



## Model FGM Legislation:

As used in this section, female genital mutilation shall mean all procedures that involve partial or total removal of the external female genitalia, or any harmful procedure to the female genitalia, including but not limited to clitoridectomy or the partial or total removal of the clitoris or the prepuce, excision or the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora, infibulation or the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning the labia minora or the labia majora, with or without excision of the clitoris, pricking, piercing, incising, scraping, and cauterizing the genital area and all other actions intended to alter the structure or function of the female genitalia for non-medical reasons.

### A. Any person:

1. who commits female genital mutilation on a female under 18 years of age; or
2. who is a parent, guardian, or has immediate custody or control of a female under 18 years of age and consents to, permits, or facilitates female genital mutilation of such female; or
3. who removes or causes or permits or facilitates the removal of a female under 18 years of age from this state for the purpose of female genital mutilation of such female

shall be guilty of female genital mutilation and shall be punished by imprisonment for a term of X years (refer to notes below).

- B. It is not a defense to female genital mutilation that the conduct described in section A is required as a matter of religion, custom, ritual or standard practice, or that the individual on whom it is performed or the individual's parent or guardian consented to the procedure.
- C. A surgical procedure is not a violation of section A if the procedure is performed by a person licensed in the place it is performed as a medical professional and is:
1. necessary to preserve or protect the physical health of the person on whom it is performed; or
  2. For sex reassignment as requested by the patient.
- D. In addition to criminal and civil penalties, a violation of this section by a licensed medical professional shall result in the permanent revocation of said license.
- E. The Public Health Commissioner shall



1. develop and administer a program of community education, prevention and outreach activities regarding the health risks and emotional trauma inflicted by the practice of female genital mutilation and informing the community of the criminal penalties for committing female genital mutilation.
  2. develop and disseminate information regarding female genital mutilation, recognizing the risk factors associated with female genital mutilation, and the signs that an individual may be a victim of female genital mutilation, and the criminal penalties for committing female genital mutilation to teachers, and law enforcement personnel, and ensuring their awareness and compliance with the provisions of this section.
  3. develop policies and procedures to promote partnerships between departments, agencies, and political subdivisions, such as the Department of Health and Human Services, Department of Children and Families, and Department of Education, and other governmental entities and non-governmental organizations to prevent female genital mutilation and to protect and provide assistance to victims of female genital mutilation.
  4. develop policies and procedures for the training providers of health services on recognizing the risk factors associated with female genital mutilation, the signs that an individual who may be a victim of female genital mutilation, and the criminal penalties for committing female genital mutilation, and outlines best practices for responses to victims.
- F. A mandated reporter who, in his or her professional capacity, has reasonable cause to believe that a child is suffering physical or psychological injury resulting from female genital mutilation, or is at substantial risk of female genital mutilation, shall immediately communicate (with the appropriate department) orally and shall file a written report (with the appropriate department) within 48 hours.
- G. Within 10 years of turning 18, a victim of female genital mutilation may bring a civil action in any court of competent jurisdiction for female genital mutilation. The victim may bring said action regardless of where the alleged female genital mutilation occurred. The court may award actual damages, compensatory damages, punitive damages, or any other appropriate relief. A prevailing plaintiff shall be awarded attorney's fees and costs. Treble damages may be awarded on proof of actual damages if the defendant's acts were willful and malicious. The doctrines of forum non conveniens and exhaustion of local remedies shall not apply to claims arising under this section.
- H. An indictment or complaint for an offense set forth for conspiracy to commit any of these offenses, as an accessory thereto, may be found and filed at any time after the date of the commission of such offense; but any indictment or complaint found and filed more than 27 years after the date of commission of such offense shall be supported by independent evidence that corroborates the victim's allegation. Such independent evidence shall be admissible during trial and shall not consist exclusively of the opinions of mental health professionals. An indictment for an offense or for conspiracy to commit this offense or as



an accessory thereto may be found and filed within 15 years of the date of commission of such offense.

Notwithstanding the first paragraph in this section, if a victim of a crime set forth in the above paragraph is under the age of 16 at the time the crime is committed, the period of limitation for prosecution shall not commence until the victim has reached the age of 16 or the violation is reported to a law enforcement agency, whichever occurs earlier.

- I. Healthcare practitioners of each county shall keep annual statistics and report to the Department of Health within 30 days the number of suspected or confirmed cases of female genital mutilation. The Department of Health shall compile an annual report of the incidents reported, which will be published with no personal identifying information.

Please note the following:

- The language and structure above may need modification to fit each state's code.
- The crime of female genital mutilation should be a felony offense and penalties should be greater than or equal to the state's penalties for aggravated assault.
- Where code outlines specific requirements for law enforcement licensure, an individual seeking to be licensed shall complete training that is designed to assist law enforcement officers in assessing situations that may involve female genital mutilation. The training required must include, but need not be limited to, education on what is female genital mutilation, the risk factors associated with female genital mutilation, the signs that an individual may be a victim of female genital mutilation, the criminal penalties for committing female genital mutilation, and the psychological and health effects on a victim of female genital mutilation.
- Criminal statute of limitations may not need to be extended depending on existing state law. The AHA Foundation recommends extending the statute of limitations when necessary to at least 10 years following the 18<sup>th</sup> birthday of the victim.