

Female Genital Mutilation

In 2017, the Minnesota House considered legislation to address the practice of female genital mutilation. This short subject provides an introduction for legislators on the practice of female genital mutilation and restrictions under current Minnesota law.

What is female genital mutilation?

Female genital mutilation is a general term for any procedure that intentionally alters or injures the female genital organs for nonmedical reasons.

The World Health Organization divides different types of female genital mutilation into four categories:

- Type 1, also called circumcision or clitoridectomy, is the partial or total removal of the clitoris.
- Type 2, excision, involves the partial or total removal of the clitoris and the labia minora.
- Type 3, called infibulation, involves the narrowing of the vaginal opening by creating a covering seal which typically involves cutting and repositioning the labia minora, labia majora, or both.
- Type 4, includes any other harmful procedure to the female genitalia performed for a nonmedical purpose such as pricking, piercing, scraping, and cauterizing.

Female genital mutilation is usually performed on minors.

Why is female genital mutilation performed?

A wide range of communities originating in Africa, the Middle East, and Asia perform female genital mutilation. The reasons for performing the procedure vary among the communities, but include a mixture of social and cultural reasons. Many cultures see female genital mutilation as a social norm and an important rite of passage for young girls. Some communities associate it with cultural ideals of modesty and femininity. For some communities, female genital mutilation is considered a religious procedure, though it is not particular to any religious faith. The practice exists in Muslim, Christian, and Jewish communities, but it predates the origins of Christianity and Islam. Female genital mutilation is also seen as a way to control female sexuality.

Have medical professionals identified any medical risks or benefits to female genital mutilation?

Female genital mutilation has no identified medical benefits.

The procedure can cause a variety of short- and long-term medical complications. Comprehensive studies identified consequences that range from severe pain and bleeding to infections, urinary problems, and even death. (See: R. C. Berg, V. Underland, J. Odgaard-Jensen, *et al.*, “Effects of female genital cutting on physical health outcomes: a systematic review and meta-analysis,” *BMJ Open* (2014); and A. Kaplan, S. Hechavarría, M. Martín, and I. Bonhoure, “Health consequences of female genital mutilation/cutting in the Gambia, evidence into action,”

Reproductive Health, 8 (2011): 26.) In many communities, traditional circumcisers perform the procedures without the benefit of medical facilities. In some cases, medical professionals perform the procedure. Some medical professionals choose to perform female genital mutilation to minimize the probability of infection and other complications under the theory that a lay person will perform the procedure if the medical professional refuses to do so.

Is female genital mutilation legal in Minnesota?

It is illegal to perform Type 1, 2, or 3 female genital mutilation in Minnesota unless it is medically necessary and performed by a licensed or certified medical professional. A person who performs a circumcision, excision, or infibulation may be sentenced to up to five years in prison. A parent's consent to the procedure is not a defense. [Minn. Stat. § 609.2245](#).

Can a parent be prosecuted for allowing a child to undergo female genital mutilation?

Minnesota's law criminalizing female genital mutilation does not directly address the actions of a parent. Parents who arrange or knowingly allow the procedure to take place may be charged with aiding and abetting the crime of female genital mutilation or with neglect or endangerment of a child. Both offenses are felonies.

Is female genital mutilation a sexual assault?

Under Minnesota law, a sexual assault is an action performed with sexual intent. While one purpose of female genital mutilation may be to control female sexuality, the procedure itself is not performed with a sexual intent. Therefore it would be unlikely to meet the definition of sexual assault under Minnesota law.

Is female genital mutilation illegal under federal law?

Female genital mutilation is illegal under U.S. federal law. The crime is nearly identical to what is in Minnesota law but includes a provision that makes it illegal to knowingly transport a person from the United States to another country for the purpose of having a female genital mutilation procedure performed on that person. [18 U.S.C. § 116](#).

What action does child protective services take when it learns that female genital mutilation has been performed on a child?

Minnesota law does not require child protective services to take any specific action if officials become aware that female genital mutilation was performed on a child. However, the agency can take action based on evidence that a child has been abused or neglected. Specific cases of female genital mutilation would be assessed on a case-by-case basis to determine if there was abuse or neglect. Child protection workers would consider a variety of factors including the age of a child, the amount of time since the procedure occurred, and evidence of any other abuse or neglect of the child in assessing what, if any, intervention was appropriate. Action may include a full family assessment, removing a child on a temporary basis, and terminating parental rights.

What outreach efforts are done to reduce female genital mutilation?

Minnesota law requires the Department of Health to carry out education, prevention, and outreach activities in communities that traditionally practice female genital mutilation to inform them of the health and psychological risks of the procedure. In addition, the department must inform community members and the medical community about the criminal penalties associated with performing female genital mutilation.

For more information: Contact legislative analyst Ben Johnson at 651-296-8957

The Research Department of the Minnesota House of Representatives is a nonpartisan office providing legislative, legal, and information services to the entire House.