

**REPORT OF THE COMMITTEE ON CONSTITUTIONAL, LEGAL AND
PARLIAMENTARY AFFAIRS ON THE CRIMINAL CODE
(AMENDMENT) BILL**

1.0 INTRODUCTION

The Criminal Code (Amendment) Bill was presented and read the first time in Parliament on Wednesday 5th July 2006. Mr. Speaker subsequently referred the Bill to the Committee on Constitutional, Legal and Parliamentary Affairs for consideration and report pursuant to Article 106(4) and (5) of the Constitution and the Standing Order 179 of the House.

2.0 REFERENCE DOCUMENTS

The Committee had recourse to the following documents in considering the referral:

- The 1992 Constitution
- The Standing Orders of Parliament
- The Criminal Offences Act, 1960 (Act 29) as amended

3.0 DELIBERATIONS

The Committee met on Wednesday 28th March 2007 to consider the referral. The technical team from the Attorney-Generals Department led by Mrs. Estelle Appiah, Chief Legislative Draftsperson were in attendance at the invitation of the Committee.

The Committee in compliance with Article 106(4) and (5) of the Constitution also conducted public hearings in selected towns within the Upper East, Upper West and the Northern Regions of the Country which are believed to be among areas

where the practice of female circumcision is most prevalent and reports as follows.

4.0 BACKGROUND

The Criminal Offences Act 1960 (Act 29) was amended in 1994 to provide for female circumcision as a second degree felony because of public outcry against the cruel nature of the practice. Implementation of the law over the past eight years when the practice was criminalised has revealed a number of shortcomings which tend to undermine its effectiveness. The current state of the law exempts a number of accomplices to this criminal practice from prosecution and also narrows the scope of the actual nature of the practice. There is therefore the need to amend the law to reflect the actual nature and gravity of the practice and also robe in all accomplices to the crime involved.

5.0 OBJECT OF THE BILL

The Bill seeks to amend the Criminal Code to change the reference "female circumcision" to "female genital mutilation" to widen the scope of the provision to reflect the actual nature of the offence and to alter the scope of responsibility in relation to the offence to include all other accomplices to the practice.

6.0 PROVISIONS OF THE BILL

The Bill provides for the amendment of section 69A of the Criminal Offences Act, 1960 (Act 29) by substitution of that provision with the entire provision in clause 1.

7.0 OBSERVATION

The Committee observed that the continual practice of female circumcision in some parts of the Country even after criminalising the act and raising the offence to a second degree felony gives cause for concern, particularly so in view of the associated health hazards. The Committee noted that persons who engage in this criminal practice do so without averting their minds to the harmful effects on the victims.

During its public hearings in the three Northern Regions the Committee noted that the practice is deeply rooted in cultural belief and practices. The Committee observed that the continuous practice of this criminal act in the name of cultural belief and practice cannot be justified in the light of Constitutional guarantee of human rights .

The Committee is of the considered view that erasing female circumcision completely in the Country would require more than legislation in view of its long historical origin and the fact that it is considered a condition precedent for the success of marriages in the communities which has embraced the practice.

6.0 RECOMMENDATIONS AND CONCLUSION

The Committee has examined closely the object and purpose of the Bill in the light of provisions of the Constitution, the Criminal Offences Act and the concerns it noted in its interaction with the sections of the public during its hearings on the Bill. The Committee is of the considered view that, they are

necessary and appropriate for the furtherance of the ends of justice and accordingly recommends it to the House for passage. The Committee further recommends that the National Commission for Civic Education, the Commission on Human Rights and Administrative Justice and all other relevant State institutions as well as the various print and electronic media houses and Non Governmental organisations join in campaign to rid our society of the practice.

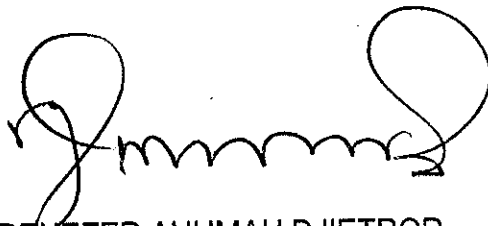
Respectfully submitted



HON KOFI OSEI-AMEYAW

CHAIRMAN

COMMITTEE ON CONSTITUTIONAL
LEGAL & PARLIAMENTARY AFFAIRS



EBENEZER AHUMAH DJIETROR

CLERK

COMMITTEE ON CONSTITUTIONAL
LEGAL & PARLIAMENTARY AFFAIRS

MAY 2007