



National Institute of Justice

# Historical Overview of U.S. Policy and Legislative Responses to Honor-Based Violence, Forced Marriage, and Female Genital Mutilation/Cutting

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September 2018

A Report Prepared by the Federal Research Division, Library of Congress, Under an Interagency Agreement with the Office of the Director, National Institute of Justice, Office of Justice Programs, U.S. Department of Justice.

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## o. PREFACE

Within the U.S. Department of Justice, the National Institute of Justice (NIJ) is the research, development, and evaluation agency tasked with responding to administration priorities, as well as providing the criminal justice community with accurate, qualitative, and quantitative research. In addition to these analytical efforts, NIJ funds the creation of field tools and technology that may help reduce crime, mitigate recidivism, and promote justice. In the summer of 2018, NIJ contracted the Federal Research Division (FRD) within the Library of Congress for research and analytical support to aid its response to Section 11 of Executive Order 13780, *Protecting the Nation from Foreign Terrorist Entry into the United States*, which was issued on March 6, 2017, by President Donald J. Trump. This particular section directs the government to increase its transparency with the American people and to improve its policies and procedures by collecting (and making public) information on the numbers and types of acts of gender-based violence, including so-called “honor killings,” by foreign nationals living in the United States.

The goal of this report is to support law enforcement’s ability to understand and accurately identify acts of gender-based violence in the United States that are rooted in cultural practices. This report represents a high-level analysis, comprising a concise global historical perspective of the practices that promulgate honor-based violence, forced marriage, and female genital mutilation/cutting; a current snapshot of gender-based violence in the United States; and an overview of existing responses to these forms of violence across the federal government.

The analysis in this report is based on a literature review of peer-reviewed research published in current periodicals and scholarly journals, as well as online. Additional resources include reports, trainings, and websites published by advocacy groups, national governments, and international organizations. The main body of the report, which lays out the research findings by the type of violence and lists current government efforts, is followed by a series of appendices that support its contents.

FRD provides customized research and analytical services on domestic and international topics to agencies of the U.S. government, the District of Columbia, and authorized federal contractors on a cost-recovery basis. This report represents an independent analysis by FRD and the author, who sought to adhere to accepted standards of scholarly objectivity. It should not be considered an expression of an official U.S. government position, policy, or decision.

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## 1. KEY FINDINGS

### 1.1. General

- Honor-based violence can occur as domestic, psychological, or sexual abuse; acid attacks or another kind of disfigurement; forced abortion, marriage, or suicide; female genital mutilation/cutting (FGM/C); blackmail; death threats; assault; or captivity. This type of violence is often committed collectively by multiple perpetrators and condoned by the community. Although these acts are usually carried out by men, women can be involved either tacitly or actively. Typically, women and girls are the targets of the violence.
- Honor-based violence is not associated with any one religion.
  - Although it is prevalent in Muslim-majority countries in Africa, the Middle East, and South Asia, honor-based violence predates Islam and does not exist solely among Muslims.
  - Honor killings are also reported among Christians, Hindus, and Sikhs; forced marriages are also practiced by Hindus and Sikhs; and FGM/C is conducted by Christians, Jews, and adherents of traditional African religions.
- In cultures with unwritten honor codes, men's honor can be acquired and augmented. Yet with women's honor tied to their chastity before marriage and fidelity after, women can only lose honor. This honor is lost through the violation of societal rules/norms or by becoming the object of gossip.

### 1.2. Honor-Based Violence

- Honor-based violence is traditionally practiced in parts of Africa and Asia, as well as in some Middle Eastern and European countries.
- Honor killings are often a last resort. Sometimes staged as accidents or suicides, these concealed homicides/forced suicides are difficult to investigate.
- Evidence-based knowledge about honor crimes is hampered by a lack of empirical data. For example, it is currently unknown whether honor killings are more or less frequent among immigrant communities in industrialized nations as compared to their countries of origin. It is also unknown whether and how these honor codes weaken during the acculturation process following migration to the United States.
- Research on honor crimes in the United States is scant, but available data suggest that they are more likely to involve fathers and intimate partners than other male relatives. This stands in contrast to situations in origin countries where a brother is more likely to commit a violent crime on behalf of the family.
- At this time, the United States has no federal or state law addressing honor-based violence as a crime distinct from other types of assault, abuse, or homicide. However, some prosecutors have attempted to use honor as an illustration of motive in pre-meditated crimes.

### 1.3. Forced Marriage

- Many behavior indicators of forced marriage resemble those of domestic violence.
- Little research has been carried out on forced marriage in the United States; nearly all studies to date are from Europe, where the issue is widely recognized and a number of countries have enacted legislation against it.
- A lack of legal protections against violence and an insufficient availability of social services were factors in the decision to marry among a group of young, female African immigrants in New York City. The girls reported facing immense pressure from their parents, guardians, friends, and extended families, and ultimately felt they had no other option.
- There is no federal law addressing forced marriage in the United States.
- Though ten U.S. states and one territory have passed criminal laws addressing forced marriage, these laws are problematic as they fail to address the complicated dynamics and subtly coercive nature of forced marriage, hold the variety of perpetrators involved accountable, and empower the authorities to intervene before the marriage takes place.

### 1.4. Female Genital Mutilation/Cutting

- FGM/C occurs in at least 30 countries but is most prevalent in the eastern, northeastern, and western regions of Africa. Eight countries in particular have prevalence rates greater than 85 percent: Djibouti, Egypt, Eritrea, Guinea, Mali, Sierra Leone, Somalia, and Sudan.
- The extended family is typically involved in decision-making about FGM/C, but unlike other forms of honor-based violence, it is the women who are responsible for making the practical arrangements.
- No data exist on the number of U.S. residents who have undergone the procedure, either in the United States or abroad, in any given year. However, immigration data show that 40 percent of the at-risk population lives in five metro areas: Los Angeles, Minneapolis–St. Paul, New York, Seattle, and Washington, DC.
- The United States has federal legislation against the practice of FGM/C, as do 27 states.
  - Michigan is the only state to be recognized as having a strong law based on its holistic approach that includes educational initiatives for communities, teachers, and law enforcement professionals.

### 1.5. Overview of Approaches in the United States

- At the federal level, all health-sector programs are currently focused on addressing FGM/C.
  - One government agency has developed training for health professionals on FGM/C while several NGOs have developed trainings for honor-based violence, forced marriage, and FGM/C.

- In the education sector, no federal-level programs exist to address any form of honor-based violence, but NGOs have developed trainings and guidance on forced marriage and FGM/C for education professionals.
- Several national social services organizations work directly with victims and potential victims of forced marriage and FGM/C. These organizations also interface with law enforcement professionals and policymakers. The trainings currently available in this sector address honor-based violence, forced marriage, and FGM/C.
- Most activities at the federal level within the criminal justice and immigration sector address FGM/C, but some agencies also have regulations or initiatives specific to forced marriage and other forms of domestic violence that can be honor-based. Trainings designed for law enforcement professionals address this violence, forced marriage, and FGM/C.

## 2. INTRODUCTION

In an effort to help improve criminal justice professionals' ability to understand and accurately identify incidents of gender-based violence in the United States that are rooted in the cultural practices of particular immigrant communities, this report provides an overview of honor-based violence, forced marriage, and female genital mutilation/cutting (FGM/C). It begins with a concise global history of these three interrelated practices, a description of how they are typically carried out in the modern era, and a snapshot of what is known about these practices in the United States. In order to effectively describe these practices, the report includes a general overview of the concept of honor and its protection. A set of definitions is provided.

Additionally, this report briefly describes the experiences of other industrialized nations that regularly receive immigrants from countries where communities of people practice these types of violence. The inclusion of this discussion is intended to provide a benchmark against which the United States can measure and develop its own response. This report also emphasizes the multi-sectoral response typically necessary for prevention and intervention, and is intended to assist collaborations between those in the criminal justice and immigration field and other professionals working in health, education, and social services.

Given the report's focus on the policy and legislative responses to honor-based violence, forced marriage, and FGM/C within the United States, the information on the various approaches used by these countries is described in section 9, appendix I. In particular, the author compares and contrasts the experiences of Germany, the Netherlands, and the United Kingdom. This section is set against a backdrop of immigration data analyzed by the author, who looked at specific populations within specific nations (see section 10, appendix II).

Along with these approaches, the appendices detail the relevant international and regional laws addressing violence against women, as well as the state laws that focus on forced marriage and FGM/C (see sections 11–13, appendices III–V). There is also guidance on identifying victims of forced marriage and recommended practices for interviewing victims of honor-based violence and FGM/C (see sections 14–16, appendices VI–VIII). The author further provides a list of current training resources in the United States, as well as materials on Canadian and U.K. activities that may inform future U.S. efforts (see sections 17–18, appendices IX–X).

### 3. HISTORICAL BACKGROUND AND DEFINITIONS

The concept of honor varies widely across cultures, but one shared characteristic is its link to the collective. Honor is engrained in the norms and values of each particular community, meaning it represents the entire family, clan, or tribe, rather than the individual.<sup>1</sup> This contrasts sharply with other cultural tendencies that emphasize individualism and personal rights. In societies where perceptions of individuals are conceived within the context of their roles in an extended family or community, girls are socialized to be obedient, whereas boys are socialized to monitor the behavior of women and girls.<sup>2</sup> An exception to this male-centered collective gatekeeping is found in FGM/C-practicing societies, where older women, rather than men or boys, ensure the continuation of this particular practice.<sup>3</sup>

The defense of this collective honor can become violent and result in death, but honor-related violence does not always manifest in physical ways (see sidebar). Honor-based violence, which is different from other forms of gender-based or intimate partner violence, aims to preserve cultural, religious, or social norms or traditions. It therefore most often manifests as forms of control over women and girls. Moreover, honor-based violence is often deliberate, committed collectively, and condoned by the community. It typically involves multiple perpetrators and though it is usually carried out by male members of the family or community, women can be involved either tacitly or actively. Women and girls are most often the targets of this violence; occasionally men and boys are victims too. However, female-on-male violence is rare.

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Honor-based violence can occur as domestic, psychological, or sexual abuse; acid attacks or another kind of disfigurement; forced abortion, marriage, or suicide; female genital mutilation/cutting; blackmail; death threats; assault; or captivity. Killing under the pretext of honor is an extreme form of honor-based violence.

Bhanbhro, Cronin de Chavez, and Lusambili, "Honour Based Violence," 202–3.

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Scholars outside practicing communities conceptualize honor-based violence as a crime in a variety of ways: a means of preserving power among men, a manifestation of patriarchal systems, a mechanism to control women's sexual purity and behavior, a violation of human rights, a non-legal punishment, a health problem, and a moral dilemma. Research also reveals that honor-based violence cannot be associated with any one religion and that no reason exists to associate religiosity with such acts. Although prevalent in Muslim-majority countries in Africa, the Middle East, and South Asia, this type of violence predates Islam and exists among followers of other world religions. For example, honor killings are also reported by Christians, Hindus, and Sikhs; forced marriages are also practiced by Hindus and Sikhs; and FGM/C is conducted by Christians, Jews, and adherents of traditional African religions.<sup>4</sup>

Some scholars emphasize that relying on cultural explanations of honor-based violence is problematic because it stigmatizes communities.<sup>5</sup> Additionally, in the realm of domestic and intimate partner violence, confusing culture with patriarchy should be avoided as the latter varies between cultures. For example, dowries, FGM/C, female infanticide, foot-binding,

polygamy, marriage by capture, and the forced use of purdah\* are patriarchal customs, not culture.<sup>6</sup> Yet it is a challenge to strike the delicate balance between respecting a group's right to maintain its cultural identity and traditions while protecting individual group members from human rights violations perpetrated in the name of faith and tradition. As one victim of forced marriage notes, "Cultural acceptance does not mean this is acceptable. It's not part of my or anyone's culture to be abused."<sup>7</sup>

Further complicating matters, the terms used to describe honor-based violence can be as varied in meaning as the conceptualizations and explanations. For the purposes of this report, the following terms are defined as:

- **Honor, Honor-Based, and Honor-Related Violence.** A collection of practices used to control behavior within families or other social groups to protect perceived cultural or religious values or honor systems. Such violence can occur when perpetrators believe a relative or group member has shamed the family/community by violating certain norms.
- **Honor Killing.** A homicide motivated by the perpetrator's belief that the victim has brought shame or dishonor upon the family for violating perceived cultural/religious values or honor systems.
- **Forced Suicide.** A suicide that is the result of outside pressure or homicides that are staged to appear as suicides.
- **Domestic Violence.** Any crime of violence committed by a current/former spouse or intimate partner, parent of a child in common, or other person protected by the family violence laws of the relevant jurisdiction.
- **Gender-Based Violence.** Violence resulting from power inequalities based on gender roles, which is almost always perpetrated against women and girls. This kind of violence results or is likely to result in physical, psychological, or sexual harm.
- **Culture-Based Violence.** The justification or legitimization of direct or structural violence based on cultural and societal aspects, such as religion and ideology. Gender-based violence can occur within culture-based violence, but culture-based violence is not gender-focused.
- **Forced Marriage.** A marriage conducted without the consent of one or both parties where duress is a factor.
- **Arranged Marriage.** A marriage in which both parties consent to family or third-party assistance in choosing a spouse.
- **Female Genital Mutilation/Cutting (FGM/C).** The cultural practice of partially or completely removing the external genitalia of women and girls for non-medical reasons. Some scholars prefer to use "female circumcision" or "female genital cutting" as ways to address the topic in a more neutral fashion.

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\* Purdah is the Hindu and Islamic practice of gender segregation—women often live in separate quarters, avoid contact with men who are not their relatives, and wear enveloping clothing, such as head scarves and veils, to conceal themselves while in public.

#### 4. HONOR-BASED VIOLENCE

Honor-based violence is a means of addressing a range of perceived dishonorable acts and behaviors, such as pre-marital sex, pregnancy out of wedlock, adultery, homosexuality, and incest, as well as marrying without parental consent or marrying outside the community.<sup>8</sup> The practice dates back to Babylonian times when, in 1750 BCE, the Code of Hammurabi made a woman's virginity the property of her entire family.<sup>9</sup>

Three core beliefs are at the heart of honor-based violence: the family's reputation, status, and image (i.e., its honor) are of utmost importance; the behavior of female family members has a direct impact on that honor; and if a woman or girl is perceived to be acting in a way that could bring shame on the family, she must be punished for the family to regain or preserve its honor. Depending on the transgression, she may be shunned by her family or community, or held in isolation and treated violently until her family believes its honor has been restored. In some cases, this honor does not return until the victim is killed.<sup>10</sup>

A defining characteristic of honor killings is the legitimacy gained through collective support. Perpetrators do not typically express remorse because they, and the community, believe they are justified in the abuse. That belief separates this type of homicide from most intimate partner killings.<sup>11</sup> However, honor killings are a subset of violence against women and do share some attributes with domestic abuse. Unlike more typical intimate partner assaults, however, honor-based violence is often carried out by more than one individual through "a group campaign of harassment and violence."<sup>12</sup>

Although a majority or plurality of the individuals living in regions that practice honor-based violence are Muslim, these killings predate Islam and represent extra-judicial punishment. They are not a part of Sharia law. Moreover, this type of violence also occurs among non-Muslims, including Christians in Middle Eastern countries and Sikhs in India and the West.<sup>13</sup> However, some people have used passages from the Quran to justify certain behaviors related to honor violence.\*

These religious-based justifications can lead women to condone belief systems that can be interpreted as supporting honor violence, of which they are the primary victims. For example, a study in Turkey found that within cultures of honor, women endorsing traditional gender roles and religious teachings that equate spiritual purity with submission to men are more likely to accept honor-based beliefs. Although men enforce the honor code, these values persist in part because of women's endorsement.<sup>14</sup>

Regardless of which family or community is espousing these honor-based beliefs, the violence follows certain trends:

- The majority of victims are women and girls, but men and boys can be victimized too.<sup>15</sup>

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\* For example, some passages in the Quran define gender roles in ways that subjugate women. According to these verses, women should obey their husbands and men are instructed to protect and provide for the female members of their families.

- Likewise, though honor-based violence is typically perpetrated by male family members (e.g., fathers, uncles, and brothers), female family members may also engage in acts of violence against the victim.<sup>16</sup>
- Mothers, sisters, and other female relatives are rarely present for honor killings, but they may be involved in the decision or preparation of such an incident.
- The collective execution of the violence by family members is condoned and openly welcomed by the local community. In fact, communities exert strong social pressure on families to kill or ostracize transgressors, ultimately rewarding families by restoring their social prestige. This social approval reaches an institutional level in some communities with strong tribal structures, such as those in Iraqi Kurdistan and Pakistan.
- Tribal councils lend legitimacy to honor killings and protect perpetrators from police.<sup>17</sup>

Practicing societies in parts of northern Africa and western and central Asia share the structural and cultural factors that gave rise to the perceived necessity of honor killing, the most extreme form of honor-based violence. These factors include:

- Patriarchal control of women and their sexuality; however, it should be noted that this is also a core motive for other forms of gender-based violence.
- Economic, political, and social functions that are fulfilled by patrilineal family clans.
- Willingness and ability to carry out violence to defend one's interest.
- Valuing women's sexual purity as an economic benefit in marriage and an important symbol for the family in general.<sup>18</sup>

Historically, in cultures operating with unwritten honor codes, failing to protect a woman's purity weakened the family's stature. Societies were dominated by patrilineal, extended family clans with highly differentiated gender roles, and marriages were typically arranged. Within these environments, male honor could be acquired and augmented, but female honor—being tied to a woman's chastity before marriage and fidelity after—could only be lost. This gender imbalance continues to exist, with a woman's honor lost through rule violations or by becoming the object of gossip.<sup>19</sup>

Most honor code transgressions, however, do not lead to murder (see sidebar). Other sanctions are often used to mitigate the situation and preserve the family's honor. For example, depending on the issue or how much the situation has escalated, available solutions include negotiated compensation; marriage, which is likely to be forced; detention at home; and ostracism from the community.

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Honor killings are often a last resort. Such killings are sometimes staged as accidents or concealed as suicides. Others are forced suicides connected to family honor.

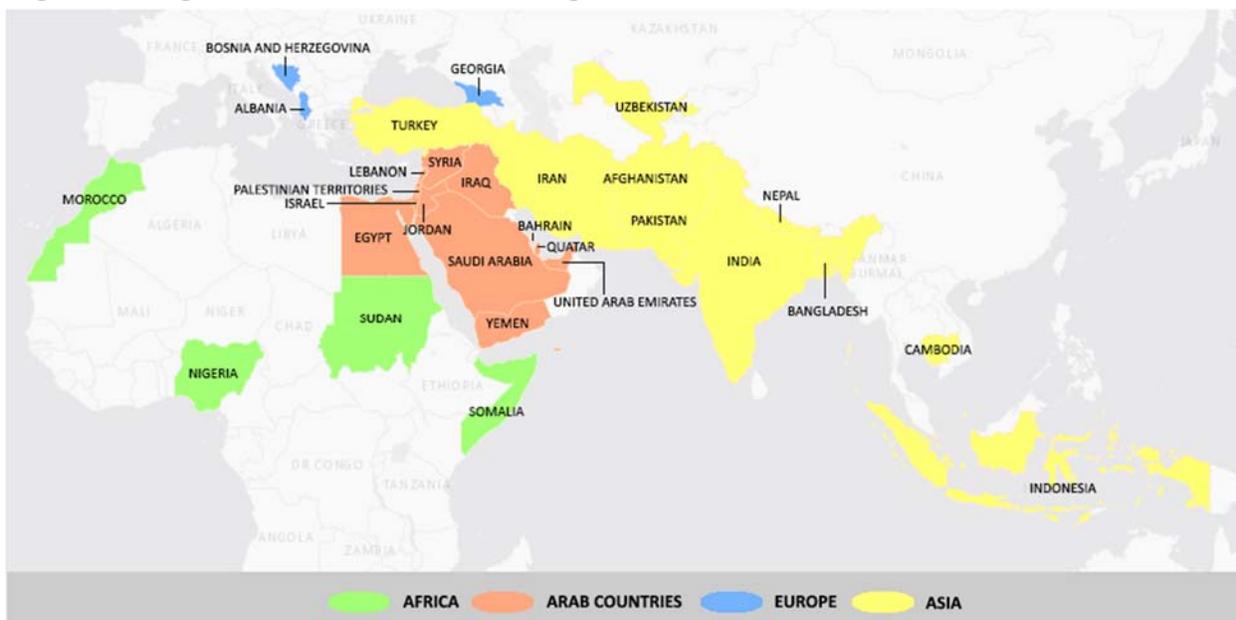
Oberwittler and Kasselt, "Honor Killings," 655, 659.

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As shown in figure 1, these options are traditionally practiced in the following regions and countries:

- Africa (Morocco, Nigeria, Somalia, and Sudan).
- Asia (Afghanistan, Bangladesh, Cambodia, India, Indonesia, Iran, Nepal, Pakistan, Turkey, and Uzbekistan).
- Middle East (Bahrain, Egypt, Iraq, Israel, Jordan, Lebanon, Palestinian Territories, Qatar, Saudi Arabia, Syria, United Arab Emirates, and Yemen).
- Europe (Albania, Bosnia and Herzegovina, and Georgia).<sup>20</sup>

**Figure 1. Regions/Countries with a High Prevalence of Honor-Based Violence**



Source: Based on information from Bernard, *Combating Honour Crimes in Europe*, 11; Oberwittler and Kasselt, "Honor Killings," 652.

Some scholars also include European nations, like Spain, that border the Mediterranean Sea, as well as Latin and South American cultures for sharing basic features with honor cultures in the Middle East (e.g., valuing male toughness, avenging insults to reputation, and demanding female obedience, subordination, modesty, and sexual purity).<sup>21</sup> Honor killings appear non-existent in some countries (Oman) and less frequent in others (Algeria and Tunisia). However, the absence of reliable data makes it impossible to relate these variations to differences in cultural or structural conditions.<sup>22</sup>

A number of European countries have also experienced honor crimes among their immigrant populations. The first cases were recorded in the 1960s and 1970s, coinciding with the first wave of immigrants from Morocco and Turkey.<sup>23</sup> A distinct feature of honor killings in Europe is the families' strong link to their home regions/villages.<sup>24</sup> Many immigrants seek to strengthen their community traditions after moving to a Western country, fearing that their children will move

away from the model in which they themselves were raised. Arranged marriage is one of the most controversial customs for second-, third-, and fourth-generation immigrants, and a refusal to comply could be a factor in the increasing number of honor crimes in Europe.<sup>25</sup>

At least one study, however, indicates that honor-based violence exists among specific groups of immigrant populations, such as those who were born in their countries of origin and are lower status or face difficulty integrating. A 2011 investigation in Germany, for example, found 122 perpetrators of honor killings, 91 percent of whom were born outside Germany; 80 percent of those perpetrators were younger than 30. The killings were also limited to a marginalized “ethnic underclass” of low-status migrants with little education. Almost no cases involved better-integrated, middle-class immigrant families.<sup>26</sup>

In the contemporary era, U.N. Population Fund estimates from the year 2000 place the annual incidence of women and girls murdered in the name of honor at about 5,000. This oft-cited figure is both out of date and likely inaccurate. Victim advocates believe the number is at least four times higher. However, reliable country-level data do not exist, leaving researchers and NGOs to use newspaper reports to patch together data in order to estimate prevalence.<sup>27</sup>

Because the scientific knowledge of honor crimes is hampered by a lack of empirical data, the potential for systematic analyses is very much restricted. For example, it is currently unknown whether honor killings are less frequent among expatriate immigrant communities than in their home countries. It is also unknown whether or how the honor code may lose its grip during the acculturation process following migration.<sup>28</sup>

#### 4.1. In the United States

Research on honor crimes in the United States is also lacking as academic studies on the subject typically focus on foreign cases. In an effort to help address this gap, researchers affiliated with the criminal justice programs of three U.S. universities published a study in 2016 attempting to look at all known honor crimes in the United States between January 1, 1990 and December 31, 2014.<sup>29</sup> The researchers’ methodology, however, highlights the pitfalls typically faced by those seeking to catalog this information. For example, they relied on the National Consortium for the Study of Terrorism and Responses to Terrorism’s U.S. Extremist Crime Database, which may be biased toward a certain population of immigrants. Moreover, many of the identified cases may be instances of domestic violence couched in “honor” language by the perpetrator, rather than honor crimes carried out according to traditional norms.

The researchers used open-source data captured within the database to explore whether an offender’s motivation was limited to a victim’s sexual behavior or if it included autonomy on the part of the victim, such as becoming too independent or westernized. To meet the team’s inclusion criteria, the victim must have been targeted for actual or perceived behavior deemed shameful by the perpetrator, such as wearing makeup, dating or having male friends, resisting a forced marriage, or seeking a divorce; the perpetrator must have been motivated by a need to protect/regain his own perceived lost honor or that of his family/community; and he must have believed the victim’s death would accomplish a social goal.<sup>30</sup>

Between January 1990 and December 2014, the researchers identified 16 crimes that satisfied these criteria. These cases had 40 victims, largely because numerous extended family members were targeted along with the primary victim. The most frequent victim was a daughter, followed by a current wife, niece, or estranged wife.<sup>31</sup> Nine cases resulted in the deaths of children by a father or stepfather. The motivation in five of those instances was the daughter's behavior—becoming too westernized, resisting an arranged marriage, and dating a non-Muslim. In the remaining four cases, children were murdered because of their mother's behavior.

Other cases involved a man murdering his estranged wife because their daughter was dating a non-Muslim, not because of the marital separation; a man murdering his pregnant wife, as well as his mother- and sister-in-law, as the wife refused to convert to Islam; and a man murdering his mother, two nieces, infant son, and pregnant wife because they disrespected him by not converting to Islam with him.<sup>32</sup>

According to this study, honor crimes in the United States—such as the 2009 death of Noor Almaleki (see textbox)—are more likely to involve fathers and intimate partners as perpetrators than other male relatives, which differs from the situation in some origin countries. For example, brothers did not commit any of these honor killings, yet in Jordan they account for 60 percent of perpetrators. Prior research has shown that extended family members are actively involved in carrying out honor crimes, but this study found that in the United States, the extended family is more likely to be victimized.<sup>33</sup>

## 4.2. Legislative Responses

No federal or state law currently exists addressing honor violence as a crime distinct from other types of assault, abuse, or homicide.

### Prosecuting an Honor Crime: The Death of Noor Almaleki

Noor Almaleki arrived in the United States from Iraq with her family at age four and grew up in Phoenix, Arizona. In October 2009, her father, Faleh Almaleki, ran down Noor and her friend, 43-year-old Amal Khalaf, in a parking lot with his SUV. Noor died from her injuries in November 2009; Amal survived.

Noor's father expected her to obey his orders or risk beatings. He considered it inappropriate for her to socialize with boys, wear jeans, or post photos of herself on social media. The family tried unsuccessfully to arrange a marriage between Noor and a relative in Iraq, and after her 20<sup>th</sup> birthday, she moved out of the family home. Her parents harassed her until she returned. Noor then ran away to stay with Amal, a long-time family friend, and began dating Amal's son.

After her death, Noor's father was charged with first-degree murder, aggravated assault, and leaving the scene of a serious injury accident. Prosecutors argued for first-degree murder on the basis that Noor's death was premeditated as an honor killing. However, the jury found Faleh guilty of the lesser charge of second-degree murder. He was sentenced to 34 ½ years in prison for killing Noor and gravely injuring Amal.

*Source:* CBS News, "Was Noor Almaleki the Victim of an Honor Killing?"; Pesta, "An American Honor Killing."

## 5. FORCED MARRIAGE

Forced marriage occurs when a marriage is conducted without the consent of one or both parties and duress is a factor.<sup>34</sup> It is often conflated with arranged marriage but in that tradition, both parties freely consent (unless at least one party is still a minor) to receive assistance from family members or third parties in identifying a prospective spouse and the ultimate decision about whether, when, and whom to marry rests entirely with the bride and groom.<sup>35</sup> When child marriages (unions where one or both parties is not yet 18) are arranged, they are essentially forced because minors are unable to give consent.<sup>36</sup>

The line between arranged and forced marriage, however, can become blurry; it is possible for a marriage to begin as arranged, but become forced.<sup>37</sup> For this reason, some victim advocates view the practices along a continuum of “persuasion” that stretches between a mild request and severe abuse, or can be differentiated according to the degree of urging involved to overcome a bride’s (or groom’s) resistance.<sup>38</sup> Forms of associated coercion can include physical and sexual violence; threatening behavior; isolation and imprisonment; abduction; psychological and social pressure, including emotional blackmail; restrictions on lifestyles, such as limits on movement, association, dress, education, and career choices; oppressive financial control; and other demeaning, humiliating, and controlling behavior (see sidebar).<sup>39</sup>

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Forced marriage is not always recognized as a form of gender-based violence because men can also be victims; however, many of the behavioral indicators of forced marriage resemble those of domestic violence.

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A variety of motivations help perpetuate forced marriages. Within certain cultural traditions, marriage is a union of families, not just individuals. Practicing communities may also use it as a means to:

- Control the sexuality of women, girls, and those with nontraditional sexual orientations;
- Control unwanted behavior, such as using alcohol or drugs, wearing makeup, or behaving in an otherwise westernized manner;
- Prevent unsuitable relationships (e.g., those outside the family’s ethnic, cultural, religious, or caste group);
- Protect the family’s honor or cultural/religious ideals;
- Respond to peer group or family pressure and to strengthen family ties;
- Achieve financial gain;
- Ensure that land, property, and wealth remain in the family;
- Ensure care for a person with special needs when parents or existing caregivers are no longer able to fulfill that role;
- Assist with claims for lawful residence and citizenship; and
- Fulfill long-standing family commitments.<sup>40</sup>

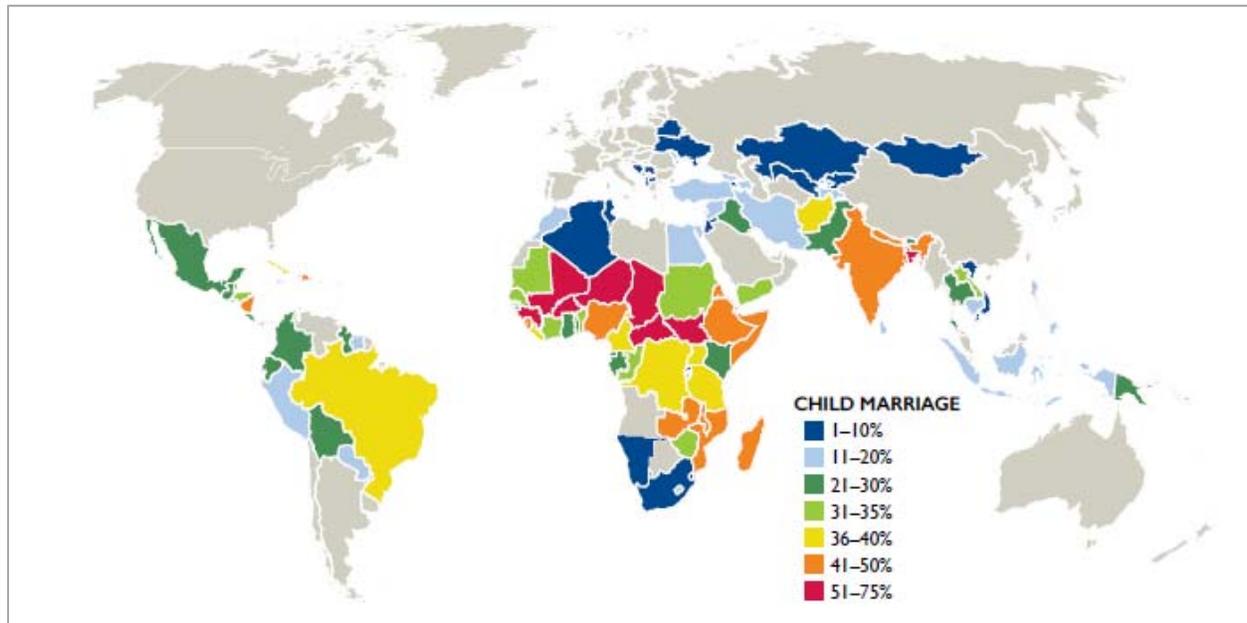
For example, daughters may be forced into nonconsensual marriages to preserve the family's honor and the girl's marriageability within an ethnic community. Immigrant families can also bear the burdens of responsibility for extended family members living in developing or conflict-ridden countries. Marriage can be seen as a solution to poverty or persecution because it can include a dowry or enable a loved one to lawfully migrate to a Western country.<sup>41</sup> In the context of immigration, parents' fear of children becoming westernized is further reason to push them to marry young.<sup>42</sup>

Additionally, in some communities, the role of marriage as a rite of passage is considered an important element of cultural tradition. For instance, although there is no indication that all or even most African immigrant communities in the United States engage in forced marriage, a survey of such migrants living in New York City found a pervasive perception of unchanging socio-cultural norms that contributed to the practice. This perception added to the hopelessness many young women reported feeling while they resisted the pressure or coercion to marry. One participant stated, "Most Africans or Fulanis [an ethnic group in West Africa], the parents don't let the girls go to school. They have to get married. They think marriage is, like, the only place for women." Another survey respondent summed up the problem saying, "I'm gonna be 20 soon and I have to get married. It's the tradition. You can't change that."<sup>43</sup>

An argument that forms the basis of both forced and arranged marriages is that elder family members know the ways of the world better and the young must obey them. As such, many young women may feel they have no option but to submit to their families' wishes.<sup>44</sup> Religion may also be used to give the pressure to marry a specific person more weight. In the words of one victim, if you resist, "Not only are you going to be upsetting your parents, but you're also going to be displeasing God. That's really—for people who are religious, that's really a big deal. Nobody wants to take that risk."<sup>45</sup> Parents may also threaten to withdraw financial support or commit suicide. The possibility of bringing shame on the family may be reiterated or emphasized.<sup>46</sup>

Forced marital unions are predominantly practiced by communities in Africa, the Middle East, and South Asia, including among Buddhists and Hindus. Some European communities, such as those in parts of Greece and Italy, also promote the practice. According to scholars, this occurs where these marriages were historically practiced among the upper classes and continues within specific religious sects, including in the United States.<sup>47</sup>

Among Africans, forced marriage is not limited to northern countries. According to the Sauti Yetu Center for African Women, a community organization in New York City, Burkina Faso, Guinea, Mali, Niger, and Sierra Leone are among the 20 countries with high rates of forced marriage (see fig. 2). For example, in Mali, 65 percent of women aged 20–24 are married by age 18, and 25 percent are married by age 15. Those figures increase, respectively, to 70 percent and 36 percent for women in Niger.<sup>48</sup>

**Figure 2. Global Prevalence of Forced Marriage**

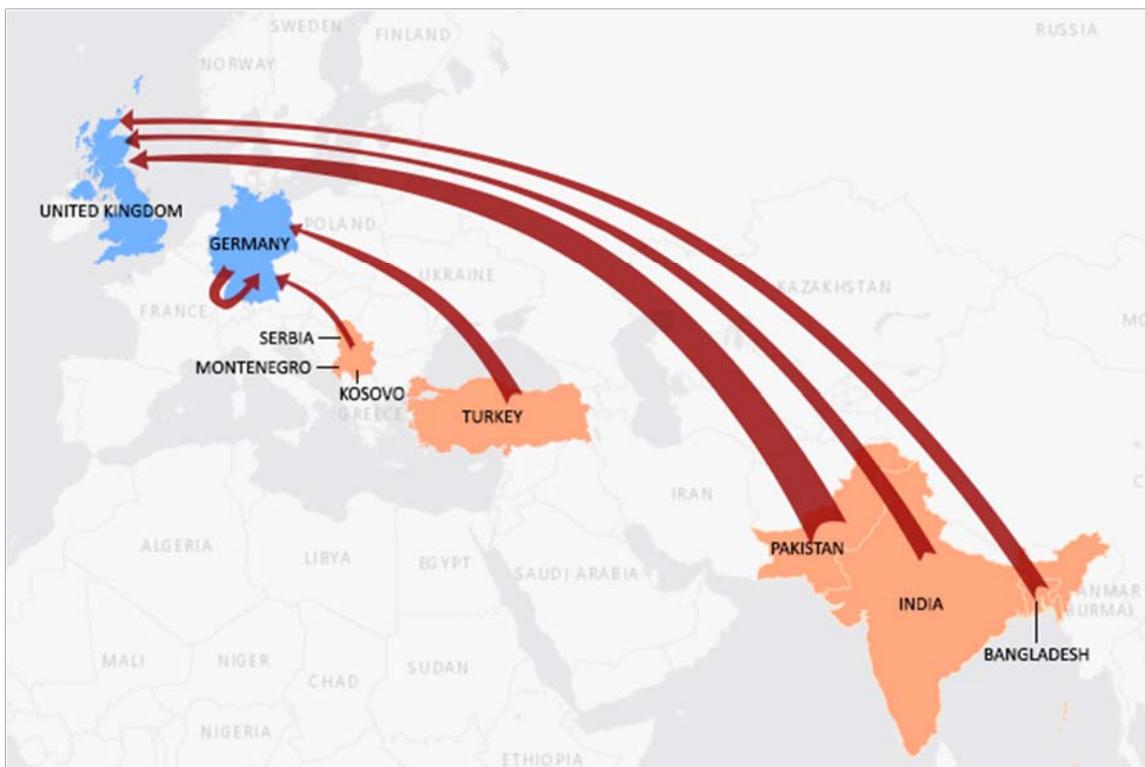
Source: Glinski, Sexton, and Meyers, *Child, Early, and Forced Marriage Resource Guide*, 4.

Limited data on the prevalence of forced marriage exist at the national level in Europe. What figures are collected come from population-based surveys, administrative and civil society data, or qualitative research. Germany, for example, collects crime statistics on forced marriage, while the United Kingdom maintains statistics on protective orders that prevent perpetrators from contacting victims, but neither France, the Netherlands, nor Sweden have any police or judicial statistics on forced marriages.<sup>49</sup>

An analysis of the U.K. judicial data reveals that since mid-2009, around 130 protection orders have been issued each year to victims. In 2012, Germany recorded 56 cases of forced marriage, but had only convicted one perpetrator as of 2014. These types of crime data may represent the tip of the iceberg; German statistics show that counseling centers were approached 3,443 times in 2008 for issues related to forced marriage and the United Kingdom's Forced Marriage Unit reports that it provided advice or support to 1,500 people in England and Wales in 2012.<sup>50</sup>

Based on the information from the United Kingdom and Germany, the origin countries of the victims and perpetrators tend to be specific (see fig. 3). For example, the majority of the U.K. cases involve South Asian families: 47 percent are from Pakistan, 11 percent from Bangladesh, and 8 percent from India. In Germany, most victims have an immigrant background although 32 percent are born in Germany, followed by 23 percent in Turkey, and 8 percent in the Western Balkans (e.g., Kosovo, Montenegro, and Serbia).<sup>51</sup>

**Figure 3. Top Origins for Victims/Perpetrators of Forced Marriage in Germany and the United Kingdom**



Source: Based on information from E.U. Agency for Fundamental Rights, *Addressing Forced Marriage in the E.U.*, 14.

Research found that forced marriages are likely to occur in the following contexts in Germany:

- Both people are living in Germany, usually sharing the same cultural background;
- One spouse, usually from the immigrant family's country of origin, is brought to Germany for the express purpose of marriage and may be attempting to obtain a visa through the German spouse (i.e., an "import marriage"); and
- A person normally living in Germany is taken abroad, typically to the country of origin, and forced to marry in a so-called "holiday marriage."

These instances are most prevalent among 17- to 25-year-olds in Middle Eastern, North African, and South Asian migrant communities where arranged marriages are common.<sup>52</sup>

### 5.1. In the United States

Unlike Europe, research on forced marriage in the United States has been limited to efforts by several small nonprofit foundations.<sup>53</sup> Despite being home to at least 3 million immigrants from countries where forced marriage is practiced, the only national-level prevalence statistics are the result of a 2011 survey by the Tahirih Justice Center that focused on whether service providers received cases of forced marriage from immigrant communities.<sup>54</sup>

This 47-state survey included 500 legal/social service providers, law enforcement professionals, child protective service staff, and other individuals in contact with victims. The respondents reported receiving up to 3,000 known and suspected cases of forced marriage in the two years prior to the survey, approximately 1,500 per year.<sup>55</sup> These cases involved victims representing a variety of faiths, as well as 56 countries of origin. Still, 67 percent of the respondents noted that not all cases are identified, which masks a significant “hidden population” of victims. A majority of the respondents also stated their agencies were not equipped to properly handle cases of forced marriage.<sup>56</sup>

Similarly, the results from nearly 7,800 valid responses to a 2013 Urban Institute survey—carried out with grant funding from the U.S. Department of Justice—indicated that victims of forced marriage vary in terms of their ages, income levels, genders, and countries of origin. While they were fairly evenly spread across age groups, most victims (67 percent) were in the lowest income level (\$0 to \$49,000) and half lived in suburban environments. Some service providers reported working with more women than men, but suggested this might be because most of their services are designed for victims of gender-based crimes. Their clients also represented Egypt, Ethiopia, Iran, the Philippines, and Sudan, as well as several South Asian countries.<sup>57</sup>

That same year, the AHA Foundation (named for founder Ayaan Hirsi Ali) conducted interviews with 100 randomly chosen students of Middle Eastern, North African, and South Asian descent at a number of City University of New York campuses. Analysis of the interviews shows that the most prevalently represented countries were Bangladesh, India, and Pakistan, which mirrors the findings of the United Kingdom’s Forced Marriage Unit. The survey also found that 45 percent of the forced marriage victims were born in the United States; 75 percent identified as Muslim, then Hindu (9 percent), Pentecostal Christian (7 percent), Coptic Christian (5 percent), and Sikh (4 percent); and 69 percent were between the ages of 18 and 21.<sup>58</sup>

Another survey of African immigrants living in New York City, conducted by Sauti Yetu, found that marriage was one of the most prevalent issues respondents had to contend with as they pursued their educational goals. These survey participants, 30 women from Burkina Faso, Gambia, Guinea, Ivory Coast, Mali, Mauritania, and Sierra Leone, typically believed they needed to postpone marriage to access an education. Most of their parents did not object to education, but thought the decision should be worked out with the girls’ future husbands. If their education prospects diminished, these young women became more open to the idea of marriage.<sup>59</sup>

Of these 30 survey participants, only two were not already married and reported they had not been pressured to find a husband. The women often said they felt immense pressure from their parents, guardians, friends, and extended families in the United States and abroad. Most did not want to lose their relationships with their families, cultures, or communities, and so felt there was no other option open to them but a marriage. Additionally, a lack of legal protections and an insufficient availability of social services were factors in their decisions to marry.<sup>60</sup>

Some research has also shown a correlation between intimate partner violence and forced marriage. Individuals subjected to or threatened with forced marriage may be exposed to other emotional, physical, psychological, and sexual abuses, including isolation, kidnapping, or murder.<sup>61</sup> This complicates accurate identification of forced marriage in the United States.

For example, a survey of 12 South Asian community organizations published in 2011 found that in the preceding five years, 83 percent had worked with women who had faced retaliation through forced marriages. These victims, however, struggled to describe their experiences, often using “arranged marriage” instead. This suggests that victims of forced marriage may not identify themselves as such, but may come forward seeking a remedy for domestic violence or sexual assault. Unless a case manager or agency screens for forced marriage, it may not be apparent that the abuse is an extension of the practice.<sup>62</sup> Other barriers victims face when attempting to access services in the United States include a fear of shame or violent reprisals, a concern about criminalizing or harming family members, and a lack of specialized services that focus on and provide culturally sensitive solutions.<sup>63</sup>

## 5.2. Legislative Responses

In the United States, there is no federal law addressing forced marriage. Marriage is traditionally regulated at the state level and the related laws vary widely. While some states do criminalize forced marriage, victims, survivors, and advocates often face inconsistent or nonexistent laws.<sup>64</sup>

To date, ten U.S. states and one U.S. territory have passed laws addressing forced marriage (see table 19 in section 12, appendix IV). Yet legal scholars argue these laws “are antiquated and fail to address the complicated dynamics characteristic of forced marriage.” Statutes crafted without a nuanced understanding of the practice fall short because they fail to address its subtly coercive nature or fail to hold the variety of perpetrators involved accountable. Moreover, they fail to empower the authorities to intervene before a marriage takes place.<sup>65</sup>

Laws proscribing assault, fraud, and kidnapping—all ancillary criminal acts that can occur in the process of forcing a marriage—may provide grounds for prosecution, but they are not designed to address the unique needs and circumstances of the victims. Without specific legislation, these victims and their advocates have difficulty accessing compensation funds, witness protection programs, shelters, child protective services, free counseling and medical care, and other critical supports.

For example, a rape charge against a victim’s spouse may not lead to appropriate services, such as shelter from angry family members for purportedly shaming them. Protection order statutes, which require victims to produce convincing evidence of past abuses, were not crafted with forced marriage in mind. As a result, judges may be precluded from issuing an order, even when so inclined, because it may not be possible to illustrate such abuse in a forced marriage case.<sup>66</sup>

Analysis of the state laws that do exist against forced marriage in the United States shows they often include the terms “force,” “menace,” and “compel” to describe the practice. Only one state (Maryland) explicitly includes “coercion” in its definition, while one uses “fraud” (Mississippi) and two use “abduction” (Minnesota and Washington, DC). In the majority of the states, anyone can be considered a perpetrator, but in Minnesota, parents, guardians, and others with legal custody over a child are excluded from this category. In some states, namely Maryland and Virginia, the law explicitly notes that the perpetrator must willingly seek to forcefully marry the victim themselves or marry the victim to someone else. In half of the states, anyone can be a victim, but in others, men are not protected. A few states also have age requirements. For example, in Minnesota, a victim must be less than 18 years old, but in Mississippi, the victim must be older than 14. Lastly, only five states have language providing support to at-risk victims.<sup>67</sup>

## 6. FEMALE GENITAL MUTILATION/CUTTING

Female genital mutilation/cutting (FGM/C) is the cultural practice of partially or totally removing the external genitalia of women and girls for non-medical reasons. Some audiences prefer to use the phrase “female circumcision,” which is how practicing cultures refer to it, but this is disfavored in other circles for drawing an inaccurate comparison with male circumcision. Still others use “female genital cutting,” but this is also criticized as normalizing the procedure. The term “mutilation,” however, becomes problematic when members of FGM/C-practicing cultures do not view themselves as “mutilated.”<sup>68</sup>

The World Health Organization (WHO) classifies the procedure according to type:

- **Type 1** (*Sunna*, Tradition). Often referred to as clitoridectomy, this is the partial or total removal of the clitoris (a small, sensitive, and erectile part of the female genitalia), and in very rare cases, only the prepuce (the fold of skin surrounding the clitoris).
- **Type 2** (*Khafd*, Reduction). Often referred to as excision, this is the partial or total removal of the clitoris and the labia minora (the inner folds of the vulva), with or without excision of the labia majora (the outer folds of the vulva).
- **Type 3** (Pharonic, Sudanese). Often referred to as infibulation, this is the narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the labia minora or labia majora, sometimes through stitching, with or without removal of the clitoris.
- **Type 4**. This includes all other harmful procedures to the female genitalia for non-medical purposes (e.g., pricking, piercing, incising, scraping, or cauterizing the genital area).<sup>69</sup>

Scholars continue to debate the origins of FGM/C. However, it is known to predate Christianity by at least half a century. Greek historian Herodotus described female circumcision in Egypt in the fifth century BCE, reporting that he believed the custom originated there or in Ethiopia; he also noted that the Phoenicians and Hittites performed FGM/C. Strabo, a Greek geographer, wrote about excision in Egypt in 25 BCE. As for why people may have carried out this practice, a Greek papyrus dated 163 BCE mentions girls being circumcised when receiving their dowries, and Philo, a Greek philosopher who died in the first century, reported that the cutting of women corresponded with the onset of their menstrual flow.<sup>70</sup>

Speculation continues over the reasons for FGM/C. Scholars have considered population control, particularly in areas with few natural resources, and control over women’s sexuality as possible explanations for how this practice began and developed. Whatever its origin, FGM/C survives today, transcending religion, socioeconomic status, and geography. It is reinforced by customs and beliefs about marriageability, rites of passage, and maintaining girls’ chastity and hygiene.<sup>71</sup>

Although some practicing groups use religion to justify the procedure, none exists that requires cutting. For example, neither the Quran nor the Bible prescribe it. Moreover, religious groups are among the organizations actively working to eliminate FGM/C. Yet as Mary E. Laiser—head of the Women’s Programme in the North Central Diocese of the Evangelical Lutheran Church in Tanzania—points out, traditions are stronger than faith, regardless of the religion practiced.<sup>72</sup>

In some places, FGM/C is an important part of cultural identity for women and girls, imparting a sense of pride, coming of age, and community membership. Buttressing these feelings are the celebrations, public recognitions, and gifts that accompany the actual procedure. The practice is also typically upheld by local authorities, including tribal or religious leaders, circumcisers, and some medical personnel. Moreover, in many practicing cultures, the expectation that men will only marry circumcised women is common. A proper marriage is often essential for economic and social security, as well as fulfilling local ideals of womanhood and femininity. Girls may want the procedure themselves because of social pressure from their peers, and because of a fear of stigmatization and rejection if they do not follow the tradition.<sup>73</sup>

Where FGM/C is widely practiced, it is supported by both men and women (see sidebar) and anyone who departs from the norm faces condemnation, harassment, and even ostracism. For these reasons, it can be difficult for families to abandon the practice without the support of the community. It therefore continues even when it is known to cause harm to girls. Ultimately, the social benefits rank higher for families than the risk of physical harm.<sup>74</sup>

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The extended family is typically involved in decision-making about FGM/C, but unlike other forms of honor-based violence, it is the women (having been cut themselves) who are responsible for the practical arrangements.

WHO, *Eliminating Female Genital Mutilation*, 5.

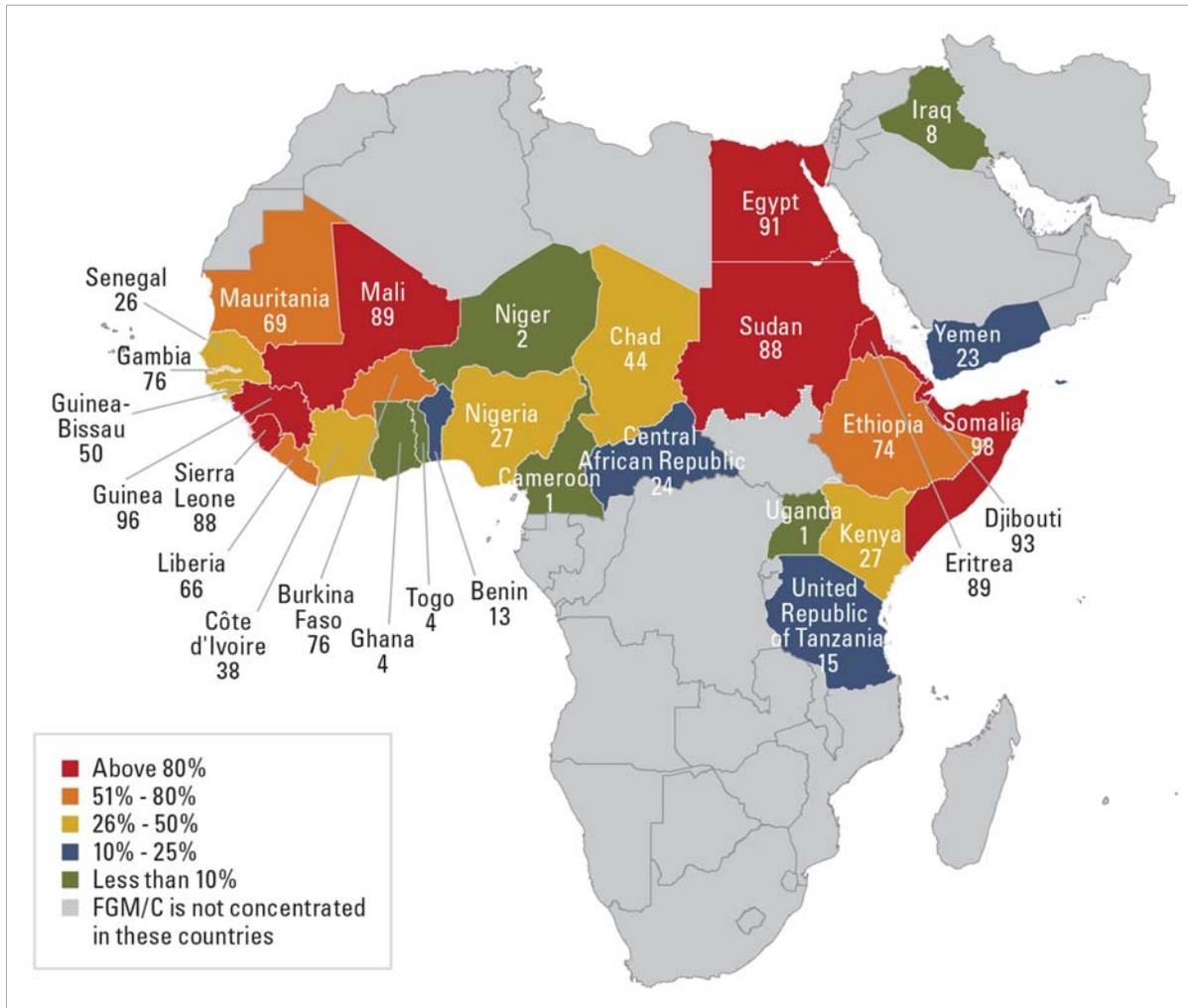
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As of 2008, the WHO estimated that 3 million girls are at risk of FGM/C each year.<sup>75</sup> According to UNICEF, the U.N. Children's Fund, the practice occurs in 30 countries but is most prevalent in the eastern, northeastern, and western regions of Africa; some countries in Asia and the Middle East; and among certain immigrant communities in North America and Europe.<sup>76</sup>

A new addition to the list of countries that collect data on incidence rates is Indonesia, which found a 49 percent prevalence rate among girls aged 0–11 years in 2013. FGM/C is also known to occur in Colombia, India, Malaysia, Oman, Saudi Arabia, and the United Arab Emirates, but no nationally representative data is available. The U.S. State Department's Foreign Affairs Manual also includes a list of 30 countries where FGM/C is currently practiced, but this list differs from UNICEF's. For example, it includes the Democratic Republic of Congo, but not Indonesia.<sup>77</sup>

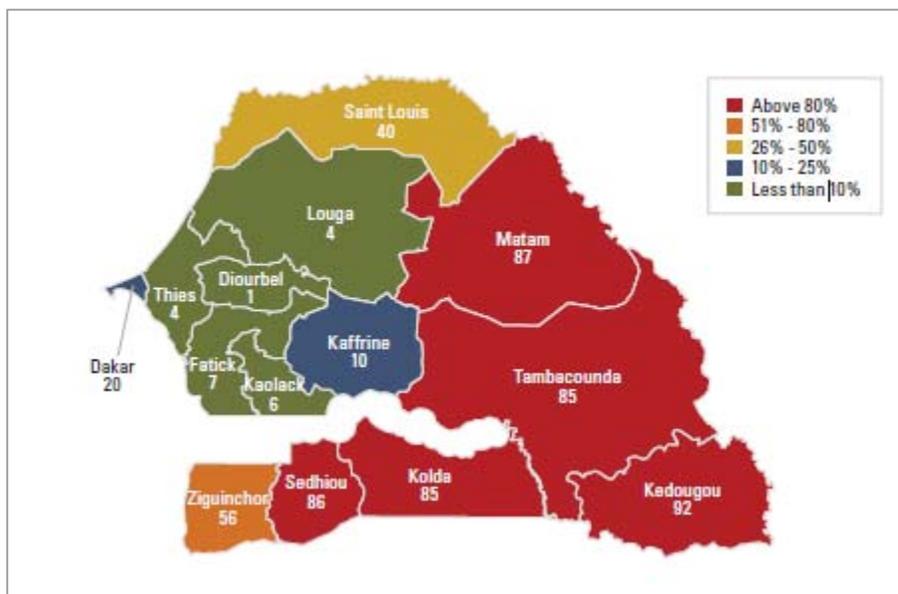
The WHO ranks the prevalence of FGM/C in eight African countries (Djibouti, Egypt, Eritrea, Guinea, Mali, Sierra Leone, Somalia, and Sudan) as "nearly universal" since the national estimates exceed 85 percent. Four countries (Burkina Faso, Ethiopia, Gambia, and Mauritania) have high prevalence at 60–85 percent, and five countries (Chad, Ivory Coast, Guinea-Bissau, Kenya, and Liberia) have medium prevalence of 30–40 percent. Low prevalence (0.6–28.2 percent) has been estimated in ten countries (Benin, Cameroon, Central African Republic, Ghana, Niger, Senegal, Togo, Uganda, Tanzania, and Yemen).<sup>78</sup> UNICEF ranks these countries slightly differently and includes Iraq (see fig. 4).

**Figure 4. Prevalence of FGM/C in African and Middle Eastern Countries**



Source: UNICEF, *Female Genital Mutilation/Cutting*, 26.

FGM/C prevalence rates are estimated using large-scale national surveys of women aged 15–49. However, as prevalence varies considerably between regions, the national estimates obscure the marked variation in different parts of most countries.<sup>79</sup> In Senegal, to pick just one example, the national prevalence rate for FGM/C is 26 percent. But when breaking this figure down by region, one can see that the rates vary from as low as 1 percent in Diourbel to as high as 92 percent in Kedougou (see fig. 5).

**Figure 5. Prevalence of FGM/C in Senegal**

Source: UNICEF, *Female Genital Mutilation/Cutting*, 30.

FGM/C procedures are nearly always carried out on minors.<sup>80</sup> In most countries with a known prevalence rate, girls are often subjected to cutting before the age of five. However, this practice also varies widely. For example, in the Central African Republic, Chad, Egypt, and Somalia, at least 80 percent of girls are cut after the age of five, but before they turn 14.<sup>81</sup> Conversely, in Sudan, FGM/C is performed early—between four and eight years old—to leave time for a proper marriage. Ages 10 and 11 are considered too late because girls are typically married between ages 12 and 14. A girl must be ready before she gets married “because you will never hear that there is some lady that got married first and did surgery later,” says Aban Laamatjok, originally from Malakal, South Sudan but now a U.S. resident living in Nebraska. However, a woman might undergo the procedure as an adult if she marries into a community that practices it.<sup>82</sup>

### 6.1. In the United States

Some U.S. immigrants from FGM/C-practicing countries reportedly try to sustain the procedure either by having their daughters cut locally or by returning to their countries of origin, a strategy referred to as “vacation cutting.” However, no data exist on the numbers of women or girls who have actually undergone the procedure, either in the United States or abroad, in any given year. According to a study published in 2012, the best estimate placed 513,000 women and girls in the United States *at risk* for FGM/C or its consequences.<sup>83</sup>

The researchers based this estimate on the national prevalence rates reported for immigrants’ countries of origin but, as noted, incidence can vary considerably by geographic area and other factors, such as ethnicity. The figures could also just be outdated. Additionally, a large number of people migrate to the United States from countries, like Indonesia and India, where FGM/C is known to occur but a lack of clarity about the prevalence exists. Moreover, estimates such as

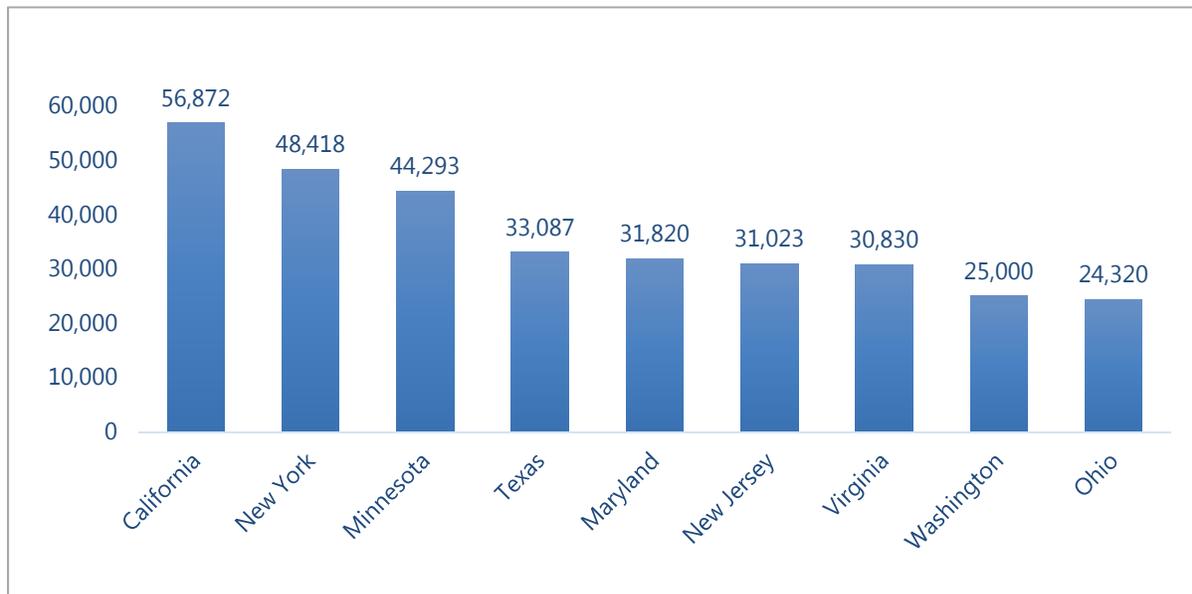
these assume people behave the same way in the United States as they would at home, discounting assimilation, differences in education and other socioeconomic factors, and U.S. laws that ban the practice.<sup>84</sup>

Though this study did provide an important update to previous estimates of risk, it did not provide any information on the extent to which FGM/C is actually practiced in the United States or the degree to which things change after immigrants arrive from their home countries.<sup>85</sup>

Of those at risk, another study in 2013 found that nearly all were from African countries. The majority, 55 percent, were from just three countries—Egypt, Ethiopia, and Somalia. One-third were girls younger than 18. While some of these girls were born in countries with high FGM/C prevalence rates, most were U.S.-born children of parents from high-prevalence countries.<sup>86</sup>

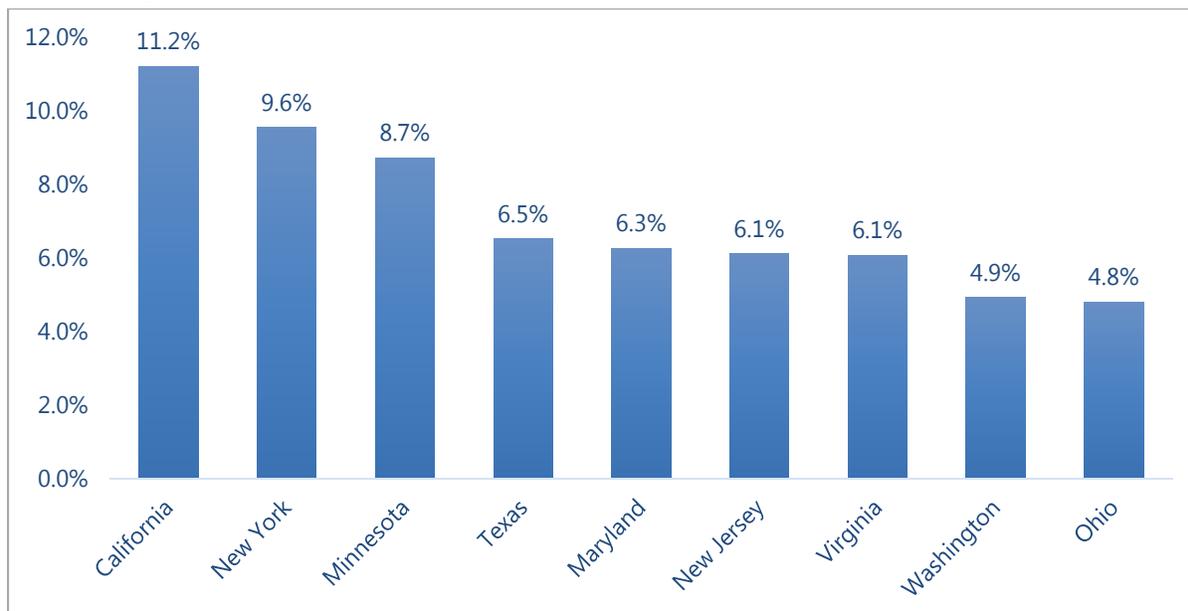
Delving into this information further, it becomes apparent that, as in their home countries, the number of women and girls at risk varies widely across states. For example, in 2013, three-fifths of this population lived in eight states: California, Maryland, Minnesota, New Jersey, New York, Texas, Virginia, and Washington. California had the largest at-risk population, followed by New York and Minnesota (see figs. 6 and 7). Minnesota, however, has a disproportionate number of women and girls at risk because of its large Somali population, which was estimated to exceed 31,000 in 2013. Forty percent of the at-risk population lived in five metro areas: Los Angeles, Minneapolis-St. Paul, New York, Seattle, and Washington, DC.<sup>87</sup>

**Figure 6. Highest State Populations at Risk of FGM/C**



*Source:* Based on information from Mather and Deldman-Jacobs, “Women and Girls at Risk.”

**Figure 7. Highest State Populations at Risk of FGM/C as Percentage of Total At-Risk Population**



*Source:* Based on information from Mather and Deldman-Jacobs, "Women and Girls at Risk."

Although FGM/C prevalence rates are steady or declining in many African countries, the number of women and girls at risk in the United States is expected to rise as the foreign-born population increases.<sup>88</sup> For example, the total number of women and girls at risk increased by 224 percent between 1990 and 2012, with the increase much greater among those younger than 18.<sup>89</sup> Data from the U.S. State Department's Bureau of Population, Refugees, and Migration show that 27,000 women and girls from the Central African Republic, Eritrea, Ethiopia, Iraq, Sierra Leone, Somalia, and Sudan resettled in the United States in 2014 and 2015. Of course, it is unknown how many belong to FGM/C-practicing communities and are truly at risk or have already been cut.<sup>90</sup> Moreover, though there is a strong possibility that first-generation girls are more likely to undergo FGM/C than their second-generation counterparts, no data exist in the United States to support this hypothesis. However, a systematic review of FGM/C studies in Europe did find that second-generation girls "run relatively little risk of undergoing FGM/C." If that holds true in the United States, then an increase in the population of women and girls from FGM/C-practicing countries may not translate to an increase in girls actually undergoing the procedure.<sup>91</sup>

Parents, especially mothers, may be against carrying out FGM/C on their daughters, but may face significant resistance from more conservative family members who wish to see the tradition continue. According to one advocacy group in the United States, mothers may send daughters to visit their homelands to become better acquainted with their families/cultures not knowing that, once there, an FGM/C procedure may occur. In other cases, family members may abduct a daughter against the parents' will or a mother may refuse to sign paperwork that would allow a U.S.-born daughter to travel abroad in an effort to prevent other family members, such as the father, from taking her to be cut. U.S.-born daughters may also face the risk of FGM/C in cases where one or both parents is undocumented and receives final deportation orders.<sup>92</sup>

## 6.2. Legislative Responses

Of the three issues discussed in this report, the only federal legislation currently in force addresses FGM/C. In 1996, Congress passed the Federal Prohibition of Female Genital Mutilation Act, making it illegal to perform the procedure on girls younger than 18 in the United States (see textbox). Congress amended this law in 2013 with the Transport for Female Genital Mutilation Act, which criminalized the act of knowingly transporting a girl out of the country for FGM/C.<sup>93</sup>

In April 2017, in the first case to be prosecuted under these laws, the U.S. Department of Justice indicted two Detroit-area doctors and one co-conspirator, alleging participation in a scheme to perform FGM/C on minors, transportation of those minors across state lines, and obstruction of justice. The FBI's Detroit Division and U.S. Immigration and Customs Enforcement's Homeland Security Investigations office investigated the case with support from the U.S. Attorney's Office of the Eastern District of Michigan; the Fraud Section of the Justice Department's Criminal Division, and the Criminal Investigative Division within the FBI's International Human Rights Unit. The team found that

Dr. Jumana Nagarwala and Dr. Fakhruddin Attar, and his wife Farida, had carried out FGM/C procedures on at least six girls, aged between six and eight years old, in Attar's medical office in Livonia, Michigan.<sup>94</sup> Two of the girls had traveled from Minnesota for the procedure.<sup>95</sup>

A federal judge in Detroit dropped one of the charges against the two doctors in January 2018, ruling that Nagarwala and Attar did not "commit conspiracy to transport a minor with the intent to engage in criminal sexual activity." U.S. District Judge Bernard Friedman explained that "the facts alleged in the indictment do not support this charge because, as a matter of law, [FGM/C,] while a prohibited criminal act, is not 'criminal sexual activity.'" According to media coverage of the case, Nagarwala denied that a crime was committed, but rather that she had performed a religious custom on girls from her Muslim sect, the India-based Dawoodi Bohra.<sup>96</sup>

At the state level, 27 states have passed anti-FGM/C laws since 1995 (see table 20 in section 13, appendix V).<sup>97</sup> Some states, like Illinois and Tennessee, require service providers to report occurrences of FGM/C to the authorities. Others rely on mandatory reporting for child abuse, which could include the practice. And still more states have passed provisions criminalizing vacation cutting and performing FGM/C on adults as well as children.<sup>98</sup>

### Passing FGM/C Legislation: The Detainment of Fauziya Kassindja

Fauziya Kassindja was born in Togo in 1977 but fled her country at age 17 to avoid a marriage she didn't want and FGM/C.

Seeking refuge in the United States, she was initially detained for two years, but granted asylum in June 1996, marking the first time FGM/C was recognized as a form of persecution.

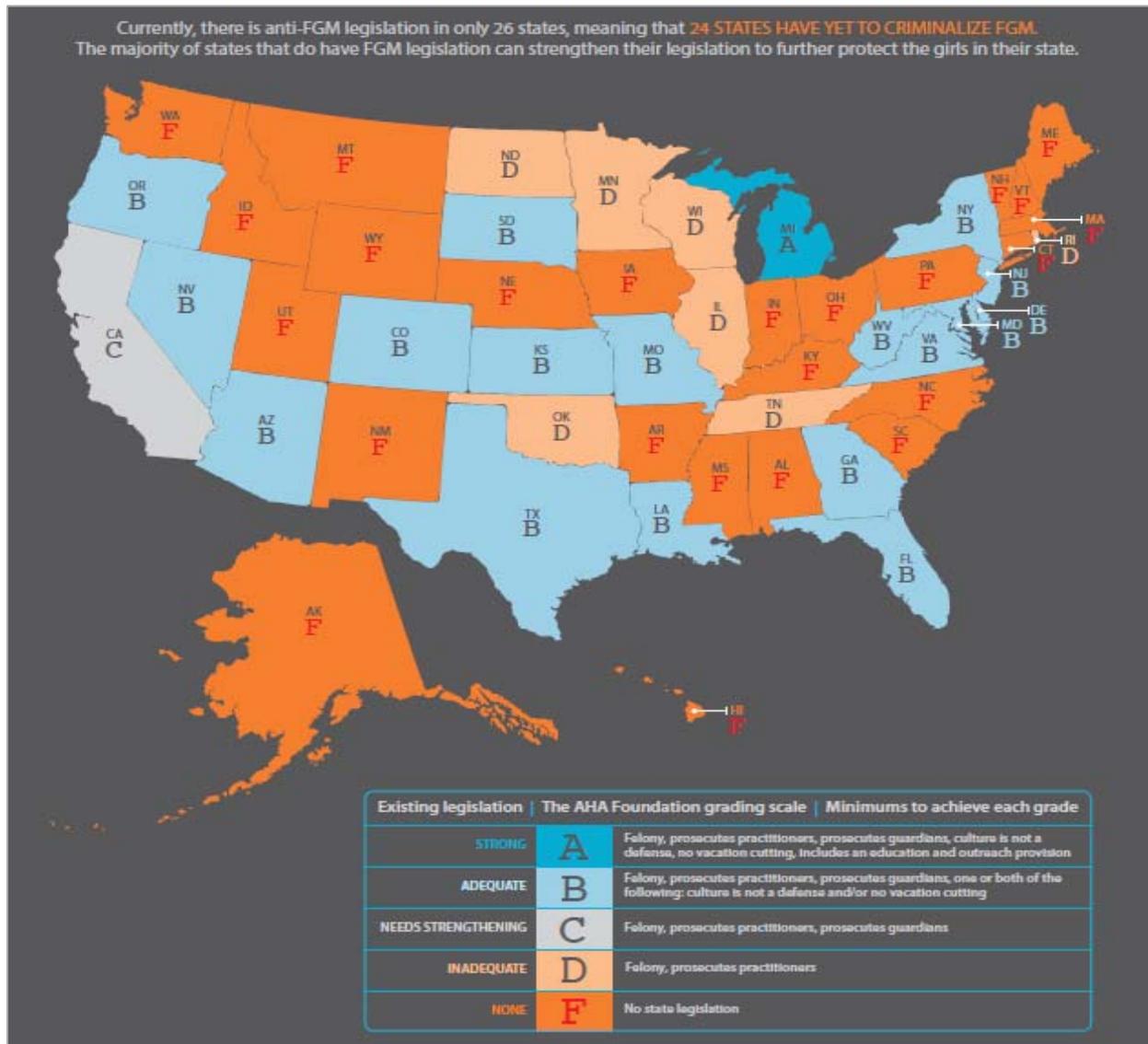
Media coverage of Kassindja's case coincided with congressional efforts to pass legislation banning FGM/C. As a result, support for measures in the bill increased.

In September 1996, Congress passed the Federal Prohibition of Female Genital Mutilation Act, the first federal law criminalizing the procedure.

*Source:* Dugger, "U.S. Grants Asylum"; Dugger, "New Law Bans."

The AHA Foundation analyzed these laws and granted only Michigan a grade of "A," due to its holistic approach, which is meant to stop practitioners and families from pursuing FGM/C, as well as its implementation of educational initiatives about the practice for communities, teachers, and law enforcement professionals (see fig. 8).<sup>99</sup>

**Figure 8. Evaluation of State Laws Specifically Addressing FGM/C**



Source: AHA Foundation, *Why We Hesitate*, 8.

## 7. OVERVIEW OF APPROACHES IN THE UNITED STATES

Victims and potential victims of all three types of gender-based violence discussed in this report live within a dynamic social system consisting of family, community, and culture. This system interacts with another one comprising representatives from potential support systems who, with proper training, can provide protection from, intervention in, and prevention of these crimes.

Penetrating the primary system may prove difficult for members of the health, education, social services, and criminal justice sectors who are attempting to reach the victims. Likewise, victims may have trouble contacting these service providers. As shown in figure 9, each element plays a role vis-à-vis the victim, but ideally all will work together to address, prevent, and collect data on honor-based violence, forced marriage, and female genital mutilation/cutting (FGM/C). Those involved in these issues around the world agree that intervention and prevention efforts should be well-coordinated and multi-sectoral. However, the United States has yet to develop such a unified strategy.

**Figure 9. Interaction of Victims' Social and Potential Support Systems**



A federal response to gender-based violence among immigrant populations living in the United States requires coordinated efforts by multiple agencies, each with their own mission and focus, but overlapping responsibilities. The U.S. Department of Health and Human Services (HHS), for example, is responsible for administering research, establishing guidelines and programs, and issuing grants that address public health issues. Similarly, the U.S. Department of Education (ED) is responsible for disseminating information on these issues to the relevant authorities.<sup>100</sup> With regard to criminal justice, three agencies—the U.S. Departments of Homeland Security, Justice, and State—share responsibility: Homeland Security and State are responsible for providing

information on the health/legal consequences of FGM/C to certain visa recipients, while Homeland Security and Justice share responsibility for investigating and prosecuting such crimes. Information on state-level responses to these issues is spotty and deserves a deeper exploration than this report can provide.

## **7.1. Health Sector**

A victim of honor-based violence, forced marriage, or FGM/C may interact with health professionals in a variety of ways. She may attend regular checkups with a primary care provider or gynecologist, seek prenatal care while pregnant, visit a school nurse, or go to an emergency room. She may not be open about any violence in her life or the violence may seem normal to her. As such, health providers need to know the clues to look for and the correct questions to ask (see figs. 10–12 in sections 14–15, appendices VI–VII, and table 21 in section 16, appendix VIII). However, if they suspect violence or the potential for it, the providers may not be required to report it, depending on the state they are in. Similarly, the providers may or may not have adequate connections with other types of services to which they could potentially refer the victim.

### **7.1.1. Policy and Resources**

To date, there is scant federal policy for the health sector regarding gender-based violence. HHS's Administration for Children and Families, for example, has no policy documents related to honor-based violence or honor killings on its website. Likewise, while it has an archived blog post on forced marriage dated August 2013, it appears to have no related policy documents.<sup>101</sup> The most current policy letter related to FGM/C, which is posted on the administration's Office of Refugee Resettlement website, is dated July 2015. The letter outlines the practice, its health consequences, and its illegality in the United States. It also provides directions on how to access additional information and links to resources from other government agencies and NGOs.<sup>102</sup>

### **7.1.2. Activities and Initiatives**

Although HHS appears to have little in the way of policy statements on any of these issues, it has and continues to implement programs to address forced marriage and FGM/C. In the past, this included projects addressing child, early, and forced marriage under the department's Ethnic Community Self-Help Program. Today, its Office of Women's Health is running the Community-Centered Healthcare and Prevention Project, which awarded \$6 million in grant funding to eight organizations to address gaps and problems in FGM/C-related healthcare services for women and girls living in the United States over the three-year grant period, which ends in 2019.<sup>103</sup>

Along with these grants, HHS recommends health screenings for newly arrived refugees, which can be accessed through comprehensive primary and behavioral care at community health centers. It also maintains a website containing contact information for those seeking additional resources or support for FGM/C-related concerns. The department has noted that in the two years prior to February 2016, more than 100,000 individuals visited the site. Additionally, its National Institutes of Health have funded research to help inform immigrant-focused medicine, highlighting FGM/C for healthcare providers.<sup>104</sup>

At the state level, the New York Department of Health addresses FGM/C on its website with information describing the practice, its various types, and who is at risk, as well as the health and legal consequences.<sup>105</sup> It also published a reference card for healthcare providers, which describes FGM/C and related issues, and outlines communication guidelines and physician obligations.<sup>106</sup>

Locally, in Washington, DC, the Global Woman P.E.A.C.E. Foundation (GWPF) is a nonprofit organization focused on FGM/C. It operates in several sectors, including health, and provides rehabilitation services like restorative surgery to women who have undergone the procedure.<sup>107</sup>

### **7.1.3. Training**

The AHA Foundation has developed trainings for healthcare professionals on honor-based violence, forced marriage, and FGM/C. Additional training concerning FGM/C is provided by the Justice Department's Office of Juvenile Justice and Delinquency Prevention (see section 17, appendix IX).

### **7.1.4. Data Collection**

In 2017, the Honor Our Bodies, Educate Our Community, Respect Our Heritage (HER) Initiative, an HHS Community-Centered Healthcare and Prevention Project grant recipient in Portland, Maine, developed survey instruments to gauge how women affected by FGM/C experience healthcare related to childbirth, as well as the knowledge and attitudes of healthcare providers treating these women. Given the lack of local information about the practice, which is typical across the United States, the initiative's evaluations help address the need for a baseline of FGM/C-related attitudes, behaviors, and perceptions.<sup>108</sup>

## **7.2. Education Sector**

Educators, including teachers, counselors, and school nurses, come into regular contact with young women and girls who may be at a particularly high risk for honor-based violence, forced marriage, or FGM/C, making them a first line of defense. However, like healthcare professionals, those working in education need to know which clues to look for and how to intervene without further endangering the potential victims.

### **7.2.1. Policy and Resources**

While ED, like HHS, does not appear to have any policy statements related to honor-based violence or forced marriage, its Office of Elementary and Secondary Education shared a copy of an FGM/C fact sheet created by the U.S. Agency for International Development (USAID) on the archived website for the Office of Safe and Drug-Free Schools. However, while the fact sheet explains the federal response to FGM/C, it does not clarify ED's role in that response.<sup>109</sup>

### **7.2.2. Activities and Initiatives**

Research did not identify any federal-level programs for the education sector addressing honor-based violence, forced marriage, or FGM/C.

### **7.2.3. Training**

With regard to forced marriage, the Tahirih Justice Center includes a tip sheet for educators in its resource toolkit. The tip sheet provides information about warning signs and best practices for those working with students who have disclosed concerns about forced marriage.

As for FGM/C, education-sector professionals can consult a toolkit created by the GWPF's Kids Reach Program in partnership with the Council of the Great City Schools. Based on a community needs assessment, the toolkit is designed to educate school officials on preventing the practice while maintaining cultural sensitivity. It helps them identify risk factors, identify those who have undergone the procedure, confirm incidences of FGM/C, identify steps following confirmation, and decide when and when not to act. See section 17, appendix IX for more information.

### **7.2.4. Data Collection**

Research has not identified any data collection efforts on honor-based violence, forced marriage, or FGM/C in the education sector.

## **7.3. Social Services Sector**

Organizations within the social services sector provide potentially critical support to victims. These groups can help victims of any of the three types of gender-based violence discussed in this report meet immediate basic needs so they are no longer dependent on the perpetrators. Social services organizations can also refer victims to other support systems (e.g., healthcare providers, educator networks, and criminal justice professionals) as appropriate, connecting them with more targeted help. In addition to working directly with victims, some groups work with policymakers to help ensure or improve victims' protections and access to services. People working in this sector need to be familiar with practicing cultures and the unique circumstances of honor-based violence.

### **7.3.1. Policy and Resources**

At the state level, Georgia's implementation plan for the Violence against Women Act addresses honor-based violence and forced marriage as part of its domestic violence programs. It urges providers to "be aware of culturally relevant forms of violence impacting teens, e.g., forced marriages, honor killings/honor violence, and views on pre-marital sex or rape," but provides nothing beyond that statement.<sup>110</sup>

### **7.3.2. Activities and Initiatives**

As previously noted, several national and local advocacy organizations are leading the way in addressing gender-based violence:

- The AHA Foundation is a national organization working to address honor-based violence, forced marriage, and FGM/C. It does not provide direct services to victims, but works closely with policymakers, law enforcement professionals, social services providers, and local communities.<sup>111</sup>

- The Tahirih Justice Center is a national nonprofit headquartered in Falls Church, Virginia, that has assisted people fleeing violence since 1997. It provides direct services to victims, engages in policy advocacy, and trains law enforcement, legal, and medical professionals; counselors and educators; and community and religious leaders. The center addresses all three forms of honor-based violence, but specializes in forced marriage with its Forced Marriage Initiative.<sup>112</sup>
- Sauti Yetu is a community-based organization working with African immigrant women and families in the New York City metropolitan area and nationally. Its priority foci are violence against women and girls, early forced marriage, reproductive justice, FGM/C, education and school, and youth and migration. With regard to FGM/C, Sauti Yetu provides supportive counseling for circumcised women and girls who request it, facilitates discussions between mothers and daughters about the practice, and trains service providers, particularly those in the child welfare system. The group also engages in awareness activities, advocacy to reduce stigma and discrimination, and community outreach. Under its domestic violence program, Sauti Yetu provides crisis intervention, counseling, legal assistance, referrals to shelters, and other services.<sup>113</sup>
- Global Woman P.E.A.C.E. Foundation is a local nonprofit organization based in Washington, DC, that focuses on FGM/C. In addition to educating women and girls on gender-based violence, it supports victims' individual health concerns and promotes physical and mental healing with services such as restorative surgery and physical therapy.<sup>114</sup>

A comparison of these organizations' services is provided in table 1.

**Table 1. Services Provided by National/Local Advocacy Organizations**

Organization	Scope	Issues			Programs		
		Honor Violence	Forced Marriage	FGM/C	Training	Awareness Campaigns	Direct Services
AHA Fdn	National	Yes	Yes	Yes	Yes (Online)	Yes	No
Tahirih Justice Center	National	Yes	Yes	Yes	Yes (On-Site)	Yes	Yes
Sauti Yetu	National; Local (NY)	No	Yes	Yes	Yes	Yes	Yes
Global Woman P.E.A.C.E. Fdn	Local (DC)	No	No	Yes	Yes (On-Site)	Yes	Yes

### 7.3.3. Training

Of these four organizations, the Tahirih Justice Center and Sauti Yetu provide training for social services providers, including healthcare, education, and law enforcement professionals. The former helps frontline advocates develop a necessary awareness of the unique challenges facing victims of forced marriage, while the latter enables service providers to better support girls who may be potential victims of early marriage or already married. Sauti Yetu also provides training and technical assistance to agencies like borough-based child protective services and courts, as well as those focused on domestic violence and sexual assault.

All other trainings identified for this sector address FGM/C. In addition to the four organizations listed above, these trainings are provided by the Justice Department's Office of Juvenile Justice and Delinquency Prevention and the Michigan Coalition to End Domestic and Sexual Violence. See section 17, appendix IX for more details.

### 7.3.4. Data Collection

The AHA Foundation, Sauti Yetu, and Gangashakti published studies about forced marriage in the United States in 2012 and 2013, respectively.<sup>115</sup> The Urban Institute (in partnership with the Justice Department's Office of Justice Programs) released a similar study in 2018.<sup>116</sup>

## 7.4. Criminal Justice Sector

A victim of honor-based violence may directly engage those in the criminal justice sector or someone may seek help on her behalf. However, she may wish to avoid interacting with these professionals because of cultural or other barriers. In such cases, a victim may not be completely honest about her situation. As a result, individuals working in this field need to know the signs to look for and the best practices to follow to engage effectively with this population of victims.

### 7.4.1. Policy and Resources

Though there is no federal law addressing forced marriage, some government agencies have internal regulations about the practice. For example, the U.S. State Department's Foreign Affairs Manual defines forced marriage as "a violation of fundamental human rights" and a "form of child abuse" when it involves minors, as a child will presumably be subjected to nonconsensual sex.<sup>117</sup> The manual details procedures for responding to U.S. citizens who are at risk of being sent abroad for forced marriages, but notes the department cannot intervene domestically.<sup>118</sup>

The Violence against Women Act and several visa categories provide relief for immigrants who are victims of honor-based violence and FGM/C. The act, for example, allows them "to petition for legal status in the United States without relying on abusive U.S. citizen or lawful permanent resident family members to sponsor their Adjustment of Status applications." While the visas do not specifically list honor-based violence, forced marriage, or FGM/C as "qualifying crimes," these incidents are similar enough that they might be accepted. For instance, the U visa (10,000 of which are issued each year) strengthens the ability of law enforcement agencies to detect, investigate, and prosecute crimes against immigrants and protect victims of mental and physical abuse. Similarly, the T visa (5,000 of which are issued annually) is designed for victims of severe human trafficking. However, though some elements of forced marriage are similar to human trafficking, a commercial element must be present\* for a victim to qualify for this visa.<sup>119</sup>

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\* A human rights attorney consulted by the author strongly disagrees with this analysis that T visas will not work for victims of forced marriage because of the need for a commercial element. In their experience, T visas have been successful in cases where the victim is a labor- or sex-trafficking victim by virtue of the *de minimis* commercial value.

In the case of asylum, forced marriage is not recognized by the United States as a form of gender-based persecution. However, beatings, rape, FGM/C, verbal abuse, isolation, and severe economic disadvantage do constitute persecution for asylum purposes and are all commonly associated with forced marriage.<sup>120</sup>

As for FGM/C, the Executive Office for U.S. Attorneys, along with the Justice Department's Human Rights and Special Prosecution Section, released a memorandum in November 2014 addressing the recently amended federal criminal statute. The memo included an attached newsletter discussing efforts to uncover violations, which was intended to assist prosecutors in case they received FGM/C-related referrals from law enforcement agencies. However, few instances have been reported. Local law enforcement and child protection officials suggest this is because immigrant communities are unlikely to report the procedure due to cultural norms, victims are reluctant to betray their community or family, and victims are concerned about an impact on their or their family's immigration status.<sup>121</sup>

Around that same time, USAID posted the U.S. government's response to FGM/C on its website. The response explains FGM/C; who is at risk; the legal, programmatic, and policy responses to the procedure in the United States; and how the government is addressing the issue globally. In particular, it informs certain travelers and immigrants of the federal law through U.S. embassies and consulates in countries where FGM/C is practiced.<sup>122</sup>

Then in January 2017, the U.S. Department of Homeland Security (DHS) published its "Female Genital Mutilation or Cutting (FGM/C) Outreach Strategy" in accordance with recommendations put forth by the U.S. Government Accountability Office in a 2016 review of the federal response. The strategy outlines target outreach areas, stakeholders, and key messages based on the government's position, and lists currently available outreach activities, resources, and products. It also lays out planned activities in training, outreach, and interagency coordination.<sup>123</sup>

At the state level, the sixth edition of New York's *Lawyer's Manual on Domestic Violence: Representing the Victim* includes a chapter titled "Emerging Issues: FGM, Forced Marriage, Honor Violence and Trafficking."<sup>124</sup>

#### **7.4.2. Activities and Initiatives**

In July 2017, DHS began a pilot program at New York City's John F. Kennedy International Airport based on Operation Limelight, which was conducted by the U.K. Metropolitan Police Service and Border Force at London's Heathrow Airport. Operation Limelight USA is designed by the Human Rights Violators and War Crimes Center within Homeland Security Investigations—a component of U.S. Immigration and Customs Enforcement—to deter the practice of FGM/C through training, outreach, and enforcement. After completing FGM/C-related training, special agents inform passengers traveling to high-prevalence countries about U.S. law banning the practice and the potential criminal/immigration consequences of transporting a child for the purpose of performing the procedure. The discussions with passengers are intended to educate families and provide them with means to report cases and receive victim assistance where appropriate.<sup>125</sup>

DHS and its partners launched two more Operation Limelight USA programs in June 2018, at the start of summer vacation, as girls are reportedly at higher risk for “vacation cutting” during the holidays. Agents from the FBI and Homeland Security Investigations began operations at Virginia’s Dulles International Airport, and in New Jersey, U.S. Customs and Border Protection agents joined in carrying out the program at Newark Liberty International Airport. Of these two efforts, the three-day program at Dulles reached passengers on nine international flights that connected to hubs or reached destinations in high-prevalence areas.<sup>126</sup> Similar data for the Newark operation was not provided.

### **7.4.3. Training**

As previously noted, women and girls may be eligible for asylum or refugee status based on honor-based violence. DHS personnel working with these populations receive extensive training on adjudicating such claims. Likewise, the Justice Department’s Office of Juvenile Justice and Delinquency Prevention provides training on FGM/C to members of the law enforcement community.

Of the four advocacy organizations highlighted in earlier sections, the Tahirih Justice Center provides law enforcement training on forced marriage while the AHA Foundation focuses on FGM/C. In Washington, DC, the GWPF provides law enforcement training through its Kids Reach Shield Program, which was developed to educate officers on FGM/C and its consequences, and to provide them with resources to support victims via prevention, protection, and prosecution. The training manual for Kids Reach Shield includes information about FGM/C, understanding the practice, cultural sensitivity, and additional resources. The GWPF notes that this training manual “provides guidance to the various roles police officers can perform to encourage the cessation of [FGM/C].”<sup>127</sup> See section 17, appendix IX for more information.

### **7.4.4. Data Collection**

With regard to data collection efforts on gender-based violence by organizations within the criminal justice sector, research discovered two—both funded by components of the U.S. Department of Justice. The Office of Justice Programs, for example, used 2013 grant funding to support a research project on forced marriage by the Urban Institute, while the Bureau of Justice Statistics funded research in 2014 to evaluate existing data on honor-based violence in the United States.<sup>128</sup>

## 8. CONCLUSION

Honor-based violence, forced marriage, and female genital mutilation/cutting (FGM/C) are three types of gender-based violence rooted in the practices of particular cultures. As this report illustrates, however—and contrary to popular opinion—these ancient practices are not limited to any one religion. In fact, they are not based on any specific religious doctrine at all. Instead, what connects the communities committing such acts of violence are beliefs concerning the concept of honor. In these areas, the family's reputation, status, and image (i.e., its honor) are of utmost importance. The behavior of female family members has a direct impact on this honor and if a woman or girl is perceived to be acting in a way that could bring shame on the family, she must be punished for the family to regain or preserve its honor.

By sharing honor-based motivations, these three practices can be intertwined. For example, violent crimes such as harassment, threats, and even murder can develop in a forced marriage situation. Similarly, a woman or girl may be forced to undergo FGM/C when marrying into a culture that practices the procedure.

Situations involving honor-based violence and forced marriage can be difficult to identify and distinguish from the more typical incidents of domestic and intimate partner violence seen in the United States. Victims and potential victims of FGM/C can also be hard to identify as those around them may not be equipped to interpret certain behavior changes that can precede or follow the procedure. For these reasons, it is critical that professionals working with victims in both intervention and prevention capacities develop a sound knowledge base around these types of violence, as well as develop a set of tools for mounting effective responses.

Moreover, experts around the world agree that intervention and prevention efforts related to honor-based violence, forced marriage, and FGM/C should be well-coordinated and include multiple sectors. Professionals working in the health, education, social services, and criminal justice fields can best address these cases if they work together.

In the United States, most efforts at the national level address FGM/C, which happens to be the only type of honor-based violence that has been criminalized under federal law. That said, government agencies involved in criminal justice have taken steps to minimize all three types of violence addressed in this report. This activity includes passing legislation; issuing related policy guidance; launching topic-specific programs and trainings; and collecting incidence data. Yet it is this last activity that continues to hamper response efforts both nationally and internationally. To date, the lack of consistent data on honor-based violence, forced marriage, and FGM/C has made it difficult for countries to evaluate their progress in addressing these crimes.

## 9. APPENDIX I. Overview of Approaches in Select Destinations

Comprehensive data on honor-based violence, forced marriage, and female genital mutilation/cutting (FGM/C) do not exist at the national level in the industrialized countries that typically receive at-risk immigrants. It is therefore impossible to evaluate how well any given nation is responding to these issues. To take a closer look at the situation, the author created a baseline data set to identify which nations receive the largest proportions of immigrants and from which countries (see section 10, appendix II). She also gathered information on which countries have passed legislation related to these kinds of gender-based violence, and reviewed literature to get a sense of which countries appear to be responding well and which may be falling short.

Overall, the author found that immigrant population size does not reflect the nature of the country's response. For example, the United States receives the majority of immigrants but is in the early stages of developing coordinated, comprehensive, and strategic responses to these types of violence. The Netherlands, however, does not appear among the top three destinations for any of these issues, yet scholars have identified the country as having developed the most promising responses.

Sociologists Gökçe Yurdakul and Anna C. Korteweg, from Humboldt University in Berlin and the University of Toronto, respectively, posit that gender-based violence within Western immigrant communities should be understood in the context of the destination country's culture and politics, the ongoing racialization of immigrants in the West, and the changing gender relations within both the communities and the rest of society. In their research, Yurdakul and Korteweg found that discussions of gender equality in policy documents, news media, and parliamentary debates regarding honor-based violence, honor killings, and forced marriage range from exclusionary to inclusionary.<sup>129</sup>

Exclusionary trends depict certain immigrant populations (e.g., Muslims) as outsiders who need to be carefully monitored by federal authorities. In the typical view of the majority population, these communities have "bad" gender equality practices that must be corrected by "integration policies." In contrast, societies exhibiting inclusionary trends accept immigrants as full members of society, creating the possibility for immigrant participation in governance. In these scenarios, immigrants become resources in policy-making, as well as the implementation process. Muslims and other minority communities are seen as people who can become full, active citizens, not just as subjects of persecution who deserve protection.<sup>130</sup>

Although these trends can operate simultaneously, Yurdakul and Korteweg note the tendency toward exclusion in Germany, inclusion in the Netherlands, and ambivalence in the United Kingdom in debates concerning immigrants and gender-based violence.<sup>131</sup> This framework provides a helpful guideline for evaluating these countries' approaches to such violence among their immigrant populations.

### 9.1. Honor-Based Violence and Forced Marriage

Most immigrants leaving countries that traditionally practice honor-based violence settle in the United States, Germany, and the United Kingdom. Looking only at Europe, the top three are

Germany, the United Kingdom, and France (see table 2). As for immigrants from countries that practice forced marriage, the vast majority settle in the United States, then the United Kingdom and Italy. Again, when looking at just Europe, France rounds out the top three (see table 3).

**Table 2. Top Destinations for Immigrants from Select Countries with a High Prevalence of Honor-Based Violence**

Destination	Including United States		Excluding United States	
	# of Immigrants	% Total Immigrant Pop.	# of Immigrants	% Total Immigrant Pop.
United States	5,175,405	32	—	—
Germany	2,710,636	17	2,710,636	24
United Kingdom	1,758,108	11	1,758,108	16
France	—	—	1,547,027	14
All Others	6,772,932	40	5,225,905	46
<b>TOTAL</b>	<b>16,417,081</b>	<b>100</b>	<b>11,241,676</b>	<b>100</b>

NOTE: These figures include the following high-prevalence countries: Afghanistan, Albania, Bahrain, Bangladesh, Bosnia and Herzegovina, Cambodia, Egypt, Georgia, India, Indonesia, Iran, Iraq, Israel, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, Somalia, Palestinian Territories, Sudan, Syria, Turkey, United Arab Emirates, Uzbekistan, and Yemen.

**Table 3. Top Destinations for Immigrants from Select Countries with a High Prevalence of Forced Marriage**

Destination	Including United States		Excluding United States	
	# of Immigrants	% Total Immigrant Pop.	# of Immigrants	% Total Immigrant Pop.
United States	16,595,922	79	—	—
United Kingdom	1,979,857	9	1,979,857	45
Italy	561,090	3	561,090	13
France	—	—	395,015	9
All Others	1,869,368	9	1,474,353	33
<b>TOTAL</b>	<b>21,006,237</b>	<b>100</b>	<b>4,410,315</b>	<b>100</b>

NOTE: These figures include the following high-prevalence countries: Bangladesh, Brazil, Burkina Faso, Central African Republic, Chad, Democratic Republic of Congo, Ethiopia, Guinea, India, Indonesia, Malawi, Mali, Mexico, Mozambique, Niger, Nigeria, Pakistan, South Sudan, and Tanzania.

Despite not being a top destination in either category, the Netherlands has been implementing strategic initiatives regarding such crimes since 2005, after two highly publicized murders: a high school student was murdered by her father in 2003 while on vacation in Turkey, and a woman was shot and killed by her husband in front of a women's shelter in 2004.<sup>132</sup>

The Netherlands' first strategic initiative, the Program Against Honor-Related Violence (2005–10), focused on prevention, protection, and prosecution. The prevention pillar involved immigrant organizations and emphasized educating service providers on the particular contexts

in which domestic violence, violence against women, and honor-based violence occur. Shelters and law enforcement covered protection, with law enforcement also handling prosecution alongside the public prosecutor. None of these groups operated in isolation as the initiative required them to work together, exchange information, and develop strategies.<sup>133</sup>

In 2013, the Netherlands adopted a new national policy plan that addressed honor-based violence, forced marriage, and marital abandonment as part of a government-wide approach on violence in dependency relationships. The E.U. Agency for Fundamental Rights identified the Dutch approach as a “promising practice” for its comprehensiveness. In addition to developing a national cooperation and coordination mechanism, the agency highlighted:

- The multimedia campaign targeting Dutch youth to raise awareness about human rights and the freedom to choose a partner.
- Education and training activities for professionals working with young people to help identify those at risk of forced marriage. Schools were also urged to include self-determination and other relevant topics in their curricula.
- Discussions of forced marriage, marital captivity, and marital abandonment with communities potentially affected by forced marriage. These conversations aimed to change the communal mindset regarding the practice.<sup>134</sup>

In the United Kingdom, the 1998 death of Rukhsana Naz (see textbox) caused NGOs to pressure the government, resulting in the Home Office establishing a working group on forced marriage in 1999. The group included members from various NGOs and produced a report entitled *A Choice by Right*, which continues to inform the country’s policy approaches. The report framed the discussion of honor-based violence and honor killing through the lens of forced marriage, linking the practice to women’s rights. It also impelled the Foreign and Commonwealth Office to establish the Community Liaison Unit in 2000, which became the Forced Marriage Unit in 2005. The unit, which continues to be part of the Foreign and Commonwealth Office, operates in conjunction with the Home Office, assisting British citizens abroad (and sometimes legal residents) who are forced into marriage.<sup>135</sup>

By 2012, the United Kingdom had criminalized forced marriage, but not without criticism. The overwhelming majority of the country’s immigrants from places identified as practicing it come from India, Pakistan, and Bangladesh (see table 8 in section 10, appendix II).

#### **Creating the Forced Marriage Unit: The Death of Rukhsana Naz**

Rukhsana Naz was 19 years old when she was killed for “dishonoring” her family. Four years earlier, they had arranged a marriage between her and a man in Pakistan that she had only seen twice. Eventually, they had two children, who were 18 months and 3 years old at the time of her death.

Since the age of 12, Rukhsana had carried on a secret affair with a man who was also in an arranged marriage. When she became pregnant with his child, she wished for a divorce from her husband, who refused.

Rukhsana’s mother tried to force her to have an abortion; when she refused, her mother assaulted her hoping to cause a miscarriage. Seven months later, when a doctor confirmed it was too late for an abortion, Rukhsana’s mother held her legs down while a brother strangled her.

In 1999, a year after Rukhsana’s death, they were each sentenced to life in prison.

*Source*: Hall, “Life for ‘Honour’ Killing.”

As such, the critiques argued that the law created the perception that South Asian communities were potential criminals in the eyes of the authorities, rather than citizens who may be in need of services.<sup>136</sup>

In Germany, the 2005 death of Hatun Sürücü (see textbox) prompted increased legislative activity against forced marriage and robust discussion of honor-based violence, but did not lead to the creation of prevention or intervention activities.<sup>137</sup> Instead of instituting trainings or providing targeted resources to newly arrived immigrants, policymakers responded by attempting to introduce immigration restrictions and by passing legislation that criminalized forced marriage as an explicit form of coercion.<sup>138</sup> Six years later, in 2011, the German parliament repealed the law and replaced it with the Act to Combat Forced Marriages and to Better Protect Victims of Forced Marriage. This act made forced marriage punishable by up to five years' imprisonment, but did not provide for any other programs to address the issue.<sup>139</sup> However, Germany does have civil procedures in place that may help prevent forced marriages.

In Germany, the registrar is obligated to refuse to cooperate if it is obvious that one party is being forced into marriage by threat. Similarly, in Sweden, the two parties are required to complete an examination of impediments to marriage by the Swedish Tax Agency, which notifies the public prosecutor in instances of forced or unauthorized child marriage.<sup>140</sup>

#### **Criminalizing Forced Marriage: The Death of Hatun Sürücü**

Born in Berlin to a Turkish-Kurdish family, Hatun Sürücü was 16 when she was forced to marry her cousin; the couple had one child together. After they were divorced, Hatun lived independently with her son in a Berlin suburb, embracing a Western lifestyle. During this time, her family suspected she was having affairs outside of marriage. In February 2005, Hatun's 18-year-old brother shot her three times in the head at a Berlin bus stop for "dishonoring" the family.

Five months later, the Berlin Public Prosecutor's office charged Hatun's three brothers with murder. In September 2005, the youngest, Ayhan, confessed to the crime. In April 2006, he was sentenced to prison and his brothers were acquitted of charges of conspiracy. Upon Ayhan's release in July 2014, Germany immediately deported him to Turkey.

*Source:* Biehl, "The Death of a Muslim Woman"; Bax, "A Crime and Its Consequences."

## **9.2. Female Genital Mutilation/Cutting**

Most migrants leaving countries with high prevalence rates of FGM/C for select industrialized nations settle in the United States, the United Kingdom, and Italy. As with honor-based violence and forced marriage, when looking at European countries only, France rounds out the top three (see table 4).

**Table 4. Top Destinations for Immigrants from Select Countries with a High Prevalence of FGM/C**

Destination	Including United States		Excluding United States	
	# of Immigrants	% Total Immigrant Pop.	# of Immigrants	% Total Immigrant Pop.
United States	742,803	39	—	—
United Kingdom	254,343	13	254,343	22
Italy	195,792	10	195,729	17
France	—	—	191,027	16
All Others	720,396	38	529,369	45
<b>TOTAL</b>	<b>1,913,271</b>	<b>100</b>	<b>1,170,468</b>	<b>100</b>

NOTE: These figures include the following high-prevalence countries: Burkina Faso, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea, Liberia, Mali, Mauritania, Sierra Leone, Somalia, and Sudan.

Several U.N. treaties and resolutions (see section 11, appendix III) have helped establish baselines for national responses to FGM/C, and as immigration has brought the practice to Europe, these responses have varied according to the criminal justice systems and concepts of citizenship and community in each country.<sup>141</sup> Like the responses to honor-based violence and forced marriage, the size of the immigrant population appears to be unrelated to the nature of the response.

Twelve developed nations with large populations from countries where FGM/C is practiced have passed laws criminalizing the practice, including the United States, the United Kingdom, and Italy. France, however, has not—relying instead on existing criminal law.<sup>142</sup> France is also the only country to have prosecuted dozens of people for FGM/C—reportedly up to 42 prosecutions resulting in 100 convictions (see table 5).<sup>143</sup>

**Table 5. Prosecutions/Convictions of FGM/C Cases in Europe**

Country	# of Cases Reported	Total Prosecutions	Total Convictions
France	—	29–42	100
Italy	—	3	1
Norway	36*	None	None
Sweden	80 <sup>†</sup>	2	2
United Kingdom	29 <sup>‡</sup>	Unclear	None <sup>§</sup>

\* In 2017, 31 feared cases, 3 suspected cases, and 2 discovered cases of FGM/C were reported.

<sup>†</sup> In 2014, 60 cases were discovered at one school. An additional 20 cases were reported in 2017.

<sup>‡</sup> These cases were referred to Crown Prosecution Services between 2010 and 2016.

<sup>§</sup> All cases ended in acquittals.

Source: Based on information provided by the Law Library of Congress.

While France has applied a strong criminal justice response to cases of FGM/C, the Netherlands has—as with its response to honor-based violence and forced marriage—focused on preventive measures by engaging affected communities and deploying a multidisciplinary approach called *Ketenaapak*. This “chain approach” is at the core of the Dutch response, providing a five-step

guide on when, how, and to whom to report concerns. In this system, reporting is centralized, with 20 designated child and family abuse centers, each staffed with experts to conduct risk assessments and support safeguarding measures. Observers believe the success of *Ketenaapak* is embedded in a sense of empowerment, community involvement, and parental support (e.g., helping them protect their daughters rather than treating them as potential perpetrators).<sup>144</sup>

In contrast, the United Kingdom has no central authority to coordinate its multiagency approach and faces a significant lack of training and guidance, especially around mandatory reporting for healthcare workers, teachers, and social services providers. For example, researchers observed that the 2013 intercollegiate recommendations on FGM/C contained contradictory policies on reporting adult survivors, saying that all women should be referred to the police and that such referrals should only be considered with the women's consent.<sup>145</sup>

Since July 2015, all of the acute healthcare trusts within the United Kingdom's National Health Service have been required to submit information on victims to the FGM/C Enhanced Dataset; 5,391 new cases were reported between 2016 and 2017.<sup>146</sup> However, though healthcare is the main entry point for support, women who have undergone FGM/C are often only engaged once pregnant. As a result, maternity services are an avenue for facilitating access to support systems. Yet overreliance on these services disregards the needs of women who are not pregnant or of childbearing age. From the victims' perspective, many are reluctant to access these services due to fears of negative reactions from healthcare providers or their own discomfort.<sup>147</sup>

Elsewhere in Europe, Spain's Catalonia region follows a model similar to *Ketenaapak*—training healthcare providers and other professionals, and linking them with potentially affected families. As with the Dutch approach, trainees felt "empowered by knowledge" to discuss FGM/C. And in Normandy, France, information on the procedure has been added to its education curriculum in a way that avoids stigmatizing particular communities and children.

## 10. APPENDIX II. Baseline Data for Select Destinations

In the absence of truly global baseline data for any type of gender-based violence, the author consulted several sources to compile snapshots of select destinations and the origins for their at-risk immigrant populations. For honor-based violence, the chosen countries were those identified by scholars as traditionally perpetrating these crimes. For forced marriage, the selected countries were those with the highest prevalence rates of child marriage and the highest absolute numbers of child marriage incidence, according to the U.N. Children’s Fund (UNICEF). For female genital mutilation/cutting (FGM/C), she used UNICEF’s list of the countries with the highest reported prevalence rates for the procedure.

When selecting the destinations, the author chose those most likely to be peers of the United States. However, instead of simply looking at all nations in the European Union, for example, which excludes peers like Norway, she selected high- and middle-income countries in Western Europe along with Australia, New Zealand, and Canada. Since the report focuses primarily on European nations, the analysis presented here limits the comparisons to the United States and the top three destinations in Europe. Also, please note that the percentages in these tables do not always total 100 percent due to rounding.

### 10.1. Honor-Based Violence

As noted in section 9, appendix I, most of the migrants leaving countries that traditionally practice honor-based violence settle in the United States, Germany, the United Kingdom, and France. These immigrant populations, however, come from a variety of countries. As shown in tables 6–9, the majority of those emigrating to the United States and the United Kingdom come from India, while Germany’s largest pool comes from Turkey and France’s comes from Morocco.

**Table 6. Top Origins for Immigrants from Select Countries with a High Prevalence of Honor-Based Violence Settling in the United States**

Origin	# of Immigrants	% of Total Immigrant Pop.
India	2,307,909	45
Iran	402,700	8
Turkey	373,059	7
All Others	2,091,737	40
<b>TOTAL</b>	<b>5,175,405</b>	—

NOTE: These figures include the following select high-prevalence countries: Afghanistan, Albania, Bahrain, Bangladesh, Bosnia and Herzegovina, Cambodia, Egypt, Georgia, India, Indonesia, Iran, Iraq, Israel, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, Somalia, Palestinian Territories, Sudan, Syria, Turkey, United Arab Emirates, Uzbekistan, and Yemen.

**Table 7. Top Origins for Immigrants from Select Countries with a High Prevalence of Honor-Based Violence Settling in Germany**

Origin	# of Immigrants	% of Total Immigrant Pop.
Turkey	1,661,588	61
Bosnia and Herzegovina	200,510	7
Iran	137,995	5
All Others	710,543	26
<b>TOTAL</b>	<b>2,710,636</b>	—

NOTE: These figures include the following high-prevalence countries: Afghanistan, Albania, Bahrain, Bangladesh, Bosnia and Herzegovina, Cambodia, Egypt, Georgia, India, Indonesia, Iran, Iraq, Israel, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, Somalia, Palestinian Territories, Sudan, Syria, Turkey, United Arab Emirates, Uzbekistan, and Yemen.

**Table 8. Top Origins for Immigrants from Select Countries with a High Prevalence of Honor-Based Violence Settling in the United Kingdom**

Origin	# of Immigrants	% of Total Immigrant Pop.
India	836,524	48
Bangladesh	228,353	13
Somalia	119,953	7
All Others	573,278	33
<b>TOTAL</b>	<b>1,758,108</b>	—

NOTE: These figures include the following select high-prevalence countries: Afghanistan, Albania, Bahrain, Bangladesh, Bosnia and Herzegovina, Cambodia, Egypt, Georgia, India, Indonesia, Iran, Iraq, Israel, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, Somalia, Palestinian Territories, Sudan, Syria, Turkey, United Arab Emirates, Uzbekistan, and Yemen.

**Table 9. Top Origins for Immigrants from Select Countries with a High Prevalence of Honor-Based Violence Settling in France**

Origin	# of Immigrants	% of Total Immigrant Pop.
Morocco	940,552	61
Turkey	301,950	20
Cambodia	64,306	4
All Others	240,219	16
<b>TOTAL</b>	<b>1,547,027</b>	—

NOTE: These figures include the following high-prevalence countries: Afghanistan, Albania, Bahrain, Bangladesh, Bosnia and Herzegovina, Cambodia, Egypt, Georgia, India, Indonesia, Iran, Iraq, Israel, Jordan, Lebanon, Morocco, Qatar, Saudi Arabia, Somalia, Palestinian Territories, Sudan, Syria, Turkey, United Arab Emirates, Uzbekistan, and Yemen.

## 10.2. Forced Marriage

The United States is the top destination for the vast majority of migrants leaving places with high rates of forced marriage as well (see section 9, appendix I). In Europe, the United Kingdom has the largest proportion of immigrants from such countries. As with honor-based violence, these immigrant populations vary. For example, Mexico is the top origin country for the United States (see table 10). The United Kingdom and Italy receive their largest proportions from India, while France becomes home to those from the Democratic Republic of Congo (see tables 11–13).

**Table 10. Top Origins for Immigrants from Select Countries with a High Prevalence of Forced Marriage Settling in the United States**

Origin	# of Immigrants	% of Total Immigrant Pop.
Mexico	12,683,066	76
India	2,307,909	14
Pakistan	370,353	2
All Others	1,234,594	7
<b>TOTAL</b>	<b>16,595,922</b>	—

NOTE: These figures include the following select high-prevalence countries: Bangladesh, Brazil, Burkina Faso, Central African Republic, Chad, Democratic Republic of Congo, Ethiopia, Guinea, India, Indonesia, Malawi, Mali, Mexico, Mozambique, Niger, Nigeria, Pakistan, South Sudan, and Tanzania.

**Table 11. Top Origins for Immigrants from Select Countries with a High Prevalence of Forced Marriage Settling in the United Kingdom**

Origin	# of Immigrants	% of Total Immigrant Pop.
India	836,524	42
Pakistan	529,324	27
Bangladesh	228,353	12
All Others	385,656	19
<b>TOTAL</b>	<b>1,979,857</b>	—

NOTE: These figures include the following select high-prevalence countries: Bangladesh, Brazil, Burkina Faso, Central African Republic, Chad, Democratic Republic of Congo, Ethiopia, Guinea, India, Indonesia, Malawi, Mali, Mexico, Mozambique, Niger, Nigeria, Pakistan, South Sudan, and Tanzania.

**Table 12. Top Origins for Immigrants from Select Countries with a High Prevalence of Forced Marriage Settling in Italy**

Origin	# of Immigrants	% of Total Immigrant Pop.
India	138,802	25
Brazil	106,040	19
Bangladesh	98,743	18
All Others	217,505	39
<b>TOTAL</b>	<b>561,090</b>	—

NOTE: These figures include the following high-prevalence countries: Bangladesh, Brazil, Burkina Faso, Central African Republic, Chad, Democratic Republic of Congo, Ethiopia, Guinea, India, Indonesia, Malawi, Mali, Mexico, Mozambique, Niger, Nigeria, Pakistan, South Sudan, and Tanzania.

**Table 13. Top Origins for Immigrants from Select Countries with a High Prevalence of Forced Marriage Settling in France**

Origin	# of Immigrants	% of Total Immigrant Pop.
Democratic Republic of Congo	77,889	20
Mali	76,703	19
Brazil	58,276	15
All Others	182,147	46
<b>TOTAL</b>	<b>395,015</b>	—

NOTE: These figures include the following high-prevalence countries: Bangladesh, Brazil, Burkina Faso, Central African Republic, Chad, Democratic Republic of Congo, Ethiopia, Guinea, India, Indonesia, Malawi, Mali, Mexico, Mozambique, Niger, Nigeria, Pakistan, South Sudan, and Tanzania.

### 10.3. Female Genital Mutilation/Cutting

As with honor-based violence and forced marriage, most migrants leaving countries with high prevalence rates for FGM/C settle in the United States. In Europe, the top three countries are the United Kingdom, Italy, and France (see section 9, appendix I). Like the other two types of gender-based violence, these immigrants come from a variety of countries. As seen in tables 14–17, the top countries of origin for the United States, the United Kingdom, Italy, and France are, respectively, Ethiopia, Somalia, Egypt, and Mali.

**Table 14. Top Origins for Immigrants from Select Countries with a High Prevalence of FGM/C Settling in the United States**

Origin	# of Immigrants	% of Total Immigrant Pop.
Ethiopia	217,913	29
Egypt	185,131	25
Somalia	91,501	12
All Others	248,258	33
<b>TOTAL</b>	<b>742,803</b>	—

NOTE: These figures include the following select high-prevalence countries: Burkina Faso, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea, Liberia, Mali, Mauritania, Sierra Leone, Somalia, and Sudan.

**Table 15. Top Origins for Immigrants from Select Countries with a High Prevalence of FGM/C Settling in the United Kingdom**

Origin	# of Immigrants	% of Total Immigrant Pop.
Somalia	119,953	47
Egypt	39,980	16
Sierra Leone	32,613	13
All Others	61,797	24
<b>TOTAL</b>	<b>254,343</b>	—

NOTE: These figures include the following select high-prevalence countries: Burkina Faso, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea, Liberia, Mali, Mauritania, Sierra Leone, Somalia, and Sudan.

**Table 16. Top Origins for Immigrants from Select Countries with a High Prevalence of FGM/C Settling in Italy**

<b>Origin</b>	<b># of Immigrants</b>	<b>% of Total Immigrant Pop.</b>
Egypt	110,398	56
Ethiopia	30,935	16
Eritrea	13,832	7
All Others	40,564	21
<b>TOTAL</b>	<b>195,729</b>	<b>—</b>

NOTE: These figures include the following high-prevalence countries: Burkina Faso, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea, Liberia, Mali, Mauritania, Sierra Leone, Somalia, and Sudan.

**Table 17. Top Origins for Immigrants from Select Countries with a High Prevalence of FGM/C Settling in France**

<b>Country of Origin</b>	<b># of Immigrants</b>	<b>% of Total Immigrant Pop.</b>
Mali	76,703	40
Egypt	31,407	16
Guinea	30,667	16
All Others	52,250	27
<b>TOTAL</b>	<b>191,027</b>	<b>—</b>

NOTE: These figures include the following high-prevalence countries: Burkina Faso, Djibouti, Egypt, Eritrea, Ethiopia, Gambia, Guinea, Liberia, Mali, Mauritania, Sierra Leone, Somalia, and Sudan.

## 11. APPENDIX III. International/Regional Laws Specifically Addressing Violence against Women

This appendix provides an overview of the international and regional legal instruments that promote and support the development of national legislation addressing violence against women. Experts consider such laws key to creating a uniform response to incidents of honor-based violence, forced marriage, and female genital mutilation/cutting (FGM/C).

The United Nations categorizes violence against women into three types: family violence, community violence, and state violence. Migrant women can suffer family violence in the form of domestic or honor-based violence, and community violence in the form of FGM/C.<sup>148</sup> As such, the United Nations has issued several human rights instruments, documents, and measures over the years, and has created topical agencies like the Special Rapporteur on Violence against Women, to address these forms of violence. These treaties, resolutions, and reporting bodies influence, assist, and monitor states developing their own national legislation and responses.

The U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which was adopted in 1979, is the foundational human rights treaty that has helped nations around the world develop legislation to counteract the inequalities that women face, including those that make them vulnerable to honor-based violence,

forced marriage, and FGM/C. As a legal instrument, it codifies the nations' obligations in this regard, "ranging from the development of greater equality in state laws as they impact men and women to targeting 'culture and tradition as influential forces shaping gender roles and family relations.'" Article 2 of the treaty condemns discrimination against women in all forms. Parties to the treaty are required to implement measures to end discrimination (see sidebar). Moreover, the article mandates that the pace of policy change be pursued diligently.<sup>149</sup>

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International treaties obligate the signatories to respond to the issues that the treaties address, which may include passing/strengthening national laws. In the case of the CEDAW, however, the United States is the only signatory which has not ratified the convention.

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Although the convention does not explicitly address honor-based violence, CEDAW General Recommendation No. 12 (1989) obligates parties to protect women from "violence of any kind occurring within the family." Because honor is often used as a defense or partial defense for crimes against women, the United Nations advocates for legislation ensuring these incidents will be punished as severely as other crimes.<sup>150</sup> In fact, it first explicitly targeted honor crimes in 1992 by calling for the removal of any legal provisions for a defense of honor in cases of assault and homicide of female family members.<sup>151</sup> In 2000, the U.N. General Assembly issued Comment No. 28 on "Equality of Rights between Men and Women," in which its Human Rights Committee noted that leaving perpetrators of so-called honor crimes unpunished constitutes a serious violation of the International Covenant on Civil and Political Rights, particularly Articles 6, 14, and 26.<sup>152</sup> In 2008, CEDAW General Recommendation No. 26 clarified that protection against gender-based violence extends to migrants.<sup>153</sup>

In the early 2000s, the U.N. General Assembly issued several resolutions urging states to continue developing their responses to honor-related violence. For example, UNGA Resolution 55/66 (2001), "Working towards the Elimination of Crimes against Women Committed in the Name of Honour," calls on states to:

- Intensify efforts to prevent and eliminate crimes against women committed in the name of honor by using legislative, educational, social, and other measures, and by involving chiefs; educators; public, religious, and traditional leaders; and the media in awareness campaigns;
- Increase the knowledge and understanding among service providers of the causes and consequences of crimes committed against women in the name of honor;
- Establish, strengthen, and facilitate support services, such as safe shelters, counseling, legal aid, and rehabilitation/reintegration into society;
- Create, strengthen, and facilitate institutional mechanisms that allow victims and others to report crimes in a safe and confidential manner; and
- Gather and disseminate statistical information on crimes committed in the name of honor.<sup>154</sup>

Then, in 2003 and 2005, respectively, UNGA Resolutions 57/179, "Working towards the Elimination of Crimes against Women Committed in the Name of Honour," and 59/165, "Working towards the Elimination of Crimes against Women and Girls in the Name of Honour," called on states to introduce similar measures to eliminate such violence. These included prompt and thorough investigations of honor crimes; case documentation and effective prosecution/punishment of perpetrators; and awareness-raising activities.<sup>155</sup>

Beginning around 2008, the CEDAW Committee assisted in the drafting of the *U.N. Handbook for Legislation on Violence against Women*.<sup>156</sup> The most recent version of the handbook was published in 2012.<sup>157</sup> It provides guidance on the types of provisions that should be included in domestic violence frameworks and stresses the importance of developing laws specifically about migrant victims. For example, it calls for states to acknowledge that "violence against women may constitute persecution and that complainants/survivors of such violence should constitute a particular social group for the purposes of asylum law."<sup>158</sup>

Along with CEDAW, additional international treaties obligate nations to respond to instances of forced marriage as the practice affects both men and women. Article 16(2) of the 1948 Universal Declaration of Human Rights stipulates that marriage shall be entered into only with the "free and full consent of the intending spouses." Together, this declaration and the International Covenants on Civil and Political Rights and Economic, Social, and Cultural Rights constitute the International Bill of Human Rights.<sup>159</sup>

To address FGM/C, the U.N. General Assembly passed a resolution in 2002 on traditions and customs that affect the health of women and girls. This resolution called on states to adopt national measures prohibiting practices like FGM/C. A few years later, the U.N. Commission on the Status of Women adopted a series of resolutions on ending FGM/C between 2007 and 2010.

Within that timeframe, ten U.N. agencies\* signed an interagency statement on eliminating the practice.<sup>160</sup> Then, in 2011, the U.N. Committee on the Rights of the Child issued General Comment No. 13, stating that children should be free from harmful practices, including FGM/C.<sup>161</sup>

At the regional level, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, more commonly known as the Maputo Protocol, took effect in 2005. Article 5 of the protocol states that nations should take measures to eliminate FGM/C and other traditional practices that are harmful to women.<sup>162</sup> To date, 24 of the 29 countries on the African continent where FGM/C is practiced have enacted decrees related to the procedure.<sup>163</sup> As with the U.N. statements, Article 6 of the protocol notes that national legislation should "guarantee that no marriage shall take place without the free and full consent of both parties."<sup>164</sup>

In Europe, the foundational legal instrument providing protection against domestic violence is the European Convention on Human Rights, which supports establishing a variety of explicit and implicit protections for migrant victims. All E.U. member states are party to the 1953 convention. In 2002, the Council of Europe—the leading human rights body in the region—adopted Recommendation No. 5, mandating member states to "introduce, develop, and/or improve where necessary, national policies against violence."<sup>165</sup> The following year, the council issued Assembly Resolution 1327 on honor crimes, establishing clear principles for member states. In particular, the resolution called on states to:

- Amend national immigration laws to allow women at risk of honor crimes to obtain residence permits;
- Enforce legislation more effectively to penalize all crimes committed in the name of honor and to ensure that allegations of violence and abuse are treated as serious criminal matters;
- Ensure such crimes are effectively/sensitively investigated and prosecuted;
- Disallow an invocation of honor as a mitigating factor or justification of crime;
- Take necessary measures to implement laws related to these crimes, including providing training for policymakers, law enforcement professionals, and the judiciary; and
- Strengthen the female presence in law enforcement and the judiciary.<sup>166</sup>

In 2004, the Stockholm Platform for Action to Combat Honour Related Violence in Europe called for better collaboration across Europe, making several recommendations to the European Union:

- Strengthen support and rehabilitation mechanisms available to victims, such as social, health, legal, and educational support; safe housing and shelters; support lines and counseling services; and information campaigns;

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\* These ten agencies are the Economic Commission for Africa; Joint U.N. Programme on HIV/AIDS; Office of the U.N. High Commissioner for Human Rights; Office of the U.N. High Commissioner for Refugees; U.N. Children's Fund; U.N. Development Fund for Women; U.N. Development Programme; U.N. Educational, Scientific, and Cultural Organization; U.N. Population Fund; and World Health Organization.

- Coordinate the work of European police offices and other institutions, particularly in regard to protecting European citizens at risk of honor crimes in third-party countries and prosecuting perpetrators who take refuge or commit crimes in third-party countries; and
- Grant asylum on the grounds of gender persecution.<sup>167</sup>

The emphasis on developing comprehensive national responses continued in 2009 with a report published by the Parliamentary Assembly of the Council of Europe. It noted that over the previous twenty years, honor crimes had become increasingly common, especially in France, Sweden, the Netherlands, Germany, the United Kingdom, and Turkey. Because of this finding, the report proposed that “measures to protect victims and prevent so-called honour crimes” be implemented, and asked states that had yet to do so to create and put into effect national action plans to combat violence against women, including crimes in the name of honor.<sup>168</sup>

Likewise, a 2009 recommendation by the assembly on the need to combat honor crimes asked the council’s Committee of Ministers to develop a comprehensive strategy. Directed toward E.U. member states, the resolution asked countries to:

- Create national action plans to combat violence against women, including quality education and training for people in all sectors;
- Begin dialogue with religious authorities in an effort to facilitate cooperation;
- Conduct awareness campaigns and establish helpline numbers;
- Create a database to compile statistics;
- Teach law enforcement and the judiciary about violence in the name of honor; and
- Support and finance NGOs that work with immigrant communities.<sup>169</sup>

Europe took more steps toward criminalizing actions related to honor violence in 2011, seeking to harmonize divergent state systems in a number of areas.<sup>170</sup> In April, the European Parliament urged countries “to recognize rape and sexual violence against women, particularly within marriage and intimate informal relationships and/or where committed by male relatives, as a crime in cases where the victim did not give consent, to ensure that such offences result in automatic prosecution, and to reject any reference to cultural, traditional or religious practices as a mitigating factor in cases of violence against women, including so-called ‘crimes of honour’ and female genital mutilation.”<sup>171</sup>

The Council of Europe then adopted the Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention, which set forth minimum standards related to migration and asylum.<sup>172</sup> The treaty obligated its 47 signatories to criminalize physical, psychological, and sexual violence; honor crimes; forced marriage and sterilization; and FGM/C.<sup>173</sup> As of 2014, only eight E.U. member states\* have ratified this treaty; however, that is the number needed for it to go into effect.<sup>174</sup> The council is currently monitoring the convention’s implementation.<sup>175</sup>

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\* The eight countries are Austria, Denmark, France, Italy, Malta, Portugal, Spain, and Sweden.

Table 18 provides a clear and quick comparison of the types of gender-based violence these regional instruments cover.

**Table 18. Regional Laws Specifically Addressing Gender-Based Violence**

<b>Regional Laws</b>	<b>Honor-Based Violence</b>	<b>Forced Marriage</b>	<b>FGM/C</b>
Maputo Protocol		X	X
European Convention on Human Rights	X		
Stockholm Platform	X		
Istanbul Convention	X	X	X

Yet despite all of these laws, the United Nations' Special Rapporteur on Violence against Women has concluded that all states, including those in the European Union, are deficient in meeting their CEDAW obligations. They found that all E.U. member states have increasing numbers of migrants, but only some provide gender-specific immigration benefits, such as asylum for victims of gender-based or domestic violence.<sup>176</sup>

At the state level, six European countries have specific criminal law provisions addressing FGM/C: Austria, Belgium, Denmark, Spain, Sweden, and the United Kingdom. Others, namely Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, and the Netherlands forbid the practice under general criminal statutes. As of 2004, Portugal and Ireland were two countries holding ongoing conversations about including a specific provision for FGM/C in their penal codes; Portugal adopted such legislation in 2015.<sup>177</sup>

Within individual countries, debate exists regarding the need to develop specific legislation for FGM/C or whether existing criminal laws are sufficient to prosecute. No case has reached a court in countries with a specific law, though France and Italy have prosecuted several cases of FGM/C. Between 1988 and 2004, for example, France prosecuted 31 cases and Italy prosecuted two.<sup>178</sup> This raises questions about the utility of specific provisions, but also raises questions about why France is so different.

Though they have not yet prosecuted any cases of FGM/C, Sweden and the United Kingdom were the first nations to develop specific provisions (in 1982 and 1985, respectively). Both laws have been amended several times since then.<sup>179</sup> Austria, Belgium, Denmark, and Spain enacted their laws in the early 2000s.<sup>180</sup>

With the exception of Finland, Greece, Luxembourg, and Portugal, these laws apply the principle of extraterritoriality—meaning parents can be prosecuted for having their daughters undergo FGM/C outside the country of residence. This principle first came into effect in the United Kingdom in March 2004. In Sweden, the principle of double incrimination was removed from the law in 1999, making any case of FGM/C performed on a girl living in Sweden (e.g., citizens, refugees, residents, etc.) before then legal, as long as the procedure was performed in a country that did not criminalize the practice.<sup>181</sup>

## 12. APPENDIX IV. State Laws Specifically Addressing Forced Marriage

As discussed in section 5.2, few states specifically address forced marriage in their criminal statutes. Table 19, however, presents the information for the ten states and one territory that do. Listing the states in alphabetical order, it includes the year each law was originally enacted, the law's location within each state's code, and key points (as well as shortcomings) in the language.

**Table 19. State Laws Specifically Addressing Forced Marriage**

No.	State	Year Enacted	Citation(s)	Key Points
1	California	2011	Cal. Pen. Code § 265.	<ul style="list-style-type: none"> <li>Excludes male victims, minors.</li> <li>Excludes preventative terms or consequences for attempting, aiding, abetting, or conspiring to force a person to marry.</li> <li>Hampers law enforcement efforts to prevent or hold all participants accountable.</li> </ul>
2	District of Columbia	2014	D.C. Stat. § 22-2705.	<ul style="list-style-type: none"> <li>Falls under statute on prostitution.</li> <li>Lacks language about coercive tactics used by perpetrators.</li> </ul>
3	Florida	2015	Fla. Stat. Ann. § 787.06(3)(a).	<ul style="list-style-type: none"> <li>Falls under statute on human trafficking.</li> </ul>
4	Maryland	2014	Md. Code Ann., Crim. Law § 11-303.	<ul style="list-style-type: none"> <li>Falls under statute on human trafficking and prostitution.</li> <li>Enables law enforcement to intervene when sufficient evidence exists.</li> </ul>
5	Minnesota	2015	Minn. Stat. § 609.265.	<ul style="list-style-type: none"> <li>Only applies to minors.</li> <li>Does not consider victim's parents/guardian as perpetrators.</li> <li>Lacks provision for additional facilitator.</li> <li>Hampers law enforcement efforts to prevent or hold all participants accountable.</li> </ul>
6	Mississippi	2012	Miss. Code Ann. § 97-3-1.	<ul style="list-style-type: none"> <li>Excludes minors under 14; very limited statute.</li> <li>Prevents law enforcement efforts to take preventive measures or intervene.</li> </ul>
7	Nevada	2015	Nev. Rev. Stat. Ann. § 201-300.	<ul style="list-style-type: none"> <li>Applies to all victims.</li> <li>Excludes consequences for aiding or abetting an effort to force a person to marry.</li> </ul>
8	Oklahoma	2015	Okla. Stat. Ann. Tit. 21 § 1117-19.	<ul style="list-style-type: none"> <li>Excludes male victims.</li> <li>Prevents law enforcement efforts to take preventive measures or intervene.</li> </ul>

<b>No.</b>	<b>State</b>	<b>Year Enacted</b>	<b>Citation(s)</b>	<b>Key Points</b>
9	U.S. Virgin Islands	2014	V.I.C. Tit. 14 § 1301.	<ul style="list-style-type: none"><li>▪ Excludes male victims.</li><li>▪ Prevents law enforcement efforts to take preventive measures or intervene.</li></ul>
10	Virginia	2015	Va. Code § 18.2-355.	<ul style="list-style-type: none"><li>▪ Falls under prostitution statute.</li></ul>
11	West Virginia	2015	W. Va. Code Ann. § 61-2-14.	<ul style="list-style-type: none"><li>▪ Applies to all victims.</li><li>▪ Could apply to facilitators.</li></ul>

### 13. APPENDIX V. State Laws Specifically Addressing Female Genital Mutilation/Cutting

As noted in section 6.2, nearly triple the number of states/territories that have laws specifically addressing forced marriage have criminal statutes concerning female genital mutilation/cutting (FGM/C). Table 20 highlights the key points, and some shortcomings, for each of the 27 laws. As with table 19 in section 12, appendix IV, it also includes the year each law was enacted and its legal citation.

It is important to note that both New York and Texas have two laws listed, as there are sections focused on FGM/C in their health laws as well. Also, the first law was passed in North Dakota nearly 25 years ago. The most recent law was passed in New Hampshire during the summer of 2018; it will officially be enacted in January 2019.

**Table 20. State Laws Specifically Addressing FGM/C**

No.	State	Year(s) Enacted	Citation(s)	Key Points
1	Arizona	2014	Ariz. Rev. Stat. § 12-513, 13-705, 13-1214, 13-3620.	<ul style="list-style-type: none"> <li>▪ Only applies to minors under 18.</li> <li>▪ Bans “vacation cutting.”</li> </ul>
2	California	1997	Cal. Pen. Code § 273a, 273.4.	<ul style="list-style-type: none"> <li>▪ Only applies to minors under 18.</li> <li>▪ Parent/guardian and circumciser are subject to prosecution.</li> <li>▪ Includes provisions for community education and outreach.</li> </ul>
3	Colorado	1999	Colo. Rev. Stat. § 18-6-401.	<ul style="list-style-type: none"> <li>▪ Only applies to minors under 16.</li> <li>▪ Parent/guardian and circumciser are subject to prosecution.</li> <li>▪ Cultural/ritual reason and/or consent are not a defense.</li> <li>▪ Includes provisions for community education and outreach.</li> </ul>
4	Delaware	1996	Del. Code Ann. Tit. 11 § 780.	<ul style="list-style-type: none"> <li>▪ Only applies to minors under 18.</li> <li>▪ Parent/guardian and circumciser are subject to prosecution.</li> <li>▪ Cultural/ritual reason and/or consent are not a defense.</li> </ul>
5	Florida	2007	Fla. Stat. Ann. § 794.08.	<ul style="list-style-type: none"> <li>▪ Only applies to minors under 18.</li> <li>▪ Parent/guardian and circumciser are subject to prosecution.</li> <li>▪ Bans “vacation cutting.”</li> <li>▪ Cultural/ritual reason and/or consent are not a defense.</li> </ul>
6	Georgia	2005	Ga. Code Ann. § 16-5-27.	<ul style="list-style-type: none"> <li>▪ Only applies to minors under 18.</li> <li>▪ Parent/guardian and circumciser are subject to prosecution.</li> <li>▪ Bans “vacation cutting.”</li> <li>▪ Cultural/ritual reason and/or consent are not a defense.</li> </ul>

No.	State	Year(s) Enacted	Citation(s)	Key Points
7	Illinois	1998	720 Ill. Comp. Stat. 5/12-34.	<ul style="list-style-type: none"> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
8	Kansas	2013	Kan. Stat. Ann. § 21-5431.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Bans "vacation cutting."</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
9	Louisiana	2012	La. Rev. Stat. Ann. § 14:34.1.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Bans "vacation cutting."</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
10	Maryland	1998	Md. Code Ann., Health-Gen. § 20-601, 20-602.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
11	Michigan	2017	Mich. Comp. Laws 1931 PA 328 § 136, 1978 PA 368 § 9159.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Bans "vacation cutting."</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> <li>Includes provisions for community education and outreach.</li> </ul>
12	Minnesota	1995	Minn. Stat. § 144.3872, 609.2245.	<ul style="list-style-type: none"> <li>Cultural/ritual reason and/or consent are not a defense.</li> <li>Includes provisions for community education and outreach.</li> </ul>
13	Missouri	2000	Mo. Rev. Stat. § 568.065.	<ul style="list-style-type: none"> <li>Only applies to minors under 16.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
14	Nevada	1997	Nev. Rev. Stat. Ann. § 200.5083.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Bans "vacation cutting."</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
15	New Hampshire	2019	N.H. Rev. Stat. § 632-A:10-d.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>

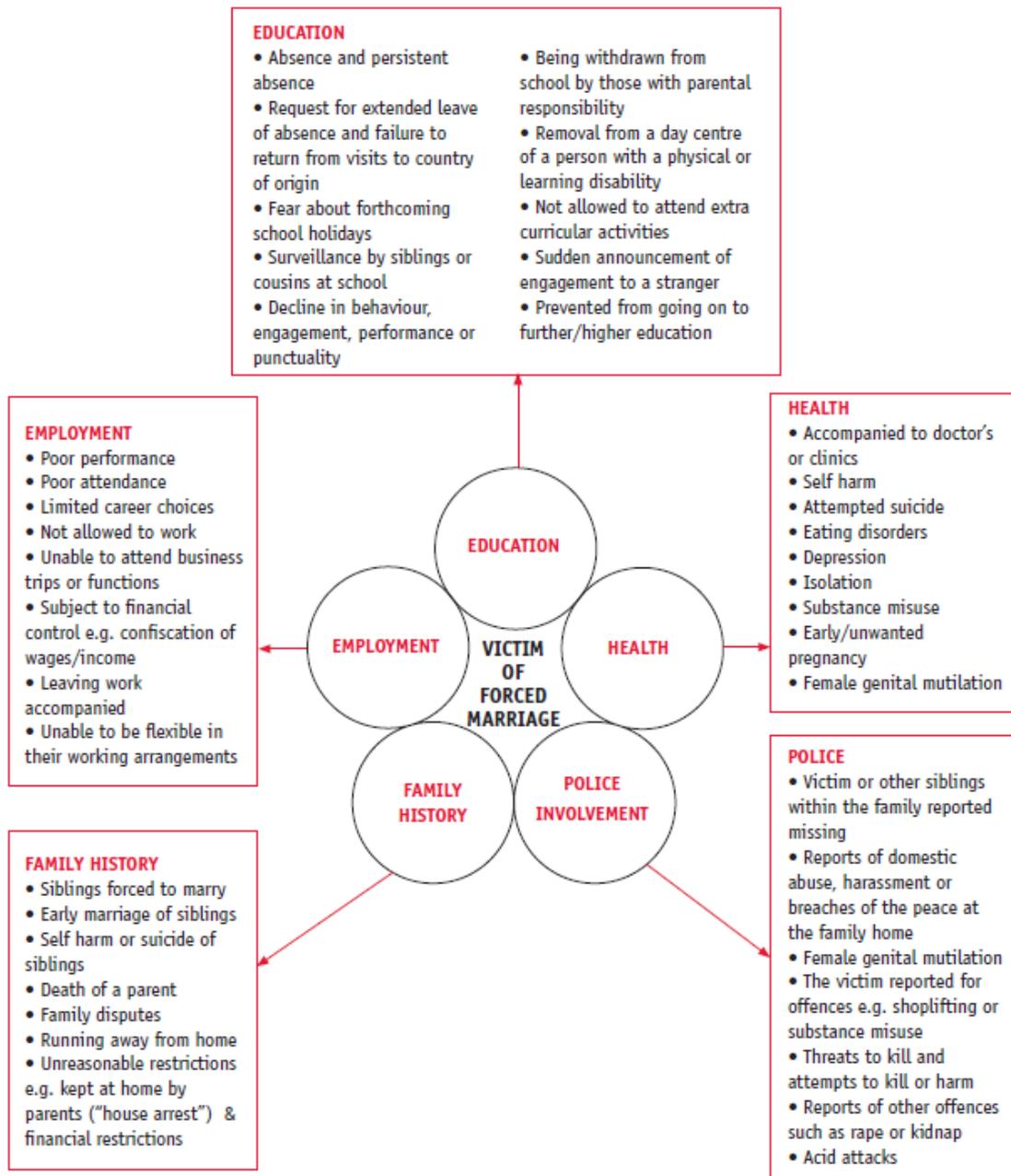
No.	State	Year(s) Enacted	Citation(s)	Key Points
16	New Jersey	2014	N.J. Stat. § 2C:24-10.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Bans "vacation cutting."</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
17	New York	1997; 2015	N.Y. Pen. Law § 130.85; N.Y. Pub. Health Law § 207(k).	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> <li>Includes provisions for community education and outreach.</li> </ul>
18	North Dakota	1995	N.D. Cent. Code § 12.1-36-01.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
19	Oklahoma	2009	Okla. Stat. Ann. Tit. 21 § 760.	<ul style="list-style-type: none"> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
20	Oregon	1999	Or. Rev. Stat. § 163.207.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> <li>Includes provisions for community education and outreach.</li> </ul>
21	Rhode Island	1996	R.I. Gen. Laws § 11-5-2.	<ul style="list-style-type: none"> <li>Parent/guardian and circumciser are subject to prosecution.</li> </ul>
22	South Dakota	2015	S.D. Codified L. §§ 22-18-37, 22-18-38, 22-18-39.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Bans "vacation cutting."</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
23	Tennessee	1996	Tenn. Code Ann. § 39-13-110.	<ul style="list-style-type: none"> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
24	Texas	1999; 2017	Tex. Fam. Code Ann. § 153.502; Tex. Health & Safety Code Ann. § 167.001.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Bans "vacation cutting."</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>
25	Virginia	2017	Va. Code §§ 8.01-42.5, 18.2-51.7.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> </ul>
26	West Virginia	1999	W. Va. Code Ann. § 61-8D-3A.	<ul style="list-style-type: none"> <li>Only applies to minors under 18.</li> <li>Parent/guardian and circumciser are subject to prosecution.</li> <li>Cultural/ritual reason and/or consent are not a defense.</li> </ul>

<b>No.</b>	<b>State</b>	<b>Year(s) Enacted</b>	<b>Citation(s)</b>	<b>Key Points</b>
27	Wisconsin	1996	Wis. Stat. Ann. § 146.35.	<ul style="list-style-type: none"><li>▪ Only applies to minors under 18.</li><li>▪ Cultural/ritual reason and/or consent are not a defense.</li></ul>

### 14. APPENDIX VI. Warning Signs of Forced Marriage

Figure 10 comes from the United Kingdom’s *Multi-Agency Practice Guidelines: Handling Cases of Forced Marriage*, which was published by the Cabinet Office in 2014. As it shows, the warning signs of forced marriage may be observed in several aspects of a victim’s life: how they behave at work or school, how health issues present, and how they have engaged with or been engaged by the police. A victim’s family history may also hold important clues for those around them.

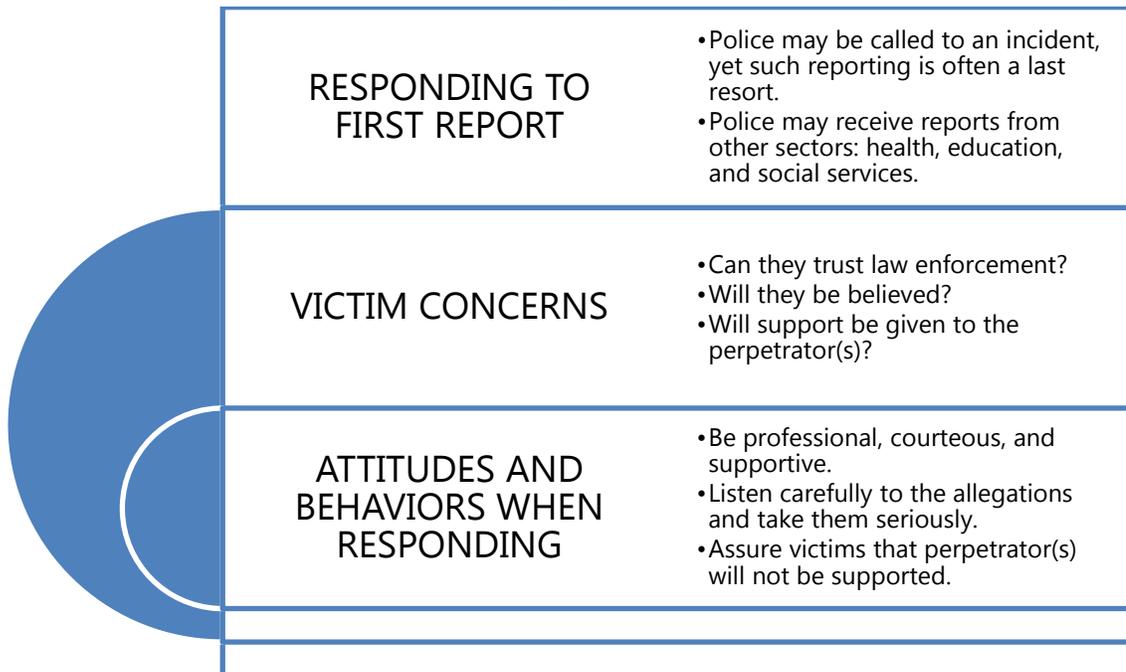
**Figure 10. Warning Signs of Forced Marriage**



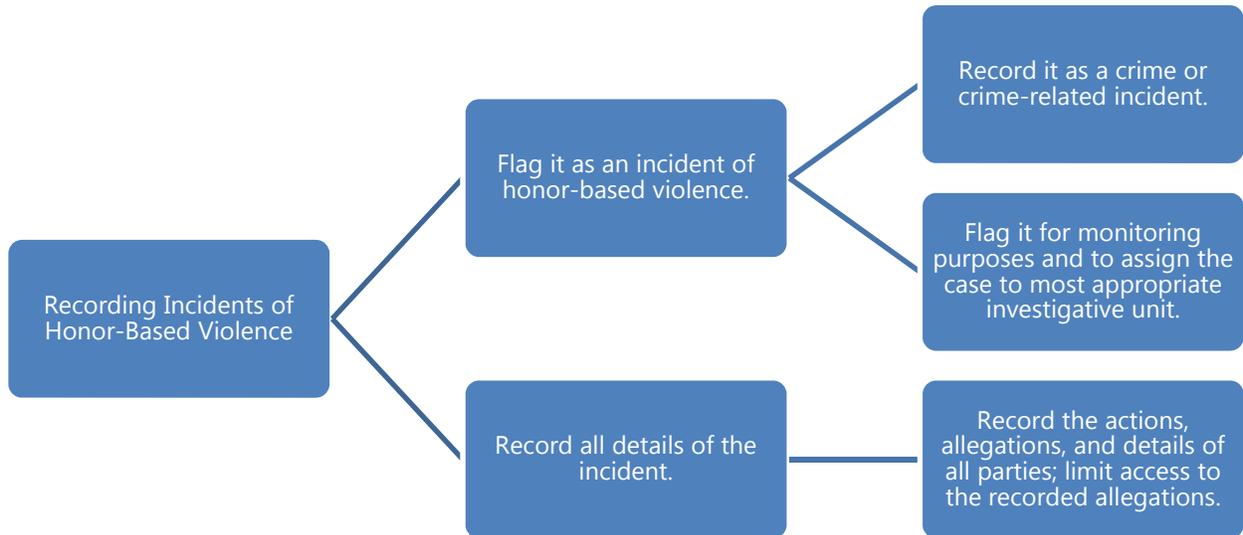
### 15. APPENDIX VII. Recommended Practices for Interviewing Victims of Honor-Based Violence

The following two figures were derived from information in the monograph, *Honor-Based Violence: Policing and Prevention*, a policing textbook used in the United Kingdom that was written by Karl Anton Roberts, Gerry Campbell, and Glen Lloyd. Figure 11 outlines several recommendations for law enforcement to consider when responding to reports of honor-based violence, including cases of forced marriage and female genital mutilation/cutting. Similarly, figure 12 outlines a number of recommendations to consider when recording these incidents.

**Figure 11. Recommendations for Interviewing Victims of Honor-Based Violence**



**Figure 12. Recommendations for Recording Incidents of Honor-Based Violence**



## 16. APPENDIX VIII. Recommended Practices for Interviewing Victims of Female Genital Mutilation/Cutting

Table 21 compiles the key points of the AHA Foundation’s training curriculum on female genital mutilation/cutting (FGM/C) for law enforcement professionals, educators, and services providers. A human rights attorney consulted by the author took this training. The author used their notes to put these recommendations together.

**Table 21. Recommendations for Interviewing Victims of FGM/C**

Actions	Considerations
Prepare Interview	<ul style="list-style-type: none"> <li>▪ Prepare for long/multiple interactions, which are necessary to build trust and gain access to detailed information.</li> <li>▪ Ensure the victim feels safe by respecting her choices, rights, and wishes.</li> <li>▪ Encourage the victim to ask for breaks and offer breaks repeatedly; if in an unfamiliar space, give the victim a tour of the surroundings and identify the nearest restroom.</li> <li>▪ Identify community actors who may be allies/enablers or ambivalent about the procedure. However, be cautious as community organizations may fear consequences if they take a position against FGM/C.</li> <li>▪ Locate skilled translators and interpreters who do not support FGM/C and are outside the victim’s community; consider confidentiality agreements.</li> <li>▪ Research the victim’s home country/region, as well as her community, ethnic, and religious groups.</li> <li>▪ Consider the victim’s and her community’s migration to the United States and how the cultures may vary.</li> </ul>
Identify Barriers	<ul style="list-style-type: none"> <li>▪ Understand the victim’s need to weigh their personal safety with cultural integrity and communal integration.</li> <li>▪ Identify safety concerns such as housing access, financial support, and immigration security.</li> </ul>
Listen Actively	<ul style="list-style-type: none"> <li>▪ Realize that most victims will prefer to speak with a woman as it is culturally inappropriate for them to speak with a man.</li> <li>▪ Consider any needs that may be based on demographics. For example, younger victims may prefer talking to someone younger than their parents and someone of the same race/ethnicity may make a victim more comfortable OR more scared (due to confidentiality concerns). Also consider potential barriers related to class.</li> <li>▪ Ensure the meeting location is quiet, confidential, and comfortable, as well as easy to move around. Avoid formal/threatening places like police stations or courthouses.</li> <li>▪ Balance questions between open and closed formats.</li> </ul>
Interpret Situation	<ul style="list-style-type: none"> <li>▪ Expect the victim to feel a variety of emotions, including anger, ambivalence, betrayal, coercion, hostility, and shame.</li> </ul>
Consider Safety Plan	<ul style="list-style-type: none"> <li>▪ Devise a number of options, while considering the victim’s immigration status. Think about whether the victim should stay or go and any potential tracking/surveillance measures that may help.</li> </ul>
Educate Victim	<ul style="list-style-type: none"> <li>▪ Recognize the fact that the victim may not fully understand everything that has happened. Share information about FGM/C around the world, the related health risks, and where to get help.</li> </ul>

## 17. APPENDIX IX. Training Resources in the United States

This appendix includes information on several training courses on gender-based violence that are provided by organizations located in the United States. The trainings are grouped by issue and listed alphabetically within those groups. Each entry details how to access the training and provides a description of how the training is organized and the themes it emphasizes.

### 17.1. Honor-Based Violence

AHA Foundation. "Honor Violence and Forced Marriage Training." Accessed August 27, 2018. <https://www.theahafoundation.org/online-training/honor-violence-and-forced-marriage/>

This online curriculum aids professionals who are likely to encounter victims of honor-based violence in learning how to recognize, prevent, and address such violence or forced marriage. It consists of six lessons and several quizzes that should take about an hour to complete. The course objectives include:

- Defining honor violence and forced marriage.
- Distinguishing between honor violence and intimate partner violence.
- Identifying best practices for investigating cases of honor violence/forced marriage and for working with victims.

### 17.2. Forced Marriage

AHA Foundation. "Honor Violence and Forced Marriage Training." Accessed August 27, 2018. <https://www.theahafoundation.org/online-training/honor-violence-and-forced-marriage/>

This online curriculum aids professionals who are likely to encounter victims of honor-based violence in learning how to recognize, prevent, and address such violence or forced marriage. It consists of six lessons and several quizzes that should take about an hour to complete. The course objectives include:

- Defining honor violence and forced marriage.
- Distinguishing between honor violence and intimate partner violence.
- Identifying best practices for investigating cases of honor violence/forced marriage and for working with victims.

Tahirih Justice Center. Forced Marriage Initiative. "Resources: Training & Resource Toolkit." Accessed August 27, 2018. <https://preventforcedmarriage.org/forced-marriage-resource-toolkit-for-service-providers/>.

In addition to organizing community awareness, professional training, and public education campaigns, the Tahirih Justice Center—through its Forced Marriage Initiative—helps frontline professionals develop the necessary awareness of the unique challenges facing victims of forced marriage. Its resources include a "Forced Marriage 101" webinar, tip sheets for educators and overseas travelers who may be at risk, an overview of U.S. state laws addressing forced marriage, and a series of country profiles highlighting the relevant laws and customary practices related to forced marriage.

The objectives of these resources are:

- Providing guidance on screening for and identifying potential warning signs/indicators of forced marriage.
- Highlighting the nature and scope of forced marriage in the United States.
- Illustrating best practices for providing culturally responsive services to victims and those who may be at risk.

### 17.3. Female Genital Mutilation/Cutting

AHA Foundation. "Female Genital Mutilation/Cutting (FGM/C) Training for Professionals Working with Victims and Communities." Accessed August 27, 2018. <https://www.theahafoundation.org/online-training/female-genital-mutilationcutting-fgmc-training-for-professionals-working-with-victims-and-communities/>.

As with the foundation's training on honor-based violence and forced marriage, this course assists service providers in engaging clients, victims, or persons at risk of FGM/C in a culturally sensitive manner. The first few lessons focus on what FGM/C is, the health issues related to the practice, and the state of FGM/C in the United States. However, the bulk of the lessons center on best practices for working with victims and there are three hypothetical studies, designed to help these professionals put the theories into practice.

American School Health Association. "Female Genital Mutilation & Cutting: Strategies for Education and Prevention." Accessed August 27, 2018. <http://www.ashaweb.org/news-events/webinars/female-genital-mutilation-cutting-strategies-for-education-and-prevention/>.

This webinar, a collaboration between the Global Woman P.E.A.C.E. Foundation and the U.S. Departments of Education and Justice, provides school health professionals and educators with "the essential information needed to understand [FGM/C] and the risk [it poses] to girls and families." In particular, the webinar focuses on:

- Detailing the four types of FGM/C, the reasons it is performed, the people performing the procedure, and the ages at which most girls are cut.
- Identifying the girls most at risk and looking for signs that FGM/C may have occurred.
- Explaining the practice of "vacation cutting."
- Knowing the applicable federal and state laws, when reporting is mandatory, and how to report, as well as the penalties for FGM/C and vacation cutting.
- Discussing FGM/C in culturally sensitive ways with girls and families to encourage the sharing of information, and providing services for the children, if necessary.

Council of the Great City Schools, with Global Woman P.E.A.C.E. Foundation. *FGM/C Prevention: A Resource for U.S. Schools*. Washington, DC: Council of the Great City Schools, n.d. <https://www.cgcs.org/cms/lib/DC00001581/Centricity/Domain/4/FGMC-CGCS-interactive%20final.pdf>.

In addition to defining FGM/C, the cultural reasons for the practice, and its short- and long-term health effects, this guide highlights several prevention strategies, such as engaging the school community and collaborating with local organizations. It also provides a suggested process for building a response protocol within the school/school district.

Global Woman P.E.A.C.E. Foundation. "Kids Reach Program." Accessed August 27, 2018. <http://globalwomanpeacefoundation.org/kid-reach-2/>.

Designed to educate police officers in the Washington, DC metropolitan area on the practice of FGM/C and its consequences, this in-person training gives officers the resources needed to support victims and those at risk through prevention, protection, and prosecution. The manual, like many of the other resources listed, includes information on addressing FGM/C in a culturally sensitive way.\*

Michigan Coalition to End Domestic and Sexual Violence. "Female Genital Mutilation Training: Starting the Conversation." Accessed August 27, 2018. <https://portal.mcedsv.org/trainings?cid=2&ceid=203&cerid=0&cdt=7%2f12%2f2018&erid=622641&trid=259c6f03-b7e0-4763-89c7-15d121ceed2>."

This training, which is held periodically in Southfield, Michigan, is funded by the Michigan Crime Victims Service Commission through a grant under the 1984 Victims of Crime Act. It centers on helping "advocates and legal professionals understand the root causes and complexity of" FGM/C, while also detailing ways in which these individuals can help victims and those at risk.

U.S. Department of Justice. Office of Justice Programs. Office of Juvenile Justice and Delinquency Prevention. "Keeping Kids Safe: Preventing Female Genital Mutilation/Cutting in the United States." March 18, 2015. [https://www.gvsu.edu/cms4/asset/903124DF-BD7F-3286-FE3330AA44F994DE/female\\_genital\\_mutilation\\_cutting\\_in\\_the\\_us.pdf](https://www.gvsu.edu/cms4/asset/903124DF-BD7F-3286-FE3330AA44F994DE/female_genital_mutilation_cutting_in_the_us.pdf).

A joint effort by the Johns Hopkins School of Nursing, Sanctuary for Families, and the U.S. Departments of Education and Justice, this presentation details multiple aspects of FGM/C. Its overall objectives are:

- Increasing awareness and understanding of the FGM/C-related issues young women and girls may face in the United States and abroad.
- Providing information on the physical, psychological, and emotional effects of FGM/C; tools and resources to identify and prevent FGM/C; and tips for reporting persons at risk for FGM/C.
- Explaining the legal consequences of FGM/C as a crime and form of reportable child abuse.

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\* To date, the Global Woman P.E.A.C.E. Foundation has conducted trainings with the Loudoun County (VA) Sheriff's Office and the Fairfax County (VA) Police Department. It has also scheduled a training with the Montgomery County (MD) Police Department, including its Child Protective Services unit.

## 18. APPENDIX X. Additional Resources on Canadian, U.K., and U.S. Approaches

This appendix compiles additional resources, mostly from the United Kingdom, on addressing honor-based violence, forced marriage, and female genital mutilation/cutting. These resources include official government policy documents and guidelines, policing textbooks, and academic research reports. The target audiences include policymakers and professionals in health, education, social services, and criminal justice sectors.

### 18.1. Honor-Based Violence

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