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S T A T U T O R Y I N S T R U M E N T S

2013 No. 50.

**THE PROHIBITION OF FEMALE GENITAL MUTILATION
REGULATIONS, 2013**

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S T A T U T O R Y I N S T R U M E N T S

2013 No. 50.

The Prohibition of Female Genital Mutilation Regulations, 2013.

*(Under section 17 of The Prohibition of Female Genital Mutilation Act, 2010,
Act No.5 of 2010)*

IN EXERCISE of the powers conferred upon the Minister responsible for social development by section 17 of the Prohibition of Female Genital Mutilation Act, 2010, Act No.5 of 2010, these Regulations are made this 27th day of February, 2013.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as The Prohibition of Female Genital Mutilation Regulations, 2013.

2. Interpretation.

In these regulations, unless the context otherwise requires—

“Act” means The Prohibition of Female Genital Mutilation Act, 2010, Act No.5 of 2010;

“authorised officer” means a police officer, local council officer or probation and social welfare officer;

“authority” includes—

- (i) a local council official at any level of local Government;
- (ii) a probation and social welfare officer; or
- (iii) a community development officer;

“currency point” has the value assigned to it in the Schedule 1;

“chosen place” means a place which in the opinion of the authorised officer will be safe to protect a girl or woman from the danger of undergoing female genital mutilation.

“female genital mutilation tools” means knives, cutters, millet flour and includes any material that can be used to carry out female genital mutilation;

“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;

“informant” means a person who gives information to a police officer or a person in authority about commission of an offence or intention to commit an offence under the Act or these Regulations;

“next of kin” for purposes of these Regulations, next of kin means a relative by consanguinity and includes a caretaker or guardian;

“victimization” includes intimidation, threat, harassment, persecution, abuse or any other form of ill treatment towards a person;

“warrant” means a search warrant or an arrest warrant.

PART II—REPORTING ACTS OF FEMALE GENITAL MUTILATION.

3. Reporting acts of female genital mutilation.

It is the duty of the victim or any other person to report an offence relating to female genital mutilation to the Police or any other authority for appropriate action in accordance with Part IV of the Act.

4. Suspicion that a girl or woman is likely to undergo female genital mutilation.

(1) A local council official, probation and social welfare official or any other person who suspects that a girl or woman is about to undergo female genital mutilation shall inform the police.

(2) A police officer upon information, may without a warrant enter any place, facility, house or structure for the removal and protection of a girl or woman where it is suspected that a girl or woman is about to undergo female genital mutilation.

(3) An officer proceeding under sub regulation (2) shall record in writing the grounds for effecting the arrest which shall be attached to the application for the protection order in Form B in Schedule 1.

5. Suspicion of self mutilation

(1) A person who suspects that a girl or woman intends or has carried out female genital mutilation on herself shall report the matter to a health worker or any person in authority.

(2) A health worker, local council officer or any other person in authority who receives the report, shall forward the report to the police.

(3) The police, upon receipt of a report in sub regulations (1) and (2) shall cause the detention of the suspect victim for purposes of medical examination by a health worker.

(4) A health worker who examines the suspect under sub regulation (3) shall use Form D of the Schedule 2 to these Regulations.

(5) Where, after a medical examination has been carried out, it is established that the suspect is a victim of female genital mutilation, the examining officer shall hand the victim over to the police.

6. Protection of an informant

(1) A person or authority to whom matters relating to female genital mutilation offences are reported, shall not disclose the identity of the informant.

(2) A person or authority who discloses the identity of an informant commits an offence and shall on conviction be liable to a fine not exceeding twenty-five currency points or one year's imprisonment or both.

(3) An informant whose identity is disclosed within the meaning of this regulation shall be accorded protection similar to that given to a witness who testifies in a court.

7. Victimization of an informant.

A person who either by himself or herself or through another person victimises an informant for making a disclosure commits an offence and is liable on conviction to imprisonment not exceeding twenty-five currency points or one year's imprisonment or both.

8. Participation in events leading to female genital mutilation.

For purpose of section 7 of the Act, participation in events leading to female genital mutilation include the following—

- (a) singing along with a girl or woman who is about to undergo female genital mutilation;
- (b) offering a gift or present to a girl or woman who is about to undergo female genital mutilation ;
- (c) counseling and abetting a girl or woman who is about to undergo female genital mutilation;
- (d) accepting an invitation to a female genital mutilation function;
or
- (e) participating in any other act which condones or abets female genital mutilation.

PART III—DISCRIMINATION RELATED TO FEMALE GENITAL MUTILATION

9. Discrimination against a person who has not undergone female genital mutilation.

For purpose of section 11 of the Act, discrimination against a female who has not undergone female genital mutilation includes—

- (a) prohibiting the female from attending a son's initiation ceremony;

- (b) failing to accord proper funeral rites to the female upon death;
- (c) denying the female from attending a son's marriage ceremony;
- (d) overt and derogatory name calling to the female;
- (e) denying the female from depositing or collecting food from the granary;
- (f) denying the female from going to the Kraal or milking cows; or
- (g) preventing the female from attending or contributing to a talk during a meeting.

10. Discrimination against a person whose relative has not undergone female genital mutilation.

For purposes of Sections 11 and 12 of the Act, discrimination against a person who has not undergone female genital mutilation includes—

- (a) denying the person from attending or performing a ceremony in a family setting and or community;
- (b) denying the person from attending or talking, or participating in any form of meeting; or
- (c) any other act that may amount to discriminating such relative.

PART IV—INVESTIGATION

11. Searching a place, house, or other facility without a warrant.

(1) A police officer above the rank of a sergeant, who has reasonable grounds to believe that anything necessary for the purpose of an investigation into a female genital mutilation offence may be found in any place and that the evidence cannot in his or her opinion be otherwise obtained without undue delay, may, without a warrant enter into that place, search or cause search to be made for that evidence.

(2) The provisions of the Magistrates Courts Act on search warrants shall so far as may be applicable, apply to a search under this regulation.

12. Seizure and retention of exhibits by police.

(1) A police officer under regulation 11 may seize any item found in the place, house or any other facility if he or she has reasonable grounds to believe that—

- (a) the item might be used as an exhibit in relation to an offence which he or she is investigating; and
- (b) it is necessary to seize that thing in order to prevent it from being concealed, lost, tampered with or destroyed.

(2) Where an item is seized under subsection (1), the police officer responsible for the seizure shall proceed in the manner prescribed under the Police Act.

(3) Exhibits taken under this regulation shall be handled in the manner prescribed in the Magistrate Courts' Act, the Criminal Procedure Code Act and any other relevant law.

13. Screening of a victim of female genital mutilation for HIV.

(1) Where, within the meaning of the Act or these Regulations, a girl or woman is confirmed as having undergone female genital mutilation, she shall be screened for HIV infection twice at an interval of three months.

(2) A health worker shall issue a medical report in the event that a girl or woman is screened under sub-regulation (1) and is confirmed to be infected with HIV.

PART V—TRIAL

14. Evidence in cases of self mutilation.

Where a person charged with self female genital mutilation opts to exercise her right to keep silent at a trial, the prosecution shall rely on the—

- (a) medical examination report; or
- (b) testimony of a police officer who handled the investigations.

15. Death as a result of female genital mutilation.

(1) Death shall be presumed to have occurred from female genital mutilation where such death occurs from female genital mutilation related complications within one year and one day from the date when the act of female genital mutilation was carried out on the deceased.

(2) A person shall be deemed to have caused the death of a victim of female genital mutilation although his or her act is not the immediate or sole cause of death if the person inflicts bodily injury related to genital mutilation on a girl or woman in consequence of which that girl or woman undergoes surgical or medical treatment which causes death.

(3) A report of a health worker and a post mortem report shall suffice to establish that death occurred as a result of female genital mutilation or complications related thereto.

16. Disability arising from female genital mutilation.

A person who suffers a disability as a result of female genital mutilation shall undergo rehabilitation including, counseling or treatment as the health worker may deem fit, at the expense of the perpetrator' estate.

PART VI—PROTECTION OF LIKELY VICTIMS.

17. Protection order.

(1) A girl or woman who is likely to undergo female genital mutilation or any person may apply for a protection order in accordance with section 14 of the Act.

(2) Where a person is making the application on behalf of a girl or woman who is likely to undergo female genital mutilation, the person shall state the reasons for bringing the application.

(3) An Application for a Protection Order shall be in Form B in the schedule 2 to these Regulations.

(4) The Court shall after being satisfied with the grounds of the application in sub regulation (2) issue a protection order in form C of the Schedule 2 to these Regulations.

18. Interim protection order.

(1) Where a girl or woman is removed or protected under regulation (5), the authorized officer shall issue an interim protection order in form A in the Schedule 2 to these Regulations specifying the chosen place in which the girl or woman shall be placed for protection.

(2) The interim protection order issued in sub regulation (2) shall be issued in accordance with section 14 of the Act and shall be valid for a period of fourteen days.

PART VII—OFFENCES

19. Obstruction of investigation.

A person who obstructs a police officer or any authorised officer while investigating or inquiring into an attempt or commission of female genital mutilation commits an offence and on conviction shall be liable to a fine not exceeding one hundred currency points or imprisonment for four years or both.

20. Presence of a person within the vicinity where female genital mutilation is likely to take place.

A person who is found within the vicinity where female genital mutilation is likely to take place or is taking place, and who is in possession of female genital mutilation tools commits an offence within the meaning of section 5 of the Act.

21. Possession of female genital mutilated body parts.

A person found in possession of body parts, clothing and other apparel from a victim of female genital mutilation commits an offence and shall on conviction be liable to a fine not exceeding one hundred currency points or imprisonment not exceeding four years or both.

22. Procuring female genital mutilation.

A person who, by any means, directly or indirectly—

- (a) procures, persuades, attempts to procure or persuade a girl or woman to undergo female genital mutilation;
- (b) aids, abets or is accessory to female genital mutilation or

- (c) having reason to believe a girl or woman has undergone female genital mutilation harbours or aids in concealing the act, commits an offence and on conviction shall be liable on conviction to a fine not exceeding one hundred currency points or imprisonment not exceeding five years or both.

PART VIII—MISCELLANEOUS

23. Payment of compensation

(1) Where Court orders payment of compensation to a victim of female genital mutilation under Section 13 of the Act, such compensation shall be paid—

- (a) to the victim;
- (b) to the parent, guardian or caretaker of the victim in trust for the victim where—
 - (i) the victim is under 18 years or deceased; or
 - (ii) the parent, guardian or caretaker has not participated in the act of female genital mutilation; or
- (c) to the probation and social welfare officer in trust for the victim where the parent or guardian of the victim is the offender under the Act.

(2) Where the injury to a victim results into death, compensation for the death shall be awarded to the victim's next of kin.

24. Assessment of injuries suffered by the victim of female genital mutilation.

(1) A health worker shall assess and record injuries suffered by a victim of female genital mutilation to ascertain the degree of disability or loss of body parts by the victim.

(2) The Court shall, while awarding damages under section 13 of the Act be guided by sub regulation (1) above.

Schedule 1

Currency Point

A currency point is equal to twenty thousand Uganda shillings.

Schedule 2
Form A

Regulation 18

The Republic of Uganda

THE PROHIBITION OF FEMALE GENITAL MUTILATION ACT, 2010,
ACT No.5 OF 2010.

THE PROHIBITION OF FEMALE GENITAL MUTILATION
REGULATIONS, 2013

INTERIM PROTECTION ORDER

Whereas it has come to my knowledge that Ms _____
of _____ is a person suspected of being in danger of undergoing
female genital mutilation, and whereas I am satisfied that it is necessary that
Ms _____ should be placed under care and
protection until proceedings can be taken under section 14 of the Prohibition of
Female Genital Mutilation Act, I order that Ms _____
shall be removed and delivered to _____ who is authorised
to receive and accommodate her for a period not exceeding 14 days from the
date of this order.

Dated this _____ day of _____ 20_____

Authorised Officer

Form B
Republic of Uganda

THE PROHIBITION OF FEMALE GENITAL MUTILATION ACT, 2010,
ACT No.5 OF 2010

THE PROHIBITION OF FEMALE GENITAL MUTILATION
REGULATIONS, 2013

Protection Order

Regulation 17

Under section 14

APPLICATION FOR PROTECTION ORDER

In the Magistrates Court at _____
In the matter of _____ (name of victim),
a girl/ woman in danger of undergoing female genital mutilation

And

In the matter of an application for a protection order.
I _____ (name of applicant), being _____ (state
relationship to person for whom order is sought) apply for a protection order on
the following grounds:

Date this.....day of20.....

Applicant

Form C

Regulation 17

The Republic of Uganda

THE PROHIBITION OF FEMALE GENITAL MUTILATION ACT, 2010,
ACT No.5 OF 2010

THE PROHIBITION OF FEMALE GENITAL MUTILATION
REGULATIONS, 2013

In the Magistrate’s Court of.....

Held at.....

Application No.....of.....

In the matter between

.....Applicant/Victim

And

.....respondent

1. Particulars of respondent

Physical address.....

Work address.....

Occupation.....

2. Particulars of the application

Where as an application for a protection order has been made by.....(applicant), after consideration of the application the court now orders as follows-

I. *The application for a protection order is dismissed; or

II. *That an interim protection order is granted; and the respondent is ordered-

a. *not to commit the following acts of female genital mutilation.....

.....

b. *not to enlist the help of another person to commit the acts of female genital mutilation specified above.

III. *that the applicant be taken tofor her safety and protection.

Given under my hand and the seal of court this.....day of.....20....

.....

Magistrate

*delete whichever is not applicable.

FORM D

The Republic of Uganda

THE PROHIBITION OF FEMALE GENITAL MUTILATION ACT, 2010,
ACT NO.5 OF 2010

THE PROHIBITION OF FEMALE GENITAL MUTILATION
REGULATIONS, 2013

MEDICAL EXAMINATION REPORT

Regulations 5, 13, 24

To: The Health Worker

Please examine.....(name of victim), who is suspected to be a victim of female genital mutilation and has been sent to you on the..... day of 20 Please furnish a report immediately upon examination on the reverse side of this form.

A note as to the kind of weapon used and reasons for the conclusion reached should also be given under "Remark."

Signature

Rank.....

Date Time

<i>Nature of injury whether cut, wound or bruise</i>	<i>On what part of the body inflicted</i>	<i>Size of each injury in inches (length/ breadth and depth)</i>	<i>HIV results</i>

Classification.....

Remarks:
.....
.....
.....

Date.....

Signature.....

Designation.....

Cross references:

The Prohibition of Female Genital Mutilation Act 2010, Act No.5 of 2010
The Criminal Procedure Code Act. 116
The Magistrate Courts' Act, Cap.16
The Penal Code Act, Cap. 120
The Police Act, Cap .303
The Allied Health Professionals Act, Cap. 268
The Medical and Dental Practitioners Act, Cap. 272
The Evidence Act, Cap 6

JOHN M. NASASIRA,
Minister for Gender, Labour and Social Development.

