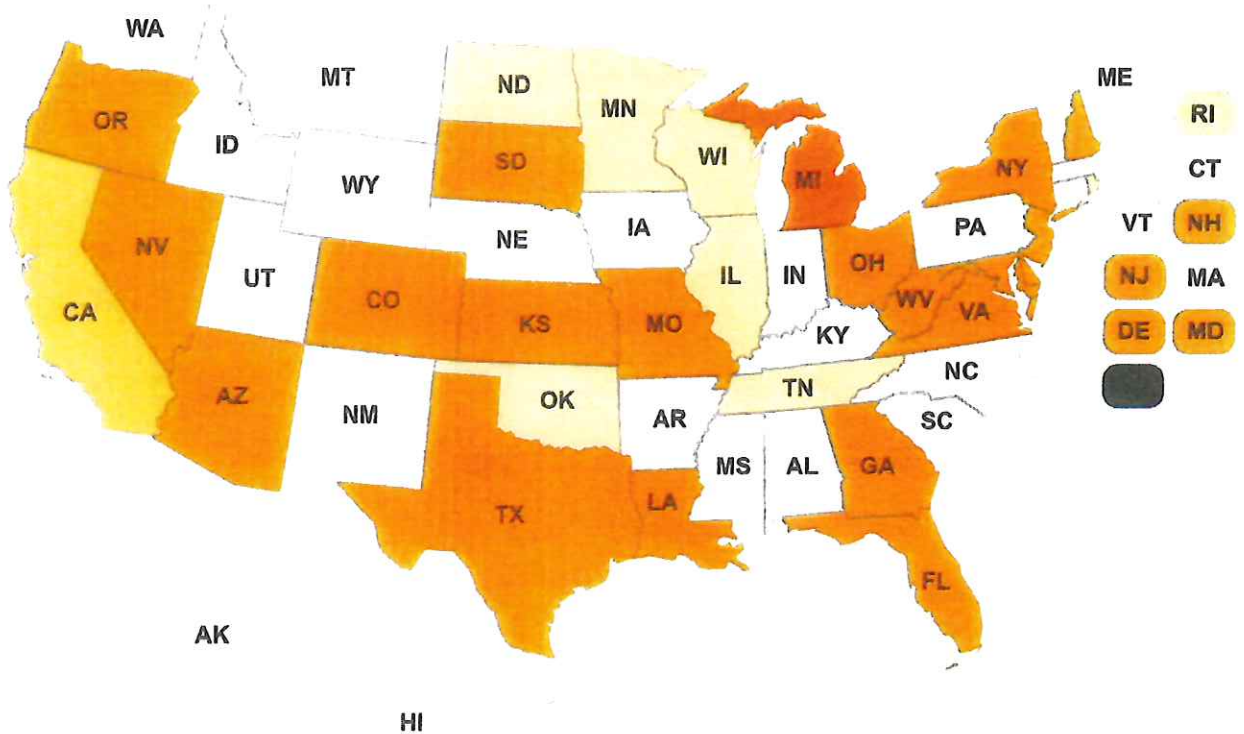


FGM Legislation by State

22 US STATES HAVE YET TO CRIMINALIZE FGM



- strong existing legislation
- adequate existing legislation
- existing legislation needs strengthening
- inadequate legislation
- no legislation

TITLE: AN ACT PROHIBITING FEMALE GENITAL MUTILATION

SUMMARY: AN ACT PROHIBITING FEMALE GENITAL MUTILATION

TEXT:

General Assembly Bill No.

Be it enacted by the Senate and House of Representatives in General Assembly Convened:

Sec 1. (NEW) (Effective from passage) (a) For the purposes of this section:

(1) "Female genital mutilation," "mutilate," or "mutilation" refers to: (A) The partial or total removal of the clitoris, prepuce, labia minora, with or without excision of the labia majora; (B) The narrowing of the vaginal opening through the creation of a covering seal formed by cutting and repositioning the inner or outer labia, with or without the removal of the clitoris; and/or (C) Any harmful procedure to the genitalia, including pricking, piercing, incising, scraping, or cauterizing.

(2) "Facilitate", refers to raising, soliciting, collecting, or providing material support or resources with intent that such will be used, in whole or in part, to plan, prepare, carry out, or aid in any act of female genital mutilation or hindering the prosecution of an act of female genital mutilation or the concealment of an act of female genital mutilation.

(3) "Material support or resources" means currency or other financial securities, financial services, instruments of value, lodging, training, false documentation or identification, medical equipment, computer equipment, software, facilities, personnel, transportation, and other physical assets.

(4) "Hindering the prosecution of female genital mutilation" shall include, but not be limited to, (1) Harboring or concealing a person who is known or believed by the facilitator to be planning to commit an act of female genital mutilation; (2) Warning a person who is known or believed by the facilitator to be planning to commit an act of female genital mutilation of impending discovery or apprehension; and/or (3) Suppressing any physical evidence that might aid in the discovery or apprehension of a person who is known or believed by the facilitator to be planning to commit an act of female genital mutilation.

(b) It is unlawful for a person to: (1) Knowingly mutilate or attempt to mutilate a female who is under eighteen years of age; (2) Knowingly facilitate the mutilation of a female who is under eighteen years of age; and/or (3) Knowingly transport or facilitate the transportation of a female who is under eighteen years of age from this State for the purpose of mutilation.

(c) Any person who violates this Act is guilty of a (felony), punishable by imprisonment of not more than (**X years**) or a fine of not more than (**--amount**), or both.

(d) It shall not be a defense to prosecution for a violation of this Act that a female genital mutilation procedure is: (1) Required as a matter of belief, custom, or ritual; (2) Consented to by

the minor on whom the procedure is performed; and/or (3) Consented to by the parent or legal guardian of the minor on whom the procedure is performed.

(e) A procedure falling under the definition of female genital mutilation is not a violation of this Act if it is: (1) Necessary to the physical health of the minor on whom it is performed; and/or (2) Performed on a minor who is in labor or who has just given birth for medical purposes connected with that labor or birth.

(f) Any physician, physician in training, certified nurse or midwife, or any other medical professional who performs, participates in, or facilitates a female genital mutilation procedure that does not fall under one of the exceptions listed in subsection (e) shall, in addition to the criminal penalties under this Act, have his or her professional license or certification permanently revoked.

Sec. 2 (NEW) (Effective from passage) (a) An individual who is a victim of female genital mutilation may bring an action, in a court of competent jurisdiction, for damages sustained because of the female genital mutilation.

(b) If the victim is a minor and one or more of the victim's parents and/or legal guardians knowingly committed the act of female genital mutilation, knowingly facilitated the actions of the person who committed the act of female genital mutilation, or intentionally coerced, induced, or solicited the person who committed the act of female genital mutilation, then the court may appoint a guardian ad litem to represent the minor.

(c) An individual who is a victim of female genital mutilation, or her legal representative if a minor, may bring an action under this Act against a person and/or entity who: (1) Knowingly mutilated or attempted to mutilate the victim; (2) Knowingly facilitated the victim's mutilation; and/or (3) Knowingly transported or facilitated the victim's transportation outside of this State for the purpose of mutilation.

(d) In an action under this Act, the court may award all of the following:

(1) Punitive damages in an amount not exceeding triple any award made under subsections (2) – (4).

(2) Damages for non-economic damages as defined in § 52-572h (a)(2), including, but not limited to, damages or loss due to pain, suffering, inconvenience, physical impairment, physical disfigurement, loss of society and companionship, and loss of consortium;

(3) Economic damages as defined in §52-572h (a)(1) and

(4) Attorney's fees, costs of investigation, and costs of litigation reasonably incurred in the trial and appellate courts.

(e) Any person or entity who knowingly committed an act of female genital mutilation, any person or entity who knowingly facilitated the actions of the person who committed the act of female genital mutilation, and any person or entity who intentionally coerced, induced, or

solicited the person who committed the act of female genital mutilation, shall be liable jointly and severally for all damages, attorney's fees, and costs of investigation and litigation.

(f) Notwithstanding any other provision of law, an individual who, while a minor, is the victim of female genital mutilation may commence an action under this Act to recover damages sustained because of the female genital mutilation at any time before the individual reaches twenty-two years of age or ten years after the commission of the act of female genital mutilation, whichever occurs later.

(g) If a criminal prosecution proceeds against any person who committed the act of female genital mutilation, or against any person or entity who facilitated the actions of the person who committed the act of female genital mutilation, or against any person or entity who coerced, induced, or solicited the person who committed the act of female genital mutilation, the running of the period shall be suspended during the pendency of such prosecution.

(h) A final judgment or decree rendered in favor of the state in any criminal proceeding concerning female genital mutilation shall preclude the defendant from denying the essential facts established in that proceeding in any subsequent civil action pursuant to this Act.

<< C.G.S.A. § 46b-120 >>

Sec. 3 (AMEND) Subsection (7) of section 46(b)-120 is repealed and the following is substituted in lieu thereof:

(7) A child or youth may be found "abused" who (A) has been inflicted with physical injury or injuries other than by accidental means, (B) has injuries that are at variance with the history given of them, or (C) is in a condition that is the result of maltreatment, including, but not limited to, malnutrition, sexual molestation or exploitation, deprivation of necessities, emotional maltreatment, female genital mutilation, or cruel punishment;

<< C.G.S.A. § 53-394 >>

Sec 4. (AMEND) Subsection (a) of section 53-394 is repealed and the following is substituted in lieu thereof:

(a) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to intentionally aid, solicit, coerce or intimidate another person to commit any crime which, at the time of its commission, was a felony chargeable by indictment or information under the following provisions of the general statutes then applicable: (1) Sections 53-278a to 53-278f, inclusive, relating to gambling activity; (2) chapter 949a, relating to extortionate credit transactions; (3) chapter 952, part IV, relating to homicide; (4) chapter 952, part V, relating to assault, except assault with a motor vehicle as defined in section 53a-60d; (5) sections 53a-85 to 53a-88, inclusive, relating to prostitution; (6) chapter 952, part VII, relating to kidnapping; (7) chapter 952, part VIII,⁵ relating to burglary, arson and related offenses; (8) chapter 952, part IX, relating to larceny, robbery and related offenses; (9) chapter 952, part X, relating to forgery and related offenses; (10) chapter 952, part XI, relating to bribery and related offenses; (11) chapter 952, part XX, relating to obscenity and related offenses; (12) chapter 952, part

XIX, relating to coercion; (13) sections 53-202, 53-206, 53a-211 and 53a-212, relating to weapons and firearms; (14) section 53-80a, relating to the manufacture of bombs; (15) sections 36b-2 to 36b-34, inclusive, relating to securities fraud and related offenses; (16) sections 21a-277, 21a-278 and 21a-279, relating to drugs; (17) section 22a-131a, relating to hazardous waste; (18) chapter 952, part XXIII, relating to money laundering; (19) section 53a-192a, relating to trafficking in persons; or (20) subdivision (1) of subsection (b) of section 12-304 or section 12-308, relating to cigarettes, subsection (c) of section 12-330f or subsection (b) of section 12-330j, relating to tobacco products, and section _____, relating to female genital mutilation.