



# **Female Genital Mutilation: A Global Crisis Overlooked Within U.S. Borders**

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### **I. EXECUTIVE SUMMARY**

Female Genital Mutilation (FGM) is an international human rights violation that is often perceived as a crisis confined to the borders of overseas nations, yet it persists and has slowly infiltrated the United States, often undetected. This brief will cover the prevalence of FGM within American borders as well as internationally, evaluate the inconsistency of existing policies, and propose legislative and community driven solutions.

### **II. OVERVIEW**

Female Genital Mutilation (FGM) is a culturally entrenched practice that undermines the rights and dignity of women and girls globally. It's the destructive operation where female genitalia are partially or entirely removed with the aim of preventing perceived female lewdity, controlling a woman's sexuality, and ultimately maintaining the patriarchy's chokehold on society. In the United States, FGM operates and festers under the radar due to critical gaps in the enforcement of state specific legislation despite the federal interdiction of FGM. Its overlooked prevalence in the U.S. disproportionately impacts the nation's diaspora communities, therefore reinforcing their vulnerability and highlighting the systematic obstacles in protecting marginalized individuals. Despite the legislative advancements made and

the overall increased awareness of FGM, the need for accelerating the pace of progression is evident.

#### *A. Relevance*

The perception that the United States is safeguarded from the rampant spread of Female Genital Mutilation (FGM) due its mistaken distance is a misconception held by many. In reality, it's erupting like Vesuvius, and with that its resulting destruction remains unchecked and uncontrolled. Its doubted relevance to the U.S. is an ignorant fallacy, as the Centers for Disease Control and Prevention (CDC) published a 2016 study where it was estimated that as many as 513,000 women and girls residing in the U.S. have undergone or are at risk of FGM. This is three times higher than the data collected from their 1990 study [1]. Despite federal law (18 U.S. Code § 116) banning FGM and later amendments made further restricting it, the level of regulation across state to state varies due to different levels of protections enacted [2]. The relevance of this once foreign transgression that now knocks on America's doorstep is furthered through the threat posed to the country's public health systems, championing of human rights, and preservation of the distinguished democratic values America holds dear.

### **III. HISTORY**

#### *A. Current Stances*

Female Genital Mutilation (FGM) is a long established crisis that has persisted globally since the inception of early civilizations, specifically the Pharaonic Era of Ancient Egypt where slaves underwent the most brutal type known as infibulation [3]. While modern Egypt has several indications of attempted and successful acts of modernity, FGM serves as reminder of the progress that's yet to come as over 86% of Egyptian women and girls are victims of this act of gender based violence[4]. Now, in the context of America's history with FGM, the term clitoridectomy refers to the "circumcision" of American women in the 19th and early 20th centuries to prevent hysteria and masturbation [5]. While the types of and names for FGM have clearly evolved from region to region, the purpose of this brutal practice has remained emblematic of a regressing cultural society.

According to UNICEF, it is estimated that 230 million women and girls today have unwillingly undergone Female Genital Mutilation (FGM), with over 4 million girls added to that grave number annually. It is primarily practiced within 30 countries in Africa, and Somalia is the leading contributor to the statistic with a stark 99.2% being circumcised in the country. With over 144 million African women and girls undergoing FGM today, another 80 million have been victims as well in Asia [6]. As said before, FGM is not a crisis confined to and controlled by borders. It disregards territorial boundaries and persists against current legislative efforts.

It was only in the late 20th century when the fight against FGM gained noticeable traction, with supranational organizations such as the UN,

UNICEF, and WHO transforming the call for its eradication into an international effort that could no longer be ignored.

#### IV. POLICY PROBLEM

##### *A. Stakeholders*

Survivors of Female Genital Mutilation (FGM), often young girls, women, and children, are the primary stakeholders in this crisis. Their physical, emotional, and psychological trauma is a burden they must carry in silence due to the intensity of stigma, cultural imperatives, and potential ostracization. This act of cruelty inflicted upon women and girls is a manifestation of sustained gender inequality [7].

Community leaders are essential stakeholders that must not be overlooked. While FGM is meant to uphold patriarchal values, the practice itself doesn't involve men whatsoever. It is the female leaders within the community, once victims themselves, who perpetuate this cycle of trauma that has yet to be broken. Compelled by the cultural obligations within their community, they unfortunately evolve into the enforcers and enablers they once dealt with, ultimately bringing the same devastating trauma to a new susceptible generation.

##### *B. Risks of Indifference*

Whether it's through silence, inaction, or ineffective legislation, indifference to Female Genital Mutilation (FGM) enables this issue to fester in secrecy within U.S. borders and gain traction internationally. In the state of California, over 56,000 women and girls are at risk of FGM due to the onslaught of "vacation cutting", which is a term associated with traveling outside the

state for the purpose of FGM. The failure to recognize and address this calamity leaves this significant population vulnerable to fundamental human rights violations [8]. In particular, the “melting pot” of immigrant communities, which California prides itself on, will face the consequences of continuous neglect and inaction if the legal frameworks don’t change. Every time a young girl is flown abroad for the purpose of undergoing this unlawful procedure, a preventable crime becomes another instance in which the government has failed to protect its residents.

### *C. Nonpartisan Reasoning*

Because Female Genital Mutilation (FGM) is a direct violation of human rights, it’s imperative that nonpartisan action takes place. Silence and lack of intervention are tantamount to the cutting of women and girls. The benefits of such intervention include but are not limited to the following:

- 1) Prioritizing public health and safety: FGM has a combination of short and long term health complications, with consequences ranging from chronic infections and child birth difficulties to death by hemorrhaging. By addressing FGM through strengthened policy, preventative care, and education, the pressure on healthcare systems will be actively reduced, ultimately ensuring a healthier, invulnerable, and empowering future for women and girls.
- 2) Preserving national values: The U.S., a country regarded for its international endeavors to uphold fundamental democratic values, mustn’t turn a blind

eye to this human rights violation. It has the indisputable obligation to enforce protections and close the legal loopholes that jeopardize the safety of young girls. Partisan ideology shouldn’t divide the nation on an issue that demands unequivocal support from all parties.

- 3) Protecting the next generation: Targeting the persistence of FGM on American soil is an action necessary for the country’s progression. Undergoing FGM often triggers young girls to discontinue their studies due to health complications and the expected arranged marriage in which FGM is preparation for. In turn, their prospects for economic opportunities are significantly hindered. Therefore, girls who are protected from this traumatic and life threatening experience are more likely to continue their education, pursue career opportunities, safeguard their autonomy, and ultimately contribute to the betterment of society.

### V. TRIED POLICY

In 1996, California criminalized Female Genital Mutilation (FGM) under California Penal Code § 273.4. This law was one of the earliest enacted statewide policies addressing the growing international concern of FGM. With the purpose of addressing this crisis within immigrant communities, California’s law has faced criticism for its lack of preventative measures .

Despite California having the highest at risk population out of all 50 states, it’s one of the 24 states that hasn’t criminalized travel outside the

state for the purpose of undergoing FGM or prohibiting the use of culture, religion, or ritual as a defense. This omission encourages families to steer clear of U.S. jurisdiction by having their daughters cut in countries where anti FGM legislation isn't enforced. Additionally, enforcement of California's ban has been infrequent if not non-existent. It has been reported to the reputable global NGO, EqualityNow, that there have been no known prosecutions to date under California's statute. The presence of insufficient policy and the absence of effective law enforcement has left California in a predicament where indifference and inaction enable such violations and promote silence among victims [9].

## VI. POLICY OPTIONS

### **State Implementation of Vacation Provision**

While Female Genital Mutilation (FGM) has been outlawed on the federal scope, laws regarding FGM vary from state to state. As mentioned before, the exceeding 500,000 women and girls that are at risk of it across all 50 states are in this dangerous situation not because FGM typically takes place on American soil. Rather, it's because a significant number of immigrant families with cultures promoting the practice transport their daughters internationally for the purpose of being cut. The implementation of the "vacation provision" policy directly closes the possibility of citizens evading U.S. jurisdiction. California, the state with the largest population at risk for FGM, has yet to take this necessary step to mitigate the onslaught of "vacation cutting". California is one of many states that must take this imperative action to create a more just and uniform protection for its female citizens.

### **Standardized FGM Training for Mandated Reporters**

Despite California requiring mandated reporters such as school staff or healthcare providers to report suspected cases of FGM, there are still inconsistencies in how FGM related training and reporting are implemented and carried out. The incorporation of standardized training for professionals and screening protocols during health care visits allows specialists to play a vital role in its prevention. A stronger push for such progressive measures in the healthcare industry have the potential effect of empowering these individuals to detect signs of FGM and report their findings.

### **Prohibiting Cultural, Religious, or Ritual Defenses for FGM**

FGM is deeply entrenched into society because enablers and perpetrators alike perceive it as an essential tradition. California can certainly strengthen its FGM legislation to explicitly prohibit the invocation of cultural, religious, or ritual defenses in any legal proceeding regarding FGM. By amending its current statutes to include this provision, California is sending an unmistakable message that human rights will always take precedents over harmful cultural practices [10].

### **Community Education Programs**

Policy alone isn't enough to mitigate the task at hand. Community education programs are necessary and must accompany the advocacy for stronger policy. Investing in well rounded yet culturally sensitive educational resources would target not only the at risk communities, but also the wider public. These programs would educate

the families on the physical and psychological consequences of being genitally mutilated through partnerships with survivors, health care professionals, and educators. They would educate the general community on the domestic danger at hand. Through the implementation of state sponsored education and awareness campaigns, the cultural institutions that continue to perpetuate FGM would be dismantled in time.

## VII. CONCLUSIONS

This brief has analyzed the persisting nature of Female Genital Mutilation (FGM) within the U.S., examined the causes for its prevalence, and presented several diverse legislative options to effectively combat this crisis on numerous fronts. Currently, out of all the legislative options presented, the statewide implementation of “vacation provision” is the most feasible and impactful as it counters the at-risk population within California by prohibiting vacation cutting. Eradicating FGM in the U.S. isn’t just a legal expectation, it’s a moral and public health imperative. The future of the U.S. relies on all states equally, making it crucial that California takes the necessary measures to address the shortcomings in its legal frameworks and in turn, safeguard the autonomy of its vulnerable communities.

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