

Proclamation 158 /2007

A Proclamation to Abolish Female Circumcision

Whereas, female circumcision is a procedure that seriously endangers the health of women, causes them considerable pain and suffering and threatens their lives;

Whereas, this procedure violates women's basic human rights by depriving them of their physical and mental integrity, their right to freedom from violence and discrimination, and in the most extreme case, their life;

Whereas, the immediate or long-term harmful consequences of this procedure vary according to the type and customs of the procedure performed;

Whereas, its immediate consequences include severe pain, haemorrhage which can cause fainting or death, ulceration of the genital region and injury to adjacent tissues urine retention and dangerous infection;

Whereas, its long-term consequences include recurrent infection of the Urinary system, permanent infection of the fertility system, complications in childbirth (barrenness) and scar formation such as increasing abscess in the labia minora and, prevention of menstruation;

Whereas, it has been traditionally practiced and is prevalent in Eritrea; and

Whereas, the Eritrean Government has decided to abolish this harmful procedure which violates women's rights;

Now, therefore, it is proclaimed as follows:

Article 1. Short Citation

This Proclamation may be cited as" The Female Circumcision Abolition Proclamation No.158/2007."

Article 2. Definition

In this Proclamation, "female circumcision" means:

- (1) the excision of the prepuce with partial or total excision of the clitoris(clitoridectomy);
- (2) the partial or total excision of the labia minora;
- (3) the partial or total excision of the external genitalia (of the labia minora and the labia majora), including stitching;
- (4) the stitching with thorns, straw, thread or by other means in order to connect the excision of the labia and the cutting of the vagina and the introduction of corrosive substances or herbs into the vagina for the purpose of narrowing it;
- (5) symbolic practices that involve the nicking and pricking of the clitoris to release drops of blood; or
- (6) engaging in any other form of female genital mutilation and/or cutting.

Article 3. Prohibition of Female Circumcision

Female circumcision is hereby abolished.

Article 4. Punishment

(1) Whosoever performs female circumcision shall be punishable with imprisonment of two to three years and a fine of five to ten thousand (5,000.00 to 10,000.00) Nakfa. If female circumcision causes death, imprisonment shall be from five to ten years.

(2) Whosoever requests, incites or promotes female circumcision by providing tools or by any other means shall be punishable with imprisonment of six months to one year and a fine of three thousand (3,000.00) Nakfa.

(3) Where the person who performs female circumcision is a member of the medical profession, the penalty shall be aggravated and the court may

suspend such an offender from practicing his/her profession for a maximum period of two years.

(4) Whosoever, knowing that female circumcision is to take place or has taken place, fails, without good cause, to warn or inform, as the case may be, the proper authorities promptly about it, shall be punishable with a fine of up to one thousand (1,000.00)

Nakfa.

Article 5. Effective Date

This Proclamation shall enter into force as of the date of its publication in the Gazette of Eritrean Laws.

Done at Asmara, this 20th day of March, 2007

Government of Eritrea.