

## WHAT IS FGM?

Female genital mutilation and cutting (FGM) is a harmful traditional practice that involves the removal of part or all of the female genitalia. The World Health Organization (WHO) classifies it into four categories:

**Type I: Clitoridectomy:** partial or total removal of the clitoris and/or the prepuce

**Type II: Excision:** partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora

**Type III: Infibulation** (the most extreme form): the removal of all external genitalia and the stitching together of the two sides of the vulva

**Type IV:** all other harmful procedures done to the female genitalia for nonmedical purposes, including pricking, piercing, incising, scraping, and cauterizing

FGM can have **lifelong health consequences** including:

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

While cases of death as a direct or indirect result of FGM are occasionally reported, there is currently no statistical data on how many women and girls die from the procedure.

**FGM is recognized internationally as a human rights violation**, constituting torture and an extreme form of violence and discrimination against women and girls. The reasons underlying its practice are numerous and varied and ultimately serve to control women and girls' sexuality. The practice has no health benefits and can lead to a range of physical and mental health problems. There are no religious texts that require FGM.

FGM is a global issue. In 2016 UNICEF reported that **over 200 million women and girls are currently living with FGM**. 193 countries, including the U.S., agreed to include a target in the Sustainable Development Goals to eliminate FGM by 2030.

## WHAT IS THE U.S. GOVERNMENT'S VIEW ON FGM?

**The U.S. government opposes FGM, no matter the type, degree or severity and no matter what the motivation for performing it.** Although it understands that FGM may be carried out in accordance with traditional beliefs and as part of adulthood initiation rites, the U.S. government considers FGM to be a serious human rights abuse and a form of gender-based violence and child abuse.

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

More detailed statistics on FGM are needed. In January 2016, in response to advocacy by Equality Now, Safe Hands for Girls, and other civil society partners, the Centers for Disease Control and Prevention (CDC) published a [study](#) on the number of women and girls in the U.S. who are at risk of or have been subjected to FGM. According to the study, the **number is estimated to be 513,000**, more than three times higher than an earlier estimate based on 1990 data.

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

Equality Now was founded in 1992 to address the lack of attention FGM received from international human rights organizations and in 1996 launched a campaign in the U.S. against the detention of 17-year-old Fauziya Kassindja, who had escaped from Togo fleeing FGM and a forced marriage. In a landmark decision, Fauziya was



granted asylum in the U.S. and her case helped establish FGM as a form of gender-based persecution on the basis of which women could receive asylum.

Since then, [news articles](#) have drawn attention to FGM in the U.S. and highlighted [cases](#) of [girls](#) born in the U.S. being subjected to FGM while on [vacation](#) in their parents' countries of origin, referred to as "vacation cutting." A recent [case](#) indicates that U.S.-licensed doctors may be performing FGM on girls in the U.S.

### HOW SHOULD WE ADDRESS FGM?

Ending FGM requires a **multi-sectoral approach that brings together law enforcement, child protection professionals, educators, physicians, religious leaders, government agencies, advocates, and survivors**. The approach must be holistic and always keep the best interest of the girl or woman who is either at risk of or a survivor of FGM at the center of its efforts.

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

Federal law [18 U.S. Code § 116 'Female Genital Mutilation'](#) makes it illegal to perform FGM in the U.S. or to knowingly transport a girl out of the U.S. for the purpose of FGM. The U.S. government considers FGM a form of child abuse.

Additionally, [25 states have laws against FGM](#).

### WHAT IS THE HISTORY OF LAWS AND POLICIES AGAINST FGM IN THE U.S.?

- **1996:** 18 U.S. Code § 116 'Female Genital Mutilation' is enacted
- **2010:** The Girls' Protection Act (H.R. 5137), a bipartisan legislation introduced by Congressman Crowley and supported by Equality Now, is introduced to address "vacation cutting." It does not pass.
- **2011:** The Girls' Protection Act is re-introduced by Representative Crowley in the House and Senator Harry Reid in the Senate, but again does not pass
- **2012:** Congress passes an FGM travel provision, "Transport for Female Genital Mutilation," as S. 1088 of the National Defense Authorization Act for Fiscal Year 2013 (H.R. 4310)
- **2013:** The Provision is signed into law making it illegal to knowingly transport a girl out of the U.S. for the purpose of inflicting FGM on her
- **August 2012:** the [U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally](#) is introduced by the U.S. Department of State and the U.S. Agency for International Development (USAID). It defines FGM as a form of violence against women and girls.
- **2014:** The U.S. Department of State Human Rights country reports include, for the first time, a mandatory question on FGM
- **July 2014:** An inter-agency working group, including the U.S. Departments of Health and Human Services (HHS), Education, Justice, and Immigration hosts a consultation with civil society on FGM in the U.S.
- **February 2015:** The [Zero Tolerance for FGM Act](#) is introduced by Congressman Crowley calling on the Administration to create and deliver a report to Congress on a national action plan to protect girls from FGM
- **2016:** [Departments of Health and Human Services' budget justifications for 2017](#) address FGM for the first time
- **March 2016:** The Department of State and USAID launch the first [Global Strategy to Empower Adolescent Girls](#), prominently highlighting the need to address FGM
- **May 2016:** The U.S. Government Accountability Office (GAO) issues a [report](#) finding that U.S. efforts to address FGM abroad are limited



- **June 2016:** The GAO issues a second [report](#) on domestic efforts finding that federal efforts to address FGM should be improved. The report recommends that each federal agency (DOJ, HHS, DOE, and State) should develop a written plan for conducting education and outreach to key stakeholders regarding FGM and communicate the plan with relevant federal agencies and stakeholder groups.
- **December 2016:** Equality Now co-organizes with Safe Hands for Girls and the U.S. Institute of Peace the first-ever End Violence Against Girls: Summit on FGM/C bringing together experts from across sectors and continents to discuss a multi-sectoral approach to ending FGM in the U.S.
- **April 2017:** U.S. doctor is arraigned on federal charges for performing FGM in Michigan
- **April 2017:** [Final report and recommendations](#) from the End Violence Against Girls: Summit on FGM/C are issued

In collaboration with civil society, several government agencies also provide guidance on the law against FGM:

- U.S. Department of Justice [brochure](#) and [factsheet](#)
- U.S. Department of Homeland Security's U.S. Citizen and Immigration Services (USCIS) [brochure](#), [factsheet](#), and a [strategy](#) in response to the GAO report recommendations
- Federal Bureau of Investigation (FBI) [statement](#)

We are encouraged by these initiatives, but **much more needs to be done**. Other countries are far ahead of the U.S. in their data collection, prevention and training programs, health services to survivors, and public awareness of the needs of women and girls affected by or at risk of 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.

## U.S. STATES WITH ANTI-FGM LAWS (as of July 2017)

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 reason and/or consent not a defense	Provisions for community education and outreach	Sentence
Arizona	A.R.S § 12-513, 13-705, 13-1214, 13-3620 Effective 4/24/2014	x		x			Imprisonment 5.25 - 35 years and fine up to \$25,000
California <sup>i</sup>	Cal. Pen. Code § 273a, 273.4 Passed in 1996; Effective 1/1/1997	x	x			x	Imprisonment 1 - 6 years
Colorado <sup>ii</sup>	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 and/or fine up to \$10,000
Georgia <sup>iii</sup>	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 60 - 68 months
Louisiana	La. R.S. 14:43.4 Effective 8/1/2012	x	x	x	x		Imprisonment up to 15 years
Maryland	Md. Code Health-Gen. § 20-601, 602 Effective 4/28/1998	x	x		x		Imprisonment up to 5 years and/or fine up to \$5,000
Michigan	1931 PA 328 § 136 1978 PA 368 § 9159 Effective 10/9/2017	x	x	x	x	x	Imprisonment up to 15 years
Minnesota	Minn. Stat. § 144.3872, 609.2245 Passed in 1994; Effective 8/1/1995				x	x	Imprisonment up to life and/or fine
Missouri	Mo. Rev. Stat. § 568.065 Passed 7/13/2000	Under 16	x		x		Imprisonment 5 - 15 years
Nevada	Nev. Rev. Stat. § 200.5083 Effective 6/26/1997	x	x	x	x		Imprisonment 2 - 10 years and/or fine up to \$10,000

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New Jersey	N.J. Stat. § 2C:24-10 Effective 1/17/2014	x	x	x	x		Imprisonment 3 - 4 years
New York	N.Y. Penal Law § 130.85 Passed 9/29/1997; Effective 45 days later N.Y. Public Health Law § 207(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 and /or fine up to \$5,000
Oklahoma	21 Okl. St. § 760 Effective 11/1/2009				x		Imprisonment 3 years to life and /or fine up to \$200,000
Oregon	Or. Rev. Stat. § 163.207 Effective 7/15/1999	x	x		x	x	Imprisonment up to 20 years
Rhode Island <sup>iv</sup>	R.I. Gen. Laws § 11-5-2 Effective 7/3/1996						Imprisonment up to 10 years and /or fine up to \$20,000
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 and fine up to \$20,000
Tennessee	Tenn. Code § 39-13-110 Effective 7/1/1996				x		Imprisonment 2 - 12 years and /or fine up to \$5,000
Texas	Tex. Health & Safety Code § 167.001 Effective 9/1/2017	x	x	x	x		Imprisonment 6 months-2 years and fine up to \$10,000
Virginia	Va. Code §§ 8.01-42.5, 18.2-51.7 Effective July 1, 2017	x	x				Imprisonment up to one year and a fine up to \$2,500
West Virginia	W. Va. Code § 61-8D-3A Passed 2/23/1999; Effective 90 days later	x	x		x		Imprisonment 2 - 10 years & fine \$1-5,000
Wisconsin	Wis. Stat. § 146.35 Effective 5/28/1996	x			x		Imprisonment 5 years and/or fine up to \$10,000

<sup>i</sup> California: enhanced penalty for FGM under “Abandonment and Neglect of Children” (Penal Code).

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

<sup>iii</sup> Georgia: One of few states where husband-wife and other statutory privileges are inapplicable in prosecutions for FGM.

<sup>iv</sup> Rhode Island: within assault statute.