



FGM IN THE US: WHAT IS FEMALE GENITAL MUTILATION (FGM)?

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

- **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.

FGM can have severe and **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 girls die from the procedure.

FGM is recognized internationally as a human rights violation and a form of discrimination against women and girls. The reasons underlying its practice are numerous and varied and ultimately serve to control women and girls' sexuality.

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 in the Sustainable Development Goals (including [Target 5.3](#)) to work to eliminate FGM by 2030.

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 it, 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 1994. 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 in the U.S.

More recently, news articles have highlighted [cases](#) of [girls](#) born in the U.S. being subjected to FGM, sometimes while on [vacation](#) in their parents' countries of origin, referred to as "vacation cutting."

In a recent federal [case](#), *U.S. v. Nargarwala*, a U.S.-licensed Doctor was charged with performing FGM on nine girls, aged 7-13, at a Detroit Clinic. An [Amicus Brief](#) submitted by Equality Now in partnership with [We Speak Out](#), Sahiyo and [Safe Hands for Girls](#) was accepted by the court. In November 2018, a federal judge in Detroit dismissed six of the eight charges on the grounds that the law was unconstitutional because Congress did not have the right to criminalize the practice. In early 2019, the [Department of Justice](#) (DOJ) decided not to appeal this ruling, indicating that they agree with Judge Friedman that there is a constitutionality problem with the current federal FGM law. We are convinced that Congress has both the authority and responsibility to enact the FGM law in compliance with its international human rights obligations and that the decision by the DOJ not to appeal is simply wrong. We are encouraged that the House of Representatives has requested that the Court allow them to defend the existing legislation.

How should we address FGM?

Ending FGM requires a multi-sectoral approach that brings together the various parties, including 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.

In December 2016, Equality Now, Safe Hands for Girls, The United States Institute of Peace and the US Network to End FGM/C came together to host the first-ever [End Violence Against Girls: Summit on FGM/C in the US](#), with generous support from the Human Dignity Foundation and the Wallace Global Fund. The event sought to encourage a multi-sectoral approach to ending female genital mutilation/cutting (FGM/C) by bringing together subject matter experts from across sectors and continents. The collaboration among these organizations working to promote peace, protect girls' human rights and elevate survivor voices was natural and strong.

The Summit invigorated and deepened the dialogue around ending the practice by 2030 and spurred synergy and collaboration that will hopefully continue to expand and enhance collective efforts of FGM/C survivors, activists and policymakers. Equality Now is proud to sit on the inaugural Steering Committee of the [US End FGM/C Network](#).

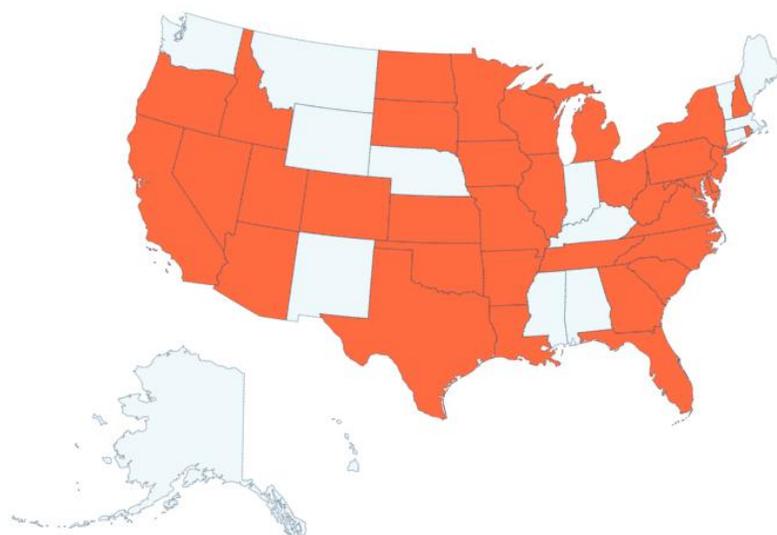
What laws protect girls from FGM in the U.S.?

Federal law [18 U.S. Code § 116 'Female Genital Mutilation'](#) makes it illegal to perform FGM in the U.S. and was amended in 2013 to make it illegal to knowingly transport a girl out of the U.S. for the purpose of FGM.*

*see discussion above regarding current challenge to this law

35 states have enacted laws against FGM:*

* States with laws against FGM highlighted in orange



States with laws against FGM:

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
Arkansas	A.C.A. § 5-14-135, 12-18-103, 16-118-116, 17-80-121, 20-82-101, 20-82-102 Effective Mar. 26, 2019	x	x	x	x	x	Imprisonment 3-10 years
California i	Cal. Pen. Code § 273a, 273.4 Passed in 1996; Effective 1/1/1997	x	x			x	Imprisonment 1 - 6 years
Colorado ii	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 10/1/2018	x	x	x	x		Imprisonment up to 15 years and/or fine up to \$10,000
Georgia iii	O.C.G.A. § 16-5-27 Effective 7/1/2005	x	x	x	x		Imprisonment 5 - 20 years
Idaho	I.C. §18-1506B, I.C. §19-402, Effective 7/1/2019	x			x		Imprisonment up to life
Illinois	720 Ill. Comp. Stat. 5/12-34 Effective 1/1/1998, as amended 8/9/2019		x		x		Imprisonment 4 - 30 years and a fine up to \$25,000
Iowa	I.C.A. § 708.16, Passed 5/1/2019	x		x	x	x	Imprisonment for up to 5 years and fine of \$750-\$7,500
Kansas	K.S.A. § 21-5431 Enacted 4/10/2013	x	x	x	x		Imprisonment 89-100 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	MI ST 750.136 Effective 10/9/2017	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 5 years and/or fine up to \$10,000
Missouri	Mo. Rev. Stat. § 568.065 Passed 7/13/2000; Effective 1/1/2017	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 and/or fine up to \$10,000
New Hampshire	HB 1739 Effective Jan. 1, 2019	x	x	x	x		Imprisonment up to 7 years
New Jersey	N.J. Stat. § 2C:24- 10 Effective 1/17/2014	x	x	x	x		Imprisonment 3 - 5 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 Carolina	NC ST § 14-28.1 Effective 10/1/2019	x	x	x	x		Imprisonment up to 15.16 years
North Dakota	N.D. Cent. Code § 12.1-36-01 Effective 8/1/1995, Amended 4/5/2019.	x	x		x		Imprisonment up to 5 years and /or fine up to \$10,000
Ohio	OH ST § 2903.32, 2929.14, 2929.18	x			x		Imprisonment 2-8 years and/or a fine up to \$15,000, and an additional fine up to \$25,000
Oklahoma	21 Okl. St. § 760 Effective 11/1/2009				x		Imprisonment 3 years to life and /or fine up to \$20,000
Oregon	Or. Rev. Stat. § 163.207 Effective 7/15/1999	x	x		x		Imprisonment up to 10 years
Pennsylvania	18 Pa.C.S.A. § 3132 Passed 6/28/2019	x	x	x	x		Imprisonment for more than 10 years
Rhode Island iv	R.I. Gen. Laws § 11-5-2 Effective 7/3/1996						Imprisonment up to 20 years
South Carolina	Code 1976 § 16-3-2210-2240, Passed May 16, 2019	x	x	x	x		Imprisonment up to 20 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, as amended, Effective 7/1/2019		x		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 /or fine up to \$10,000
Utah	U.C.A. 1953 § 76-5-701, 76-5-702, 76-5-703, 76-5-704 Passed Mar. 22, 2019	x	x	x	x	x	Imprisonment up to 5 years and/or fine up to \$5,000
Virginia	Va. Code §§ 8.01- 42.5, 18.2-51.7 Effective July 1, 2017. Va. Code § 22.1-207.1:1, Passed Feb. 22, 2019	x	x	x		x	Imprisonment up to life and/or a fine up to \$100,000

West Virginia	W. Va. Code § 61-8D-3A Passed 2/23/1999; Effective 90 days later	x	x		x		Imprisonment 2 - 10 years & fine \$1-5,000
Wisconsin	Wis. Stat. § 146.35 Effective 5/28/1996	x			x		Imprisonment 6 years and/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 Georgia: One of few states where husband-wife and other statutory privileges are inapplicable in prosecutions for FGM.

iv Rhode Island: within assault statute

Which states do not have laws protecting girls from FGM in the U.S.?

15 states do not have legislation criminalizing FGM (Alabama, Alaska, Connecticut, Hawaii, Indiana, Kentucky, Minnesota, Massachusetts, Mississippi, Montana, Nebraska, New Mexico, Vermont, Washington, and Wyoming). However, **4 of those states and Washington, D.C.** have legislation pending that would criminalize FGM, if enacted:

States with Pending Legislation:

State	Proposed Legislation	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
Hawaii	SB 1434 , HB 132		x	x	x	x	Imprisonment for an indeterminate term
Massachusetts	S.834 , H.1466 , H.3332	x		x	x	x	Imprisonment 2.5-10 years and fine up to \$10,000
Vermont	H.83	x		x			Imprisonment up to 5 years and/or fine up to \$25,000
Washington	HB 2000	x	x		x		Imprisonment up to 10 years and/or fine of \$20,000
Washington, D.C.	DC B23-0339		x	x	x	x	Imprisonment up to 10 years or a fine up to \$25,000

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. 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:** [HHS' 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](#) on U.S. efforts to combat FGM abroad finding that although both the United Nations Population Fund (UNFPA) and USAID implement the Joint Program on FGM in 17 countries, funding is limited due to competing development priorities, including HIV/AIDS
- **June 2016:** The GAO issues a second [report](#) on domestic efforts and recommending that each federal agency document its domestic FGM awareness efforts
- **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
- **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
- **2017:** The Department of Justice brings [charges](#) against Dr. Nargarwala in the Eastern District of Michigan under [18 U.S. Code § 116 'Female Genital Mutilation'](#)
- **April 2018:** The US End FGM Network is launched.
- **2018:** Equality Now, WeSpeakOut, Sahiyo, and Safe Hands for Girls submit [Amicus Brief](#) in *US v. Nargarwala*.
- **November 2018:** U.S. District Judge Bernard Friedman [dismissed](#) charges brought in Michigan against two doctors and six others accused of subjecting nine girls to Female Genital Mutilation (FGM) in *U.S. v. Nargarwala*.
- **April 2019:** U.S. [Department of Justice](#) decided not to pursue an appeal of Judge Friedman's decision in *U.S. v. Nargarwala*
- **April 2019:** U.S. House of Representatives moved to intervene in *U.S. v. Nargarwala*.

Additionally, in collaboration with civil society several government agencies have 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](#), 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 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.