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L.D. 745 "An Act to Prohibit Female Genital Mutilation"
Sponsor: Rep. Heather Sirocki of Scarborough- D 28

May 5, 2017

Senator Rosen, Representative Warren, and esteemed members of the Joint Standing Committee on Criminal Justice and Public Safety:

I am State Representative Heather Sirocki, and I am honored to serve the individuals of House District 28, part of Scarborough.

When I was first approached by a concerned citizen of Maine regarding a bill to ban Female Genital Mutilation (FGM), I admit that I thought- this can't possibly be happening here in our country or in our state. Sadly, I discovered I was wrong.

Female genital mutilation or FGM is the custom of cutting external female genitalia for non-medical purposes.

It is known to be performed in 29 countries, including the United States. The UNICEF brochure in your packet provides more detailed information.

Typically midwives or physicians perform the procedure and often without any anesthesia.

According to a 2015 Newsweek article entitled FEMALE GENITAL MUTILATION ON THE RISE IN THE U.S. "The practice predates religion and has no religious significance in either Islam or Christianity." However, communities of both faiths continue to circumcise their daughters, believing it will cleanse or purify the girl, ensure she remains sexually chaste, prevent cheating on her future husband and keep her behaving well." <http://www.newsweek.com/fgm-rates-have-doubled-us-2004-304773>

To be clear, while FGM is sometimes viewed as a religious ritual, it is not a formal part of Sharia Law, and it is not part of the Islam faith, and it is not promoted in the Koran.

\ Four years ago, the Population Reference Bureau analyzed data from the American Community Survey, and in 2013, four years ago, it was estimated that 1,603 females were at risk in Maine for either already having been subjected to FGM or as potential victims, of these 399 were girls under age 18.

<https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

According to the American Immigration Council, Lewiston is home to about 3,500 Somali immigrants, and they account for 10% of the city's population making it "the highest concentration of Somalis in America, according to a report by the United Nations Development Program." <https://www.americanimmigrationcouncil.org/research/new-americans-maine>

The UNICEF brochure indicates that 98% of females aged 15-49 have undergone genital mutilation in Somalia.

The Immigrant Resource Center of Maine also identifies that "East African immigrants number approximately 7,500 people in Androscoggin County, and approximately 5,000 people in Cumberland County. These individuals come from Somalia, Sudan, South Sudan, Djibouti, Rwanda, Burundi, and Congo (DRC), and to a lesser extent Ethiopia, Eritrea, Kenya, and Tanzania, with the large majority of individuals arriving in the U.S. during the past 15 years." <http://www.ircofmaine.org/statistics.html>

This is a rather long way of illustrating that Maine has welcomed thousands of families from countries that have a culture with strong histories of performing FGM.

I have included several items with my testimony, and I encourage you to review them:

- Equality Now Fact Sheet - http://www.equalitynow.org/sites/default/files/EN_FAQ_FGM_in_US.pdf
- World Health Organization (WHO) Fact Sheet – <http://www.who.int/mediacentre/factsheets/fs241/en/>
- UNICEF Brochure https://www.unicef.org/media/files/FGMC_2016_brochure_final_UNICEF_SPREAD.pdf
- Youtube Clarion Project: Female Genital Mutilation is About Controlling Female Sexuality <https://www.youtube.com/watch?v=XwPD9B193Is>

FGM is sometimes referred to as female circumcision, which it clearly is not. I have provided an excerpt of a recent opinion column by Ayaan Hirsi Ali in which she explains in some graphic detail the various types of mutilation. :

<http://www.foxnews.com/opinion/2017/04/28/ayaan-hirsi-ali-female-genital-mutilation-and-what-were-really-talking-about-beneath-weasel-words-genital-cutting.html>

"1. The 'nick': The girl is held down, her legs pushed apart and a needle is used to prick her clitoris. The incision is similar to a finger prick test for diabetes, blood comes out and

the girl is considered 'cleansed'. Often there is a ritual with a little party to celebrate the procedure.

2. 'Female circumcision': The second method in terms of severity is often compared to male circumcision. The hood of the clitoris is cut off, in some cases the tip of the clitoris is cut off, known as clitoridectomy. In this form, an otherwise normally functioning body part is sliced off and thrown out. Disfiguring a little girl's genitals in this way cannot rationally be considered anything but mutilation.

3. Intermediate infibulation: In the third form of FGM, as much of the clitoris as possible is dug out and removed. The inner labia are cut off and the outer labia are sewn together leaving two small holes for urination and menstruation. In places where this is done without 'medical intervention' girls have been known to bleed to death. After infibulation is done it is imperceptible what has taken place when the girl stands up with her legs together, but in the obstetrician's position it is clearly visible that parts of her genitals have been removed and sewn up.

4. Total infibulation: In the fourth type of FGM the clitoris and inner labia are cut off and the outer labia are cut or scraped off too, then sewn up. When the girl stands, even with her legs closed, her genitals clearly look different.

5. Vaginal fusing: In the fifth type of FGM, which is rarely discussed, all of the fourth type is done and then the inner walls of the vagina are scratched to cause bleeding and the sewing is again done. The girl's feet are tied together in an effort to fuse the two sides of the vagina with scar tissue to close it up. Children can die undergoing this."

In 1996, Congress passed legislation making all types of FGM a federal crime.

And because immigrants have been caught taking their daughters back to their countries of origin, in 2012, Congress passed the Transport for Female Genital Mutilation Act, making so-called "vacation cutting" illegal.

Despite these laws, FGM is on the rise in America. The Centers for Disease Control and Prevention (CDC) estimates approximately "513,000 women and girls in the U.S. are at risk of or have been subjected to FGM/C in 2012, a threefold increase from its 1990 data."

While the US does have federal laws banning this deep seated tradition, **24 other states have also enacted state laws to help protect these children and to help clarify the ban for state prosecutors.**

To stop this practice we must have laws in place and we must enforce them.

My mother is an immigrant. I understand that people from other countries naturally bring with them closely held cultural traditions. And that is why FGM has proven so difficult to eradicate.

I was pleased to learn the Immigrant Resource Center of Maine does inform those who are newly arrived in Maine that Female Genital Mutilation is illegal at the federal level.

FMI regarding the federal law:

<https://www.gpo.gov/fdsys/granule/USCODE-2011-title18/USCODE-2011-title18-partI-chap7-sec116>

LD 745 was written to mirror a newly enacted law in South Dakota, which prohibits the act of female genital mutilation, and it proposes to make it a Class B crime.

LD 745 also bans “vacation cutting.”

I think it is important to recognize that FGM is regarded as child abuse. As such, doctors, nurses, teachers, and other professionals are mandated reporters.

The Maine DHHS issued a memorandum recently to remind all mandated reporters that FGM is considered child abuse, and it is a reportable offense. Mandated reporting of suspected child abuse or neglect is required by Title 22, section 4011-A.

With strong bi-partisan support you may notice that my co-sponsors include ... Speaker of the House Sara Gideon, Senate Minority Leader Troy Jackson and Senator Joyce Maker, who has been an outspoken advocate for the safety of children.

At this time, I would like to propose an amendment to the bill that differentiates between the two types of involvement- 1.) the cutter, and 2.) the parent or guardian;

1.) I propose to change the crime classification for the First offense for Parent or Guardian of the child as a Class C Crime, and the Second Offense as a Class B Crime.

2.) It is also important to recognize that the person performing the cutting has committed a Class A crime by inflicting bodily harm.

On Wednesday of this week, May 3, FBI Director James Comey appeared before the United Senate Judiciary Committee to speak about the three recent and first of their kind arrests involving female genital mutilation and “vacation cutting” that occurred in the state of Michigan. The parents were from Minnesota. He said, “This is among the most important work we do, protecting children especially.” <http://www.breitbart.com/big-government/2017/05/03/fbi-director-comey-addresses-senators-fgm-case/>

Female genital mutilation is a human rights issue, and it is a child abuse issue.

I am hopeful that this committee will support this bill to help Maine become the 25th state to ban this harmful practice and help protect Maine’s at risk little girls.

Respectfully submitted.