

# Prohibition of Genital Mutilation

# HB430

Shouldn't Utah lead the way in  
protecting our vulnerable children?

Protecting the lives and  
safety of our citizens, and  
especially those that cannot  
protect themselves, is the  
duty of states under our  
federalism system

It is reported that  
there are nearly  
**1,800**  
cases of genital  
mutilation in Utah

We can all agree that little  
girls should not be tortured.

 HB430

House Sponsor: Ken Ivory  
Senate Sponsor: Luz Escamilla



**TESTIMONY IN SUPPORT OF HB 430**

**BEFORE THE UTAH HOUSE HEALTH AND HUMAN SERVICES COMMITTEE**

**MARCH 6, 2019**

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Chair Daw, Vice Chair Miles, and Distinguished Committee Members:

The AHA Foundation wishes to be recorded in strong support for Utah HB 430, comprehensive legislation that would ban female genital mutilation in the state of Utah. The AHA Foundation thanks Rep. Ivory for his leadership and the Committee for prioritizing a hearing on this important legislation.

Strengths of this bill include the establishment of civil and criminal penalties for performing or permitting female genital mutilation (FGM) on a child, including removing a child from the state for the purpose of FGM. Additionally, this bill requires the development and distribution of information on FGM to law enforcement, teachers, and communities, on FGM, what it is, its health consequences, and associated penalties for the crime. Under this legislation, health care providers convicted of FGM will forfeit their licenses to practice medicine.

To understand the importance of this comprehensive legislation, it is important to understand FGM on a global and local scale. FGM is a form of gender-based violence that is internationally recognized as a violation of women's and girls' fundamental human rights. The practice of FGM is generally motivated by beliefs about what is considered proper sexual behavior and cultural ideas of femininity and modesty. This includes the notion that girls are "clean" and "beautiful" after the removal of body parts that are considered "male" or "unclean." FGM is also considered a way to reduce a woman's libido, safeguarding virginity and marital fidelity. Communities that practice FGM believe that it will ensure a girl's marriageability, virginity, beauty, and family honor.

FGM is defined by the World Health Organization as the partial or total removal of the female external genitalia or other injury to the female genital organs for non-medical reasons. There are various types and degrees of FGM. The timing of FGM can range from shortly after birth to the time a woman is pregnant with her first child; however the victims are commonly between the ages of four and ten years old. The procedure is typically carried out by traditional practitioners with or without anesthesia using a knife or razor blade. FGM has no health benefits. Many girls who undergo FGM face lifelong physical and psychological consequences.

During and immediately following the procedure girls may experience severe pain, shock, hemorrhage, tetanus or sepsis, urine retention, open sores in the genital region and injury to nearby genital tissue. Over the course of her life, a survivor may experience recurrent bladder and urinary tract infections, cysts and infertility. Survivors also face an increased risk of complications during childbirth, including maternal and newborn deaths. If a girl is forced to undergo an infibulation, where the vaginal opening is

sewn almost completely closed following the cutting away of most of the genital tissue, she will likely undergo numerous surgeries throughout her life to open the scar tissue for sexual intercourse and childbirth. These surgeries put a survivor at further risk and are sometimes done with a knife or razor blade without anesthetic. The practice of FGM can indirectly or directly lead to death.

The practice of FGM is largely concentrated in 30 countries in Africa, the Middle East, and Asia where UNICEF estimates that 200 million women and girls have undergone FGM. A 2016 report by the Centers for Disease Control and Prevention estimates that there are 513,000 women and girls in the U.S. who are at risk of or have undergone FGM. According to the Population Reference Bureau, an estimated 1,769 of those at-risk women and girls live in Utah. Girls who have close ties to countries where FGM is prevalent are most at risk of undergoing the procedure.

In 1996, the U.S. passed a federal law banning the practice of FGM (18 U.S. Code § 116 Female Genital Mutilation). The legislation was strengthened in 2013 with the passage of a provision to outlaw “vacation cutting,” the practice of knowingly taking a girl abroad to inflict FGM. In the fall of 2018, however, Judge Bernard Friedman of the United States District Court for the Eastern District of Michigan ruled that Congress did not have the authority to pass the law against female genital mutilation and dismissed key charges filed against a doctor and her accomplices who were charged with cutting young girls in a clinic in Livonia, Michigan, the first case of its kind. To quote from his decision, Judge Friedman said that “as laudable as the prohibition of a particular type of abuse of girls may be...FGM is a ‘local criminal activity’ which, in keeping with longstanding tradition and our federal system of government, is for the states to regulate, not Congress.” Although the prosecution has signaled their intention to appeal, the federal law remains far from a future certainty, and the ruling highlights the importance of states taking action to protect U.S. girls from FGM.

This bill, if passed, sends a strong message that Utah stands against FGM as a form of gender-based violence.

By passing this bill, Utah would join 28 other states in enacting statutes to criminalize FGM. The civil protections included in this bill work to ensure that survivors of FGM are able to protect and advocate for themselves in a court of law. Three other states – Arizona, Michigan, and Virginia – include provisions allowing for survivors to pursue a civil course of action. Thirteen states – Arizona, Florida, Georgia, Kansas, Louisiana, Michigan, Nevada, New Hampshire, New Jersey, Ohio, South Dakota, Texas, and Virginia – include in their statute a provision to ban transporting a girl for FGM. With the passage of HB 430, Utah will join those states.

To end the practice of FGM it is important to address the social norms and pressures that perpetuate the practice of FGM in vulnerable communities. FGM is a harmful traditional practice that is not particular to any religious group nor prescribed by any faith. Although FGM has been coopted by some patriarchal societies and religious sects, there is no major religion that requires FGM. While it is important to respect different cultural backgrounds and beliefs, our tolerance towards religious and cultural practices must cease any time there is an indication of violence, abuse, or oppression. A 2013 report by UNICEF found that in most of the countries surveyed the majority of FGM survivors do not see benefits to the practice and think that it should stop. The report cited an increase in the understanding of the health consequences around FGM as responsible for this shift, however it noted that strong social pressure continues to compel the practice.

This bill requires the Department of Health to develop an education and outreach program targeting communities and professionals likely to encounter cases of FGM. This program will provide education on the health risks and emotional trauma caused by the procedure as well as the criminal penalties for committing or allowing FGM on a minor. Professionals will be taught the risk factors associated with female genital mutilation, signs that an individual may be a victim, and best practices for responding to cases. Crucially, this outreach program could start an important dialogue in vulnerable communities about the underlying social norms that compel families to perpetuate the practice. Five states – California, Michigan, Minnesota, New York, and Oregon – have education and outreach provisions as part of their state laws on FGM.

The FGM legislation under consideration today provides a comprehensive, holistic approach to addressing this human rights abuse in the state of Utah. The AHA Foundation urges the Health and Human Services Committee to support HB 430 and to advance it favorably out of committee.

### **About AHA Foundation**

AHA Foundation is a 501(c)3 non-profit founded by women's rights activist Ayaan Hirsi Ali, and is the leading organization working to end honor violence that shames, hurts or kills thousands of women and girls in the U.S. each year, and puts millions more at risk. We ensure that women and girls of all races, cultures, religions, beliefs and backgrounds who are facing honor violence have a way out, and that survivors get the help they need to thrive.

Since 2010, the focus of the Foundation's programs includes: 1) compiling data on these crimes, which are not currently tracked by U.S. law enforcement or government agencies, 2) publishing reports and articles and organizing conferences about the continued oppression of women and girls in the U.S., 3) lobbying and outreach to expand and strengthen state and national legislation for the protection of women and girls, 4) training of law enforcement and service providers, and 5) connecting women and girls in crisis to appropriate services. AHA Foundation has trained over 2,700 frontline service providers on responding to cases of honor violence and forced marriage, and partnered with Crisis Text Line to create America's first honor violence and forced marriage helpline.