

ahafoundation

*Female Genital Mutilation (FGM)
Statutes in the United States & United
Kingdom*

U.S. FEDERAL STATUTES

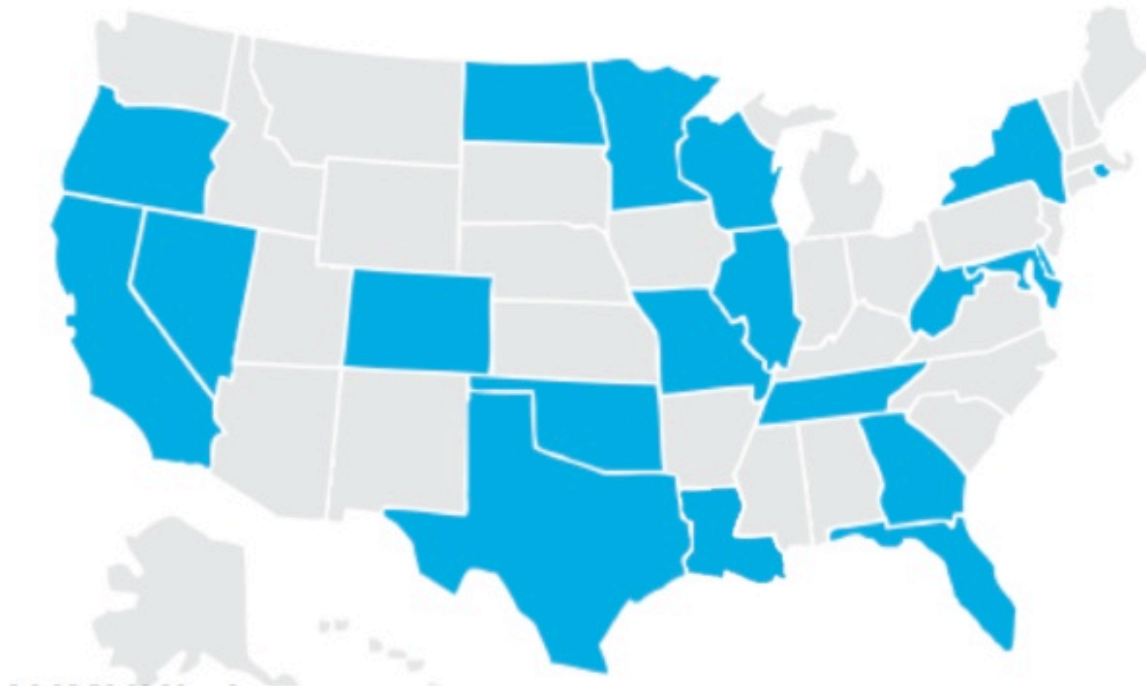
Female genital mutilation (18 USCS § 116)

- Makes it a crime to knowingly perform FGM on a girl younger than 18
- Makes it 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 authorities to provide all immigrants with information about the severe harm caused by FGM and the legal consequences of performing FGM in the U.S.

U.S. STATE FGM CRIMINAL LAWS



Only these 20 states have laws against FGM

U.S. STATE FGM CRIMINAL LAWS

State	Sentencing Guidelines
CALIFORNIA	Imprisonment from one to six years
COLORADO	Imprisonment for a minimum of four years
DELAWARE	Imprisonment for up to five years
FLORIDA	Imprisonment for up to 30 years and/or fine of up to \$10,000
GEORGIA	Imprisonment for five to 20 years
ILLINOIS	Imprisonment for six to 30 years

**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 statutes prosecutors may charge assault in order to impose a higher sentence.

U.S. STATE FGM CRIMINAL LAWS

State	Sentencing Guidelines
LOUISIANA	Imprisonment for up to 15 years
MARYLAND	Imprisonment for up to five years and/or a fine of up to \$5,000
MINNESOTA	Imprisonment for up to life and/or a fine
MISSOURI	Imprisonment of five to 15 years
NEVADA	Imprisonment for a minimum two to ten years and/or a fine of up to \$10,000
NEW YORK	Imprisonment for up to four years
NORTH DAKOTA	Imprisonment for up to five years and/or a fine of \$5,000

U.S. STATE FGM CRIMINAL LAWS

State	Sentencing Guidelines
OKLAHOMA	Imprisonment for three years to life and a fine of up to \$20,000
OREGON	Imprisonment for up to ten years and/or a fine of up to \$200,000
RHODE ISLAND	Imprisonment for not more than 20 years
TENNESSEE	Imprisonment for two to 12 years and a fine of up to \$5,000
TEXAS	Imprisonment for 180 days to two years and/or a fine of up to \$10,000
WEST VIRGINIA	Imprisonment for two to ten years and a fine of between \$1,000 and \$5,000
WISCONSIN	Imprisonment for five years and/or a fine of up to \$10,000

PROSECUTIONS FOR FGM IN THE U.S.

- *To date, there have been no prosecutions for FGM 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*

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

Total number of women at risk of FGM in the U.S.: 227,887

1. California (38,353)
2. New York (25,949)
3. New Jersey (18,584) **no FGM statute*
4. Virginia (17,980) **no FGM statute*
5. Maryland (16,264)
6. Minnesota (13,196)
7. Texas (13,100)
8. Georgia (9,531)
9. Washington (7,292) **no FGM statute*
10. Pennsylvania (6,508) **no FGM statute*

Estimates published by Brigham and Women's Hospital. Research performed by the African Women's Center, based on the 2000 Census (# women at risk)

A CLOSER LOOK AT THE NEW YORK STATE FGM STATUTE

Female genital mutilation is a class E Felony, the lowest level felony crime in the state (NY Penal Law § 130.85)

- Does not make it a crime to take a girl abroad for FGM

Sentencing Guidelines

- Minimum sentence: Probation for one year
- Maximum sentence: Imprisonment for between 1 1/2 and 4 years and a period of post-release supervision for between 3 and 10 years

FGM Cases in New York

- There has only been one arrest for FGM since the statute was enacted in 1997
- The arrest was in Brooklyn in 1999. This sole arrest resulted in an acquittal, all records have been sealed.

UNITED KINGDOM FGM LAWS – A MODEL FOR THE UNITED STATES

- *Criminalizes performing FGM on any girl or woman (no age restrictions)*
- *FGM is a crime whether it is performed within the U.K. or abroad*
- *Penalty: imprisonment for up to 14 years and/or a fine*
- *To date, there have been no prosecutions for FGM in the U.K.*

WHAT CAN WE DO?

Federal Law

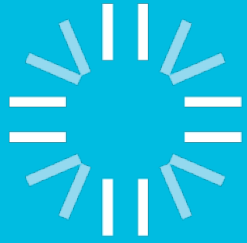
- Advocate for increased investigation and prosecution of FGM at the federal level
- Advocate for devoting resources to studying the prevalence of FGM in the U.S. and providing services and support to victims
- Encourage legislators to strengthen the federal FGM crime by increasing the five-year maximum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

State Law

- Advocate for the criminalization of FGM in states that do not currently have FGM laws
- Encourage lawmakers to strengthen existing FGM laws to impose higher sentences and criminalize taking a girl out of the state for the purpose of FGM
- Advocate for increased investigation and prosecution of FGM at the state level

Education

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



ahafoundation

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

-Ayaan Hirsi Ali