

Act I of 2014. An Act to Amend the Criminal Code, Female Genital Mutilation

(1) Whosoever, for non-medical reasons, performs an operation or carries out any intervention on a woman's genitalia that damages the genitalia or inflicts upon them permanent changes, shall be guilty of enforced female genital mutilation and shall be liable to the punishment of imprisonment for a term from three to nine years.

(2)

(a) Whosoever shall be guilty of female genital mutilation from which death shall ensue solely as a result of the nature or the natural consequences of the harm and not of any supervening accidental cause, shall be liable - (i) to imprisonment for a term from six to twenty years, if death shall ensue within forty days to be reckoned from the midnight immediately preceding the operation or intervention; (ii) to imprisonment for a term from four to twelve years, if death shall ensue after the said forty days, but within one year to be reckoned as above.

(b) If death shall ensue as a result of a supervening accidental cause and not solely as a result of the nature or the natural consequences of the operation or intervention, the offender shall, on conviction, be liable to imprisonment for a term from three to nine years.

(3) Consent of the person undergoing the operation or intervention shall not justify exemption from punishment.

(4) Whosoever shall wilfully fail to seek to avert, by formal complaint or in another manner, female genital mutilation, shall be liable to a fine (multa) of not less than one thousand euro (€1,000) and not exceeding five thousand euro (€5,000) or to a term of imprisonment for a term of six months to two years, or to both such fine and imprisonment: Provided that the duty to avert such an act shall apply regardless of any duty of confidentiality.

(5) For purposes of this article the terms "operation" and "intervention" shall include the excision, infibulation or mutilation of the genitalia.

(6) Whosoever aids, abets, counsels or procures a female to excise, infibulate or otherwise mutilate the whole or any part of her own genitalia, shall be guilty of an offence and shall be liable, on conviction, to the punishment laid down under this article.

Criminal Law

Applicability of the principle of extraterritoriality

Without prejudice to the provisions of article 5, the Maltese courts shall also have jurisdiction over the said offences where:

- (a) only part of the action giving execution to the offence took place in Malta; or
- (b) the offender is a Maltese national or permanent resident in Malta; or
- (c) the offence was committed against a Maltese national or permanent resident in Malta.

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