

Female Genital Mutilation **FACT SHEET**

WHAT IS FEMALE GENITAL MUTILATION?

Female genital mutilation (FGM) is any procedure involving the partial or total removal of the external female genitalia or other injury to the female genital organs and is often performed on girls between the ages of 4 and 14 to ensure their virginity until marriage.

IS FEMALE GENITAL MUTILATION HARMFUL?

Yes. The World Health Organization (WHO) reports that FGM has no health benefits and can cause a number of health problems. Immediately following the procedure, girls are at risk for severe pain, shock, bleeding, bacterial infection, and injury to nearby tissue. In the long term, girls and women who have suffered this procedure are at risk for recurrent bladder and urinary tract infections, cysts, infertility, and complications during childbirth.

IS FEMALE GENITAL MUTILATION PRACTICED IN THE UNITED STATES?

Because this is a private ritual that occurs within the secrecy of the family, there is no way of knowing exactly how prevalent FGM is in the U.S. Research conducted by the Centers for Disease Control and Prevention found that approximately 513,000 women and girls in the U.S. have either suffered the procedure or are at risk of FGM, a number that approximately doubled between 2000 and 2014. The estimated number of girls at risk of FGM in the U.S. has quadrupled since 1997.

IS FEMALE GENITAL MUTILATION A CRIME?

FGM was criminalized by the federal government in 1996 and made punishable by up to five years in prison. In January 2013, the federal FGM law was amended by the Transport for Female Genital Mutilation Act, which prohibits knowingly transporting a girl out of the country for the purpose of undergoing FGM. The Act was designed to address the problem of “vacation cutting,” in which girls living in the United States are taken to their parents’ country of origin (typically during school breaks) to undergo the procedure. Under this amendment, violations of the law carry a sentence of up to five years in prison.

In 2017 federal prosecutors brought charges against a medical practitioner for allegedly performing FGM on young girls in the groundbreaking case *United States v. Nagarwala*. Nagarwala’s defense team

submitted a motion to dismiss all charges in mid-2018, arguing that the federal anti-FGM law was unconstitutional. The judge presiding over the case ruled in their favor, arguing that the criminalization of FGM rested solely with the states. Most charges against the defendants were dismissed as a result. The Department of Justice declined to appeal this decision in early 2019, and congressional leaders attempt to intervene in the appeal were denied, leaving to stand the judge’s ruling that the federal FGM ban is unconstitutional.

Since the federal law was ruled unconstitutional in 2018, AHA Foundation has been on the front line working with members of both parties in the Senate and House of Representatives to help reaffirm the FGM ban. The ban passed unanimously in the House of Representatives and in the Senate, and was signed by President Trump on January 5, 2021. Under this amendment, the five year penalty for violating the law is increased to 10 years imprisonment, the law bars religion, custom, tradition, ritual, or standard practice as a defense to prosecution, and it calls on Federal agencies to submit a report detailing the prevalence of FGM in the U.S., the protections and actions taken to protect women and girls, and the actions taken by federal agencies to educate important stakeholders about FGM.



FGM is also a crime in the following 39 states:

Arizona	Maryland	Oregon
Arkansas	Massachusetts	Pennsylvania
California	Michigan	Rhode Island
Colorado	Minnesota	South Carolina
Delaware	Missouri	South Dakota
Florida	Nevada	Tennessee
Georgia	New Hampshire	Texas
Idaho	New Jersey	Utah
Illinois	New York	Vermont
Iowa	North Carolina	Virginia
Kansas	North Dakota	West Virginia
Kentucky	Ohio	Wisconsin
Louisiana	Oklahoma	Wyoming

AHA FOUNDATION HAS SUCCESSFULLY ADVOCATED FOR LAWS CRIMINALIZING FGM IN THE UNITED STATES:

- **FEDERAL EXTRATERRITORIALITY AMENDMENT** - In January 2013, President Obama strengthened the existing federal FGM ban by adding an “extraterritoriality” component, making it illegal to knowingly transport a girl out of the country for the purpose of undergoing the procedure. AHA Foundation’s Founder, Ayaan Hirsi Ali, and our legislative team specifically consulted with Representative Crowley (NY), a key proponent of the bill, on the serious problem of “vacation cutting,” and lent our support for the language contained in the new bill.
- **NEW JERSEY** - In February 2012, New Jersey State Senator Loretta Weinberg introduced the AHA Foundation’s model FGM legislation, which was signed into law in 2014.
- **LOUISIANA** - In May of 2012, Governor Jindal signed into law a bill criminalizing FGM in the state of Louisiana. This bill includes the AHA Foundation’s model language. The law went into effect August 1, 2012.

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- **KANSAS** - In February of 2013, the AHA Foundation provided written testimony in support of a proposed FGM bill in Kansas. The bill was signed into law by Governor Brownback on April 10, 2013.
- **SOUTH DAKOTA** - AHA Foundation provided a response to address concerns that a ban on FGM would infringe on religious freedom. The Foundation also sent a letter in support of the bill to all members of the South Dakota Senate. The legislation was passed by the Senate and signed into law in March 2015.
- **MICHIGAN** - The AHA Foundation played a pivotal role in getting the strongest to-date state FGM legislation passed in Michigan. The Foundation not only provided resources and advice on the bills, but in May 2017, Senior Director Amanda Parker testified in front of the Michigan House Committee on Law and Justice, successfully urging law makers to pass the comprehensive package of FGM legislation. The legislation was signed into law by Governor Rick Snyder in July 2017.
- **TEXAS** - Senator Jane Nelson proposed to strengthen the Texas legislation after seeing Ayaan's appearance on the Tucker Carlson show. Her legislation included creating a penalty for parents and guardians who have their child undergo the procedure, outlawing "vacation cutting," and eliminating the use of culture as a defense for the practice. The Foundation supported Nelson's legislation by providing a letter of support and Ayaan applauded the Senator's action on Twitter. The bill swiftly passed in the state and the legislation went into effect on September 1st, 2017.
- **NEW HAMPSHIRE** - The AHA Foundation hosted a luncheon where approximately 200 legislators learned about the dangers of FGM and the need to criminalize the practice. The AHA Foundation also testified in a committee hearing and provided written support for the anti-FGM legislation put forward by Representative Victoria Sullivan. In July 2018, Governor Chris Sununu signed the legislation into law.
- **OHIO** - In 2018, AHA Foundation submitted testimony before the House Criminal Justice Committee for a law that would criminalize FGM in the state of Ohio. At the end of the year, Ohio passed the anti-FGM bill that we provided guidance on for over a year.
- **ARKANSAS** - AHA Foundation worked closely with Senator Breanne Davis, the lead sponsor for FGM criminalization, and other lawmakers throughout the legislative process for some of the strongest anti-FGM legislation in the country. The bill language is based on AHA Foundation's model legislation and includes an emergency clause that makes the bill effective immediately at the time of signing.
- **UTAH** - AHA Foundation worked directly with Representative Ken Ivory for FGM criminalization in the state of Utah and our Senior Director, Amanda Parker, provided verbal and written testimony in favor of Utah's anti-FGM legislation. This bill is one of the strongest passed to date and includes provisions for education and outreach and mandatory reporting. It was signed by Governor Gary Herbert in March 2019.
- **IDAHO** - AHA Foundation's Senior Director, Amanda Parker, and an AHA Foundation board member worked extensively in the state of Idaho to educate local organizations and state lawmakers on FGM and encourage the passage of proposed anti-FGM legislation. The bill was signed into law in March 2019 and will take effect July 1, 2019.
- **TENNESSEE** - In April of 2019, Tennessee legislators passed a bill that significantly strengthens the state's existing anti-FGM law. These changes were based largely on the state-by-state grading assessment offered by AHA Foundation's report *Why We Hesitate to Protect Girls from FGM in the United States* and by the provisions set forth in our model legislation.
- **PENNSYLVANIA** - Since 2013, AHA Foundation has worked closely with Representative Thomas Murt to ban FGM in the state of Pennsylvania. As of mid-2019, it became the 34th state in the U.S. to pass anti-FGM legislation. The bill makes FGM a felony offense and AHA Foundation plans on working with Representative Murt in the next legislative session to add an education and outreach provision to the law.
- **NORTH CAROLINA** - In August of 2019, North Carolina's governor signed into law a bill that makes FGM a felony offense. AHA Foundation has supported the bill's sponsor, Senator Joyce Krawiec, since she first began her effort to ban FGM in the state. Earlier in the year, our organization featured Sen. Krawiec at an event at the University of North Carolina at Chapel Hill, where she and Senior Director Amanda Parker discussed their efforts to combat FGM in the U.S.
- **WYOMING**: AHA Foundation worked extensively with Representative Dan Laursen, to enact one of the most comprehensive anti-FGM bans in the nation. HB 127 was signed into law on March 13th, 2020.
- **KENTUCKY**: In April of 2020, Governor Andy Beshear signed into law a bill giving Kentucky among the strongest anti-FGM bans in the U.S. AHA Foundation worked extensively with Senator Julie Raque Adams and Jenny, a local FGM survivor, to encourage the passage of SB 72 by providing draft bill language, testifying before numerous legislative committees, and co-authoring an op-ed for the *Courier Journal*.
- **MASSACHUSETTS**: AHA Foundation worked for 7 years in Massachusetts, along with a task force headed by the Women's Bar Association of Massachusetts, to pass comprehensive anti-FGM legislation, signed into law by Governor Baker in August of 2020. AHA Foundation provided model legislation and research materials, provided written testimony in support of legislation, participated in numerous strategy discussions, and encouraged AHA supporters to reach out to Massachusetts legislators urging their support.

