

**ACTS SUPPLEMENT**

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**Act 5** *Prohibition of Female Genital  
Mutilation Act* **2010**

THE PROHIBITION OF FEMALE GENITAL MUTILATION ACT, 2010.

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**THE PROHIBITION OF FEMALE GENITAL MUTILATION  
ACT, 2010.**

**An Act to provide for the prohibition of female genital mutilation, the offences, prosecution and punishment of offenders and the protection of victims as well as girls and women under threat of female genital mutilation and to provide for other related matters.**

DATE OF ASSENT: 17th March, 2010.

*Date of Commencement:* 9th April, 2010.

BE IT ENACTED by Parliament as follows:

**PART I—PRELIMINARY****1. Interpretation.**

In this Act, unless the context otherwise requires—

“currency point” has the value assigned to it in the Schedule to this Act;

“disability” means a substantial functional limitation of daily life activities caused by physical, mental or sensory impairment and environment barriers resulting in limited participation;

“female genital mutilation” refers to all procedures involving partial or total removal of the external female genitalia for non-therapeutic reasons;

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“health worker” means a person qualified in the promotion of health, the prevention of disease and the care of the sick and who is registered and enrolled under the Medical and Dental Practitioners Act, the Nurses and Midwives Act and the Allied Health Professionals Act;

“Minister” means the Minister responsible for social development;

“person in authority” means a person having power and control over other people because of his or her knowledge and official position; and includes a person who exercises religious, political, economic or social authority.

PART II—THE OFFENCE OF FEMALE GENITAL MUTILATION

**2. Offence of female genital mutilation.**

A person who carries out female genital mutilation commits an offence and is liable on conviction to imprisonment not exceeding ten years.

**3. Aggravated female genital mutilation.**

(1) A person commits the offence of aggravated female genital mutilation where—

- (a) death occurs as a result of female genital mutilation;
- (b) the offender is a parent, guardian or person having authority or control over the victim;
- (c) the victim suffers disability;
- (d) the victim is infected with HIV as a result of the act of female genital mutilation; or
- (e) female genital mutilation is done by a health worker.

(2) A person who commits the offence of aggravated female genital mutilation is liable on conviction to life imprisonment.

**4. Carrying out female genital mutilation on oneself.**

A person who carries out female genital mutilation on herself commits an offence and is liable on conviction to imprisonment not exceeding ten years.

**5. Attempt to carry out female genital mutilation.**

A person who attempts to carry out female genital mutilation commits an offence and is liable on conviction to imprisonment not exceeding five years.

**6. Procuring, aiding, abetting, e.t.c. female genital mutilation.**

A person who procures, counsels, aids, abets, induces, coerces, threatens or under false pretence carries out female genital mutilation commits an offence and is liable on conviction to imprisonment not exceeding five years.

**7. Participation in events leading to female genital mutilation.**

A person who participates in any event leading to female genital mutilation commits an offence and is liable on conviction to imprisonment not exceeding five years.

**8. Parents, guardians, husband or a person having authority or control.**

Where the offender in sections 5, 6 or 7 is a parent, guardian, husband or a person having authority or control over the victim, the offender is liable on conviction to imprisonment not exceeding eight years.

**9. Consent of the victim to female genital mutilation.**

Consent of the victim to female genital mutilation shall not be a defence under this Act.

**10. Culture and religion not a defence to female genital mutilation.**

Any culture, custom, ritual, tradition, religion or any other non-therapeutic reason shall not be a defence under this Act.

**11. Protection of females who have not undergone female genital mutilation.**

A person who discriminates against or stigmatizes a female who has not undergone female genital mutilation from engaging or participating in any economic, social, political or other activities in the community commits an offence and is liable on conviction to imprisonment not exceeding five years.

**12. Protection of persons whose wives, daughters or relatives have not undergone female genital mutilation.**

A person who discriminates against or stigmatizes another person whose wife, daughter or relative has not undergone female genital mutilation from engaging or participating in any economic, political, social or other activities in the community commits an offence and is liable on conviction to imprisonment not exceeding five years.

PART III—COURT ORDERS AND JURISDICTION

**13. Compensation.**

(1) Where a person is convicted of an offence under this Act, the court may, in addition to the punishment provided there, order such person to pay by way of compensation to the victim, such sum as in the opinion of the court is just, having regard to the injuries suffered by the victim, medical and other expenses.

(2) The order referred to in subsection (1) shall be deemed to be a decree under the Civil Procedure Act, and shall be executed in the manner provided there under.

**14. Special powers of court.**

(1) A magistrate's court may, if satisfied that a girl or woman is likely to undergo female genital mutilation, upon application by any person, issue a protection order.

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(2) Where the protection order is issued in respect of a child, the Family and Children Court may issue appropriate orders for the child as it deems necessary.

**15. Extra-territorial jurisdiction.**

This Act shall apply to offences under this Act committed outside Uganda where the girl or woman upon whom the offence is committed is ordinarily resident in Uganda.

PART IV—DUTY TO REPORT

**16. Duty to report female genital mutilation.**

(1) A person, who knows that a person has committed or intends to commit an offence under this Act, shall report the matter to Police or other authority for appropriate action.

(2) A person who knowing that a person has committed or intends to commit an offence under this Act, does not report to the Police or other person in authority within twenty four hours of having such knowledge, commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

(3) A person who threatens, harms or in any way inhibits a person who is reporting or about to report an offence under this Act commits an offence and is liable on conviction to a fine of twelve currency points or imprisonment not exceeding six months or both.

PART V—MISCELLANEOUS PROVISIONS

**17. Regulations.**

(1) The Minister may, by statutory instrument, make regulations for the effective implementation of this Act

(2) Regulations made under this section shall be laid before Parliament for information.

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SCHEDULE

CURRENCY POINT

A currency point is equal to twenty thousand Uganda Shillings.

**Cross References**

Allied Health Professionals Act, Cap. 268

Civil Procedure Act, Cap. 71

Medical and Dental Practitioners Act, Cap. 272

Nurses and Midwives Act, Cap. 274