

mecasa

MAINE COALITION AGAINST
SEXUAL ASSAULT

May 5, 2017

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

My name is Elizabeth Ward Saxl and I am submitting testimony today on behalf of the Maine Coalition Against Sexual Assault (MECASA), the organization which represents and serves Maine's sexual violence prevention and response programs. MECASA initiates and advocates for victim-centered public policy; provides expert training, technical assistance, and resources for providers and partners; funds sexual assault service providers; and works to change the public perception of sexual violence. I am submitting testimony **neither for nor against LD 745, "An Act to Prohibit Female Genital Mutilation"** on behalf of MECASA, as well as Maine's sexual violence prevention and response programs.

Thank you to Representative Siroki for raising this very serious issue. This is an issue that really matters to me, and not just because MECASA considers female genital mutilation (FGM or FGM/C) as falling under the heading of sexual violence. My introduction to the issue was as a Peace Corps volunteer in the West African Country of Niger where I worked in a health clinic on the edge of the Sahara. Though FGM is pretty rare in Niger, the World Health Organization indicates that 2% of girls are impacted, I saw, firsthand, the health impact of FGM on women and the very serious complications that it created. I also count among my friends a couple of victims of FGM. This is not a theoretical issue for me.

When we engage in public policy creation, we always start by asking ourselves: What is the problem? And, in this case I think the answer is not straightforward. We know that there are many Mainer's who have been victims of FGM. However, what I have not seen any proof of yet, is if FMG is being practiced in Maine. I have only heard, thirdhand, of one case from ten years ago. What I hear from members of the impacted community is that it is not being done in Maine and that there is no confusion about whether or not it is appropriate or legal in this country. I think really compelling proof of that is the families I have heard about who have a number of girls, the oldest who were victims of FGM and the youngest who were not. Why the older girls and not the younger? Because the older girls had it done in their country of origin, but once they moved to the states, they did not make that choice for their younger girls. **We do not believe that FGM is being practiced in Maine.**

What does seem to be needed is additional training for professionals, and healthcare providers in particular, about the issue and how to best deal with the health impacts of FGM, which is one reason why we support the concept of a public health response to this issue.

Even if FGM is being practiced in Maine, which we acknowledge could be the case, we believe that we have the tools we need in the Criminal Code to address it. There seems to be fairly broad consensus that the practice can be addressed using the current crime of aggravated assault (a class A). The definition is as follows:

§208. Aggravated assault

1. A person is guilty of aggravated assault if that person intentionally, knowingly or recklessly causes:

A-1. Bodily injury to another that causes serious, permanent disfigurement or loss or substantial impairment of the function of any bodily member or organ. Violation of this paragraph is a Class A crime;

However, we can also understand the position that it would be more clear to name the crime. I think that would be more compelling if there was an indication that there was confusion in the community about whether or not this practice is legal, but that does not seem to be the case. That said, we understand the interest in section A of the bill. However, we consider sections B and C to be unnecessary.

Unfortunately, it appears that, even in states with very explicit FGM laws, prosecution seems to be rare. It seems to me that one of the places we should focus is on continuing to build trust between the immigrant community and law enforcement, so that victims, of any crime, feel more comfortable coming forward. I know there has been a lot great work done in this arena over the past decade. That should continue.

All that said, we don't know what we don't know. I have done my best to reach out to contacts in the impacted communities and the above are the conclusions that I reached. That said, I am not clearly not a member of the impacted community, so that should be taken into account as you consider my testimony.

Thank you, and I would be happy to answer any questions you might have.

About Sexual Violence

A recent study found that one in five adult Maine residents reports that they have been the victim of rape or attempted rape during their lifetime; 35.7% of females surveyed and 10.1% of males surveyed have experienced rape or sexual assault at some point in their lives.ⁱ

Sexual assault is the most underreported violent crime in the United States.ⁱⁱ Approximately 14,000 Mainers will experience sexual assault each year.ⁱⁱⁱ However, in 2015, only 373 reports of

rape or attempted rape were made to Maine law enforcement.^{iv} These crimes have a devastating impact on Mainers and our communities.

About Maine's Sexual Assault Service Providers

Maine's sexual violence service providers provide free and confidential services across the state to victims/survivors of sexual assault and those close to them, as well as to individuals who wish to increase their understanding of sexual violence. Just some of the services include a 24-hour statewide sexual assault crisis and support line (1-800-871-7741), crisis intervention and information, support groups, in-person accompaniment and advocacy through the medical and legal systems, and school- and community-based prevention education. Services are provided for a victim/survivor regardless of when they experienced sexual violence, and regardless of what type of sexual violence they experienced. Types of sexual violence include, but are not limited to, sexual harassment and gender-based bullying, child sexual abuse, elder sexual abuse, stalking, sex trafficking, and sexual violence within an intimate partner relationship.

ⁱ Dumont, R & Shaler, G. (2015). *Maine Crime Victimization Report: Informing public policy for safer communities*. Muskie School of Public Service, University of Southern Maine. Retrieved from http://muskie.usm.maine.edu/justiceresearch/Publications/Adult/2015_Maine_Crime_Victimization_Survey.pdf

ⁱⁱ Truman, J. & Morgan, R. (2016). *Criminal victimization, 2015*. Retrieved from <https://www.bjs.gov/content/pub/pdf/cv15.pdf>

ⁱⁱⁱ Dumont & Shaler, 2015.

^{iv} Maine Department of Public Safety. (2016). *Crime in Maine 2015*. Augusta, Maine.