



## **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. It could lead to complications during childbirth and increases the risk of newborn deaths. Women may also suffer psychological trauma as a result of being subjected to FGM. 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 surround by various myths.
- FGM is associated with notions of being "feminine," "modest," "clean" and/or "beautiful."

### **Can FGM be compared with male circumcision?**

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.?

The information available is extremely dated. According to existing data:

- In 1997, the U.S. Department of Health and Human Services estimated that over 168,000 girls and women living in the U.S. have either been, or are at risk of being, subjected to FGM.
- In 2000, the African Women's Health Center at Brigham and Women's Hospital estimated that 227,887 women and girls had been at risk of being subjected to FGM in the U.S. that year.

In response to advocacy by Equality Now, Safe Hands for Girls, and other civil society partners in 2014 the U.S. government committed to carrying out a new study on how many girls are at risk of FGM or have undergone 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. In 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 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. While enacting and enforcing laws that prohibit FGM are key, it is critically important for relevant local and civil society groups working in communities to address the issue of FGM within those communities. Culturally sensitive awareness-raising, education and outreach programs should also be put in place in order to protect girls living in the U.S. from FGM. It is generally agreed that, to be effective, approaches to ending FGM must be holistic and include education and outreach components as well as measures for legal protection and accountability.

## What laws protect girls from FGM in the U.S.?

The federal law addressing FGM in the U.S. is [18 U.S. Code § 116 'Female Genital Mutilation.'](#) The law makes it illegal to perform FGM in the U.S. or knowingly transport a girl out of the U.S. for purpose of inflicting FGM. 23 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?

In 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 immigrant 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. On 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 immigrant populations from FGM-affected communities and can act as an effective deterrent to FGM. 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. In 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. In 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); it was signed into law by President Obama in January 2013. This [law](#) amended the US Code making it 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

In 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. President Obama issued an [Executive Order](#) calling for U.S. implementation of this strategy. The 2014 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 joined up approach to effective implementation of U.S. laws and policies and greater public awareness of this human rights violation. Along with FGM survivor and activist [Jaha Dukureh](#), Equality Now recently supported a [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 [called](#) on the 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.

Since then, the U.S. government has 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., and to send a newsletter to all U.S. Attorney Offices setting forth guidance on investigating and prosecuting cases of FGM. In October 2014, an inter-agency group, including the U.S. Departments of Health and Human Services, Education, Justice, Immigration, and several 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 and continue to advocate for development, funding and implementation of a comprehensive plan to address FGM in the U.S.

**U.S. STATES WITH ANTI-FGM LAWS** (as of January 2015)

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	Medically necessary exception	Cultural/ritual reasons, and/or consent not a defense	Provisions for community education & outreach
Arizona	A.R.S. §§ 12-513, 13-705, 13-1214, 13-3620 Effective 04/24/2014	x		x	x		
California <sup>i</sup>	Cal. Pen. Code § 273a, 273.4 Passed in 1996; Effective 1/1/1997	x	x		x		x
Colorado <sup>ii</sup>	Col. Rev. Stat. § 18-6-401 Effective 5/24/1999	Under 16	x		x	x	x
Delaware	Del. Code Tit. 11, § 780 Effective 7/3/1996	x	x		x	x	
Florida	Fla. Stat. § 794.08 Effective 10/1/2007	x	x	x	x	x	
Georgia <sup>iii</sup>	O.C.G.A. § 16-5-27 Effective 7/1/2005	x	x	x	x	x	
Illinois	720 Ill. Comp. Stat. 5/12-34 Effective 1/1/1998		x		x	x	
Kansas	K.S.A. § 21-5431 Enacted 4/10/2013	x	x	x	x	x	
Louisiana	La. R.S. 14:43.4 Effective 8/1/2012	x	x	x	x	x	
Maryland	Md. Code Health-Gen. § 20-601, 602 Effective 4/28/1998	x	x		x	x	
Minnesota	Minn. Stat. § 144.3872, 609.2245 Passed in 1994; Effective 8/1/1995				x	x	x
Missouri	Mo. Rev. Stat. § 568.065 Passed 7/13/2000	Under 17	x		x	x	
Nevada	Nev. Rev. Stat. § 200.5083 Effective 6/26/1997	x	x	x	x	x	
New Jersey	N.J. Stat. § 2C:24-10 Effective 1/17/2014	x	x	x	x	x	
New York	N.Y. Penal Law § 130.85 Passed 9/29/1997; Effective 45 days later	x	x		x	x	x
North Dakota	N.D. Cent. Code § 12.1-36-01 Effective 8/1/1995	x			x	x	
Oklahoma	21 Okl. St. § 760 Effective 11/1/2009				x	x	
Oregon	Or. Rev. Stat. § 163.207 Effective 7/15/1999	x	x		x	x	x
Rhode Island <sup>iv</sup>	R.I. Gen. Laws § 11-5-2 Effective 7/3/1996						
Tennessee	Tenn. Code § 39-13-110 Effective 7/1/1996				x	x	
Texas	Tex. Health & Safety Code § 167.001 Effective 8/30/1999	x			x		
West Virginia	W. Va. Code § 61-8D-3A Passed 2/23/1999; Effective 90 days later	x	x		x	x	
Wisconsin	Wis. Stat. § 146.35 Effective 5/28/1996	x			x	x	

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<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.