section 90, every child has a right not to be subjected to social, cultural and religious practices which are detrimental to his or her well-being.</p> <p>(2) A child shall not be subjected, by any person, to —</p> <p>(a) a forced marriage;</p> <p>(b) a child betrothal;</p> <p>(c) genital mutilation or female circumcision; or</p> <p>(d) any other cultural rite, custom or tradition which may inflict physical, emotional or psychological pain or harm to the child, or otherwise violate or endanger his or her bodily integrity, life, health, dignity, education or general well-being.</p> <p>(3) Unless it is in the interest of the child, no person shall circumcise a male child except where</p> <p>(a) the circumcision does not expose the child to any harm and does not conflict with any regulations made under this</p>

	<p>or any other Act;</p> <p>(b) the circumcision is performed for medical reasons on the recommendation of a medical practitioner; and</p> <p>(c) proper counseling of the child is obtained, subject to the child's age, maturity and level of understanding.</p> <p>(4) A child above the age of 16 may be circumcised only if he consents thereto, has received proper counseling, and it has been certified by a medical practitioner that the procedure is unlikely to cause him any harm taking into consideration his maturity and state of health.</p> <p>(5) Any person who coerces, pressures or deludes a child into participating in any of the practices referred to in this section shall be guilty of an offence and liable to a fine of not less than P10 000 but not more than P30 000, or to imprisonment for a term of not less than 12 months but not more than three years, or both.</p>
<p>Burkina Faso</p>	<p>Criminalized</p> <p style="text-align: center;">Penal Code, 1996</p> <p>Section 2 Female Genital Mutilations</p> <p>Article 380: Anyone who harms or attempts to harm the female genital organs by total ablation, excision, infibulations, desensitization or any other means shall be punishable by six months to three years' imprisonment and a fine ranging from CFA francs 150,000 to 900,000 or by one of these two punishments only.</p> <p>Should this result in death, the punishment shall be five to ten years' imprisonment.</p> <p>Article 381: The maximum punishment shall be meted out if the guilty party is a member of the medical or paramedical profession. Moreover, he or she may be disbarred from practice by the courts for up to five years.</p> <p>Article 382: Any person who is aware of acts as defined by Article 380 and who fails to notify the competent authorities shall be punishable by a fine ranging from CFA francs 50,000 to 100,000.</p>
<p>Burundi</p>	<p>Not prohibited- the practice does not exist</p> <p style="text-align: center;">International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.htm</p>

	Female genital mutilation is reportedly not practiced in Burundi. However, the IPU has no first-hand official information on this subject
Cameroon	<p>Prohibited</p> <p>Second periodic report on the Convention on the Rights of the Child: Cameroon, 2008, p.29</p> <p>National Plan of Action to Combat Female Genital Mutilation (FGM), 2009</p> <p>As to the concern expressed by the Committee about female genital mutilation (FGM), the practice has declined considerably in the remaining pockets (Far North, East and Southwest provinces). In 1998, Cameroon formulated and implemented a strategic plan to combat FGM, which has three main areas of focus:</p> <p>(a) Prevention, by making women who practice FGM aware that they are violating the rights and physical integrity of their victims, and by holding seminars for opinion makers (traditional and religious authorities) to alert them to the issue;</p> <p>(b) Care for victims through psychological and social assistance, and reconversion support for the perpetrators through financial or material aid to help them find another income-generating activity to replace the practice of FGM;</p> <p>(c) Punishment of perpetrators of FGM. To this end, the Ministry of Justice has proposed an amendment to the Criminal Code to introduce measures to punish the practice; the amendment has not been adopted yet.</p> <p>Concluding Observation to the 2nd periodic report on the Convention on the Rights of the Child: Cameroon, 2008, par.59</p> <p>The Committee welcomes the review in 2009 of the National Plan of Action to Combat Female Genital Mutilation (FGM) and the adoption of the National Programme on Reproductive Health which covers, inter alia, the elimination of harmful traditional practices, including FGM and early and forced marriages.</p>
Cape Verde	<p>Not prohibited- the practice does not exist</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.htm</p>



	Female genital mutilation is reportedly not practiced in Cape Verde. However, the IPU has no first-hand official information on this subject
Central African Republic	<p>Criminalized</p> <p style="text-align: center;">Penal Code, 2010</p> <p>Section 114: Anyone using modern or traditional methods has practiced or attempted to practice or promoted excision or all methods of female genital mutilation, shall be punished by imprisonment of two to five years and a fine of 100,002 to 1,000,000 francs. The penalty shall be doubled in case of recidivism.</p>
Chad	<p>Criminalized</p> <p style="text-align: center;">Law Relating to the Promotion of Reproductive Health, 2002</p> <p>Article 9: Everyone has the right not to be subjected to torture and to cruel, inhuman or degrading his body in general and the reproductive organs in particular All forms of violence such as mutations genital mutilation (FGM), early marriage, domestic violence and sexual abuse of the human person are prohibited.</p> <p>Article 18: any person who, in practice, writing, speeches, publicity or violates the provisions of this Act shall be punished by imprisonment of five (5) months to five (5) years and a fine of one hundred thousand (100,000) francs CFA to five hundred thousand (500,000) francs or one of these penalties.</p>
Comoros	Not prohibited
Congo Brazzaville	<p>Criminalized</p> <p style="text-align: center;">Child Protection Code, 2010</p> <p>Article62: acts prohibited: -Female genital mutilation;</p>

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	<p>-The honor killing; -The forced marriage of children.</p> <p>Under this law, female genital mutilation shall include any partial or total removal external genitalia and /or other operations on these organs. Surgery on genitalia performed on medical prescriptions are excluded from this category</p> <p>Article116: a person who engages in harmful practices prohibited under section62 of this Act shall be punished under the Penal Code.</p>
Cote d'Ivoire	<p>Prohibited</p> <p>Concluding Observation to the initial state party report on the Convention on the Rights of the Child: Cote d'Ivoire, 2001, par.6</p> <p>The Committee notes with interest the adoption of the law on female genital mutilation (1998), the Education Act (1995) and the Labour Code (1995).</p>
Democratic Republic of Congo	<p>Criminalized</p> <p>Code on Child Protection, 2009</p> <p>Article 153: Genital mutilation of a child is punishable by two to five years penal servitude sentence and a fine of 200 thousand to one million Congolese francs.</p> <p>When the sexual mutilation causes the death of the child without the author is punishable by ten to twenty years of penal servitude</p> <p>Sexual mutilation is an act prejudicial to the physical or functional integrity of the genital organ.</p> <p>Circumcision is genital mutilation or a bodily integrity.</p>
Djibouti	<p>Criminalized</p> <p>Penal Code,1995</p>

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	<p>Article 333. The violence causing genital mutilation is punishable by five years imprisonment and 1,000,000 Francs fine.</p>
Egypt	<p>Criminalized</p> <p style="text-align: center;">Child Act, 2008</p> <p>Article 242-bis was added, and reads as follows:</p> <p>Taking into consideration the provisions of Article 61 of the Penal Code, and without prejudice to any stronger penalty prescribed by another law, shall be penalized by imprisonment for not less than three (3) months and not exceeding two (2) years, or with a fine of not less than one thousand (1000) Egyptian pounds, and not exceeding five thousand (5000) Egyptian pounds, anyone who caused the injury which is punishable by Articles 241, 242 of the Penal Code, through performing female genital mutilation.</p> <p style="text-align: center;">Order on Female Genital Mutilation in Egypt, 1996</p> <p>It is forbidden to perform circumcision on females either in hospitals or public or private clinics. The procedure can only be performed in cases of disease and when approved by the head of the obstetrics and gynecology department at the hospital, and upon the suggestion of the treating physician. Performance of this operation will be considered a violation of the laws governing the medical profession. Nor is this operation to be performed by non-physicians.</p>
Equatorial Guinea	<p>Criminalized</p> <p style="text-align: center;">Penal Code, 1963</p> <p>Section 419: mutilation of an organ shall be punished with the penalty of reclusion or less.</p> <p>Any other mutilation shall be punished with simple imprisonment</p> <p style="text-align: center;">International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.htm</p> <p>Female genital mutilation is not practiced in Equatorial Guinea.</p>

<p>Eritrea</p>	<p>Criminalized</p> <p style="text-align: center;">Proclamation to Abolish Female Circumcision, 2007</p> <p>Article 4: Punishment</p> <p>(1) Whosoever performs female circumcision shall be punishable with imprisonment of two to three years and a fine of five to ten thousand (5,000.00 to 10,000.00) Nakfa. If female circumcision causes death, imprisonment shall be from five to ten years.</p> <p>(2) Whosoever requests, incites or promotes female circumcision by providing tools or by any other means shall be punishable with imprisonment of six months to one year and a fine of three thousand (3,000.00) Nakfa.</p> <p>(3) Where the person who performs female circumcision is a member of the medical profession, the penalty shall be aggravated and the court may suspend such an offender from practicing his/her profession for a maximum period of two years.</p> <p>(4) Whosoever, knowing that female circumcision is to take place or has taken place, fails, without good cause, to warn or inform, as the case may be, the proper authorities promptly about it, shall be punishable with a fine of up to one thousand (1,000.00) Nakfa.</p>
<p>Ethiopia</p>	<p>Criminalized</p> <p style="text-align: center;">Criminal Code, 2004</p> <p>Article 565: Female Circumcision.</p> <p>Whoever circumcises a woman of any age, is punishable with simple imprisonment for not less than three months, or fine not less than five hundred Birr.</p> <p>Article 566: Infibulation of the Female Genitalia.</p>

	<p>(1) Whoever infibulates the genitalia of a woman, is punishable with rigorous imprisonment from three years to five years.</p> <p>(2) Where injury to body or health has resulted due to the act prescribed in sub-article (1) above, subject to the provision of the Criminal Code which provides for a more severe penalty, the punishment shall be rigorous imprisonment from five years to ten years.</p>
Gabon	<p>Not prohibited</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-m.htm</p> <p>These practices are not very deeply rooted in the culture and traditions of the country.</p> <p>Gabon takes in nationals from countries where such practices are common, and it would therefore be wise to introduce appropriate legislation.</p>
Gambia	<p>Prohibited</p> <p>Children's Act, 2005</p> <p>Section 19 harmful social and customary practices</p> <p>No child shall be subjected to any social and cultural practice that affect the welfare, dignity, normal growth and development of the child and in particular those customs and practices that are</p> <ol style="list-style-type: none"> a) prejudicial to the health and life of the child and b) discriminatory to the child on the grounds of sex or other status <p>Concluding Observation to the initial state party report on the Convention on the Rights of the Child: Gambia, 2001</p> <p>While the Committee notes the launch in March 1997 of the First National Action Plan for the Eradication of Female Genital Mutilation, it remains concerned that female genital mutilation (FGM) is not prohibited by law and is still</p>

	<p>widely practiced in the State party. Concern is also expressed about the persistent use of other harmful traditional practices, including early, consanguine and forced marriages.</p>
<p>Ghana</p>	<p>Criminalized</p> <p style="text-align: center;">Penal Code, 1960</p> <p>Section 69A.—Female Circumcision.</p> <p>(1) Whoever excises, infibulates or otherwise mutilates the whole or any part of the labia minora, majora and the clitoris of another person commits an offence and shall be guilty of a second degree and liable on conviction to imprisonment of not less than three years.</p> <p>(2) For the purposes of this section "excise" means to remove the prepuce, the clitoris and all or part labia minora; "infibulate" includes excision and the additional removal of the labia majora.</p> <p style="text-align: center;">Child Act, 1998</p> <p>Section 14—Right to Refuse Betrothal and Marriage.</p> <p>(1) No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental well-being of a child.</p>
<p>Guinea</p>	<p>Criminalized</p> <p style="text-align: center;">Penal Code, 1988</p> <p>Article 305:- Castration is a removal or mutilation of genital organs, both on the man and the woman.</p> <p>Any person guilty of this crime shall be punished with life imprisonment.</p> <p>If death ensued within forty days following this crime, the criminal shall be punished with death.</p> <p style="text-align: center;">Child Code, 2008</p>

	<p>Article 405: Female genital mutilation means any removal partial or total external genitalia of girls or women and / or any other operations on these organs.</p> <p>Article 406: All forms of female genital mutilation by any person regardless of their quality are prohibited in the Republic of Guinea.</p> <p>Article 407: Anyone using traditional or modern methods has practiced favored or female genital mutilation or will participate is guilty of intentional violence on the person of the cut. Any such act is punished by imprisonment from 3 months to 2 years and a fine of 300,000 to 1,000,000 Guinean francs or one of these penalties only. Ascendants or any other person having authority over the child or the custodial who have authorized female genital mutilation shall be punished with the same penalties as authors.</p> <p>Article 408: If female genital mutilation has resulted in a disability the authors will be punished by imprisonment for 5 to 10 years and a fine of 1 million to 3 million Guinean francs.</p> <p>Article 409: If the death of the children sued, the author will be punished by imprisonment from 5 to 20 years.</p> <p>Article 410: The heads of health facilities, both public and private, are required to ensure that victims of female genital mutilation received in their centers or institutions the most appropriate care. The public authorities shall be informed without delay to allow them to monitor the status of the victim and expedite proceedings provided for in the foregoing provisions.</p>
<p>Guinea-Bissau</p>	<p>Prohibited</p> <p>http://www.unicef.org/infobycountry/guineabissau</p> <p>Bissau, Guinea-Bissau, 13 September 2011 - This past June, the National Popular Assembly (ANP) of Guinea-Bissau approved a law prohibiting female genital mutilation and cutting (FGM/C) nationwide.</p>
<p>Kenya</p>	<p>Criminalized</p> <p>Constitution, 2010</p> <p>Section 53(1,d): right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman</p>

	<p>treatment and punishment, and hazardous or exploitative labour;</p> <p style="text-align: center;">Child Act, 2001</p> <p>Article 14: No person shall subject a child to female circumcision, early marriage or other cultural rights, customs or traditional practices that are likely to negatively affect the child's life, health, social welfare, dignity or physical or psychological development</p> <p style="text-align: center;">Prohibition of Female Genital Mutilation Act, 2011</p> <p>Part II- Anti FGM Board</p> <p>Part IV-offences</p>
Lesotho	<p>Prohibited</p> <p style="text-align: center;">Children's Protection and Welfare Act, 2011</p> <p>Section 17; A child not to be subjected to harmful cultural rites, custom and traditional practices</p> <p>A child shall not be subjected to any cultural rites, customs or traditional practices that are likely to negatively affect the child's life, health, welfare, dignity or physical, emotional, psychological, mental and intellectual development.</p>
Liberia	<p>Not prohibited</p> <p style="text-align: center;">Child Act, 2011</p> <p>Article VI, Section 4 harmful practices prohibited for a child: NO person shall subject a child to any of the following practices</p> <p>d) any unnecessary or uncultured practice that may inflict physical, psychological or emotional pain to the child or otherwise violate or endanger her or his bodily integrity, life, health, dignity, education, welfare or holistic development</p>

<p>Libya</p>	<p>Not prohibited- the practice does not exist</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-m.htm</p> <p>Female genital mutilation is reportedly not practised in the Libyan Arab Jamahiriya. However, the IPU has no first-hand official information on this subject.</p>
<p>Madagascar</p>	<p>Not prohibited</p> <p>Code of déontologie médicale, 1998</p> <p>http://www.hsph.harvard.edu/population/fgm/madagascar.fgm.htm</p> <p>Article 39: No mutilating intervention can be performed without information of the applicant and without his consent.</p> <p>Female genital mutilation is reportedly not practised in Madagascar. However, the IPU has no first-hand official information on this subject.</p>
<p>Malawi</p>	<p>Not prohibited</p> <p>Child Care Protection and Justice Act, 2010</p> <p>Section 80: No person shall subject a child to a social or customary practice that is harmful to the health or general development of the child.</p> <p>Concluding observation to the 2nd periodic report on the Convention on the Rights of the Child: Malawi, 2009</p> <p>The practice exists in some communities but there is no law prohibiting it.</p>
<p>Mali</p>	<p>Criminalized</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-m.htm</p> <p>Article 166 of the Penal Code prohibits voluntarily cutting or injuring a person as well as committing any violence on a person. Article 171 states that any person who administers willingly any procedure or substance to an individual</p>

	<p>without consent and causes an illness or disability is punishable by six months' to 3 years' imprisonment.</p> <p style="text-align: center;">Code of Child Protection, 2002</p> <p>Article 50(f,g):exposing the child to practices adversely affecting health; is considered, in particular, as difficult situation threatening the health of the child, its physical or moral development.</p>
Mauritania	<p>Criminalized</p> <p style="text-align: center;">Ordinance on the Judicial Protection of the Child, 2005</p> <p>Article 12: The act of violating or attempting to violate the genitals a female child, infibulation, desensitization or by any other means is punishable by one to three years imprisonment and a fine of 120,000 to 300,000. When UM has resulted in harm to it. The penalty is increased to four years imprisonment and a fine of 160,000 to 300,000 ouguiyas when the offender reports to the medical profession or paramedics.</p>
Mauritius	<p>Not prohibited- the practice does not exist</p> <p style="text-align: center;">International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-m.htm</p> <p>Female genital mutilation is reportedly not practiced in Mauritius. However, the IPU has no first-hand official information on this subject.</p>
Morocco	<p>Not prohibited- the practice does not exist</p> <p style="text-align: center;">International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-m.htm</p> <p>Female genital mutilation is reportedly not practiced in Morocco. However, the IPU has no first-hand official information on this subject.</p>
Mozambique	<p>Not prohibited- the practice does not exist</p> <p style="text-align: center;">International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-m.htm</p>

	Female genital mutilation is reportedly not practiced in Mozambique. However, the IPU has no first-hand official information on this subject.
Namibia	<p>Not prohibited- the practice does not exist</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-m.htm</p> <p>Female genital mutilation is reportedly not practiced in Namibia. However, the IPU has no first-hand official information on this subject.</p>
Niger	<p>Criminalized</p> <p>Law on Reproductive Health, 2006</p> <p>Article 19 - A law determines the conditions of criminalization and repression of acts violating the rights of sexual health and reproduction as well as violations of the relevant provisions of this Act. Include criminal offending and repressed:</p> <ul style="list-style-type: none"> - All forms of violence against women and children victims in general, and female genital mutilation and pedophilia in particular; - Willful transmission of HIV / AIDS; - Exploitation in all its forms of prostitution and trafficking women and children.
Nigeria	<p>Criminalized</p> <p>Combined 3rd and 4th periodic report on the Convention on the Rights of the Child: Nigeria, 2008</p> <ul style="list-style-type: none"> - Enugu State FGM (Prohibition) Law of 2004 - Edo State Female Genital Mutilation (FGM) Prohibition Law 2000

	<ul style="list-style-type: none"> - Bayelsa State FGM (Prohibition) Law of 2004 - Bills prohibiting the practice of FGM is enacted in 11 states among the 32 regional states in the country <p style="text-align: center;">Childs Right Act, 2003</p> <p>Article 24: tattoos and skin marks</p> <ul style="list-style-type: none"> - No person shall tattoo or make a skin mark or cause any tattoo or skin mark to be made on a child - The offence is punishable upon conviction to affine not exceeding a five thousand naira or imprisonment for a term not exceeding one month or to such both fine or imprisonment
<p>Rwanda</p>	<p>Not prohibited- the practice does not exist</p> <p style="text-align: center;">Initial state party report on the African Charter on the Rights and Welfare of the Child: Rwanda,2006</p> <p>Under Article 33 of the decree relating to the rights and protection of the child against violence, all sex-based practices carried out on the child, no matter its form and the method used, constitutions a rape committed on the child.</p> <p>These provisions of the decree are enough to discourage anyone wishing to carry out such</p> <p style="text-align: center;">International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.htm</p> <p>Female genital mutilation is reportedly not practiced in Rwanda. However, the IPU has no first-hand official information on this subject.</p>
<p>Sao Tome & Principe</p>	<p>Not prohibited - the practice does not exist</p> <p style="text-align: center;">Constitution, 1975</p> <p>Article 22: Right to personal integrity</p> <ol style="list-style-type: none"> 1. The moral and physical integrity of the people is inviolable. 2. No one may be submitted to torture or to cruel, inhuman or degrading treatment or punishment.



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	<p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.htm</p> <p>Female genital mutilation is reportedly not practiced in Sao Tome and Principe. However, the IPU has no first-hand official information on this subject.</p>
Senegal	<p>Criminalized</p> <p>Law Amending Certain Provisions of the Penal Code on Female genital mutilation, 1999</p> <p>Article 299 bi: who so ever who have worn or tried to undermine the integrity of the genitalia of a female person by partial or total removal of one or more of its elements, infibulation, desensitization or by any other means shall be punished with imprisonment from six months to five years</p> <p>The maximum penalty will be applied when the sexual mutilation have been carried out or promoted by a person in the medical or paramedical staff. When they have caused the death, the sentence of penal servitude for life will always be pronounced. Any person who, by gifts, promises, influences, threats, intimidation, abuse of authority or power, caused the genital mutilation or given instructions for committing shall incur the same penalties.</p>
Seychelles	<p>Not prohibited- the practice does not exist</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.htm</p> <p>Female genital mutilation is reportedly not practiced in the Seychelles. However, the IPU has no first-hand official information on this subject.</p>
Sierra Leone	<p>Prohibited</p> <p>Child Right Act, 2007</p>

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	<p>Article 2: “female genital mutilation” includes the cutting or removal of any part of the female genitalia;</p> <p>Article 11(2)(e):function of the National Commission for Children: to undertake the wide dissemination of the Convention and the Charter generally and through professional training, adult education and child rights promotional activities aimed especially at the registration of births, elimination of forced marriages for girls, female genital mutilation, sexual abuse and economic exploitation of children.</p> <p>Article 33(1): No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental welfare of a child.</p>
<p>Somalia</p>	<p>Prohibited</p> <p style="text-align: center;">Constitution, 2012</p> <p>Article 15. Liberty and Security of the Person</p> <p>(2) Every person has the right to personal security, which shall be safeguarded through the prohibition of illegal detention, all forms of violence, including any form of violence against women, torture, or inhumane treatment.</p> <p>(3) The physical integrity of every person is inviolable. No one may be subjected to medical or scientific experiments without their consent or, if a person lacks the legal capacity to consent, the consent of a near relative and the support of expert medical opinion.</p> <p>(4) Circumcision of girls is a cruel and degrading customary practice, and is tantamount to torture. The circumcision of girls is prohibited.</p>
<p>South Africa</p>	<p>Criminalized</p> <p style="text-align: center;">Child Act, 2005</p> <p>Social, cultural and religious practices</p> <p>Genital mutilation”, in relation to a female child, means the partial or complete removal of any part of the genitals,</p>

	<p>and includes circumcision of female children;</p> <p>Art 12. (1) Every child has the right not to be subjected to social, cultural and religious child practices which are detrimental to his or her well-being.</p> <p>(3) Genital mutilation or the circumcision of female children is prohibited.</p> <p style="text-align: center;">Protection of Equality of Unfair Discrimination Act, 2000</p> <p>Prohibition of unfair discrimination on ground of gender</p> <p>8. Subject to section 6, no person may unfairly discriminate against any person on the ground of gender, including—</p> <p>(a) gender-based violence;</p> <p>(b) female genital mutilation;</p> <p>(c) the system of preventing women from inheriting family property;</p> <p>(d) any practice, including traditional, customary or religious practice, which impairs the dignity of women and undermines equality between women and men, including the undermining of the dignity and well-being of the girl child;</p>
<p>South Sudan</p>	<p>Criminalized</p> <p style="text-align: center;">Child Act, 2008</p> <p>Article 5: “Female circumcision” means the cutting and removal of part or all of the female genitalia and includes the practices of clitoridectomy, excision, infibulations or other practice involving the removal of part, or of the entire clitoris or labia of a female child;</p> <p>Article 26 Rights of the Female Child: Every female child has a right to be protected from sexual abuse and exploitation and gender-based violence, including rape, incest, early and forced marriage, female circumcision and female genital mutilation.</p>



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	<p>Article 30 Penalties of Infringing any of the Rights of a Child: Notwithstanding penalties contained in any other law, anyone who willfully or as a result of culpable negligence infringes any right of a child commits an offence and shall, on conviction, be sentenced to imprisonment for a term not exceeding seven years or with a fine or with both, and may be liable to pay such compensation to the child as the Court deems fit and just.</p>
Sudan	<p>Criminalized</p> <p>The Interim National Constitution of the Republic of the Sudan 2005</p> <p>Article 32(3) rights of woman and children: The State shall combat harmful customs and traditions which undermine the dignity and the status of women.</p> <p>Penal Code, 2003</p> <p>Section 284(A) “Female Circumcision”: Whoever makes or causes female circumcision to be done commits an offence and shall on conviction, be punished with imprisonment for a term not exceeding ten years or with fine, or with both.</p>
Swaziland	<p>Not prohibited- the practice does not exist</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.htm</p> <p>Female genital mutilation is reportedly not practised in Swaziland. However, the IPU has no first-hand official information on this subject.</p> <p>The Constitution of the Kingdom of Swaziland Act, 2005</p> <p>Article 28 (3): A woman shall not be compelled to undergo or uphold any custom to which she is in conscience opposed</p>
Tanzania	<p>Criminalized</p> <p>Child Act, 2009</p>

Compiled by The African Child Policy Forum (ACPF) <http://www.africanchildforum.org> (September 2013). Please note that for all documents originally available in French and Portuguese the translation in this table is not the official translation

	<p>Section 158(1): General prohibition</p> <p>No person shall:</p> <p>(a) perform or cause to be performed female genital mutilation to a child;</p> <p>(2) A person who contravenes any of the provisions of subsection (1) commits an offence and shall on conviction be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term of six months or to both.</p>
<p>Zanzibar</p>	<p style="text-align: center;">Child Act, 2011</p> <p>Section 14(1) Protection from torture and Degrading treatment: No child shall be subjected to violence, torture, or other cruel, inhuman or degrading punishment or treatment or any cultural or traditional practice which dehumanizes or is injurious to his physical and mental wellbeing.</p>
<p>Togo</p>	<p style="text-align: center;">Criminalized</p> <p style="text-align: center;">Law on the Prohibition of Female Genital Mutilation, 1998</p> <p>Section 1. General provisions</p> <p>Article 1. All forms of genital mutilation (FGM) practiced by anyone, whatever the type may be, are prohibited in Togo</p> <p>Article 2. Under this law, female genital mutilation is understood to mean all sorts of partial or total removal of the external organ of girls, young girls or women and/or all other operations concerning these organs.</p> <p>This category does not include surgical operations of genital organ, performed with medical prescription.</p> <p>Section 2. Sanctions</p> <p>Article 3: Whoever, with traditional or modern methods, have practiced or promoted female genital mutilation or have taken part in such act, is to be held guilty of voluntary assault on the excised.</p> <p>Article 4: Everyone who is going to be held guilty of voluntary violence within the meaning of article 3 shall be</p>

	<p>punished from two to five years of imprisonment and with fine from 100,000 to 1,000,000 Francs or one of the two penalties.</p> <p>The punishment shall be doubled in case of recidivism.</p> <p>Article 5: If the mutilation resulted in the death of the victim, the guilty will be punished from 5 to 10 years imprisonment.</p> <p>Article 6: one shall be punished from one month to one year of imprisonment or with fine ranging from 20,000 to 500,000 Francs who, having known of the circumcision already planned, attempted or practiced, and therefore who could anticipate that the criminals or one of them would practice female genital mutilation on another person could prevent denunciation, however failed to inform the public official promptly.</p> <p>The parents or relatives till 4th degree inclusive of the principal or accomplice of the offense charged are exempted from guilt herein under.</p> <p>Section 3: Final provisions.</p> <p>Article 7. The official of both the public and private the healthcare institutions are responsible to make sure to the victims of FGM are provided with the best possible care.</p> <p>The competent public officials are informed without delay to monitor the status of the victim and to expedite prosecution under this law.</p>
<p>Tunisia</p>	<p>Not prohibited- the practice does not exist</p> <p>International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.htm</p> <p>Female genital mutilation is reportedly not practiced in Tunisia. However, the IPU has no first-hand official information on this subject.</p>
<p>Uganda</p>	<p>Criminalized</p>

	<p style="text-align: center;">Children’s Act, 1997</p> <p>Article 7 Harmful customary practices: It shall be unlawful to subject a child to social or customary practices that are harmful to the child’s health.</p> <p style="text-align: center;">The Prohibition of Female Genital Mutilation Act 2010</p> <p>Section 2: Offence of female genital mutilation.</p> <p>A person who carries out female genital mutilation commits an offence and is liable on conviction to imprisonment not exceeding ten years.</p>
<p>Zambia</p>	<p>Criminalized</p> <p style="text-align: center;">The Penal Code (Amendment) Act 15 of 2005</p> <p>Article 157 (1): Any person who conducts or causes to be conducted a harmful cultural practice on a child commits a felony and is liable, upon conviction, to imprisonment for a term of not less than fifteen year and may be liable to imprisonment for life.</p> <p>(2) In this section “harmful cultural practice” included sexual cleansing, female genital mutilation or an initiation ceremony that results in injury, the transmission of an infectious or life threatening disease or loss of life to a child but does not include circumcision on a male child.</p> <p style="text-align: center;">Draft Constitution, 2012</p> <p>Article 55(5,d): to be protected from discrimination, neglect, abuse and harmful cultural 33 rites and practices, including female genital mutilation and body mutilation, and to be protected from marriage before attaining the age of eighteen years;</p>

Zimbabwe

Criminalized

Domestic Violence Act, 2006

Meaning of domestic violence and its scope

Section 3: (1) For the purposes of this Act, domestic violence means any unlawful act, omission or behaviour which results in death or the direct infliction of physical, sexual or mental injury to any complainant by a respondent and includes the following—

(L)abuse derived from the following cultural or customary rites or practices that discriminate against or degrade women—

- (i) forced virginity testing; or
- (ii) female genital mutilation

Section 4: Offence of domestic violence and acts excluded from its scope (1) Subject to subsection (2), any person who commits an act of domestic violence within the meaning of section 3 shall be guilty of an offence and liable to a fine not exceeding level fourteen or imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

International Parliamentary Union, <http://www.ipu.org/wmn-e/fgm-prov-p.htm>

Female genital mutilation is reportedly not practiced in Zimbabwe. However, the IPU has no first-hand official information on this subject



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