

FEMALE GENITAL MUTILATION (FGM) IN THE UNITED STATES

WHAT IS FGM?

Female genital mutilation (FGM) is a harmful traditional practice that involves the removal of part or all of the female genitalia. The World Health Organization (WHO) has classified FGM into 4 types:

- **Clitoridectomy:** partial or total removal of the clitoris and/or the prepuce
- **Excision:** partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora
- **Infibulation:** the most extreme form, the removal of all external genitalia and the stitching together of the two sides of the vulva
- **Other:** all other harmful procedures done to the female genitalia for nonmedical purposes, for example, pricking, piercing, incising, scraping and cauterizing

WHAT ARE THE HEALTH CONSEQUENCES OF FGM?

FGM is generally performed without anesthetic, and can have lifelong health consequences including:

- Chronic infection
- Hemorrhage
- Severe pain during urination, menstruation, and sexual intercourse
- Complications during childbirth
- Increased risk of newborn deaths
- Psychological trauma

While anti-FGM advocates occasionally **report cases of death as a direct or indirect result of FGM**, there is no statistical data on how many girls die from the procedure.

FGM is recognized internationally as a human rights violation, torture and an extreme form of violence and discrimination against women and girls.

WHY IS FGM PERFORMED?

- To control women's sexuality and to ensure virginity until marriage and fidelity in marriage.
- To make a girl more acceptable in the community and increases her eligibility for marriage.
- As a traditional rite of passage into adulthood, often surrounded by various myths.
- FGM is associated with notions of being "feminine," "modest," "clean" and/or "beautiful."

CAN FGM BE COMPARED WITH MALE CIRCUMCISION?



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While male circumcision is the removal of foreskin and does not affect the male sex organ itself, FGM damages the sex organs, inhibiting pleasure and causing severe pain and complications for women's sexual and reproductive health.

The underlying ideology behind the two practices also differs. FGM is a patriarchal cultural tradition carried out with the intent of subjugating women and controlling their bodies. The practice serves to oppress women, reinforcing the perpetuation of their marginalization and inferior status in society. Male circumcision on the other hand is not rooted in a blatantly discriminatory ideology. Further the harmful health implications of FGM cannot be compared with that of male circumcision.

WHAT IS THE PREVALENCE RATE OF FGM IN THE U.S.?

In response to advocacy by Equality Now, Safe Hands for Girls, and other civil society partners, in January 2016 the U.S. Department of Health and Human Services' (HHS) Centers for Disease Control and Prevention (CDC) published a new study about the number of women and girls who are at risk of FGM or have undergone FGM in the U.S. According to the [study](#), **an estimated 513,000 women and girls in the U.S. have undergone or are at risk of being subjected to FGM**, which is **more than three times higher** than an earlier estimate based on 1990 data.

The Population Reference Bureau also conducted a nationwide prevalence [study](#) on FGM, released in February 2015 that estimates up to **507,000 women and girls living in the U.S. are at risk of or have undergone FGM** and also provides prevalence rates by state and metropolitan area. Both studies have made clear that we need more detailed information on specifics surrounding women and girls affected or at risk of FGM in the U.S.

WHAT IS THE HISTORY OF FGM IN THE U.S.?

The occurrence, prevalence, and effects of FGM on certain affected communities within the U.S. are often shrouded in silence.

1996: Equality Now launched a campaign against the detention of 17-year-old Fauziya Kassindja, who had escaped from Togo fleeing FGM and a forced marriage in 1994.

- In a **landmark decision**, she was granted asylum in the U.S. a few weeks following the campaign.
- This **precedent-setting case** recognized FGM as a form of gender-based persecution on the basis of which women could seek asylum in the U.S.
- Soon after Fauziya's case, **the federal law banning FGM was passed** in the U.S.

The statistics available about FGM in the U.S. are speculations mostly based on populations from FGM affected communities in the U.S. While there have been only a couple of officially reported cases of FGM in Georgia (in 2003 and 2010), recent news [articles](#) have highlighted [cases](#) of American [girls](#) from practicing communities being subjected to FGM either when they are on [vacation](#) in their parents' countries of origin



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(called “**vacation cutting**”) or when circumcisers are brought into the country to cut girls; some reports also indicate that a few doctors may be performing FGM on girls in the U.S.

There is a general lack of information about how to handle FGM in schools and health institutions in the U.S. It is generally agreed that, to be effective, approaches to ending FGM must be holistic and should include:

- Enacting and enforcing laws that prohibit FGM
- Working in communities affected by FGM
- Culturally sensitive awareness raising
- Education and outreach programs to protect girls living in the U.S. from FGM

WHAT LAWS PROTECT GIRLS FROM FGM IN THE U.S.?

The federal law addressing FGM in the U.S.: [18 U.S. Code § 116 ‘Female Genital Mutilation’](#) makes it illegal to:

- Perform FGM in the U.S.
- Knowingly transport a girl out of the U.S. for the purpose of inflicting FGM.

24 STATES IN THE U.S. ALSO HAVE LAWS AGAINST FGM

- The states of Arizona, Florida, Georgia, Kansas, Louisiana, Nevada, and New Jersey currently have a “vacation provision” as part of their state laws prohibiting FGM.

WHAT IS THE HISTORY OF THIS LAW?

- **1996:** Congress passed a law making it illegal to perform FGM in the U.S. However, every summer or during school holidays, girls from FGM-affected communities in the U.S. are faced with the real and imminent threat of being subjected to FGM while on vacation in their parents’ country of origin. Although the 1996 federal law banned FGM in the U.S., it did not address the act of transporting girls overseas to be subjected to FGM.
- **April 26, 2010:** Congressman Joseph Crowley (D-NY) and Congresswoman Mary Bono Mack (R-CA) introduced *The Girls’ Protection Act* (H.R. 5137), bipartisan legislation co-sponsored by over 138 Members of Congress, and supported by Equality Now, to address this gaping loophole. Such laws exist in several European countries that have substantial populations from FGM-affected communities and can act as an effective deterrent to FGM.
- **June 2011:** Though *The Girls’ Protection Act* did not pass in 2010, *The Girls Protection Act* (H.R. 2221) was re-introduced by Representatives Crowley and Mack in June 2011.
- **November 2011:** Senator Harry Reid (D-NV) introduced a similar bill, *The Girls Protection Act* (S. 1919), in the Senate. Equality Now actively worked with Congressman Crowley and Senator Reid to [introduce](#) this legislation and advocate for its passage.
- **December 2012:** Congress passed the FGM travel provision, [‘Transport for Female Genital Mutilation’](#) as Section 1088 of the *National Defense Authorization Act for Fiscal Year 2013* (H.R. 4310).



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- **January 2013:** President Obama signed the travel provision into law. This [law](#) amended the US Code; it is now illegal to knowingly transport a girl out of the U.S. for the purpose of inflicting FGM.

18 U.S. Code § 116(d) states:

“Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of [female genital mutilation] with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.”

U.S. FOREIGN AND DOMESTIC POLICIES

August 2012: the [U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally](#) was introduced by the U.S. Department of State and the U.S. Agency for International Development. It defines FGM as a form of violence against women and girls. The same year, President Obama issued an [Executive Order](#) calling for U.S. implementation of this strategy.

2014: The U.S. Department of State Human Rights country [reports](#) include, for the first time, a mandatory question on FGM.

Equality Now has worked closely with the U.S. government to inform policy on FGM and continues to advocate with FGM survivors in the U.S. for a comprehensive approach to effective implementation of U.S. laws and policies and greater public awareness of this human rights violation. In collaboration with FGM survivor and activist [Jaha Dukureh](#), Equality Now supported a 2014 [Change.org](#) petition which gained over 200,000 signatures, calling on President Obama to update prevalence and incidence statistics of girls and women subjected to and at risk of FGM in the U.S. Equality Now and Safe Hands for Girls further [called](#) on the Obama administration to develop a comprehensive strategic plan to end the practice in the U.S., and to provide services to those who have already been subjected to FGM.

July 2014: The U.S. government has since made several [commitments](#) to address FGM in the U.S., including to undertake a nationwide [study](#) on FGM to determine how many women and girls are living with the consequences of FGM or are at risk of FGM in the U.S.

August 2014: The Department of Justice Human Rights and Special Prosecutions Section disseminated a [newsletter](#) to U.S. Attorney’s Offices providing guidance regarding investigations and prosecutions using the FGM statute.

October 2014: An inter-agency working group, including the U.S. Departments of Health and Human Services, Education, Justice, Immigration, and numerous others, hosted a consultation with civil society on how to best address FGM in the U.S. Equality Now and Safe Hands for Girls were invited to introduce the meeting; we continue to advocate for development, funding and implementation of a comprehensive plan to address FGM in the U.S.



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February 2015: Representatives Crowley and Jackson Lee [introduced](#) the [Zero Tolerance for FGM Act](#), which calls on the administration to create and deliver a report to Congress on the national action plan. Equality Now supports the Act and is advocating for Congress to pass it.

18 March 2015: The Department of Justice Office of Juvenile Justice and Delinquency Prevention and the Department of Education hosted a webinar, '[Keeping Kids Safe: Preventing Female Genital Mutilation in the United States](#),' in order to raise awareness about the issue of FGM in the US.

20 October 2015: The Ambassador-at-large for Global Women's Issues at the Department of State, Catherine Russell, [wrote](#) to Equality Now on President Obama's behalf that "[t]he U.S. government opposes FGM/C, no matter the type, degree, or severity, no matter the motivation for performing it, and considers the practice to be a serious human rights abuse and form of gender-based violence and child abuse. ... It is against U.S. law to perform FGM/C on a girl under the age of 18 or to send or attempt to send her outside the U.S. so that FGM/C can be performed. ... There is no exception for performing FGM/C for tradition or culture." She detailed the initiatives that government agencies are taking to protect and empower adolescent girls domestically and internationally, and re-iterated the Administration's commitment to working with civil society to end harmful practices like FGM.

The Department of Health and Human Services (HHS) has strengthened efforts to fund anti-FGM programs in the U.S., though Equality Now continues to advocate for increased funding for groups working to address and prevent FGM in the U.S.

- **April 2014:** A funding announcement for the [Ethnic Community Self-Help Program](#) explicitly mentions efforts against FGM as an allowable activity under the grant.
- **January 2016:** HHS also announced a new grant opportunity specifically targeting FGM: [the Female Genital Cutting \(FGC\) Community-Centered Health Care and Prevention Project](#).
- **2016:** The [Department of Health and Human Services'](#) budget justifications for 2017 for the first time address FGM.

In collaboration with civil society, several agencies have also issued brochures or statements explaining the law against FGM:

- **2015:** U.S. Department of Justice [brochure](#), which introduces a reporting hotline: 1-800-813-5863
- **2015:** U.S. Department of Homeland Security's U.S. Citizen and Immigration Services (USCIS) [brochure](#)
- **2016:** Federal Bureau of Investigation (FBI) [statement](#)

Efforts to raise awareness of FGM in the US are increasing. U.S. Government agencies have also celebrated the International Day of Zero Tolerance for FGM since 2015:

- White House statements [2015](#) and [2016](#)
- Department of State statements [2015](#) and [2016](#)
- Department of Justice statement [2015](#)
- U.S. Agency for International Development statement [2015](#)
- U.S. Citizen and Immigration Services statement [2015](#)



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8 February 2016: The Permanent Mission of the United States to the United Nations and Organization of Islamic Cooperation (OIC) hosted a roundtable discussion, bringing together religious leaders, survivor advocates, key influencers, practitioners, and experts in the field to discuss best practices. The [remarks](#) of U.S. Government are available online. The U.S. Government also made a [video](#) featuring a FGM survivor from the Dawoodi Bohra community and her brother, which it will publicize for Zero Tolerance Day.

March 2016: The Department of State and U.S. Agency for International Development launched the first [Global Strategy to Empower Adolescent Girls](#), prominently highlighting the need to address FGM. The Permanent Mission of the United States to the United Nations and Organization of Islamic Cooperation (OIC) hosted a side event at the 60th Session of the Commission on the Status of Women. The event, 'Empowering Muslim Women through Storytelling: A Roundtable Discussion', focused on how to use storytelling to address women's rights issues including FGM.

19 May 2016: The U.S. Government Accountability Office issued a [report](#) on U.S. efforts abroad to combat FGM, and is developing a similar report on U.S. efforts domestically to address FGM. Following this, the U.S. committed to provide funding to the UNICEF/UNFPA Joint Programme on FGM/C.

We are encouraged by these initiatives but recognized much more needs to be done. Other countries are far ahead of the US in their data collection, prevention and training programs, health services to survivors, prosecution of perpetrators, and public awareness of women and girls affected by or at risk of FGM. Equality Now continues to call for a comprehensive plan and funding to address FGM, and a coordinated effort among all U.S. agencies to address this practice.



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U.S. STATES WITH ANTI-FGM LAWS *(as of March 2016)*

State	Applicable Law	Only applies to minors (under 18 unless otherwise specified)	Parent/Guardian and circumciser subject to prosecution	"Vacation Provision" banning travel outside the state for FGM	Cultural/ritual reasons, and/or consent not a defense	Provisions for community education & outreach	Sentence
Arizona	A.R.S. §§ 12-513, 13-705, 13-1214, 13-3620 Effective 04/24/2014	x		x	x		Imprisonment 5.25-35 years & fine not less than \$25,000
Californiaⁱ	Cal. Pen. Code § 273a, 273.4, Cal. Health & Saf. Code §124170 Passed in 1996; Effective 1/1/1997	x	x			x	Imprisonment 1-7 years
Coloradoⁱⁱ	Col. Rev. Stat. § 18-6-401 Effective 5/24/1999	Under 16	x		x	x	Imprisonment minimum 4 years
Delaware	Del. Code Tit. 11, § 780 Effective 7/3/1996	x	x		x		Imprisonment up to 5 years
Florida	Fla. Stat. § 794.08 Effective 10/1/2007	x	x	x	x		Imprisonment up to 30 years ⁱⁱⁱ &/or fine up to \$10,000
Georgia^{iv}	O.C.G.A. § 16-5-27 Effective 7/1/2005	x	x	x	x		Imprisonment 5-20 years
Illinois	720 Ill. Comp. Stat. 5/12-34 Effective 1/1/1998		x		x		Imprisonment 6-30 years
Kansas	K.S.A. § 21-5431 Enacted 4/10/2013	x	x	x	x		Imprisonment 55-247 months
Louisiana	La. R.S. 14:43.4 Effective 8/1/2012	x	x	x	x		Imprisonment up to 15 years


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Maryland	Md. Code Health-Gen. § 20-601, 602 Effective 4/28/1998	x	x		x		Imprisonment up to 5 years &/or fine up to \$5,000
Minnesota	Minn. Stat. § 144.3872, 609.2245 Passed in 1994; Effective 8/1/1995				x	x	Imprisonment up to life &/or fine
Missouri	Mo. Rev. Stat. § 568.065 Passed 7/13/2000	Under 17	x		x		Imprisonment 5-15 years
Nevada	Nev. Rev. Stat. § 200.5083 Effective 6/26/1997	x	x	x	x		Imprisonment 2-10 years &/or fine up to \$10,000
New Jersey	N.J. Stat. § 2C:24-10 Effective 1/17/2014	x	x	x	x		Imprisonment 3-5years
New York	N.Y. Penal Law § 130.85 Passed 9/29/1997; Effective 45 days later N.Y. Public Health Law § 207(1)(k) Effective 11/20/2015	x	x		x	x	Imprisonment up to 4 years
North Dakota	N.D. Cent. Code § 12.1-36-01 Effective 8/1/1995	x			x		Imprisonment up to 5 years &/or fine up to \$10,000
Oklahoma	21 Okl. St. § 760 Effective 11/1/2009				x		Imprisonment 3 years-life & fine up to \$20,000. + Revocation of medical license.
Oregon	Or. Rev. Stat. § 163.207, §431.827 Effective 7/15/1999	x	x		x	x	Imprisonment up to 10 years &/or fine up to \$250,000



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Rhode Island ^v	R.I. Gen. Laws § 11-5-2 Effective 7/3/1996						Imprisonment up to 20 years
South Dakota	S.D.C.L. §§ 22-18-37, 22-18-38, 22-18-39 Effective 3/10/2015	x	x	x	x		Imprisonment up to 10 years & fine up to \$20,000
Tennessee	Tenn. Code § 39-13-110 Effective 7/1/1996				x		Imprisonment 2-12 years & discretionary fine up to \$5,000
Texas	Tex. Health & Safety Code § 167.001 Effective 8/30/1999	x					Imprisonment 6 months-2 years & discretionary fine up to \$10,000
West Virginia	W. Va. Code § 61-8D-3A Passed 2/23/1999; Effective 90 days later	x	x		x		Imprisonment 2-10 years & fine \$1,000-\$5,000
Wisconsin	Wis. Stat. § 146.35 Effective 5/28/1996	x			x		Imprisonment up to 6 years &/or fine up to \$10,000

ⁱ California: Enhanced penalty for FGM under “Abandonment and Neglect of Children” (Penal Code).

ⁱⁱ Colorado: Within child abuse law, and one of few states where doctor-patient and husband-wife privileges are inapplicable in prosecutions for FGM.

ⁱⁱⁱ Florida: Committing or attempting FGM is punishable by imprisonment up to 30 years and/or fine up to \$10,000. Removal from the state for purposes of committing FGM is punishable by imprisonment up to 15 years and/or fine up to \$10,000. A parent/guardian giving consent/permission for the child to undergo FGM is punishable by imprisonment up to 5 years and/or fine up to \$5,000.

^{iv} Georgia: One of few states where husband-wife and other statutory privileges are inapplicable in prosecutions for FGM.

^v Rhode Island: Within assault statute.



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