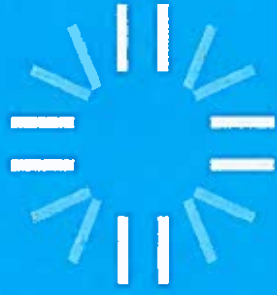


Female Genital Mutilation/Cutting in the United States



*aha*foundation

Female Genital Mutilation/Cutting (FGM/C)

- *The World Health Organization defines FGM/C as “all procedures that involve partial or total removal of external female genitalia, or other injury to female genital organs for non-medical reasons.”*
- *WHO classifies FGM/C into four major types:*
 - *Type I - Clitoridectomy:* Partial or total removal of the clitoris, and in very rare cases, only the prepuce.
 - *Type II - Excision:* Partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora.
 - *Type III - Infibulation:* Narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the inner, or outer, labia, with or without removal of the clitoris.
 - *Type IV - Other:* All other harmful procedures to the female genitalia for non-medical purposes, e.g. pricking, piercing, incising, scraping, and cauterizing the genital area.

Why is FGM/C Practiced?

- *Causes of FGM/C include a mix of cultural, social, and religious factors within families and communities.*
- *Reasons may include:*
 - *It is considered a cultural tradition, encouraging conformity to social convention.*
 - *Promotion from local structures of power including religious or community leaders, circumcisers, or medical personnel.*
 - *It's considered the proper way to raise a girl and prepare her for marriage and adulthood.*
 - *To reduce a woman's libido and stop her from engaging in "illicit" sexual acts.*
 - *To strengthen cultural ideals of femininity through removal of body parts considered "unclean" or "male."*
 - *To prove virginity at the time of marriage.*

– Source: World Health Organization

A Note on Reasons FGM/C May Be Practiced

- *It may be difficult to understand how a mother, grandmother or father could possibly force their daughter or granddaughter to undergo FGM/C. Parents around the world generally want what is best for their children. A family may believe that the way to ensure the best future for their daughter is to find a good husband for her. In some communities, a girl or a woman is only considered a “desirable” potential spouse if she has been cut.*
- *This explanation is not to justify FGM/C but to explain the possible mindset of families who force their daughter to be cut. It also serves to show the underlying social norms and attitudes that must be addressed to eradicate the practice.*

FGM/C Has No Health Benefits

- *According to the WHO, FGM/C has “no health benefits for girls and women”. The procedure involves the removal and/or **damage of normal and healthy female genital tissue.** Not only does it have no health benefits either physically or psychologically, it in fact negatively interferes with the natural functions of girls’ and women’s bodies.*
- *FGM is recognized globally as a human rights violation that according to the WHO “reflects deep-rooted inequality between the sexes, and constitutes an extreme form of discrimination against women.” Because FGM is typically carried out on minors, it is also a violation of the rights of children.*

Health and Psychological Consequences

- *Immediate Complications:*
 - Severe pain, shock hemorrhage (bleeding), tetanus or sepsis (bacterial infection), urine retention, open sores in the genital region, and injury to nearby genital tissue.
- *Long Term Consequences:*
 - Recurrent bladder and urinary tract infections, cysts, infertility, complications during sexual intercourse and childbirth, and an increase in newborn deaths.
- *Consequences to Babies of Mothers Who Have Undergone FGM/C:*
 - Higher rates of neonatal death, increased risk of stillbirth, infants requiring resuscitation, and low birth weights.

Health and Psychological Consequences

It is important to note that because FGM is often performed on minors, girls may not know what has happened to them until much later in life.

- *Psychological Consequences:*
 - Women and girls who have undergone FGM/C
 - loss of trust, betrayal, post-traumatic shock, depression, anxiety, guilt, suicidal ideation
 - Women who have resisted FGM/C
 - become a social outcast and are shamed for their ‘uncleanliness’
 - may be at risk for honor violence or abuse because the family’s honor lies with girls undergoing FGM procedures

– Source: World Health Organization

U.S. FEDERAL STATUTES

Female Genital Mutilation (18 USCS § 116)

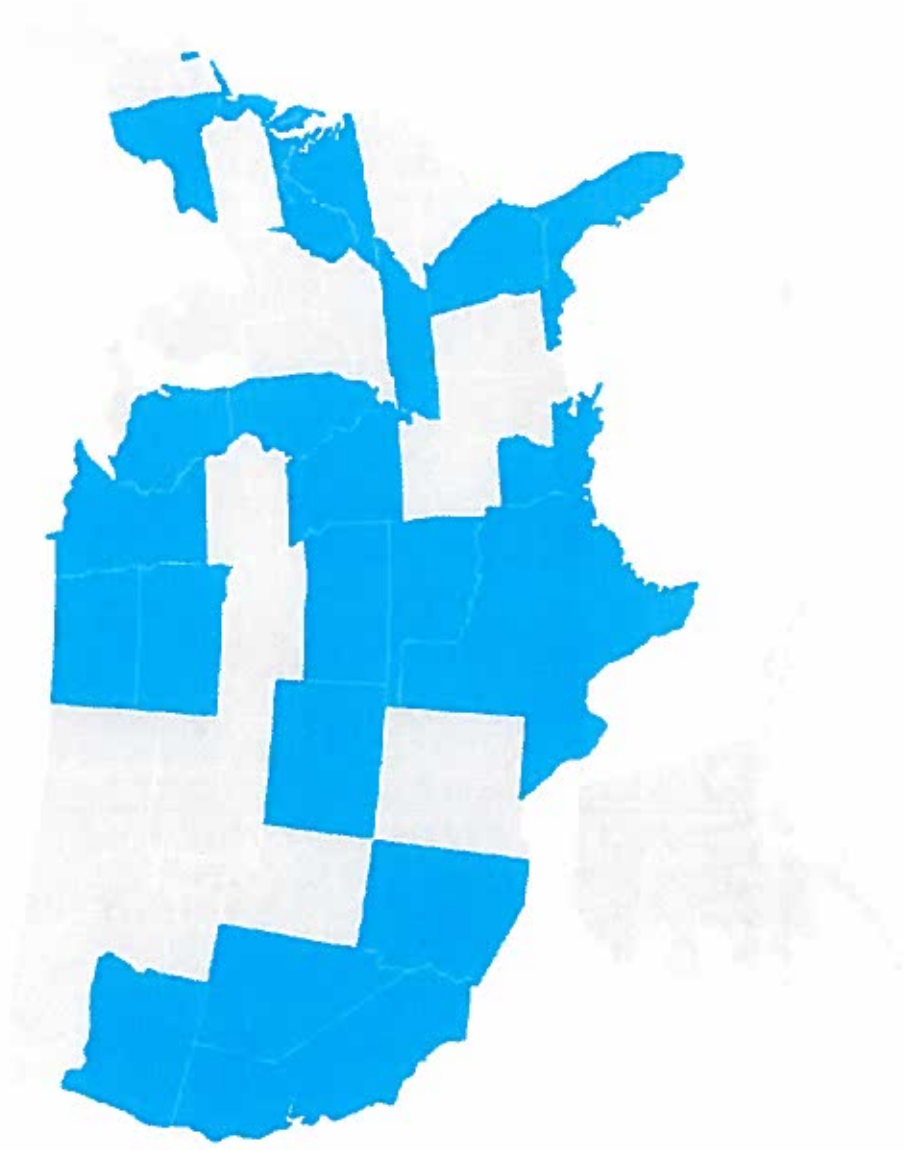
- It is a crime to knowingly perform female genital mutilation (FGM) on girls <18 years old
- It is a crime to take a girl abroad for FGM
- Maximum sentence: up to five years imprisonment and/or a fine

Information regarding Female Genital Mutilation (8 USCS § 1374)

- Requires U.S. immigration officials to provide all immigrants with information about the severe physical and mental harm caused by FGM and the legal consequences of performing FGM in the U.S.

U.S. STATE FGM/C CRIMINAL LAWS

Only 25 states have laws against FGM/C



U.S. STATE FGM/C CRIMINAL LAWS

State	Sentencing Guidelines	Applies to under 18	Prosecutes Practitioner	Prosecutes Parents/Guardians	Transporting of a girl for purposes of FGM prohibited	Culture, ritual, religion not a defense
ARIZONA†	Imprisonment of 5-25 years to 35 years	✓	✓	✓	✓	
CALIFORNIA*	Imprisonment from 1 to 7 years	✓	✓	✓		
COLORADO	Imprisonment from 4 to 12 years	Under 16	✓	✓		✓
DELAWARE	Imprisonment for up to 5 years	✓ + vulnerable adults	✓	✓		✓

**Other states may use general child abuse or assault statutes to prosecute. These statutes may have higher sentencing guidelines than specific FGM statutes, so even in states that have FGM/C statutes prosecutors may charge assault in order to impose a higher sentence.

U.S. STATE FGM/C CRIMINAL LAWS

State	Sentencing Guidelines	Applies to under 18	Prosecutes Practitioner	Prosecutes Parents/Guardians	Transporting of a girl for purposes of FGM prohibited	Culture, ritual, religion not a defense
FLORIDA	Imprisonment for up to 30 years and fine of up to \$10,000	✓	✓	✓	✓	
GEORGIA	Imprisonment for 5 to 20 years	✓	✓	✓	✓	✓
ILLINOIS	Imprisonment for 6 to 30 years		✓			
KANSAS	Imprisonment of 55 to 247 months and maximum fine of up to \$300,000	✓	✓	✓	✓	✓

U.S. STATE FGM/C CRIMINAL LAWS

State	Sentencing Guidelines	Applies to under 18	Prosecutes Practitioner	Prosecutes Parents/Guardians	Transporting of a girl for purposes of FGM prohibited	Culture, ritual, religion not a defense
LOUISIANA	Imprisonment for up to 15 years		✓	✓	✓	✓
MARYLAND	Imprisonment for up to 5 years and/or a fine of up to \$5,000	✓	✓	✓		✓
MINNESOTA*	Imprisonment for up to life and/or a fine		✓			
MISSOURI	Imprisonment of 5 to 15 years	Under 17	✓	✓		✓

U.S. STATE FGM/C CRIMINAL LAWS

State	Sentencing Guidelines	Applies to under 18	Prosecutes Practitioner	Prosecutes Parents/Guardians	Transporting of a girl for purposes of FGM prohibited	Culture, ritual, religion not a defense
NEVADA	Imprisonment of 2 to 10 years and a fine of up to \$10,000	✓	✓	✓	✓	✓
NEW JERSEY	Imprisonment of 3 to 5 years and/or a fine of up to \$15,000	✓	✓	✓	✓	✓
NEW YORK*	Imprisonment for up to 4 years	✓	✓	✓		✓
NORTH DAKOTA	Imprisonment for up to 5 years and/or a fine of \$5,000	✓	✓			✓

U.S. STATE FGM/C CRIMINAL LAWS

State	Sentencing Guidelines	Applies to under 18	Prosecutes Practitioner	Prosecutes Parents/Guardians	Transporting of a girl for purposes of FGM prohibited	Culture, ritual, religion not a defense
OKLAHOMA	Imprisonment from 3 years to life and a fine of up to \$20,000		✓			
OREGON*	Imprisonment for up to 10 years and/or a fine of up to \$250,000	✓	✓	✓		✓
RHODE ISLAND	Imprisonment for not more than 20 years		✓			
SOUTH DAKOTA	Up to 10 years imprisonment and \$20,000 in fines	✓	✓	✓	✓	✓

U.S. STATE FGM/C CRIMINAL LAWS

State	Sentencing Guidelines	Applies to under 18	Prosecutes Practitioner	Prosecutes Parents/Guardians	Transporting of a girl for purposes of FGM prohibited	Culture, ritual, religion not a defense
TENNESSEE	Imprisonment for 2 to 12 years and a fine of up to \$5,000		✓			✓
TEXAS	Imprisonment for 180 days to two years and a fine of up to \$10,000	✓	✓			
VIRGINIA [†] (effective 7/1/2017)	Up to 12 months in jail and/or a fine of no more than \$2,500; Class 1 misdemeanor	✓	✓	✓	✓	

U.S. STATE FGM/C CRIMINAL LAWS

State	Sentencing Guidelines	Applies to under 18	Prosecutes Practitioner	Prosecutes Parents/Guardians	Transporting of a girl for purposes of FGM prohibited	Culture, ritual, religion not a defense
WEST VIRGINIA	Imprisonment for 2 to 10 years and a fine of between \$1,000 and \$5,000	✓	✓	✓		✓
WISCONSIN	Imprisonment for up to 6 years and/or a fine of up to \$10,000	✓	✓			✓

Notes:

*= indicates California, Minnesota, New York, and Oregon which include an education and outreach provision
 †= indicates Arizona and Virginia which include a provision allowing for victims to pursue a civil cause for action

Currently, no state FGM legislation specifically includes revoking a practitioner's medical license for performing FGM or mandating specific FGM training for law enforcement.

PROSECUTIONS FOR FGM/C IN THE U.S.

- *To date, there have been no prosecutions for FGM/C under either the federal or state law*
- *In 2006, a father in Georgia was convicted of battery and cruelty for removing his daughter's clitoris and was sentenced to 10 years in prison*
- *In 2010, a mother in Georgia was charged with FGM after her 10-year old daughter was found to have suffered the procedure*
- *In 2017, a physician in Michigan was charged under federal FGM legislation for conducting the procedure on two girls from Minnesota*

U.S. STATES WITH THE HIGHEST NUMBER OF WOMEN AT RISK FOR FGM/C

*Total number of women in the U.S. who have undergone or are at risk of FGM/C is estimated at up to 513,000. Approximately 60% of all women and girls at risk live in eight states.**

1. California (56,872)
2. New York (48,418)
3. Minnesota (44,293)
4. Texas (33,087)
5. Maryland (31,820)
6. New Jersey (31,023)
7. Virginia (30,830)
8. Washington (25,000) *no FGM statute

*Total number estimate by the Centers for Disease Control and Prevention as of 2012. State-by-state breakdown is as of 2013 provided by the Population Reference Bureau

WHAT CAN WE DO?

Federal Law

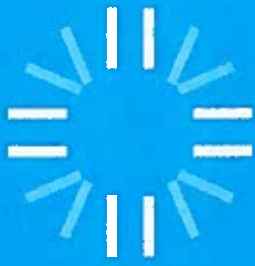
- Advocate for increased investigation and prosecution of FGM/C at the federal level
- Advocate for resources to study prevalence of FGM/C in the U.S. and provide services and support to victims
- Encourage legislators to strengthen the federal FGM/C crime by increasing five-year maximum sentence to at least 10 years – same penalty for domestic violence perpetrators

State Law

- Advocate for the criminalization of FGM/C in states that do not currently have FGM laws
- Advocate for protection orders for girls who may be at risk of FGM/C
- Encourage lawmakers to strengthen existing FGM/C laws to impose higher sentences, criminalize taking a girl out of the state for the purpose of FGM/C and include community outreach and education provisions
- Advocate for increased investigation and prosecution of FGM/C at the state level

Awareness Raising

- Raise awareness in your community about the risk of FGM/C to girls in the U.S.



aha foundation

*It is a matter of principle that
women are free and equal.*

-Ayaan Hirsi Ali