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Testimony in support of SB 505 An Act Prohibiting Female Genital Mutilation February 15, 2019

Senator Winfield, Rep. Stafstrom, and members of the Judiciary Committee:

I wish to thank this committee for holding a hearing on this important and much needed legislation. 28 states, including New York, New Jersey, and Rhode Island, already have laws imposing criminal penalties for female genital mutilation (FGM), while Massachusetts has comprehensive legislation with 18 co-sponsors. A similar federal law which criminalized FGM was recently struck down as unconstitutional on the grounds that this is a state issue, making it all the more imperative that Connecticut act this year. Thousands of girls may be at risk of FGM in Connecticut.

We need a robust bill drafted dealing with all elements of this issue. SB 505, like last year's bill which unanimously passed the Committee on Children (SB 190) is rather weak and can and should be strengthened in several ways. The criminal penalty in Section 1(c) of SB 505, making FGM a Class D felony with a maximum jail sentence of 5 years in prison, is too lenient given the act we are dealing with. Forgive me for having to be explicit, but we are, regarding the more severe forms of FGM such as infibulation, dealing with the cutting off of a girl's clitoris and labia minora, and then stitching together her labia majora to prevent her from having relations without another surgical operation. In addition to suppressing female sexuality, there are long-term health consequences of FGM. As noted by the AHA Foundation:

The World Health Organization reports that FGM has no health benefits and can cause a number of health problems. Immediately following the procedure, girls are at risk of severe pain, shock, bleeding, bacterial infection, and injury to nearby tissue. In the long term, girls and women who have suffered this procedure are at risk of recurrent bladder and urinary tract infections, cysts, infertility, and complications during intercourse and childbirth. Psychological issues resulting from the trauma of the procedure are also possible.

Essentially we are dealing with what in any other context would be considered the aggravated sexual assault of a minor, with the penalty being far more severe than a mere Class D felony, as was in last year's bill. I would urge that the criminal penalty in SB 505 be increased to a Class C felony (up to 10 years in prison) at the very minimum—similar to the bill up for consideration in Massachusetts (S788 | H2333; refiled in 2019 as SD617 and HD2335).

The bill should include provision for holding parents and guardians who knowingly consent to FGM equally liable, as well as a provision against what is known as "vacation cutting," or the transport of a girl out of state—or more commonly, to a foreign country—to be subjected to

FGM. Both of these provisions are in the AHA Foundation's model legislation, the legislation in Massachusetts, and the law in Michigan, which is currently the strongest in the nation. I would strongly urge this be included in SB 505.

Perhaps most importantly, the focus on criminal penalties needs to be balanced by a culturally sensitive educational, prevention, and outreach campaign aimed at immigrant communities that practice FGM. That is the only way we can deal with this issue at its root, preventing abuse **before** it happens. Therefore I would recommend an additional subsection with something along the lines of the following language, again based on the AHA Foundation's model legislation (this provision is further embellished in the Massachusetts bill):

The Department of Public Health shall, within available appropriations:

1. develop and administer a program of education, prevention and outreach activities, focusing on new immigrant populations that commonly practice female genital mutilation, to inform members of those communities of the health risks and emotional trauma inflicted by the practice of female genital mutilation and informing those communities and the medical community of the criminal penalties for committing female genital mutilation.
2. develop and disseminate information regarding female genital mutilation and the criminal penalties for committing female genital mutilation to health care providers, teachers, and law enforcement personnel

I would reluctantly accept replacing "shall" with "may" if necessary to avoid putting a fiscal note on the bill and jeopardizing its passage.

In terms of the larger issue, I would like to raise two additional points. First, we need to dispel the myth that this legislation may be motivated by prejudice against certain immigrant communities or against Muslims. FGM is hardly a uniquely Muslim problem, and plenty of Muslim-majority countries do not practice it. Moreover, the legislation in neighboring Massachusetts has a wide range of endorsers, including not just feminist, children's rights, and medical organizations, but also the Jewish Community Relations Council of Greater Boston, the Islamic Society of Boston Cultural Center, the Somali Development Center, the Ethiopian Community Mutual Assistance Association, and the Inter African Community USA. The feminist organizations listed as endorsers include the Women's Bar Association of Massachusetts, Massachusetts NOW, and Planned Parenthood League of Massachusetts. Having a strong educational outreach component and not just criminal penalties certainly helps garner widespread support.

Finally, it is very important to distinguish FGM from male circumcision. According to the American Academy of Pediatrics, infant male circumcision has health benefits that outweigh the risks of surgery, and this decision should be left to parents. It is also a core mitzvah in Judaism (*brit milah*), and also has religious significance for Muslims. From Antiochus and Hadrian two millennia ago, to Foreskin Man and the attempt to ban circumcision of male minors in San Francisco, the movement to criminalize male circumcision has long had a good deal of antisemitism associated with it. We must not allow discussion of an important issue like FGM to be hijacked by a fringe movement seeking to join the political mainstream.

Sources:

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