

PROCEDURES PERFORMED ABROAD

The Act applies both in Norway and abroad. This is to prevent that children are taken to countries where circumcision is widespread, to have the procedure carried out there. The prohibition against female genital mutilation therefore means that anyone who is a Norwegian citizen or is resident in Norway may be penalized under the Act if he or she carries out or aids in the carrying out of this procedure abroad.

FURTHER INFORMATION

- > Guide for health personnel in Norway on female genital mutilation. (Norwegian only. Issued by the Norwegian Board of Health, publication number IK-2723.)
- > Action Plan to Combat Female Genital Mutilation. (In Norwegian, English, French and Somali. May be ordered from the Ministry of Children and Family Affairs, phone 22 24 24 07.)

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Information about the Act relating to the prohibition of female genital mutilation



SOSIAL- OG HELSEDEPARTEMENTET

**ACT NO. 74 OF 15 DECEMBER 1995 NO. 74
RELATING TO THE PROHIBITION OF FEMALE GENITAL MUTILATION**

§ 1.
Any person who wilfully performs a procedure on a woman's genital organs that injures or permanently changes the genital organs will be penalized for female genital mutilation. The penalty is a term of imprisonment of up to 3 years, or up to 6 years if the procedure results in illness or occupational disability lasting for more than 2 weeks, or if an incurable deformity, defect or injury is caused, and up to 8 years if the procedure results in death or substantial injury to the woman's body or health. A person who aids and abets another in the practice of female genital mutilation may be penalized in the same way.

Penalties as mentioned in the first paragraph will be imposed for reconstruction of female genital mutilation.

Consent does not provide exemption from criminal liability.

§ 2.
The Act enters into force on a date determined by the King.
Entered into force 1 January 1996.

PURPOSE OF THE ACT

The purpose of the Act is to make it clear that female genital mutilation is prohibited in Norway. The act will prevent women from being circumcised. Such a procedure performed on a woman's genital organs is harmful and can not be accepted by Norwegian law. Female circumcision has always been forbidden in Norway, but an Act devoted to this topic is expected to have greater informative value. The Act is a clear statement of the attitude held by the Norwegian authorities with regard to female circumcision.

ABOUT THE TERM FEMALE GENITAL MUTILATION

The World Health Organization (WHO) and other international organizations working against this practise use the term "genital mutilation". The term is meant to illustrate what the procedure actually entails. It reflects the fact that female circumcision is a destructive procedure. Female genital mutilation is therefore distinct from the more widespread procedure of male circumcision, which is a religious and cultural practice with no known serious impact on health.

WHICH PROCEDURES COME UNDER THE ACT?

The prohibition laid down in the Act applies to all forms of female genital mutilation where the genital organs are injured or permanently changed.

This comprises all procedures from the most radical, where most of the genitalia are removed and the vaginal opening is stitched together (infibulation), to excision of the prepuce (fold of skin covering the clitoris). The prohibition also applies to reconstruction performed on women who were previously circumcised and stitched, for example following childbirth. However, procedures undertaken to restore as anatomically natural conditions as possible are fully permitted.

The prohibition does not apply to procedures carried out on medical grounds, for example procedures required in connection with childbirth, removal of genitalia because of cancer, etc. Nor does it apply to the correction of congenital abnormalities or lawful sex-change operations.

WHO DOES THE PROHIBITION APPLY TO?

Anyone who carries out female genital mutilation may be liable to prosecution. Aiding and abetting may also be penalized under the Act. Parents or others cannot therefore contribute towards female circumcision without being liable to prosecution. The prohibition applies whether the woman has given her consent to the procedure or not. The woman herself cannot be penalized.