

FGM SURVIVOR'S GUIDE

TO

LEGAL REMEDIES

IN THE STATE OF
TENNESSEE

DEVELOPED FOR [AHA](#) FOUNDATION

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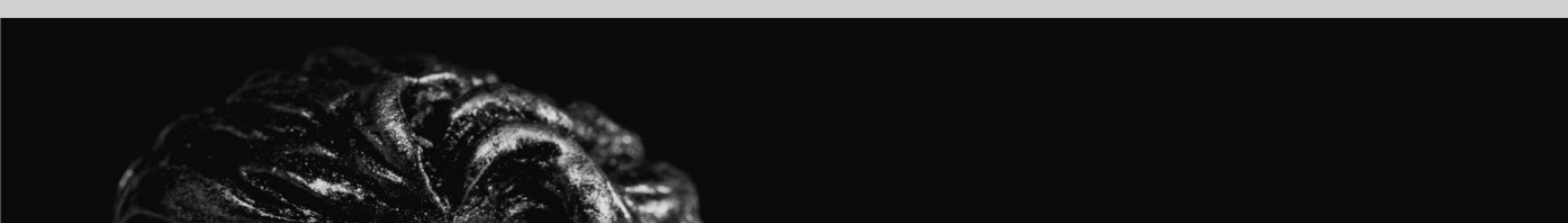
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CONTENTS

INTRODUCTION.....	4
HOW DO I KNOW WHETHER I'M A SURVIVOR OF FEMALE GENITAL MUTILATION?.....	5
REMEDIES AVAILABLE TO SURVIVORS UNDER TENNESSEE ANTI-FGM LAWS	6
CRIMINAL AND CIVIL CAUSES OF ACTION AVAILABLE TO SURVIVORS OF FGM IN TENNESSEE	7
CRIMINAL LAWS AND STATUTES.....	7
CIVIL CAUSES OF ACTION	9
RIGHTS OF CRIME VICTIMS IN TENNESSEE	11
CONCLUSION	14
PRACTICAL PROTECTIVE STEPS	14
FURTHER INFORMATION	14
ANNEX: REFERENCES	15





DISCLAIMER

The contents of this Guide are intended to convey general information only and are not intended to provide legal advice or opinions for any purpose or circumstance. The contents of this Guide should not be construed as, nor relied upon for, legal advice in any circumstance or situation. An attorney licensed to practice law in Tennessee should be contacted for advice on specific legal issues. This Guide is not a substitute for an in-person or telephone consultation with an attorney licensed to practice law in Tennessee concerning any specific legal issue. This Guide is up to date as of June 30, 2023.

INTRODUCTION

This Guide aims to provide survivors of female genital mutilation (“**FGM**”) with a comprehensive framework explaining both civil and criminal remedies available to them in the courts of the State of Tennessee, United States of America (the “**courts**”).

In 1996 Tennessee criminalized perpetrating FGM, and that law was updated in 2021. Notable features of Tennessee’s anti-FGM legislation include felony charges, prosecution of the FGM practitioner, prosecution of the minor’s parents or guardians and prosecution of anyone facilitating FGM or transporting a minor for the purposes of FGM.

Current federal law provides federal authorities the power to prosecute any person who knowingly performs, attempts to perform, facilitates, consents to or transports a person for the purpose of FGM. Violation of federal law can result in a fine, imprisonment of up to 10 years, or both. The law also requires government agencies to report to Congress: (1) the estimated number of females who are at risk of or have undergone FGM, and (2) the agencies’ efforts to prevent FGM. While federal laws are important to protect survivors from this painful practice, state criminalization laws are equally necessary to provide legal recourse to FGM survivors.

Tennessee offers a range of legal remedies through its state criminal court system in relation to FGM. This includes specific FGM legislation applicable to any person perpetrating FGM, knowingly facilitating FGM or knowingly transporting for the purpose of FGM. The legislation provides that it is not a defense that the FGM was required as a matter of belief, custom or ritual or that the minor or the minor’s parent or guardian consented to the FGM. Depending on the facts and circumstances of a particular case, perpetrators of FGM can also be prosecuted under general criminal laws including child abuse, child neglect or child endangerment. Although survivors of FGM in Tennessee cannot themselves bring the relevant criminal action, they can still provide valuable assistance to the state’s prosecuting attorneys bringing those actions.

Criminal prosecution in Tennessee is generally time-barred unless commenced within a specific period after an offense is committed depending on the type of offense. FGM itself has a four year limitation period, but this is extended in the case of a minor to 25 years from the date the minor becomes 18. The limitation periods for child abuse, neglect or endangerment range from one year to 15 years.

In addition to criminal remedies, Tennessee offers FGM survivors legal remedies through its state civil court system. Although there is no FGM-specific civil cause of action, survivors of FGM can bring a number of civil claims, including assault, aggravated assault, battery, sexual battery, aggravated sexual battery, false imprisonment, intentional infliction of emotional distress and negligent infliction of emotional distress. The parental immunity doctrine in Tennessee is limited to the provision of parental authority, parental supervision and the provision of care and custody, and as such, it is likely that the courts would allow children to prosecute their parents in relation to FGM.

Civil actions are generally time-barred, and most actions must be commenced within one year of the relevant criminal offense. Although, this period does not start to run in the case of a minor until they turn 18.

Finally, under Tennessee state law, victims of crimes including FGM are entitled to certain rights and protections, including the right to (i) be treated with dignity and compassion, (ii) be free from harassment, (iii) be informed of and present at all public proceedings, (iv) be heard in public proceedings, (v) a speedy trial and prompt conclusion of the case, (vi) restitution from the defendant and information on the criminal injuries compensation fund, and (vii) prior notice about the release of a defendant.

HOW DO I KNOW WHETHER I'M A SURVIVOR OF FEMALE GENITAL MUTILATION?

The United Nations ("UN") has estimated that 200 million girls and women alive today have undergone some form of FGM. Although primarily concentrated in 30 countries across Africa and the Middle East, FGM is also practiced in some countries in Asia and Latin America and amongst immigrant populations living in Western Europe, North America, Australia and New Zealand.¹

A description of the different types of FGM can be found at <https://www.who.int/health-topics/female-genital-mutilation#tab=tab>, and the different practices in various communities and countries of origin can be found at <http://www.28toomany.org/>. If you are unsure whether you are a survivor of FGM, you should consult your doctor or obstetrician-gynecologist (OB/GYN) or contact help@theahafoundation.org.



REMEDIES AVAILABLE TO SURVIVORS UNDER TENNESSEE ANTI-FGM LAWS

Tennessee's criminal and civil laws offer survivors of FGM a number of different legal pathways to pursue justice. Importantly, Tennessee is one of 41 states in the United States that has specifically criminalized the practice of FGM upon minors (under the age of 18). Further, as explained in the sections below, perpetrators of FGM can be prosecuted under Tennessee's other criminal laws as well. Survivors of FGM may also seek redress against their perpetrators and receive forms of compensation through civil causes of action.

A criminal action is a lawsuit brought by a public prosecutor, who is an employee of the federal, state, or local government. Accordingly, criminal prosecutions against perpetrators of FGM under Tennessee-specific law can be brought only by state prosecutors. And while survivors of FGM cannot themselves bring criminal actions, they can provide valuable assistance to the prosecutors bringing those actions. For example, FGM survivors may participate in court proceedings, as most courts will permit FGM victims or their legal representatives to make oral statements during court proceedings. If the defendant is found guilty in a criminal case, they may be punished with fines, time in prison, or both.

A civil lawsuit is brought by a plaintiff. In FGM cases, the person that brings a civil claim (the "**plaintiff**") is usually the survivor, while the person being sued (the "**defendant**") is usually the cutter or someone who assisted the cutter. If the defendant is found liable in a civil case, they may be ordered to pay money to the plaintiff.

Because the same wrongful conduct may give rise to other criminal charges and civil claims, survivors should always consider pursuing both criminal and civil forms of relief. This Guide discusses the criminal and civil options in turn.

CRIMINAL AND CIVIL CAUSES OF ACTION AVAILABLE TO SURVIVORS OF FGM IN TENNESSEE

CRIMINAL LAWS AND STATUTES

In 1996, Tennessee criminalized perpetrating female genital mutilation. The law was updated in 2021. Notable features of the anti-FGM legislation include (i) felony charges, (ii) prosecution of the practitioner, (iii) prosecution of the parents (if the victim is a minor), and (iv) prosecution of anyone who facilitates FGM or who transports (or facilitates in the transport of) a minor for the purpose of FGM. Such legislation excludes as defenses instances of FGM that are (i) carried out on the basis of a belief, custom or ritual, (ii) consented to by the minor, or (iii) perpetrated with the consent of the parent or guardian of the minor.

Perpetrators of FGM can be prosecuted for the offense pursuant to Tennessee's anti-FGM legislation and general criminal laws for the following crimes: (i) FGM, (ii) child abuse, (iii) child neglect or endangerment, (iv) aggravated child abuse, and (v) aggravated child neglect or endangerment. Generally, criminal prosecution is time-barred unless commenced within certain statutory periods after an offense is committed as provided in the table below:

OFFENSE	STATUTE OF LIMITATIONS
FGM Tenn. Code Ann. § 40-2-101(o) Tenn. Code Ann. § 40-2-101(b)(3)	If the victim was a minor: 25 years from the date the child attains 18 years of age. ² If the victim was not a minor: four years.
Child Abuse (Class D felony) Tenn. Code Ann. § 40-2-101(b)(3)	Four years.
Child Neglect or Endangerment, if child is aged eight years or younger (Class E felony) Tenn. Code Ann. § 40-2-101(b)(4)	Two years.
Child Neglect or Endangerment (Class A misdemeanor) Tenn. Code Ann. § 40-2-102(a)	One year.
Aggravated Child Abuse, Aggravated Child Neglect or Endangerment (Class B felony) Tenn. Code Ann. § 40-2-101(b)(2) Tenn. Code Ann. § 40-2-101(n)	Eight years (if the offense was committed before July 1, 2016). The later of (a) 10 years after the child attains 18 years of age or (b) 8 years (if offense committed on or after 1 July 2016).
Aggravated Child Abuse, Aggravated Child Neglect or Endangerment, if child is aged eight years or younger (Class A felony) Tenn. Code Ann. § 40-2-101(b)(1) Tenn. Code Ann. § 40-2-101(n)	15 years (if the offense was committed before July 1, 2016). The later of (a) 10 years after the child attains 18 years of age or (b) 15 years (if the offense was committed on or after July 1, 2016).

A. Female Genital Mutilation—Tenn. Code Ann. § 39-13-110

Tennessee's anti-FGM legislation prohibits a person from knowingly:

- (1) circumcising, excising, or infibulating, in whole or in part, the labia majora, labia minora or clitoris of another person;
 - (2) narrowing the vaginal opening through the creation of a covering seal formed by cutting and repositioning the inner or outer labia, with or without removing the clitoris; or
 - (3) carrying out any harmful procedure to the genitalia, including pricking, piercing, incising, scraping or cauterizing,³ and
- the procedure is not performed for medical purposes.⁴

The perpetrator of an FGM act, as set forth above, commits a criminal offense in Tennessee.⁵ A person who knowingly facilitates such an act, or who knowingly transports or facilitates the transportation of a minor for the purpose of such an act, is also criminally liable under Tennessee's anti-FGM laws.⁶

If convicted, the perpetrator shall be guilty of a Class D felony,⁷ and may be sentenced to prison for a term of two to twelve years.⁸ If the offense occurred on or after July 1, 2021, the perpetrator must serve the entire sentence imposed by the court, undiminished by any sentence reduction credits.⁹ In addition, a jury may also assess a fine of up to \$5,000.¹⁰

It is not a defense that FGM was performed because (i) FGM was required as a matter of belief, custom or ritual, or (ii) that the minor or the minor's parent or guardian consented to FGM.¹¹

Prosecution under Tennessee's anti-FGM legislation does not prevent prosecution under any other law.¹²

Healthcare professionals who treat a minor that appears to be suffering from, or who has been victimized by FGM, are required to immediately report the same to the police.¹³

A victim of FGM may also bring claims for damages under Tennessee's anti-FGM legislation, including against an individual or entity who knowingly (i) mutilated or attempted to mutilate the victim, (ii) facilitated the victim's mutilation, or (iii) transported or facilitated the transportation of the victim outside of Tennessee for the purpose of FGM.¹⁴

B. Child Abuse, Neglect or Endangerment — Tenn. Code Ann. § 39-15-401(b)

Tennessee's child abuse and child neglect or endangerment laws prohibit a person from knowingly (i) inflicting injury, or (ii) abusing or neglecting a child. Tennessee legislators have expressly identified FGM as a covered act that is prohibited under these laws.¹⁵ Relatedly, a parent or custodian of a child eight years of age or younger is also prohibited from knowingly exposing a child to, or failing to protect a child from, abuse or neglect that results in physical injury or imminent danger.¹⁶

A perpetrator who inflicts injury to a minor (under the age of 18) commits a Class A misdemeanor. A perpetrator who abuses a child that is eight years of age or younger commits a Class D felony.¹⁷

C. Aggravated Child Abuse, Neglect or Endangerment—Tenn. Code Ann. § 39-15-402

Under Tennessee's aggravated child abuse, neglect or endangerment laws, any person who commits aggravated child abuse, neglect, or endangerment¹⁸ that results in serious bodily injury to the child commits a Class B felony. If the victim is eight years old or younger, the offense is elevated to a Class A felony.¹⁹ Because acts of FGM qualify as acts of aggravated child abuse, neglect or endangerment that result in serious bodily injury, such acts are precluded by these laws.²⁰

CIVIL CAUSES OF ACTION

Tennessee does not have an FGM-specific civil cause of action. However, victims of FGM can pursue remedies by bringing separate civil claims, including: assault, aggravated assault, battery, sexual battery, aggravated sexual battery, false imprisonment, intentional infliction of emotional distress, and negligent infliction of emotional distress.

Tennessee recognizes parental immunity, but it is limited to the exercise of parental authority, parental supervision, and the provision of care and custody.

Given that Tennessee recognizes FGM as a crime, and victims of FGM can pursue civil remedies, it is likely that the courts will allow unemancipated minors to sue their parents.

All civil actions have a one-year statute of limitation that does not begin to toll for minors until they turn 18 years old. The statute of limitations is doubled if criminal charges are brought against the defendant within one year, or if the cause of action is brought by the person injured by the relevant criminal conduct.

A. Assault

Assault requires the intent to harm, rather than merely the intent to frighten. Assault may consist of any act tending to do bodily injury to another, which is accompanied with the intent and use of actual violence against the person. A defendant is not liable for assault, unless there is the intentional act of creating a reasonable apprehension of imminent physical harm.²¹

In order to constitute an assault, there must be some commencement of an overt act which, if not prevented, would produce a battery. There must be an attempt (which may be interrupted), or the unequivocal appearance of an attempt, which causes the victim to have an apprehension of personal injury. An assault may be committed without striking or touching. However, the force or violence attempted must be physical. An assault is not committed by mere words.²²

B. Aggravated Assault

Aggravated assault is the attempt to cause, or the actual cause of, serious bodily injury to another willfully, knowingly, or recklessly. Aggravated assault can also include simple assault, which can be shown without the use of a deadly weapon, but the element of acting intentionally or knowingly must still be shown.

C. Battery

Battery is an intentional act that causes an “unpermitted, harmful or offensive bodily contact.”²³ Offensive bodily contact is contact that infringes on a reasonable sense of personal dignity ordinarily respected in a civilized society.²⁴

D. Sexual Battery

Sexual battery consists of unlawful sexual contact with a victim by the defendant accompanied by any of the following circumstances:²⁵ (i) force or coercion, (ii) the sexual contact is accomplished without the consent of the victim, and the defendant knows or has reason to know at the time that the victim did not consent, (iii) the defendant knows or has reason to know that the victim is mentally defective or incapacitated or physically helpless, or (iv) the sexual contact is accomplished by fraud.²⁶ Although there is no statutory basis for the tort of sexual battery, the courts may refer to this statutory definition of the sexual battery crime in civil actions alleging sexual battery was the proximate cause of the victim’s injury in tort.²⁷

E. Aggravated Sexual Battery

Aggravated sexual battery is unlawful sexual contact with a victim by the defendant accompanied by any of the following circumstances: (i) force or coercion, and the defendant is armed with a weapon or what is reasonably believed to be a weapon, (ii) the defendant caused bodily injury to the victim, (iii) the defendant is aided or abetted by at least one other person, and either (a) used force or coercion, or (b) the defendant knew or has reason to know that the victim was mentally defective, mentally incapacitated or physically helpless, or (iv) the victim is less than 13 years old.²⁸ Similar to sexual battery, aggravated sexual battery is a criminal offense, but the courts may refer to this statutory definition if a victim brought a civil action alleging aggravated sexual battery was the proximate cause of the victim's injury in tort.²⁹

F. False Imprisonment

False imprisonment is the intentional restraint or detention of another without just cause.³⁰ The elements of the tort of false imprisonment are (i) the detention or restraint of the victim against their will, and (ii) the unlawfulness of such detention or restraint.³¹

G. Intentional Infliction of Emotional Distress ("IIED")

The Supreme Court in Tennessee found that a cause of action for IIED exists if the plaintiff can prove two factors (i) the conduct complained of must have been outrageous and intolerable in civilized society, and (ii) as a result of the outrageous conduct, there must be serious mental injury.³²

H. Negligent Infliction of Emotional Distress

In order to bring a claim for negligent infliction of emotional distress, the plaintiff must not only establish the elements of a general negligence claim (i.e. (i) duty, (ii) breach of duty, (iii) injury or loss, (iv) causation in fact, and (iv) proximate or legal causation),³³ but must also demonstrate the existence of a serious or severe emotional injury supported by expert medical or scientific evidence.³⁴ The plaintiff seeking to recover damages for the negligent infliction of emotional distress must establish that the defendant's negligent conduct was the cause-in-fact of both the victim's death or injury and the plaintiff's emotional injuries, and that the victim's death or injury and the plaintiff's emotional injuries were the proximate and foreseeable results of the defendant's negligence.

I. Parent-Child Relationships

Generally, the parental immunity doctrine prohibits suits brought by unemancipated minors against their parents where the conduct of the parent constitutes the exercise of parental authority, parental supervision, and the provision of care and custody.³⁵ However, as FGM is a crime in Tennessee, and victims of FGM can pursue civil remedies, it is likely the courts would permit such a suit against the respective parent.

RIGHTS OF CRIME VICTIMS IN TENNESSEE

A. Crime Victims are Entitled to Protection under the Tennessee Constitution

Victims of crime, including victims of FGM, are guaranteed basic rights under Article I, § 35 of the Tennessee Constitution. These rights include the right to (i) confer with the prosecution, (ii) be present at proceedings, (iii) be heard, (iv) be free from intimidation, harassment, and abuse, (v) be informed of all stages of the criminal justice process, (iv) a speedy trial or disposition and prompt conclusion of the matter, (v) restitution from the offender, and (vi) be informed of their rights as victims.³⁶

B. Crime Victims are Entitled to Protection under the Tennessee Crime Victims' Bill of Rights

(i) *Rights of Victims of Crime and Witnesses – Tenn. Code Ann. § 40-38-102 and 103*

(1) All victims of crime, including victims of FGM, and prosecution witnesses have the right to be treated with dignity and compassion and to protection and support with prompt action in the case of intimidation or retaliation from the defendant or the defendant's agents or friends.³⁷ Victims and prosecution witnesses should be provided with safe, secure and separate waiting areas from the defendant or any defense witnesses during the judicial process.³⁸ All victims of crime should have the right to collect court-ordered restitution in the same manner as a civil judgment.³⁹

(2) All victims of crime, including victims of FGM, have a right to be informed upon request of, amongst other things (i) the steps/procedures in the criminal justice system, (ii) the times, dates, and locations of all pertinent stages in proceedings, (iii) how the victim may have input into a convicted defendant's sentence, (iv) appellate stages, (v) possible release of an inmate, including scheduled parole hearings, (vi) how they can obtain restitution from the defendant, (vii) how to obtain funds from the criminal injuries compensation fund, and (viii) 90 days' prior notice to when an inmate is scheduled to be released and, with respect to victims of serious violent crimes, how the victim may be informed of said release (see also paragraph 2.2 below).⁴⁰

(3) Victims of crime also have a right to be compensated for reasonable expenses for travel to and from the defendant's trial.⁴¹

(4) Victims of crime may refuse a request by the defendant, the defendant's attorney or agent of the defendant for an interview or other communication with the victim.⁴² Victims of crime have the right to have a crime victim advocate from a crime assistance program or a victim-witness coordinator present at any defense interview, but only to the extent that it is practical and it does not cause any unnecessary delay in the investigation or prosecution of the case.⁴³

(5) In any criminal proceeding where a continuance is requested, the views of crime victims and their right to a speedy trial should be taken into consideration.⁴⁴ If crime victims oppose a continuance and the court grants such opposition, the court shall record the reason for the continuance and the procedures that have been taken to avoid further delays.⁴⁵ This right should also be taken into consideration when determining the date of any criminal trial or hearing.⁴⁶

(ii) Communication of Rights and Resources to Victims – Tenn. Code Ann. § 40-38-107

(1) The office of the district attorney must provide victims of crime, free of charge, a copy of a booklet containing all provisions of applicable law and a summary of any other law or regulation that would be of assistance to the victim.⁴⁷ The victim-witness coordinator must also provide to the victim a list of appropriate referral services to victims of crime.⁴⁸

(2) Law enforcement agencies shall inform victims of crime, including victims of FGM, of (i) their rights under Article I, Section 35 the Tennessee Constitution, (ii) the availability of crisis intervention centers and emergency services, (iii) the name of the law enforcement agency and phone number, (iv) the procedures and resources available for protection if a victim is involved in domestic violence, (v) the names and phone numbers of victim assistance programs, including compensation and counseling programs, and (vi) the procedural steps involved in criminal prosecution.⁴⁹

(3) All victims of crime have the right to be informed of proceedings and their rights as victims under Article I, Section 35 of the Tennessee Constitution by (i) the judicial commissioner, magistrate or general sessions court clerk,⁵⁰ (ii) the law enforcement agency if an arrest warrant is obtained on behalf of the victim,⁵¹ (iii) the judge, if the victim is present at the defendant's initial court appearance,⁵² or (iv) the district attorney, following the indictment by a grand jury against the defendant for a violent crime such as aggravated child abuse and neglect, which may include FGM,⁵³ or a nonviolent crime (meaning all other crimes that are not violent crimes).⁵⁴ Information received in respect of a crime victim shall be kept confidential.⁵⁵

(4) All victims of crime have a right to be informed by the appropriate agency, as soon as practicable, of (i) canceled/rescheduled hearings, (ii) the defendant's bail hearing, (iii) the dismissal of the defendant's case, (iv) the pardon of the defendant, (v) the defendant's recapture, (vi) the defendant's release from a mental institution, and (vii) the transfer of the defendant to a lower security location.⁵⁶ In order to notify the victim, the victim must keep their location information up to date with the appropriate agency.⁵⁷ Any identifying information collected will be kept confidential.⁵⁸

(5) If eligible under the Criminal Injuries Compensation Act, victims of violent crime (or, if deceased, their close relatives) are entitled to be informed in writing by the office of the district attorney general as to the methods of obtaining compensation.⁵⁹

(iii) Victim's Immunity from Suit – Tenn. Code Ann. § 40-38-303

(1) At all critical stages of the criminal justice process, victims of crime have immunity from civil liability or any civil cause of action brought by the offender arising from the victim's testimony at the offender's hearing before the board of parole or a panel of the board, except for testimony that is intentionally and maliciously false and defamatory.⁶⁰

(2) If the offender brings a cause of action against the victim based upon testimony given, the court shall, within five days, examine the offender's complaint and if the court finds that:

(a) the victim's particular statements may reasonably be construed as intentionally and maliciously false and defamatory, it shall allow the cause of action to proceed;

(b) the offender has not produced sufficient evidence to overcome the victim's immunity, it shall dismiss the cause of action with prejudice; or

(c) the action is without merit and brought for the purpose of intimidating, harassing or abusing the victim, it shall notify the appropriate warden of the offender's institution and recommend disciplinary action against the offender; and may prohibit the offender from filing any future actions of a similar nature in the court.⁶¹

(iv) Broad Application of Rights – Tenn. Code Ann. § 40-38-301

(1) If any other provision of law confers additional, enhanced or more expansive rights upon victims of crime than Article I, Section 35 of the Tennessee Constitution the Tenn. Const., Article I, § 35, victims of crime shall also be entitled to the additional, enhanced or expansive statutory rights.⁶²

(2) If any other provision of law contains a broader definition of “crime,” “victim,” or “critical stages of the criminal justice process” for any purpose other than implementation of Article I, Section 35 of the Tennessee Constitution, the broader definition shall control for such purpose.⁶³

C. Victims of Crime Assistance Fund – Tenn. Code Ann. § 9-4-205

State and federal funds shall be made available to victims of crime assistance programs through the “victims of crime assistance fund”.⁶⁴ These funds shall first be used to fund the victim-witness coordinator program and, to the extent that additional funds are available, used to support other eligible victims of crime assistance programs.⁶⁵ These programs shall include, but are not limited to, programs which provide appropriate counseling and support to victims and their families, and assist in their rehabilitation.⁶⁶ Victims of crime can apply for grant applications to obtain access to these funds under such programs.⁶⁷

D. Victim-Witness Coordinator – Tenn. Code Ann. § 8-7-206

(i) The position of victim-witness coordinator shall be created in each judicial district.⁶⁸ After the return of an indictment or presentment, a victim-witness coordinator must (i) advise victims of their rights under Title 40, Chapter 38, Part 1 (“Victims’ Bill of Rights”) of the Tennessee Constitution, (ii) keep victims and witnesses informed of court dates and actions affecting their cases, (iii) assist victims and witnesses to understand the criminal justice system, including the procedure and basis for continuances and the plea bargaining process, and (iv) assist victims to become more involved in the processes which affect the perpetrator of the crime.⁶⁹

(ii) A victim-witness coordinator must assist victims in obtaining restitution directly from the defendant and assist victims in obtaining benefits from the criminal injuries compensation program.⁷⁰

CONCLUSION

PRACTICAL PROTECTIVE STEPS

FGM can cause physical and mental health problems that continue to affect survivors later in life, including, but not limited to, irregular periods, bladder problems, recurrent infections and natural child-birth challenges.⁷¹ In addition, FGM is often followed by early marriage at the detriment of the survivor's education and career.⁷²

If you are a victim of FGM, or suspect that you might know someone who may be a victim, speak to a medical practitioner or agencies and non-profit organizations campaigning against the practice in relation to any physical or mental challenges faced. There are also community education programs and FGM survivor support groups that can provide additional care and encourage greater awareness.

FURTHER INFORMATION

For more information,
please contact
AHA Foundation at
info@theahafoundation.org



ANNEX

REFERENCES

¹ <https://www.un.org/en/observances/female-genital-mutilation-day>.

² If the crime of FGM occurs on or after July 1, 2019.

³ Tenn. Code Ann. § 39-13-110(a)(2)(C) (excluding body piercing when performed on a consenting adult).

⁴ Tenn. Code Ann. § 39-13-110(a)(2); 39-13-110(b).

⁵ Tenn. Code Ann. § 39-13-110(b).

⁶ Tenn. Code Ann. § 39-13-110(b)(2)-(3).

⁷ Tenn. Code Ann. § 39-13-110(c).

⁸ Tenn. Code Ann. § 40-35-111.

⁹ Tenn. Code Ann. § 40-35-501(aa).

¹⁰ Tenn. Code Ann. § 40-35-111(b)(4).

¹¹ Tenn. Code Ann. § 39-13-110(d).

¹² Tenn. Code Ann. § 39-13-110(g).

¹³ Tenn. Code Ann. § 38-1-101(a).

¹⁴ Tenn. Code Ann. § 39-13-110(i)(1).

¹⁵ Tenn. Code Ann. § 39-15-401(b)(h).

¹⁶ Tenn. Code Ann. § 39-15-401(c)(1).

¹⁷ Tenn. Code Ann. § 39-15-401(c)(1).

¹⁸ See Tenn. Code Ann. § 39-15-401(a)-(c) (defining “aggravated child abuse, neglect or endangerment”).

¹⁹ Tenn. Code Ann. § 39-15-402(b).

²⁰ Tenn. Code Ann. § 39-15-402(c).

²¹ *Hughes v. Metro. Gov’t of Nashville & Davidson Cty.*, 340 S.W.3d 352, 370 (Tenn. 2011).

²² *Baker v. Moreland*, App. No. 89-62-II, 1989 Tenn. App. LEXIS 537, at *1 (Ct. App. Aug. 9, 1989).

²³ *Cary v. Arrowsmith*, 777 S.W.2d 8, 21 (Tenn. Ct. App. 1989); *Lacy v. Hallmark Volkswagen Inc.*, No. M2016-02366-COA-R3-CV, 2017 Tenn. App. LEXIS 462, at *1 (Tenn. Ct. App. July 10, 2017).

²⁴ *Doe v. Pizza*, No. M1998-00992-COA-R9-CV, 2001 Tenn. App. LEXIS 224, at *14 (Tenn. Ct. App. Apr. 5, 2001).

²⁵ *Smith v. Hesson*, C. C. A. NO. 02C01-9708-CC-00311, 1997 Tenn. Crim. App. LEXIS 1246, at *2 (Crim. App. Dec. 11, 1997).

²⁶ Tenn. Code Ann. § 39-13-505(a).

²⁷ See *Gentry v. Wagner*, M2008-02369-COA-R3-CV, 2009 Tenn. App. LEXIS 401, 2009 WL 1910959, at *13 (Tenn. Ct. App. June 30, 2009) (motion to amend complaint to include allegations of sexual battery denied); see also *Hardy v. East Gate Apts.*, 1986 Tenn. App. LEXIS 2755, at *8 (Tenn. Ct. App. Feb. 5, 1986) (complaint alleged aggravated sexual battery and sexual battery, as defined in the Tennessee Code, were the proximate cause of the plaintiff’s injury in tort).

²⁸ Tenn. Code Ann. § 39-13-504(a).

²⁹ See *Hardy v. East Gate Apts.*, 1986 Tenn. App. LEXIS 2755, at *8.

³⁰ *Newsom v. Thalhimer Bros.*, 901 S.W.2d 365, 367 (Tenn. Ct. App. 1994).

³¹ *Id.*

³² *Medlin v. Allied Inv. Co.*, 217 Tenn. 469, 479, 398 S.W.2d 270, 274 (1966).

³³ *Camper v. Minor*, 915 S.W.2d 437, 446 (Tenn. 1996).

³⁴ *Id.*

³⁵ *Broadwell by Broadwell v. Holmes*, 871 S.W.2d at 477.

³⁶ Tenn. Const., Art I, § 35.

³⁷ Tenn. Code Ann. § 40-38-102(a).

³⁸ Tenn. Code Ann. §§ 40-38-102(b); § 8-7-108.

³⁹ Tenn. Code Ann. § 40-38-102(c).

⁴⁰ Tenn. Code Ann. §§ 40-38-103(a)(1)-(3); 40-38-103(b).

⁴¹ Tenn. Code Ann. § 40-38-103(a)(4).

⁴² Tenn. Code Ann. § 40-38-117.

⁴³ Tenn. Code Ann. §§ 40-38-115; § 8-7-206.

⁴⁴ Tenn. Code Ann. § 40-38-116(a).

⁴⁵ *Ibid.*

⁴⁶ Tenn. Code Ann. § 40-38-116(b).

⁴⁷ Tenn. Code Ann. § 40-38-107(a).

⁴⁸ Tenn. Code Ann. § 40-38-107(b).

⁴⁹ Tenn. Code Ann. § 40-38-113.

⁵⁰ Tenn. Code Ann. § 40-38-111(b).

⁵¹ Tenn. Code Ann. § 40-38-111(c).

⁵² Tenn. Code Ann. § 40-38-111(d).

⁵³ Tenn. Code Ann. §§ 40-38-111(e), (g)(3); 39-15-402; Tennessee Criminal Statute Research Document.

⁵⁴ Tenn. Code Ann. § 40-38-111(f), (h).

⁵⁵ Tenn. Code Ann. § 40-38-111(i).

⁵⁶ Tenn. Code Ann. § 40-38-110(a).

⁵⁷ Tenn. Code Ann. § 40-38-110(c).

⁵⁸ Tenn. Code Ann. § 40-38-110(d).

⁵⁹ Tenn. Code Ann. § 40-38-109.

⁶⁰ Tenn. Code Ann. § 40-38-303(a).

⁶¹ Tenn. Code Ann. § 40-38-303(b)(1)-(4).

⁶² Tenn. Code Ann. § 40-38-301(b).

⁶³ Tenn. Code Ann. § 40-38-301(c).

⁶⁴ Tenn. Code Ann. § 9-4-205(a)-(c).

⁶⁵ Tenn. Code Ann. § 9-4-205(c).

⁶⁶ Tenn. Code Ann. § 9-4-205(c).

⁶⁷ Tenn. Code Ann. § 9-4-205(d).

⁶⁸ Tenn. Code Ann. § 8-7-206(a).

⁶⁹ Tenn. Code Ann. § 8-7-206(a).

⁷⁰ Tenn. Code Ann. § 8-7-206(5) and (6).

⁷¹ Eva Ontiveros, *What is FGM, where does it happen and why?*, BBC NEWS, <https://www.bbc.co.uk/news/world-47131052>.

⁷² U.N. International Day of Zero Tolerance for Female Genital Mutilation, 6 February: Ending Female Genital Mutilation by 2030, <https://www.un.org/en/observances/female-genital-mutilation-day>.