

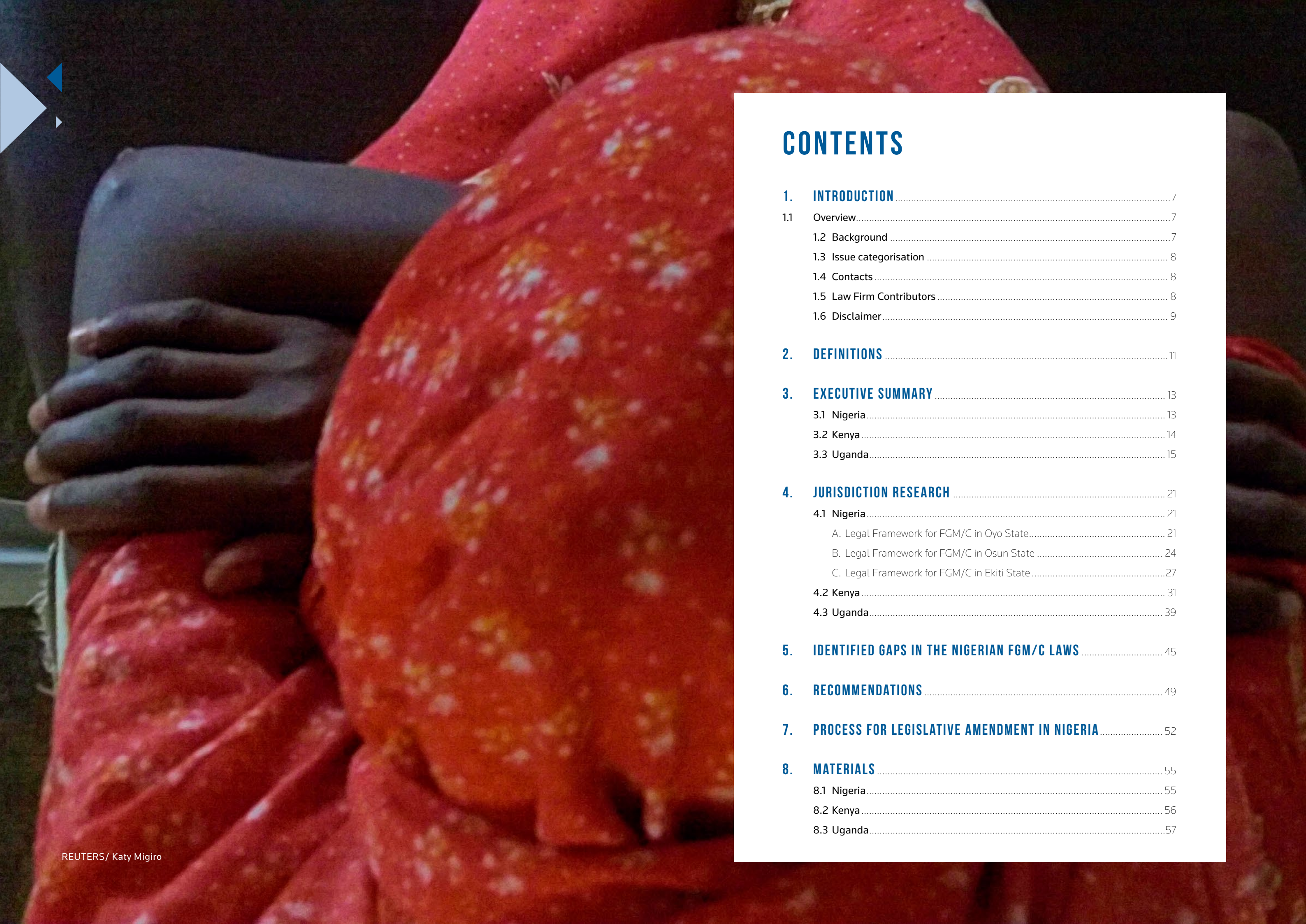


FGM/C Laws in Nigeria- Legislative Reforms and Lessons Learnt from Kenya and Uganda

FGM/C LAWS IN NIGERIA- LEGISLATIVE
REFORMS AND LESSONS LEARNT
FROM KENYA AND UGANDA



TrustLaw



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1. INTRODUCTION

1.1 OVERVIEW

HACEY Health Initiative (“HACEY”) is a non-profit organisation committed to supporting women, girls and young people in Nigeria to live a productive and healthy life. HACEY runs a project titled ‘Stop Cut Project’ which is designed to address the gaps that prevent the elimination of Female Genital Mutilation/ Cutting (“FGM/C”) practice and promote abandonment of the harmful practice in Nigeria.

FGM/C according to the World Health Organisation (WHO) is defined as “comprising all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for nonmedical reasons.” In Nigeria, the prevalence of FGM/C is 24.8% and about 20 million women and girls are reported to have undergone FGM/C. The southwest region records the second highest prevalence by geo-political zone with Ekiti, Osun, and Oyo State recording prevalence rate of 57.9%, 45.9%, and 31.1% respectively. In 2015, the Federal Government enacted the Violence Against Persons (Prohibition) Act (“VAPP Act”), which is aimed at eliminating gender-based violence by criminalising acts including FGM/C. The VAPP Act, as a federal law, is only effective in the Federal Capital Territory in Abuja, and, as such the remaining states must pass mirroring legislation to prohibit FGM/C across the country.

The Stop Cut Project implemented by HACEY aims to reduce the prevalence of FGM/C by improving law enforcement systems and enhancing public knowledge and awareness via strengthened collaborative efforts championed by critical stakeholders in Ekiti, Osun, and Oyo states, Nigeria.

1.2 BACKGROUND

- (a) We have prepared the Report to assist HACEY in comparing the FGM/C Laws in the states of Ekiti, Osun and Oyo in Nigeria (the Nigerian FGM/C Laws’), with that of other parts of Nigeria, particularly that of Lagos State and Abuja, being the major commercial cities in Nigeria on the one hand and, Kenya and Uganda on the other. The report will identify the gaps in the Nigerian FGM/C Laws, and proffer recommendations based on the gaps identified.
- (b) HACEY has, through Trust Law, the Thomson Reuters Foundation’s global pro bono legal programme, engaged a team of law firms across the following jurisdictions, to undertake legal research on the FGM/C Laws in these jurisdictions:

(i) the Federal Republic of Nigeria;

(ii) the Republic of Uganda; and

(iii) the Republic of Kenya.

(collectively hereinafter referred to as the **Jurisdictions**).

1.3 ISSUE CATEGORISATION

Certain matters identified in the course of the research behind this Report have been categorised and laid out in a manner that clarifies the information that has been provided. It is not intended to be a guide as to which issues should be prioritised.

1.4 CONTACTS

Should you require any further information regarding this Report, please contact any of the key persons below:

- Rhoda Robinson - robinsonrhoda@hacey.org
- Oluwatomì Olunuga - oluwatomiolunuga@hacey.org
- Stop Cut Project - stopcutproject@hacey.org

1.5 LAW FIRM CONTRIBUTORS

The findings in this report were provided by a team of law firms operating in the Jurisdictions. HACEY acknowledges the generous contributions of these law firms:

- **Nigeria**
Udo Udoma & Belo-Osagie
www.uubo.org
Coordinating Law Firm
Contributor, Nigerian law.
- **Uganda**
Bowmans
www.bowmanslaw.com
Contributor, Ugandan law.
- **Kenya**
Kieti Law LLP
www.cliffedekkerhofmeyr.com
Contributor, Kenyan law.

1.6 DISCLAIMER

- (a) This report and the information that it contains is provided for general informational purposes only.
- (b) It has been prepared as a work of comparative legal review only and does not represent legal advice in respect of any of the Jurisdictions. It does not purport to be complete or apply to any particular factual or legal circumstances. It does not constitute and must not be relied or acted upon as legal advice or create an attorney-client relationship with any person or entity.
- (c) Neither HACEY, Trust Law, or any of the Law Firm Contributors accept responsibility for losses that may arise from reliance upon the information contained in this report or any inaccuracies therein, including changes in the law since the date of this Report. Legal advice should be obtained from legal counsel qualified in the respective Jurisdictions when dealing with specific circumstances.
- (d) The respective Law Firm Contributors do not hold themselves out as being qualified to provide legal advice in respect of any Jurisdiction as a result of their participation in or contributions to this Report. Each Law Firm Contributor is only qualified to provide advice in relation to the Jurisdiction indicated against its name in section 1.5 above.
- (e) Similarly, Thomson Reuters Foundation is proud to support our TrustLaw member HACEY with their work on this report, including with publication and the pro bono connection that made the legal research possible. However, in accordance with the Thomson Reuters Trust Principles of independence and freedom from bias, we do not take a position on the contents of, or views expressed in, this report.



2. DEFINITIONS

EAC Act	East Africa Community Prohibition of Female Genital Mutilation Act
FCGML	Osun State Female Circumcision and Genital Mutilation (Prohibition) Law 2004
FGM Act 2010	Prohibition of Female Genital Mutilation Act, 2010 of Uganda
GVPL	Ekiti State Gender- Based Violence (Prohibition) Law, 2019
Kenyan Constitution	Constitution of Kenya, 2010
Kenyan Children Act	Children Act, No. 8 of 2001
Kenyan FGM Board	Anti-Female Genital Mutilation Board of Kenya
Kenyan FGM Policy	Sessional Paper No. 3 of 2019 on National Policy for the Eradication of Female Genital Mutilation
Kenyan FGM Statement	Eliminating female genital mutilation: an interagency statement, 2008
Nigerian Constitution	Constitution of the Federal Republic of Nigeria (1999) (as amended)
Kenyan Penal Code	Penal Code, Chapter 63 of the Laws of Kenya
PADVA	Protection Against Domestic Violence Act, No. 2 of 2015
PFGMA	Prohibition of Female Genital Mutilation Act, No. 32 of 2011
Ugandan Constitution	1995 Constitution of Uganda (as amended)
Ugandan Children's Act	The Children's Act 1997 as amended
VAWL	Oyo State Violence Against Women Law, 2016



3. EXECUTIVE SUMMARY

This Report is divided into sections by Jurisdictions. This executive summary provides a general overview of the current FGM/C Laws in the Jurisdictions. The sections of this Report that follow this Executive Summary contain a more detailed analysis of the legal framework for FGM/C laws in each of the Jurisdictions.

The purpose of this Executive Summary is to highlight the legal requirements in each of the Jurisdictions which we believe should be specifically drawn to your attention:

3.1 NIGERIA

(A) OYO STATE

The existing law prohibiting FGM/C in Oyo State is the VAWL. The VAWL expressly prohibits the circumcision or genital mutilation of a woman as well as wilful or reckless infliction of physical injury on a woman by means of any dangerous weapon, chemical or biological substance or object or any other harmful liquid. A woman is defined in the VAWL as “any person of the female gender of any age”. This means that the VAWL applies to all female persons. The VAWL imposes obligations of compliance on every person living in Oyo State and is for the benefit of all women living in Oyo state. Under the VAWL, a convicted offender is liable to imprisonment for a term not exceeding 4 (four) years or a fine of ₦100,000 (one hundred thousand Naira) – approximately US\$250 - or both for committing the offence of FGM/C. We have set out other applicable penalties in section 4 of this Report.

(B) OSUN STATE

The existing law prohibiting FGM/C in Osun State is the FCGML. The FCGML prohibits the practice of FGM/C in Osun State and it is not a defence that the consent of the female who was circumcised, was obtained. The FCGML imposes obligations of compliance on every person living in Osun State and is for the benefit of all women living in Osun state. The FCGML criminalises the practice of FGM/C in Osun State except where it was done for medical reasons. Under the FCGML, a convicted offender is liable to imprisonment for a term not exceeding 1 (one) year or a fine of ₦50,000 (fifty thousand Naira) – approximately US\$130 -

or both - for committing the offence of FGM/C. Other applicable penalties are set out in section 4 of this Report.

(C) EKITI STATE

The existing law prohibiting FGM/C in Ekiti State is the GVPL. The GVPL expressly prohibits the circumcision or genital mutilation of the girl child or woman as well as wilful infliction of physical injury on another person by means of any weapon, substance or object and the carrying out of harmful traditional practices on such other person. The GVPL imposes obligations of compliance on every person living in Ekiti State and is for the benefit of women living in Ekiti State. Under the GVPL, a convicted offender is liable to a minimum of 1 (one) year imprisonment or to a fine of ₦200,000 (two hundred thousand Naira) – approximately US\$500 - or both for committing the offence of FGM/C. We have set out other applicable penalties in section 4 of this Report.

3.2 KENYA

The existing laws prohibiting FGM/C in Kenya are the Constitution, the PFGMA, the Kenyan Children Act, the Kenyan Penal Code and the PADVA. The PFGMA is the principal law with respect to FGM/C and criminalises the act of “female genital mutilation” which is defined in the PFGMA as:

“all procedures involving partial or total removal of the female genitalia or other injury to the female genital organs, or any harmful procedure to the female genitalia, for non-medical reasons, and includes—

- (a) clitoridectomy, which is the partial or total removal of the clitoris or the prepuce;*
- (b) excision, which is the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;*
- (c) infibulation, which is the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning the labia minora or the labia majora, with or without excision of the clitoris,*

but does not include a sexual reassignment procedure or a medical procedure that has a genuine therapeutic purpose;”

Under the PFGMA, an offender is liable, on conviction, to imprisonment for a term of not less than 3 (three) years, or to a fine of not less than KES 200,000 (two hundred thousand Kenyan Shillings), or both. In the event of death of the victim of FGM/C, the offender is liable to life imprisonment.

3.3 UGANDA

- (a)** Section 1 of the Prohibition of Female Genital Mutilation Act 2010 defines FGM/C as all procedures involving partial or total removal of the external female genitalia for non-therapeutic reasons.
- (b)** Article 44 of the 1995 Constitution of the Republic of Uganda (as amended) provides that: *“Notwithstanding anything in this Constitution, there shall be no derogation from the enjoyment of the following rights and freedoms: (a) Freedom from torture and cruel, inhuman or degrading treatment or punishment.”* Respect for human dignity and protection from inhuman treatment are enshrined in Article 24 of the Ugandan Constitution which provides: *“No person shall be subject to any form of torture or cruel, inhuman or degrading treatment.”*
- (c)** Furthermore, Article 32(2) of the 1995 Constitution of the Republic of Uganda provides that all practices, laws, cultures, customs and traditions which are against the dignity, welfare or interest of women or any other marginalized group, are prohibited. On women’s rights, the Ugandan Constitution provides in Article 33(1) and (3) that women shall be accorded full and equal dignity of the person with men.
- (d)** The Ugandan Constitution further charges the state with a duty to protect women and their rights, taking into account their unique status and natural maternal functions in society. Therefore, any person is free to practice any culture, tradition or religion as long as such practice does not constitute disrespect for the human dignity of any person or subject any person to any form of torture or cruel, inhuman or degrading treatment or punishment.

OBJECTIVE
OF THIS REPORT



The objective of this report is that it will advance the efforts of HACEY Health Initiative in implementing the ‘Stop Cut Project’ and will enable effective dialogue with policymakers, members of the Ministry of Health, Ministry of Justice and Women Affairs, members of the technical committee on FGM/C and lawmakers in the respective Houses of Assembly in Oyo, Osun and Ekiti States of Nigeria with a view to advocating for necessary amendments in the FGM/C laws of these three Nigerian states, including ensuring greater enforcement of the existing laws in these states.

Country	FGM/C Legal Framework	Main Provisions	Effect on FGM/C Practice	Drawbacks of the current FGM/C Legal Framework
Nigeria	Nigerian Constitution	Nigerian Constitution- The Nigerian Constitution generally guarantees the right to dignity of human person which includes the right to freedom from torture, inhuman or degrading treatment. Oyo State- Section 9(1) of the VAWL expressly prohibits the circumcision or genital mutilation of a woman as well as wilful or reckless infliction of physical injury on a woman by various means. Osun State – Section 2 of the FCGML prohibits female circumcision or genital mutilation and it is not a defence that the consent of the female who was circumcised, was obtained. Ekiti State- Section 7(1), 3 (1) and 21 (1) of the GVPL expressly prohibits the circumcision or genital mutilation of the girl child or woman as well as wilful infliction of physical injury on another person by means of any weapon, substance or object and the carrying out of harmful traditional practices on another person, respectively.	Although the laws impose obligations on every person living in these states for the benefit of women, they have not been effective in curbing the incidence of FGM/C in these states as the rate of FGM/C remains alarmingly high.	a. Ineffectiveness of enforcement of the provisions of the relevant laws. b. Ineffective punitive sanctions imposed by the applicable laws which does not serve as a deterrent to the practice of FGM/C in these states. c. Failure to provide for mandatory reporting of incidences of FGM/C by medical staff in hospitals and health centres/members of the community. d. Inadequate provisions in the FCGML operational in Osun state create a lot of gaps which make enforcement difficult.
	VAWL			
	FCGML			
	GVPL			

Country	FGM/C Legal Framework	Main Provisions	Effect on FGM/C Practice	Drawbacks of the current FGM/C Legal Framework
Kenya	Kenyan Constitution	Kenyan Constitution- Article 44 (3) provides that no person can compel another person to perform, observe or undergo any cultural practice or rite. PFGMA - Section 19 criminalises the practice of female genital mutilation by any person, including a medical practitioner or midwife, save for the exempted circumstances. Kenyan Children Act - Section 14 provides that no person is permitted to subject a child to female circumcision or other cultural rites, customs or traditional practices that are likely to negatively affect the child’s life, health, social welfare, dignity or physical or psychological development. Kenyan Penal Code - Section 234 criminalises the deliberate infliction of “grievous harm”. PADVA - Sections 2,3 and Part II of the PADVA provides for the protection and relief of victims of domestic violence and victims of domestic violence can seek a protection order from the Resident Magistrates’ Courts. The definition of the term “violence” includes female genital mutilation.	The laws have been partially effective in providing protection to women from the practice of FGM/C. However, lack of resources and weak enforcement still hamper the eradication of the practice.	<ul style="list-style-type: none">• Weak coordination framework: there is a lack of coordination between the national and county governments specifically in the education, health, culture, legal, policy and economic segments.• Inadequate resources: inadequate funding and human resource for the coordination of anti FGM/C programmes.• Weak enforcement: Law enforcement officers, survivors and witnessing communities where FGM is practiced are threatened by members of the community and sometimes harmed for reporting incidences effectively hampering the enforcement of the laws.• Community resistance: Some communities have come out publicly to resist the implementation of the PFGMA. These communities claim that the law encroaches on their cultural identity and rights.
	PFGMA			
	Kenyan Children Act			
	Kenyan Penal Code			
	PADVA			

Country	FGM/C Legal Framework	Main Provisions	Effect on FGM/C Practice	Drawbacks of the current FGM/C Legal Framework
Uganda	Ugandan Constitution FGM Act 2010 EAC Act Case Law	<ul style="list-style-type: none"> Articles 21(1), 22(1), 24, 32(2), 33(1) and 44(a) of the Ugandan Constitution. Sections 2, 3, 4, 5, 6, 7 of the FGM Act 2010; Article 12, 13 16 of the EAC Act; and Law and Advocacy for Women in Uganda vs. the Attorney General, Constitutional Petition No. 8 of 2007. 	The laws on FGM/C in Uganda provide a comprehensive legal framework for the prohibition of FGM/C and the sanctioning of any breaches.	In remote areas, the laws are not enforced due to lack of knowledge of the law, as well as corruption (the perpetrators usually bribe the law enforcement officers).



4. JURISDICTION RESEARCH

4.1 NIGERIA

This section sets out our research as well as any other issue identified in the course of our legal review that we consider to be relevant in the context of this Report.

A. OYO STATE

LEGAL FRAMEWORK FOR FGM/C IN OYO STATE		
	Remarks (please Insert responses here)	Legal Basis (i.e., Link to legal sources)
(1)	Are there existing laws, regulations or policies prohibiting FGM/C? Yes, there are laws prohibiting FGM/C in Oyo state.	
(2)	If so, what are these laws? a. The VAWL: Section 9(1) of the VAWL expressly prohibits the circumcision or genital mutilation of a woman. Section 3(1) also prohibits the wilful or reckless infliction of physical injury on a woman by means of any dangerous weapon, chemical or biological substance or object or any other harmful liquid and section 23 (1) of the VAWL also criminalises the conduct of any harmful traditional practice on a woman. b. The Nigerian Constitution: The Nigerian Constitution does not specifically refer to violence against women and girls, harmful traditional practices or FGM/C; however section 34(1) provides that every individual is entitled to respect for the dignity of their person and, accordingly, no one ‘shall be subject to torture, or to inhuman or degrading treatment.	https://lawsofnigeria.placng.org/laws/C23.pdf https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en https://onelifeproject.org/wp-content/uploads/2018/06/Violence-Against-Women-Law-Oyo-State-2016.pdf
(3)	Which class of people do these laws apply to? The VAWL applies to all residents of Oyo State. The provisions of the Nigerian Constitution apply to every individual in Nigeria.	https://onelifeproject.org/wp-content/uploads/2018/06/Violence-Against-Women-Law-Oyo-State-2016.pdf

LEGAL FRAMEWORK FOR FGM/C IN OYO STATE		
(4)	<p>Are there exceptions to the applicability of FGM/C Laws?</p> <p>There are no exceptions to the applicability of FGM/C laws in Oyo state.</p>	https://onelifeforwomen.org/wp-content/uploads/2018/06/Violence-Against-Women-Law-Oyo-State-2016.pdf
(5)	<p>Are there any sanctions/penalties applicable for engaging in or assisting in FGM/C?</p> <p>Yes, there are.</p> <p>Section 9(2) of the VAWL - Any person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation is guilty of an offence and, liable on conviction to imprisonment for a term not exceeding 4 (four) years or a fine of ₦100,000 (one hundred thousand Naira) or both.</p> <p>Section 9(3) of the VAWL- Any person who attempts to perform female circumcision or genital mutilation is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 2 (two) years or to a fine of ₦80,000 (eight thousand Naira) or both.</p> <p>Section 9(4) of the VAWL - Any person who incites, aids, abets or counsels another person to perform female circumcision or genital mutilation is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 2 (two) years or a fine of ₦80,000 (eight thousand Naira) or both.</p> <p>Section 9 (5) of the VAWL - Any person who receives or assists another person to perform female circumcision or genital mutilation is an accessory, after the fact and is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 6 (six) months or a fine not exceeding ₦50,000 (fifty thousand Naira) or both.</p> <p>Section 23(1) of the VAWL- Any person who carries out a harmful traditional practice on a woman is guilty of an offence and liable on conviction to imprisonment for a term not exceeding 4 (four) years or to a fine not exceeding ₦100,000 (one hundred thousand Naira) or both.</p>	https://onelifeforwomen.org/wp-content/uploads/2018/06/Violence-Against-Women-Law-Oyo-State-2016.pdf
(6)	<p>What are the criminal consequences of performing or assisting in FGM/C?</p> <p>Please see the response to question 5 above.</p>	

LEGAL FRAMEWORK FOR FGM/C IN OYO STATE		
(7)	<p>Is FGM/C considered a human rights violation?</p> <p>Yes, FGM/C could be regarded as a violation of the right to dignity of human person provided for in section 34(1) of the Nigerian Constitution which states that no person shall be subjected to torture, or to inhuman or degrading treatment.</p>	https://lawsofnigeria.placng.org/laws/C23.pdf https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en
(8)	<p>Are the FGM/C Laws effective to curb the incidence of FGM/C?</p> <p>The VAWL, among other things, provides that victims of violence may apply to the High Court for a Protection Order in the manner set out in section 29. In addition, the VAWL creates the Gender Violence Unit in the Ministry of Women Affairs, Community Development, Social Welfare and Poverty Alleviation which among other things has the responsibilities of:</p> <ol style="list-style-type: none"> taking complaints of violence against a person in breach of the Law; reporting such complaints in the Police; assisting the Police and other authorities in the investigation and prosecution of offence under the Law; rendering logistics and material assistance to any woman who has suffered any form of act of violence prohibited under the Law; keep records of women who have lodged complaints at the Unit. <p>Despite these provisions of the VAWL, Oyo State is among the states in the South-West of Nigeria with high rates of FGM/C. This may be as a result of failure to provide for mandatory reporting of instances of FGM/C by medical staff in hospitals and health centres, lack of proper enforcement of the applicable laws, as well as insufficient grassroots education and enlightenment on the subject of FGM/C.</p>	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/825243/Nigeria_-_FGM_-_CPIN_-_v2.0_August_2019_.pdf
(9)	<p>Have the courts pronounced on the legality or otherwise of FGM/C? If yes, please provide a short summary of the applicable case law(s) and the court's decision(s) in these cases.</p> <p>We are not aware of any cases where the courts pronounced on the legality or otherwise of FGM/C in Oyo state.</p>	

B. OSUN STATE

LEGAL FRAMEWORK FOR FGM/C IN OSUN STATE		
	Remarks (please Insert responses here)	Legal Basis (i.e., Link to legal sources)
(1)	<p>Are there existing laws, regulations or policies prohibiting FGM/C?</p> <p>Yes, there are laws prohibiting FGM/C in Osun state.</p>	
(2)	<p>If so, what are these laws?</p> <p>a. The FCGML: Section 2 of the FCGML prohibits the practice of FGM/C in Osun State and it is not a defence that the consent of the female who was circumcised, was obtained.</p> <p>b. The Nigerian Constitution: The Nigerian Constitution does not specifically refer to violence against women and girls, harmful traditional practices or FGM/C; however, section 34(1) provides that every individual is entitled to respect for the dignity of their person and, accordingly, no one 'shall be subject to torture, or to inhuman or degrading treatment.</p>	<p>https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en</p>
(3)	<p>Which class of people do these laws apply to?</p> <p>The FCGML applies to all residents of Osun State.</p> <p>The provisions of the Nigerian Constitution apply to every individual in Nigeria.</p>	<p>Osun State Female Circumcision and Genital Mutilation (Prohibition) Law</p>
(4)	<p>Are there exceptions to the applicability of FGM/C Laws?</p> <p>Although the obligations under the FCGML apply to all residents of Osun State, under section 4(1) of the FCGML, the penalties for performing FGM/C will not apply where:</p> <p>a. a surgical operation is required by any female to save her life which requires the clitoris, or any, or all of the labia majora or labia minora to be removed; or</p> <p>b. it is required to remove all or any part of the female organ referred to in (a) in order to save the life of a female which becomes cancerous, or (b) where, if the female has been raped, or has vaginal infection and the relevant part of the female organ is not removed, she would die.</p> <p>In any of these instances, a certificate issued by a Medical Officer must be tendered, and the certificate must state the reason, time, date, and after effects of such operation.</p>	<p>Osun State Female Circumcision and Genital Mutilation (Prohibition) Law</p>

LEGAL FRAMEWORK FOR FGM/C IN OSUN STATE		
(5)	<p>Are there any sanctions/penalties applicable for engaging in or assisting in FGM/C?</p> <p>Yes, there are.</p> <p>A combined reading of Sections 3 and 5 of the FCGML provides that:</p> <p>Any person who:</p> <p>a. offers herself for circumcision or genital mutilation;</p> <p>b. coerces, entices, counsels, or induces any female to undergo circumcision or genital mutilation;</p> <p>c. allows his/her daughter or ward to be circumcised or has the genital organ mutilated; and</p> <p>d. other than for medical reasons, performs the operation of female circumcision or female genital mutilation,</p> <p>is guilty of an offence and shall be liable on first conviction to a fine of ₦50,000 (fifty thousand Naira) or a term of imprisonment not exceeding 1 (one) year or both. On second conviction, to a fine of ₦100,000 (one hundred thousand Naira) or imprisonment for a term not exceeding 2 (two) years. Each subsequent offence attracts imprisonment for a term of 2 (two) years without an option of fine.</p>	<p>Osun State Female Circumcision and Genital Mutilation (Prohibition) Law</p>
(6)	<p>What are the criminal consequences of performing or assisting in FGM/C?</p> <p>Please see the response to question 5 above.</p>	
(7)	<p>Is FGM/C considered a human rights violation?</p> <p>Yes, FGM/C could be regarded as a violation of the right to dignity of human person provided for in section 34(1) of the Nigerian Constitution which states that no person shall be subjected to torture, or to inhuman or degrading treatment.</p>	<p>https://lawsfnigeria.placng.org/laws/C23.pdf</p> <p>https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en</p>

LEGAL FRAMEWORK FOR FGM/C IN OSUN STATE		
(8)	<p>Are the FGM/C Laws effective to curb the incidence of FGM/C?</p> <p>The FCGML which was enacted in 2004 has not effectively curbed the incidence of FGM/C in Osun State. An analysis of the data from the Nigeria Demographic and Health Survey, 2013 reveals that Osun State has the highest rate (76.6%) of FGM/C practice in Nigeria. This rate has not declined due to several reasons such as the inadequate provisions of the law, the inefficiencies in the enforcement of the provisions of the law and punitive sanctions, as well as insufficient grassroots education and enlightenment on the subject of FGM/C.</p>	https://nigeria.unfpa.org/sites/default/files/pub-pdf/FGM%20IN%20NIGERIA_0.pdf
(9)	<p>Have the courts pronounced on the legality or otherwise of FGM/C? If yes, please provide a short summary of the applicable case law(s) and the court's decision(s) in these cases.</p> <p>We are not aware of any cases where the courts pronounced on the legality of FGM/C in Osun state.</p>	

C. EKITI STATE

LEGAL FRAMEWORK FOR FGM/C IN EKITI STATE		
	Remarks (please Insert responses here)	Legal Basis (i.e., Link to legal sources)
(1)	<p>Are there existing laws, regulations or policies prohibiting FGM/C?</p> <p>Yes, there are laws prohibiting FGM/C in Ekiti State.</p>	
(2)	<p>If so, what are these laws?</p> <p>a. The GVPL: Section 7(1) of the GVPL expressly prohibits the circumcision or genital mutilation of the girl child or woman. Section 3(1) prohibits the wilful infliction of physical injury on another person by means of any weapon, substance or object and Section 21(1) also prohibits the carrying out of harmful traditional practices on another person, respectively.</p> <p>b. The Nigerian Constitution: the Nigerian Constitution does not specifically refer to violence against women and girls, harmful traditional practices or FGM/C in Nigeria, however, Section 34(1) provides that every individual is entitled to respect for the dignity of their person and, accordingly, no one ‘shall be subject to torture, or to inhuman or degrading treatment’ which covers FGM/C.</p>	<p>https://lawsofnigeria.placng.org/laws/C23.pdf</p> <p>https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en</p> <p>https://ekitistate.gov.ng/hoa/2020/No18of2019.pdf</p>
(3)	<p>Which class of people do these laws apply to?</p> <p>The GVPL applies to all residents of Ekiti State.</p> <p>The provisions of the Nigerian Constitution apply to every individual in Nigeria.</p>	<p>https://ekitistate.gov.ng/hoa/2020/No18of2019.pdf</p>
(4)	<p>Are there exceptions to the applicability of FGM/C Laws?</p> <p>There are no exceptions to the applicability of the GVPL in Ekiti State.</p>	<p>https://ekitistate.gov.ng/hoa/2020/No18of2019.pdf</p>

LEGAL FRAMEWORK FOR FGM/C IN EKITI STATE		
(5)	<p>Are there any sanctions/penalties applicable for engaging in or assisting in FGM/C?</p> <p>Yes, there are.</p> <p>Section 7(2) of the GVPL - A person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence and is liable on conviction to a minimum of 1 (one) year imprisonment or to a fine of ₦200,000 (two hundred thousand Naira) or both.</p> <p>Section 7(3) of the GVPL - A person who attempts to perform female circumcision or genital mutilation or to engage another to carry out such circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 (one) year or to a fine not exceeding ₦100,000 (one hundred thousand Naira) or both.</p> <p>Section 7(4) of the GVPL - A person who incites, aids, abets, or counsels another person to perform female circumcision or genital mutilation or to engage another to carry out such circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 (one) year or to a fine not exceeding ₦100,000 (one hundred thousand Naira) or both.</p> <p>Section 21(1) of the GVPL - A person who carries out harmful traditional practices on another commits an offence and is liable on conviction to a minimum of 1 (one) year imprisonment or to a fine of ₦200,000 (two hundred thousand Naira) or both.</p> <p>Section 21(2) of the GVPL - A person who attempts to carry out harmful traditional practices on another commits an offence and is liable on conviction to a term of imprisonment for 6 (six) months or to a fine of ₦100,000 (one hundred thousand Naira) or both.</p> <p>Section 21(3) of the GVPL - A person who attempts to commit the act of violence provided for in Section 21(1) commits an offence and is liable on conviction to a term of imprisonment for 6 (six) months or to a fine of ₦100,000 (one hundred thousand Naira) or both.</p> <p>Section 21(4) of the GVPL - A person who receives or assists another who, to his or her knowledge, committed the offence provided for in Section 21(1) is an accessory after the fact and is liable on conviction to a term of imprisonment for 6 (six) months or to a fine of ₦100,000 (one hundred thousand Naira) or both.</p>	<p>https://ekitistate.gov.ng/hoa/2020/No18of2019.pdf</p>
(6)	<p>What are the criminal consequences of performing or assisting in FGM/C?</p> <p>Please see our response to question 5 above.</p>	
(7)	<p>Is FGM/C considered a human rights violation?</p> <p>Yes, FGM/C could be regarded as a violation of the right to dignity of the human person provided for in section 34(1) of the Nigerian Constitution which provides that no person shall be subjected to torture, or to inhuman or degrading treatment.</p>	<p>https://lawsofnigeria.placng.org/laws/C23.pdf</p> <p>https://www.constituteproject.org/constitution/Nigeria_2011.pdf?lang=en</p>

LEGAL FRAMEWORK FOR FGM/C IN EKITI STATE		
(8)	<p>Are the FGM/C Laws effective to curb the incidence of FGM/C?</p> <p>The GVPL among other things establishes a specialised court known as the “Gender Court” for the purpose of hearing cases of gender-based violence brought pursuant to the provisions of the GVPL. The GVPL makes provision for victims of violence to apply to the Gender Court for a protection order in the manner set out in section 27. In addition, the GVPL establishes the Gender-Based Violence Management Committee which among other things has the responsibilities of:</p> <ol style="list-style-type: none"> making recommendations for the State Plan of Action against gender-based violence, monitoring and reporting on the progress of the State Plan of Action through the Commissioner for Women Affairs and Social Development; advising the Commissioner for Women Affairs and Social Development on Policy matters under the GVPL; proposing and promoting strategies to prevent and combat gender- based violence; liaising with government agencies and organizations to promote the rehabilitation and re-integration of victims of gender-based violence; preparation of guidelines for disbursement from the Gender-Based Violence Support Fund; managing the Gender-Based Violence Support Fund; conducting research on national, international and regional development into standards for dealing with matters of gender- based violence; and dealing with any matter concerned with gender-based violence. <p>In addition, the GVPL provides for the appointment of protection officers, provision of counselling and support services to victims of gender-based violence, establishment of the Gender-Based Violence Support Fund which shall be applied to supporting victims of gender-based violence.</p> <p>Despite the enactment of the GVPL, the rate of FGM/C in Ekiti is still alarmingly high. This may be as a result of failure to criminalise FGM/C by medical staff/ personnel, lack of proper enforcement of the applicable laws, as well as insufficient grassroot education and enlightenment on the subject of FGM/C.</p>	<p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/825243/Nigeria_-_FGM_-_CPIN_-_v2.0_August_2019_.pdf</p>
(9)	<p>Have the courts pronounced on the legality or otherwise of FGM/C? If yes, please provide a short summary of the applicable case law(s) and the court’s decision(s) in these cases.</p> <p>We are not aware of any cases where the courts pronounced on the legality or otherwise of FGM/C in Ekiti state.</p>	



4.1
KENYA

LEGAL FRAMEWORK FOR FGM/C IN KENYA		
	Remarks (please Insert responses here)	Legal Basis (i.e., Link to legal sources)
(1)	<p>Are there existing laws, regulations or policies prohibiting FGM/C?</p> <p>Yes. There are existing laws, regulations and policies prohibiting FGM/C in Kenya.</p>	
(2)	<p>If so, what are these laws?</p> <p>a. The Kenyan Constitution: The Kenyan Constitution provides various protections that seek to protect and promote fundamental rights and freedoms. Under Article 44 (3) of the Kenyan Constitution, no person can compel another person to perform, observe or undergo any cultural practice or rite. In addition, Article 53 provides that every child has a right to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour.</p> <p>b. the PFGMA: the PFGMA seeks to prohibit the practice of FGM/C and safeguard against violation of a person’s mental or physical integrity through the practice of FGM/C. The PFGMA criminalises “female genital mutilation” which is defined as: “all procedures involving partial or total removal of the female genitalia or other injury to the female genital organs, or any harmful procedure to the female genitalia, for non-medical reasons, and includes—</p> <ul style="list-style-type: none">i. clitoridectomy, which is the partial or total removal of the clitoris or the prepuce;ii. excision, which is the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;iii. infibulation, which is the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning the labia minora or the labia majora, with or without excision of the clitoris, but does not include a sexual reassignment procedure or a medical procedure that has a genuine therapeutic purpose;”	<p>Constitution of Kenya http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=-Const2010</p> <p>PFGMA http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2032%20of%202011#part_IV</p>

	<p>c. Kenyan Children Act: Section 14 of the Kenyan Children Act provides that no person is permitted to subject a child to female circumcision, early marriage or other cultural rites, 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>d. Kenyan Penal Code: Section 234 of the Kenyan Penal Code criminalises the deliberate infliction of "grievous harm" which is defined in the Penal Code as <i>"any harm which amounts to a maim or dangerous harm, or seriously or permanently injures health, or which is likely so to injure health, or which extends to permanent disfigurement, or to any permanent or serious injury to any external or internal organ, membrane or sense"</i></p> <p>e. the PADVA: Sections 2,3 and Part II of the PADVA provides for the protection and relief of victims of domestic violence and victim of domestic violence can seek a protection order from the Resident Magistrates' Courts. The definition of the term "violence" includes female genital mutilation.</p>	<p>Children Act http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%208%20of%202001</p> <p>Penal Code http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=CAP.%2063#part_III</p> <p>PADVA http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=NO.%202%20OF%202015</p>
(3)	<p>Which class of people do these laws apply to?</p> <p>The Kenyan Constitution, PFGMA, Kenyan Children Act, Kenyan Penal Code and PADVA apply to all persons resident in Kenya.</p> <p>The PFGMA also applies to any person brought into the country to conduct FGM/C or a person that takes a person away from Kenya to conduct FGM/C. The PFGMA also applies to every citizen or permanent resident of Kenya who commits an act outside Kenya that would constitute an offence under the PFGMA.</p>	<p>http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2032%20of%202011#part_IV</p>
(4)	<p>Are there exceptions to the applicability of FGM/C Laws?</p> <p>Yes. Under sections 2 and 19 of the PFGMA, the following actions would not constitute FGM/C:</p> <p>a. a sexual reassignment procedure or a medical procedure that has a genuine therapeutic purpose. The term "sexual reassignment procedure" means any surgical procedure that is performed for the purposes of altering (whether wholly or partly) the genital appearance of a person to the genital appearance (as nearly as practicable) of a person of the opposite sex;</p> <p>b. where a medical practitioner or midwife or person undergoing a course of training while under supervision by a medical practitioner or midwife with a view to becoming a medical practitioner or midwife performs:</p> <p>i. a surgical operation on another person which is necessary for that other person's physical or mental health; or</p> <p>ii. a surgical operation on another person who is in any stage of labour or has just given birth, for purposes connected with the labour or birth.</p>	<p>http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2032%20of%202011#part_IV</p>

(5)	<p>Are there any sanctions applicable for engaging in FGM/C?</p> <p>Yes, there are.</p> <p>a. PFGMA:</p> <p>i. <i>Section 19 (1):</i> A person, including a person undergoing a course of training while under supervision by a medical practitioner or midwife with a view to becoming a medical practitioner or midwife, who performs female genital mutilation on another person commits an offence and is liable, on conviction, to imprisonment for a term of not less than 3 (three) years, or to a fine of not less than KES 200,000 (two hundred thousand Kenyan Shillings), or both.¹</p> <p>ii. <i>Section 19 (2):</i> If in the process of committing the offence of female genital mutilation, a person causes the death of another, that person shall, on conviction, be liable to imprisonment for life.</p> <p>iii. <i>Section 20:</i> Any person who abets, counsels or procures (i) a person to commit the offence of female genital mutilation or (ii) another person to perform female genital mutilation on that other person commits an offence and is liable, on conviction, to imprisonment for a term of not less than 3 (three) years, or to a fine of not less than KES 200,000 (two hundred thousand Kenyan Shillings), or both.</p> <p>iv. <i>Section 21:</i> A person who takes another person from Kenya to another country, or arranges for another person to be brought into Kenya from another country, with the intention of having that other person subjected to female genital mutilation commits an offence and is liable, on conviction, to imprisonment for a term of not less than 3 (three) years, or to a fine of not less than KES 200,000 (two hundred thousand Kenyan Shillings), or both.</p> <p>v. <i>Section 22:</i> A person who knowingly allows any premises, for which that person is in control of, or responsible for, to be used for purposes of performing female genital mutilation commits an offence and is liable, on conviction, to imprisonment for a term of not less than 3 (three) years, or to a fine of not less than KES 200,000 (two hundred thousand Kenyan Shillings), or both.</p> <p>vi. <i>Section 23:</i> A person who is found in possession of a tool or equipment for a purpose connected with the performance of female genital mutilation, commits an offence and is liable, on conviction, to imprisonment for a term of not less than 3 (three) years, or to a fine of not less than KES 200,000 (two hundred thousand Kenyan Shillings), or both.</p> <p>vii. <i>Section 24:</i> A person, being aware that an offence of female genital mutilation has been, is in the process of being, or intends to be, committed, fails to report accordingly to a law enforcement officer commits an offence and is liable, on conviction, to imprisonment for a term of not less than 3 (three) years, or to a fine of not less than KES 200,000 (two hundred thousand Kenyan Shillings), or both.</p>	
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¹ It is useful to note that section 19(6) of the PFGMA provides that it is not a defence to a charge of the offence of female genital mutilation that the person on whom the act involving female genital mutilation was performed consented to that act, or that the person charged believed that such consent had been given.

	<p>viii. Section 25: Any person who uses derogatory or abusive language that is intended to ridicule, embarrass or otherwise harm a woman for having not undergone female genital mutilation, or a man for marrying or otherwise supporting a woman who has not undergone female genital mutilation, commits an offence and shall be liable, upon conviction, to imprisonment for a term not less than 6 (six) months, or to a fine of not less than KES 50,000 (fifty thousand Kenyan Shillings), or both.</p> <p>b. Kenyan Penal Code</p> <p>Section 234 of the Kenyan Penal Code provides that any person who unlawfully does grievous harm to another is guilty of a felony and is liable to imprisonment for life.</p> <p>c. PADVA</p> <p>i. Section 22: A respondent who has been served with a copy of a protection order and who contravenes the order in any respect, commits an offence and is liable to a fine not exceeding KES 100,000 (one hundred thousand Kenyan Shillings), or to imprisonment for a period not exceeding 12 (twelve) months, or to both.</p> <p>ii. Section 23: A police officer may, without warrant, if he or she believes on reasonable ground that any person has committed an offence under section 22, arrest and detain the person.</p>	<p>http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2032%20of%202011#part_IV</p> <p>http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=CAP.%2063#part_III</p> <p>http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=NO.%202%20OF%202015</p>
(6)	<p>What are the criminal consequences of performing or assisting in FGM/C?</p> <p>Please see our responses to question 5 above.</p>	
(7)	<p>Is FGM/C considered a human rights violation?</p> <p>Yes. In the case of Tatu Kamau v Attorney General & 2 others; Equality Now & 9 others (Interested Parties); Katiba Institute & another (Amicus Curiae) Constitutional Petition 244 of 2019, the High Court held that the harm caused to an individual's health and well-being by virtue of FGM/C would be a violation of Articles 44(3) and 55 of the Kenyan Constitution.</p>	<p>http://kenyalaw.org/case-law/cases/view/209223/</p>

(8)	<p>Are the FGM/C Laws effective to curb the incidence of FGM/C?</p> <p>The PFGMA, inter alia, establishes the Kenyan FGM Board, whose functions are to:</p> <ul style="list-style-type: none"> a. design, supervise and co-ordinate public awareness programmes against the practice of female genital mutilation; b. generally advise the Government on matters relating to female genital mutilation and the implementation of the PFGMA; c. design and formulate a policy on the planning, financing and coordinating of all activities relating to female genital mutilation; d. provide technical and other support to institutions, agencies and other bodies engaged in the programmes aimed at eradication of female genital mutilation; e. design programmes aimed at eradication of female genital mutilation; f. facilitate resource mobilization for the programmes and activities aimed at eradicating female genital mutilation; and g. perform such other functions as may be assigned by any written law. <p>The Kenyan FGM Board has been active in designing and coordinating programmes aimed at eradicating FGM in Kenya. •</p> <p>The fight against FGM/C is supported by the Anti-FGM Prosecution Unit under the Office of the Director of Public Prosecutions Act, No. 2 of 2013. This department was established in 2014 and leads the arrest and prosecution of persons practicing female genital mutilation in Kenya.</p> <p>Despite these efforts, the laws have not been effective in curbing FGM/C in Kenya. According to the Kenyan FGM Policy, the challenges noted in addressing FGM/C in Kenya include:</p> <ul style="list-style-type: none"> • inadequate data: County and community specific FGM/C data for evidence-based policy implementation and programming is limited; • weak coordination framework: there is a lack of coordination between the national and county governments specifically in the education, health, culture, legal, policy and economic segments; • inadequate resources: inadequate funding and human resource for the coordination of anti FGM/C programmes; • weak enforcement: Law enforcement officers, survivors and witnessing communities where FGM is practiced are threatened by members of the community and sometimes harmed for reporting incidences effectively hampering the enforcement of the laws; and • community resistance: Some communities have come out publicly to resist the implementation of the PFGMA. These communities claim that the law encroaches on their cultural identity and rights. <p>The Kenyan FGM Policy sets out several policy initiatives to seek to remedy the challenges identified in the fight to eradicate FGM.</p>	<p>http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2032%20of%202011#part_IV</p> <p>https://gender.go.ke/wp-content/uploads/2019/10/NATIONAL-POLICY-FOR-THE-ERADICATION-OF-FEMALE-GENITAL-MUTILATION-.pdf</p>
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(9)	<p>Are there any gaps in these laws?</p> <p>Yes. The definition of the term “female genital mutilation” as set out in section 2 of the PFGMA is based on the classes of FGM as set out in the Kenyan FGM Statement which set out four (4) classes of FGM. The PFGMA set out the Types I, II, and III FGM but did not include Type IV FGM which is defined in the Statement as “ <i>All other harmful procedures to the female genitalia for non-medical purposes, for example: pricking, piercing, incising, scraping and cauterization.</i>”</p> <p>In the case of Tatu Kamau v Attorney General & 2 others; Equality Now & 9 others (Interested Parties); Katiba Institute & another (Amicus Curiae) Constitutional Petition 244 of 2019, the High Court was of the view that the failure to criminalise Type IV FGM creates a lacuna in the law and hampers the effective enforcement of the PFGMA as there is no objective or professional process to distinguish between the various types of FGM/C during investigation or prosecution. The ideal situation would have been the criminalisation of all 4 types of FGM/C.</p>	<p>http://apps.who.int/iris/bitstream/handle/10665/43839/9789241596442_eng.pdf;jsessionid=8DA0F9467435EC203D15D71DBAD6BBB4?sequence=1</p> <p>http://kenyalaw.org/caselaw/cases/view/209223/</p>
(10)	<p>Have the courts pronounced on the legality or otherwise of FGM/C? If yes, please provide a short summary of the applicable case law(s) and the court’s decision(s) in these cases.</p> <p>Yes. In Tatu Kamau v Attorney General & 2 others; Equality Now & 9 others (Interested Parties); Katiba Institute & another (Amicus Curiae) Constitutional Petition 244 of 2019, the High Court determined a constitutional petition challenging the constitutionality of the PFGMA and the Board. The petition alleged that:</p> <p>a. sections 2, 5, 19, 20 and 21 of the PFGMA contravene Articles 19, 27, 32 and 44 of the Constitution by limiting women’s choice and right to uphold and respect their culture; ethnic identity; religion; beliefs and, by discriminating between men and women; and</p> <p>b. section 19(1) of the PFGMA expressly forbids a qualified medical practitioner from performing female circumcision, thereby denying adult women access to the highest attainable standard of health, including the right to healthcare enshrined under Article 43 (1)(a) of the Kenyan Constitution.</p> <p>The petition did not contest the criminalisation of FGM/C on children but rather contested the prohibition imposed on adult women to voluntarily undergo FGM/C.</p>	<p>http://kenyalaw.org/caselaw/cases/view/209223/</p>

	<p>A key issue in the determination of the petition was balancing the competing human rights under Articles 26 (<i>right to life</i>), Article 27 (<i>on equality and freedom from discrimination</i>), Article 28 (<i>on human dignity</i>), Article 29 (<i>on freedom and security of the person</i>) and Article 43 (<i>on the highest attainable standard of health and reproductive healthcare</i>) against the rights in Articles 11 (<i>Culture</i>), 32 (<i>Freedom of conscience, religion, belief and opinion</i>) and 44 (<i>Language and culture</i>).</p> <p>The rights and freedoms set out above are limitable by virtue of Articles 24 and 25 of the Kenyan Constitution and therefore the Court applied the principle of proportionality and held that the physical and psychological harm occasioned by FGM warranted the limiting of the rights to culture and freedom of conscience.</p> <p>In addition, the High Court held:</p> <p>a. FGM/C is a harmful practice and its criminalisation does not breach one’s right to culture since societal pressure, deception, misinformation and stigma deprive persons of the right to consent and thus compelling a person to undergo FGM/C would breach Article 44(3) of the Constitution.</p> <p>b. culture evolves and changes over time based on a myriad of factors (e.g. education, religion, inter marriage, urbanisation or influence from other communities). As such, the Constitution would only protect elements of culture that are not harmful.</p>	
(11)	<p>Are there ‘good practices’ or ‘lessons learned’ that could be applied in amending the FGM/C laws elsewhere?</p> <p>Yes. The Kenyan FGM Statement provides a valuable base in describing the various forms of FGM/C and highlights the potential harm as well as the nature of human right violations occasioned by the practice.</p>	<p>http://apps.who.int/iris/bitstream/handle/10665/43839/9789241596442_eng.pdf;jsessionid=8DA0F9467435EC203D15D71DBAD6BBB4?sequence=1</p>



REUTERS/ Antony Njuguna

4.3 UGANDA

LEGAL FRAMEWORK FOR FGM/C IN UGANDA		
	Remarks (please Insert responses here)	Legal Basis (i.e., Link to legal sources)
(1)	<p>Are there existing laws, regulations or policies prohibiting FGM/C?</p> <p>Yes, there are laws prohibiting FGM/C in Uganda.</p>	<p>Constitution -1995 (state-house.go.ug)</p> <p>uganda fgm 2010 en.pdf (africanchildforum.org)</p> <p>Penal Code Act (Chapter 120) Ulii</p> <p>Acts of the Community –East African Legislative Assembly (eala.org)</p>
(2)	<p>If so, what are these laws?</p> <p>a. The 1995 Constitution of the Republic of Uganda (as amended)</p> <p>b. The Prohibition of Female Genital Mutilation Act, 2010</p> <p>c. The Children Act, Cap. 59 (as amended)</p> <p>d. The Penal Code Act, Cap. 120, laws of Uganda (as amended)</p> <p>e. East Africa Community Prohibition of Female Genital Mutilation Act</p>	<p>Constitution -1995 (state-house.go.ug)</p> <p>uganda fgm 2010 en.pdf (africanchildforum.org)</p> <p>Penal Code Act (Chapter 120) Ulii</p> <p>Acts of the Community –East African Legislative Assembly (eala.org)</p>
(3)	<p>Which class of people do these laws apply to?</p> <p>The laws apply to all residents of Uganda.</p>	
(4)	<p>Are there exceptions to the applicability of FGM/C Laws?</p> <p>From our review of the current legal regime in Uganda, there are no exceptions to the applicability of the law.</p>	

LEGAL FRAMEWORK FOR FGM/C IN UGANDA		
(5)	<p>Are there any sanctions applicable for engaging in FGM/C?</p> <p>Yes, there are. A person who carries out FGM/C commits an offence and is liable on conviction to a term of imprisonment not exceeding 10 (ten) years. A person who commits the offence of aggravated FGM/C is liable on conviction to life imprisonment. The court may order the person to pay by way of compensation to the victim.</p> <p>Section 2 of the FGM Act 2010: A person who performs FGM is liable on conviction to imprisonment of up to 10 (ten) years.</p> <p>Section 3 of the FGM Act 2010: A person committing aggravated FGM is liable on conviction to life imprisonment.</p> <p>Section 4 of the FGM Act 2010: Carrying out FGM on oneself makes the offender liable to a term of up to 10 (ten) years imprisonment.</p> <p>Sections 5,6 and 7 of the FGM Act 2010: Anyone who attempts to carryout, procure, aid or abet FGM or participate in any event leading to FGM is liable on conviction to a term of imprisonment of up to 5 (five) years.</p> <p>Section 8 of the FGM Act 2010: Where the offender who attempts, procures, aids or participates in any event leading to FGM is the parent, guardian, husband or a person having authority or control over the victim, the offender is liable on conviction to imprisonment of up to 8 (eight) years.</p> <p>Section 11 of the FGM Act 2010: Any person who discriminates against a woman or girl who has not undergone FGM or their husbands, parents or relatives is liable on conviction to imprisonment of up to 5 (five) years.</p> <p>Section 7 of the Ugandan Children's Act: Anyone found guilty of exposing a child to any customary or cultural practices is liable on conviction to a term of imprisonment of up to 7 (seven) years or a fine not exceeding 168 currency points.</p> <p>Section 219 of the Ugandan Penal Code Act: Any person who unlawfully does grievous bodily harm is liable to a term of imprisonment of 7 (seven) years.</p>	<p>uganda fgm 2010 en.pdf (africanchildforum.org)</p>
(6)	<p>What are the criminal consequences of performing or assisting in FGM/C?</p> <p>Please see our response to question 5 above.</p>	

LEGAL FRAMEWORK FOR FGM/C IN UGANDA		
(7)	<p>Is FGM/C considered a human rights violation?</p> <p>Yes, FGM/C could be regarded as a violation of the rights: (a) not to be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment under article 24 of the Ugandan Constitution; and (b) prohibiting violence against women and girls under article 32(2) of the Ugandan Constitution.</p>	
(8)	<p>Are the FGM/C Laws effective to curb the incidence of FGM/C?</p> <p>Yes, the Prohibition of Female Geneital Mutilation Act 2010 in Uganda is a comprehensive law against FGM/C. It clearly defines FGM/C and criminalises the performance, procurement, attempting, aiding and abetting of all forms of the practice. Both medicalised FGM/C and cross-border FGM/C are criminalised and punished under this legislation.</p> <p>Work to end FGM in Uganda is overseen by the Ministry of Gender, Labour and Social Development together with the Ministry of Health and the National Population Council. It works in cooperation with national law enforcement, justice bodies and district councils and these bodies receive policy and programme advice from the National FGM Alliance.</p>	
(9)	<p>Are there any gaps in these laws?</p> <p>Yes. In the rural areas, the FGM/C laws have not been strictly enforced and uncontrolled movement across national borders to avoid prosecution remains a significant challenge.</p> <p>The law has not been translated into local languages of the most affected regions. Ignorance of the law due to this has been a challenge to enforcement of the law.</p>	
(10)	<p>Have the courts pronounced on the legality or otherwise of FGM/C? If yes, please provide a short summary of the applicable case law(s) and the court's decision(s) in these cases.</p> <p>Yes, In the case of Law and Advocacy for Women in Uganda v the Attorney General, Constitutional Petition No.8 of 2007, the court held that the practice of FGM/C is condemned by the Ugandan Constitution. In particular, the practice contravenes the provisions of Article 21(1), 22(1), 24, 32(2), 33(1) and 44(a) of the Constitution.</p> <p>The rights provided for under these articles are listed below;</p> <p>Article 21(1) provides that all people are equal before the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.</p>	

LEGAL FRAMEWORK FOR FGM/C IN UGANDA	
	<p>Article 22(1) provides that no person shall be deprived of life intentionally.</p> <p>Article 24 provides that no person shall be subjected to any form of torture, cruel, inhumane or degrading treatment or punishment.</p> <p>Article 32(2) provides that parliament has an obligation to make relevant laws for affirmative action in favour of marginalised groups on the basis of gender, age, disability or any other reason created by history, tradition or custom.</p> <p>Article 33(1) provides that women shall be accorded full and equal dignity of the person with men.</p> <p>Article 44 provides that notwithstanding anything in the Constitution, there shall be no derogation from enjoyment of the rights and freedoms i.e freedom from torture, cruel, inhuman or degrading treatment and punishment.</p>
(11)	<p>Are there ‘good practices’ or ‘lessons learned’ that could be applied in amending the FGM/C laws elsewhere?</p> <ul style="list-style-type: none"> i. Implementation: Uganda should fully implement the detailed legislation incorporated in the EAC Act to tackle cross border FGM/C and facilitate regional cooperation. The national law should reflect the full detailed content of the EAC Act for example it should ensure that victims who are pressured into agreeing to FGM/C are not subject to further punishment. ii. Awareness: The law should be translated into local languages and made easily accessible to all members of the society. Community-awareness drives should be mandatory in all communities (through schools, places of worship, etc) because most girls/ women in rural areas are not aware of the laws and their rights and protection therein. It could be a mandatory part of the school curriculum.



REUTERS/ Abubaker Lubowa

5. IDENTIFIED GAPS IN THE NIGERIAN FGM/C LAWS

5.1 OYO STATE

Despite the enactment of the VAWL, FGM/C practice is still prevalent in Oyo state. This may be as a result of the following gaps in the VAWL:

- a. **Failure to mandate reporting of instances of FGM/C by medical staff in hospitals and health centres/ members of the community**- there is no requirement under the law for medical personnel to be actively involved in reporting cases of FGM/C. Therefore, it is likely that FGM/C practices are prevalent due to insufficient reporting of these cases.
- b. **The penalties are not sufficient enough to serve as a deterrent to prevent people from engaging in FGM/C**- with the highest penalty being ₦100,000 (one hundred thousand Naira) which is approximately US\$250 while the longest prison sentence is 4 (four) years, these are not sufficient to deter people from engaging in the practice especially where such people believe they are performing it in compliance with a long-held traditional belief.
- c. **Lack of proper enforcement of the provisions of the VAWL**- Although the VAWL criminalises FGM/C and empowers police officers to make arrests of offenders or suspected offenders, the effect of this is yet to be seen as FGM/C is still very prevalent and to the best of our knowledge, there have been no prosecuted cases. The reason for this could be lack of proper enforcement and this closely linked with the need to impose a reporting obligation on members of the community or healthcare professionals as stated above.
- d. **Insufficient public enlightenment and grassroots education**: The existence of the VAWL has not served as an effective deterrent against FGM/C in the state and a major factor which accounts for this is the lack of, or insufficient education and enlightenment at the grassroots level. FGM/C is practiced prevalently in rural areas in the state, and if the perpetrators are not adequately informed about the dangers of FGM/C as well as the sanctions, the law will remain ineffective to curb the incidence of FGM/C.

5.2 OSUN STATE

Despite the enactment of the FCGML, the rate of FGM/C in Osun is still the highest in Nigeria, at the rate of 76.6% according to Nigeria Demographic and Health Survey, 2013. We have identified the following gaps in the FCGML:

- a. **Inadequate provisions of the law**- The FCGML does not contain adequate provisions regarding the applicability of the law or the manner of enforcement. Notably, the following provisions are missing from the law:
 - o Absence of provisions relating to obtaining a protection order in respect of a complaint of FGM/C- There is no reference in the FCGML as to how or when a person can make a complaint neither are there any provisions as to whether a person can apply for a

protection order as well as the procedure for obtaining such order and the circumstances under which the protection order will be issued.

- o Absence of specific provisions on the duties of law enforcement agencies: Besides the duty to arrest an offender, the FCGML does not impose any duty on law enforcement agencies in relation to any complaint of FGM/C practice. Under the VAWL for instance, a police officer at the scene of an incident of violence or as soon thereafter as reasonably possible or to whom a report of violence has been made, shall have the duty of:
 - a. assisting the victim to file a complaint;
 - b. providing or arranging for the safe transport of the victim to an alternative residence, safe place or shelter where such is required;
 - c. providing or arranging transportation for the victim to the nearest hospital or medical facility for treatment of injuries where such treatment is needed;
 - d. informing the victim of her rights to protection against violence and remedies, including the right to lodge a criminal complaint; and
 - e. accompanying the victim to her residence to collect her personal belongings.
 - o Absence of provisions as to the rights of victims- The rights of a victim of FGM/C are not stated under the FCGML. The VAWL on the other hand, in section 38 clearly sets out the rights of a victim being the right to:
 - a. receive the necessary materials, comprehensive medical, psychological, social and legal assistance through governmental agencies or non-governmental agencies providing such assistance;
 - b. be informed of the availability of legal, health and social services and other relevant assistance and be afforded ready access to them; and
 - c. participate in a rehabilitation and re-integration programme set up by the State to enable the victim acquire requisite skills in any vocation of the victim's choice, as well as formal education or access to micro credit facilities as is necessary.
 - o Absence of rules as to privacy of proceedings brought pursuant to the law- The FCGML does not guarantee the privacy of victims. It merely provides that the Magistrate Court has jurisdiction over cases brought under the law but does not make provisions for the privacy of proceedings in respect of prosecution of offences under the law.
- b. Absence of Reporting Obligations:** The FCGML does not impose an obligation on community members and health personnel to report any incidence of FGM/C practice to the police. This has resulted in the continuous increase of FGM/C practice in Osun State.
- c. The penalties are not sufficient to serve as a deterrent to prevent people from engaging in FGM/C-** with the highest penalty being a prison sentence of 2 (two) years without the option of fine, the applicable penalties are not sufficient to deter people from engaging in the practice especially where such people believe they are performing it in compliance with a long-held traditional belief.

d. Absence of dedicated agencies to assist FGM/C victims- Unlike in Oyo and Ekiti States, the FCGML did not establish any agency that is dedicated to combating FGM/C practice and reporting complaints to the Police.

e. Insufficient public enlightenment and grassroots education: The existence of the FCGML has not served as an effective deterrent against FGM/C in the state and a major factor which accounts for this, apart from the inadequate provisions of the law, is the lack of, or insufficient education and enlightenment at the grassroots level. FGM/C is practiced prevalently in rural areas in the state, and if the perpetrators are not adequately informed about the dangers of FGM/C as well as the sanctions, the law will remain ineffective to curb the incidence of FGM/C.

5.3

EKITI STATE

Despite the enactment of the GVPL, the rate of FGM/C in Ekiti is alarmingly high, at 72%. We have identified the following gaps in the GVPL:

- a. Failure to criminalise FGM/C by medical staff in hospitals and health centres/ members of the community-** FGM/C is openly practiced in the Ekiti State by medical staff/personnel. The GVPL does not criminalise FGM/C for medical reasons and it is reported that a significant number of cases of FGM/C in Ekiti State were performed by medical staff/personnel – see link: https://www.researchgate.net/publication/335347668_Awareness_and_practice_of_female_genital_mutilationcutting_in_a_semi-urban_community_in_southwest_Nigeria/link/5d5fff95299bf1f70b068fac/download. Erroneously, in many African settings, women believe that the procedure is safer when conducted by medical personnel, therefore, encouraging the practice of FGM/C.
- b. Failure to mandate reporting of instances of FGM/C by medical staff in hospitals and health centres/ members of the community-** there is no requirement under the law for medical personnel to be involved in reporting cases of FGM/C. Therefore, it is likely that FGM/C practices are prevalent due to insufficient reporting of these cases.
- c. The penalties are not sufficient enough to serve as a deterrent against engaging in FGM/C-** with the highest penalty being ₦200,000 (two hundred thousand Naira) which is approximately US\$500 while the longest prison sentence is 2 (two) years, these are not sufficient enough to deter people from engaging in the practice especially where such people believe they are performing it in compliance with a long-held traditional belief.
- d. Lack of proper enforcement of the provisions of the GVPL-** Although the GVPL criminalises FGM/C and empowers police officers to arrest offenders and suspects, the effect of this is yet to be seen as FGM/C is still very prevalent and to the best of our knowledge, there have been no prosecuted cases. The reason for this could be lack of proper enforcement and this is closely linked with the need to impose a reporting obligation on members of the community or healthcare professionals as stated above.
- e. Insufficient public enlightenment and grassroots education:** The existence of the GVPL has not served as an effective deterrent against FGM/C in the state and a major factor which accounts for this is the lack of, or insufficient education and enlightenment at the grassroots level. FGM/C is practiced prevalently in rural areas in the state, and if the perpetrators are not adequately informed about the dangers of FGM/C as well as the sanctions, the law will remain ineffective to curb the incidence of FGM/C.



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6. RECOMMENDATIONS

6.1 RECOMMENDATIONS FOR THE AMENDMENT OF THE FGM/C LAWS APPLICABLE IN OYO, OSUN AND EKITI STATES

Having identified the gaps above, we believe the following recommendations could guide the amendment of the applicable laws:

6.1.1 OYO STATE

- Amendment of the VAWL to provide for more stringent sanctions in the form of heavier fines and longer terms of imprisonment. In addition, the guilty persons should be required to pay some form of compensation to identified victims.
- The implementation by the Oyo State Government of multi-disciplinary programs that will train professionals involved in child and women protection and teachers in primary and secondary schools on how to identify a girl/woman at risk, mandatory reporting laws for children/women at risk or mutilated/circumcised, as appropriate.
- Inclusion of provisions in the VAWL aimed at increasing public education on the existence and effects of FGM/C and the legal status of FGM/C within the country by organising regular educational seminars on FGM/C. Where such seminars are presented in English, a local interpreter should translate. These initiatives can be effectively driven by the Oyo State Government and other governmental agencies and NGOs.
- Issuance of appropriate policies/directives/guidelines to law enforcement officials to facilitate better enforcement of anti-FGM/C laws by the Oyo State Government.
- Ensuring that appropriate and structured mechanisms are in place to meaningfully prohibit and protect victims of FGM/C in affected communities in Oyo State, including free treatments in well-equipped hospitals for victims affected by tetanus, HIV, anaemia, and long-term or life-threatening conditions.

6.1.2 OSUN STATE

- Amendment of the FCGML to include adequate provisions which: (a) clearly state how a victim or intended victim of FGM/C can obtain a protection order to prevent an FGM/C violation or further violation; (b) outline the duties of law enforcement agencies within the state in relation to FGM/C; (c) guarantee the protection and privacy of victims of FGM/C in Osun State; and (b) clearly outline the rights of victims of FGM/C.
- Amendment of the FCGML to provide for more stringent sanctions in the form of heavier fines and longer terms of imprisonment. In addition, the guilty persons should be required to pay some form of compensation to identified victims.

- Establishment of an agency wholly dedicated to addressing complaints of FGM/C practice and providing the required legal and medical assistance to victims.
- The implementation by the Osun State Government of multi-disciplinary programs that will train professionals involved in child and women protection and teachers in primary and secondary schools on how to identify a girl/woman at risk, mandatory reporting laws for children/women at risk or mutilated/circumcised, as appropriate.
- Inclusion of provisions in the FCGML aimed at increasing public education on the existence and effects of FGM/C and the legal status of FGM/C within the country by organising regular educational seminars on FGM/C. Where such seminars are presented in English, a local interpreter should translate. These initiatives can be effectively driven by the Osun State Government and other governmental agencies and NGOs.
- Issuance of appropriate policies/directives/guidelines to law enforcement officials to facilitate better enforcement of anti-FGM/C laws by the Osun State Government.
- Ensuring that appropriate and structured mechanisms are in place to meaningfully prohibit and protect victims of FGM/C in affected communities in Osun State, including free treatments in well-equipped hospitals for victims affected by tetanus, HIV, anaemia, and long-term or life-threatening conditions.

6.1.3 EKITI STATE

- Amendment of the GVPL to provide for more stringent sanctions in the form of heavier fines and longer terms of imprisonment. In addition, the guilty persons should be required to pay some form of compensation to identified victims.
- The implementation by the Ekiti State Government of multi-disciplinary programs that will train professionals involved in child and women protection and teachers in primary and secondary schools on how to identify a girl/woman at risk, mandatory reporting laws for children/women at risk or mutilated/circumcised, as appropriate.
- Inclusion of provisions in the GVPL aimed at increasing public education on the existence and effects of FGM/C and the legal status of FGM/C within the country by organising regular educational seminars on FGM/C. Where such seminars are presented in English, a local interpreter should translate. These initiatives can be effectively driven by the Ekiti State Government and other governmental agencies and NGOs.
- Issuance of appropriate policies/directives/guidelines to law enforcement officials to facilitate better enforcement of anti-FGM/C laws by the Ekiti State Government.
- Ensuring that appropriate and structured mechanisms are in place to meaningfully prohibit and protect victims of FGM/C in affected communities in Ekiti State, including free treatments in well-equipped hospitals for victims affected by tetanus, HIV, anaemia, and long-term or life-threatening conditions.

7. PROCESS FOR LEGISLATIVE AMENDMENT IN NIGERIA

7.1 INTRODUCTION

Nigeria operates a federal system of government, which means that legislative powers are divided between the federal government and each state of the federation. The Nigerian Constitution sets out the scope of their legislative powers. The federal government has exclusive powers to make laws on items contained in the Exclusive Legislative List, while each state of the Federation has exclusive powers to make laws on items specified in the Residual Legislative List. Both the federal government and each state of the federation have power to make laws on items in the Concurrent Legislative list.

The legislative arm of the federal government is the National Assembly. The National Assembly operates a bicameral body made up of the House of Senate and the House of Representative, and any laws sought to be passed at the federal level must be adopted by both Legislative Houses. On the other hand, each state of the federation has its own House of Assembly that is empowered to pass laws for the State.

This section of the Report will focus on the process for legislative amendment in the State Houses of Assembly.

7.2 STAGES OF LEGISLATION IN NIGERIA

7.2.1 INTRODUCTION OF THE BILL

The first stage in passing a new law or amending an existing law in the State is by introducing a bill in the relevant House of Assembly. A bill is a draft of the proposed law that is presented for deliberations. There are three categories of bills - (i) Executive Bills which are initiated by any member of the executive arm of government; (ii) Member Bills which are initiated by a member of the House of Assembly; and (iii) Private Bills which are initiated by members of the public.

A bill received in the House of Assembly, is first published in the official gazette of such legislative house. This is to give members of the public notice that a new legislation is being considered and to give the opportunity for concerned persons to weigh in on the process and potentially give written representations either in favour of the proposed law or against it.

7.2.2 FIRST READING

At the first reading of the bill, the sponsor of the bill presents it to the house, and the clerk of the House reads out the short title of the bill. The bill is not deliberated upon at this stage. The essence of this stage is to inform the legislators of the new bill that has been introduced. Copies of the bill are given to the members of the House to read, and a date is agreed upon for the second reading of the bill.

7.2.3 SECOND READING

The second reading is the stage where the bill is deliberated upon. Where it is an executive bill, the majority leader of the house will move a motion for the bill to be read and the motion must be seconded by another member. Where it is a member or a private bill, the sponsor of the bill will move a motion which must be seconded by another member of the house.

Where the motion is seconded, the clerk of the House will read the long title of the bill, and the sponsor of the bill will be required to highlight the subject matter, objectives, benefits, and general principles of the bill if it is passed into law. Members are thereafter given the opportunity to argue for the bill's rejection or amendment. At the end of the debate, the bill is put to vote. If the bill is supported by a simple majority of the members of the house, it will move to the next stage. Otherwise, the bill will not be discussed again until it is re-introduced at a later date.

7.2.4 COMMITTEE STAGE

Where the bill scales through the second reading, the Speaker of the House of Assembly will determine the relevant committee to which the bill will be referred. If the bill is deemed important, the whole house will be constituted as a committee for the consideration of the bill. Otherwise, the bill is referred to a standing committee.

The committee will review the bill in detail and propose amendments where necessary. The committee will thereafter submit its report with or without the amended bill to the House for deliberation. After deliberation, a member may move a motion that the bill be read the third time.

7.2.5 THIRD READING

At this stage, the House takes a final look at the bill to correct any drafting error. There is little or no deliberations on the bill, however, any member who seeks any amendment to the bill may move a motion for the bill to be recommitted to the Committee stage. If the motion is agreed upon, the house will dissolve to discuss the amendments. The house will then proceed on the third reading and pass the bill.

7.2.6 ASSENT

Once the bill is passed, a clean copy, incorporating all the amendments will be produced, signed by the clerk of the House and endorsed by the Speaker of the House. The clean copy of the bill is thereafter sent to the Governor of the state for his assent.

The Governor has 30 (thirty) days to assent to the bill or to reject it. Upon the Governor signing the bill, it becomes law. Where the Governor withholds his signature and refuses to sign the bill within 30 (thirty) days, the House of Assembly may override the veto of the President and pass the bill again by a two-third majority vote. Where this happens, the bill shall automatically become law, and the signature of the Governor shall no longer be required.

8. MATERIALS

This section sets out a list of the materials used in the course of the research as well as the citations and links to these materials.

8.1 NIGERIA

SOURCE	LINK
Constitution of the Federal Republic of Nigeria (1999) (as amended)	https://lawsfnigeria.placng.org/laws/C23.pdf
The Oyo State Violence Against Women Law, 2016	https://onelifefirstinitiative.org/wp-content/uploads/2018/06/Violence-Against-Women-Law-Oyo-State-2016.pdf
Ekiti State Gender- Based Violence (Prohibition) Law, 2019	https://ekitistate.gov.ng/hoa/2020/No18of2019.pdf
Osun State Female Circumcision and Genital Mutilation (Prohibition) Law 2004	Osun State Female Circumcision and Genital Mutilation (Prohibition) Law
Blessing Uchenna Mberu “Female Genital Mutilation/Cutting in Nigeria” - African Population and Health Research Centre, Published in May 2017	https://www.popcouncil.org/uploads/pdfs/2017RH_FGMC-NigeriaScopingReview.pdf
Yekeen Akinwale, “Ekiti has 72 percent cases of female genital mutilation” – UNICEF Featured News, published on 7th May 2018.	https://www.icirnigeria.org/ekiti-has-72-percent-cases-of-female-genital-mutilation-unicef/
Hanibal Goitom, “National Parliaments : Nigeria”, Library of Congress Law Library, last updated on 30th December 2020	https://www.loc.gov/law/help/national-parliaments/nigeria.php#_ftnref113
“11 Steps to How a Law is Made in Nigeria” published by LawPadi on 5th July 2019	https://lawpadi.com/11-steps-to-how-a-law-is-made-in-nigeria/
Country Policy and Information Note Nigeria: Female Genital Mutilation (FGM) published by the United Kingdom Home Office in August 2019	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/825243/Nigeria_-_FGM_-_CPIN_-_v2.0_August_2019_.pdf

8.2 KENYA



SOURCE	LINK
Constitution of Kenya, 2010	http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010
Prohibition of Female Genital Mutilation Act, No. 32 of 2011	http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2032%20of%202011#part_IV
Children Act, No. 8 of 2001	http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%208%20of%202001
Penal Code, Chapter 63 of the Laws of Kenya	http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=NO.%202%20OF%202015
Protection Against Domestic Violence Act, No. 2 of 2015	http://www.kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=Const2010
Sessional Paper No. 3 of 2019 on National Policy for the Eradication of Female Genital Mutilation	https://gender.go.ke/wp-content/uploads/2019/10/NATIONAL-POLICY-FOR-THE-ERADICATION-OF-FEMALE-GENITAL-MUTILATION-.pdf
Eliminating female genital mutilation: an interagency statement, 2008	http://apps.who.int/iris/bitstream/handle/10665/43839/9789241596442_eng.pdf;jsessionid=8DA0F9467435EC203D15D71DBAD6BBB4?sequence=1

8.3 UGANDA



SOURCE	LINK
The Prohibition of Female Genital Mutilation in Uganda Act, 2010	https://ulii.org/system/files/legislation/act/2010/5/Prohibition%20of%20female%20Genital%20Mutilation%20Act.pdf
World Health Organisation	https://www.who.int/health-topics/female-genital-mutilation#tab=tab_1
Law and Advocacy for Women in Uganda vs. the Attorney General	https://ulii.org/ug/judgment/supreme-court-uganda/2010/4
The 1995 Constitution of the Republic of Uganda	Constitution -1995 (statehouse.go.ug)
The East African Community prohibition of Female Genital Mutilation Act	Acts of the Community — East African Legislative Assembly (eala.org)



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