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**PROHIBITION OF FEMALE GENITAL MUTILATION (FGM) UNDER LAWS OF WEST
AFRICAN COUNTRIES**

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COUNTRY	PROHIBITION OF FEMALE GENITAL MUTILATION(FGM) UNDER LAWS OF AFRICAN COUNTRIES
BENIN	<p>Criminalized Law on repression of the practice of Female Genital Mutilation (FGM), 2003 Article 1: The purpose of this law is to outlaw female genital mutilation in the Republic of Benin. Article 2: All types of female genital mutilation performed by anyone, in whatever capacity, are prohibited. 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. 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. Article 6: In case of death of the victim, the offender shall be punished with penal servitude for five (05) to twenty (20) years and a fine of three million (3,000,000) to six million (6,000,000) francs. 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. Law relating to Sexual and Reproductive Health, 2003 Article 19: Criminal justice 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 : female genital mutilations and pedophilia</p>
BURKINA FASO	<p>Criminalized Penal Code, 1996 Section 2 Female Genital Mutilations 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. 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>
Cape Verde	<p>Not prohibited- the practice does not exist International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-p.html</p>
COTE D'IVOIRE	<p>Prohibited Concluding Observation to the initial state party report on the Convention on the Rights of the Child: Cote d'Ivoire, 2001, par.6 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>
GAMBIE	<p>Prohibited Children's Act, 2005 Section 19 harmful soNo 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 a) prejudicial to the health and life of the child and b) discriminatory to the child on the grounds of sex or other status Concluding Observation to the initial state party report on the Convention on the Rights of the Child: Gambia, 2001 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 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>
GHANA	<p>Criminalized Penal Code, 1960 Section 69A.—Female Circumcision. (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. (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>Child Act, 1998 Section 14—Right to Refuse Betrothal and Marriage. (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>
GUINEE	<p>Criminalized Penal Code, 1988 Article 305:- Castration is a removal or mutilation of genital organs, both on the man and the woman. Any person guilty of this crime shall be punished with life imprisonment. If death ensued within forty days following this crime, the criminal shall be punished with death. Child Code, 2008 Article 405: Female genital mutilation means any partial or total removal of external genitalia of a girl or women and /or any other operations on these organs. Article 406: All forms of female genital mutilation by any person regardless of their quality are prohibited in the Republic of Guinea. 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. 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. Article 409: If the death of the children sued, the author will be punished by imprisonment from 5 to 20 years. 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>
GUINEA-BISSAU	<p>Prohibited http://www.unicef.org/infobycountry/guineabissau 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>

MALI	<p>Criminalized International Parliamentary Union, http://www.ipu.org/wmn-e/fgm-prov-m.html 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 without consent and causes an illness or disability is punishable by six months' to 3 years' imprisonment. Code of Child Protection, 2002 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>
NIGER	<p>Criminalized Law on Reproductive Health, 2006 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: - 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.</p>
NIGERIA	<p>Criminalized Combined 3rd and 4thperiodic report on the Convention on the Rights of the Child: Nigeria,2008 • Enugu Sate FGM (Prohibition) Law of 2004 • Edo State Female Genital Mutilation (FGM) Prohibition Law 2000 • 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 Childs Right Act, 2003 Article 24: tattoos and skin marks • 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>

SENEGAL	<p>Criminalized Law Amending Certain Provisions of the Penal Code on Female genital mutilation, 1999 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. 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>
SIERRA LEONE	<p>Prohibited Child Right Act, 2007 Article 2: “female genital mutilation” includes the cutting or removal of any part of the female genitalia; 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. 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>
TOGO	<p>Criminalized Law on the Prohibition of Female Genital Mutilation, 1998 Section 1. General provisions Article 1. All forms of genital mutilation (FGM) practiced by anyone, whatever the type may be, are prohibited in Togo 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. This category does not include surgical operations of genital organ, performed with medical prescription. Section 2. Sanctions 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. Article 4: Everyone who is going to be held guilty of voluntary violence within the meaning of article 3 shall be 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>

TIRE DU DOCUMENT ORIGINAL : PROHIBITION OF FEMALE GENITAL MUTILATION(FGM): INTERNATIONAL AND REGIONAL FRAMEWORK :

N.B. : De ce document, nous avons retenu seulement les pays de la CEDEAO

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