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The state of gender equality in the US: A Universal Periodic Review shadow report

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Credit: Alex Kent

Foreword

It is my pleasure to present Equality Now's stakeholder submission to the United States' fourth Universal Periodic Review (UPR) of the United Nations (UN) Human Rights Council.

The United States has long positioned itself as a global champion of human rights and gender equality. However, its domestic laws and policies continue to fall short of these standards. For those working to advance the rights of women and girls, the UPR process offers a rare and essential opportunity to hold the US publicly accountable on the international stage for implementing its human rights obligations.

In the lead-up to this review, the United States has experienced moments of immense progress, juxtaposed by significant regression. This January, former President Biden declared the Equal Rights Amendment (ERA) the 28th Amendment to the US Constitution and "the law of the land," a historic milestone in the century-long fight for constitutional equality. Yet just days later, his statement was archived on the White House website, marking the start of a coordinated dismantling of federal gender equality principles.

Government actors have moved to restrict diversity, equity, and inclusion (DEI) initiatives across the country, erase gender-inclusive language in favor of rigid and exclusionary definitions of sex, and undermine the rule of law by targeting the independence of lawyers, judges, journalists, higher education institutions, and human rights defenders. Simultaneously, vital funding for global gender equality efforts, including through USAID, has been cut or frozen.

The rapid erosion of rights has been accompanied by an emboldened backlash against gender equality more broadly across all levels of governance in the US. We are

witnessing the co-optation of language against female genital mutilation/cutting (FGM/C) to justify attacks on gender-affirming care and a growing movement to revive "traditional family values" that threaten hard-fought protections and obstruct efforts to end child marriage. The legal and social frameworks meant to protect women and girls are being steadily dismantled across the country.

In this submission to the UN Human Rights Council, Equality Now and its partners, the ERA Coalition, the U.S. End FGM/C Network, Unchained At Last, and the Alliance for Universal Digital Rights (AUDRI), highlight four areas where the US continues to fail to meet its obligations under international law: a lack of universally recognized constitutional equality on the basis of sex, the continued prevalence of child marriage due to discriminatory and weak laws, insufficient protections against FGM/C, and lack of comprehensive measures to prevent and respond to online sexual exploitation and abuse. These systemic failures represent clear violations of international human rights law and standards and have far-reaching consequences for millions of women and girls across the country.

The UPR process was created for moments like this, to enable the international community to examine gaps between a country's human rights obligations and the lived realities of its people. The UPR process provides a powerful tool to push for change. To be effective, however, the process must be met with meaningful engagement. Governments must issue strong, specific recommendations to fellow Member States grounded in international law and informed by stakeholder submissions. These recommendations are essential to holding the country under review directly accountable and empowering advocates to advance lasting progress.

As we mark thirty years since governments around the world, including the United States, adopted the Beijing Declaration and Platform for Action, we hope this report will serve as an evidence base and roadmap for change. At a time when the United States continues to retreat from the international stage, we must collectively call it back in. Together, we can foster a society in which all women and girls, in all of their diversity, can live free from violence and discrimination.

S. Mona Sinha

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Global Executive Director



Glossary

CDC – Centers for Disease Control and Prevention

The US federal agency responsible for public health and disease prevention. The CDC also supports data collection and programs addressing violence against women and girls, including sexual violence and intimate partner violence.

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

A UN human rights treaty that defines discrimination against women and sets out obligations for States to eliminate it in law and practice. Often described as an international bill of rights for women.

Civil remedy

A legal recourse available through civil courts (as opposed to criminal prosecution), often used in cases involving gender-based violence or discrimination. These may include monetary compensation, restraining orders, or injunctive relief.

Cloud data fragmentation

The distribution of data across multiple cloud servers or jurisdictions which can complicate law enforcement's access to digital evidence, especially in cases of online sexual exploitation or abuse.

CSAM – Child Sexual Abuse Material

Any visual depiction, photos, videos, or digitally created content that involves the sexual abuse, sexually explicit material, or exploitation of a child. The term emphasizes the abusive, exploitative, and illegal nature of the material.

DEFIANCE Act – Disrupt Explicit Forged Images and Non-Consensual Edits Act

A proposed US federal law that would create a civil remedy for the creation and distribution of sexually explicit deepfakes and other manipulated images shared without consent, particularly impacting women and girls.

DoJ – Department of Justice

The US federal department responsible for enforcing laws and administering justice. The DoJ prosecutes federal crimes, including human trafficking, child sexual exploitation, and online gender-based violence.

E-evidence

Electronic or digital data that can serve as evidence in legal proceedings, such as social media content, text messages, images, or metadata, often critical in cases of online abuse or harassment.

ERA – Equal Rights Amendment

The 28th Amendment to the US Constitution which states that rights under the law shall not be denied or abridged on account of sex. It intends to solidify legal protections for gender equality in areas including employment, violence, and reproductive rights by eliminating sex discrimination under the law.

FGM/C – Female Genital Mutilation/Cutting

The partial or total removal of external female genitalia or other injury to female genital organs for non-medical reasons. Recognized globally as an extreme form of gender-based violence and a human rights violation.

Global Digital Compact

A UN framework outlining shared principles for a safe, inclusive, and human-rights-based digital space. It includes efforts to combat online gender-based violence and ensure women's digital inclusion and protection.

ICCPR – International Covenant on Civil and Political Rights

A UN human rights treaty committing States to uphold civil and political rights. Its overseeing body, the Human Rights Committee, has affirmed that addressing gender-based violence, reproductive rights, and equality under the law are essential to ensuring civil and political rights for all, especially women and marginalized groups.

OSEA – Online Sexual Exploitation and Abuse

Online sexual exploitation and abuse (OSEA) encompasses a number of sexually exploitative and harmful behaviors that occur online, including online grooming, livestreaming of sexual abuse, child sexual abuse material, online sex trafficking, and image-based sexual abuse.

“Safe harbor” rule

A legal protection that shields online platforms from liability for user-generated content, provided they take steps to remove illegal content when notified. This rule is debated in the context of platforms’ responsibilities to prevent online abuse, including gender-based harm.

SCOTUS – Supreme Court of the United States

The highest federal court in the United States, which is vested with interpreting the US Constitution.

Sex trafficking

A form of human trafficking involving the recruitment, harboring, or transportation of individuals, especially women and girls, for commercial sex acts through force, fraud, or coercion. This includes child sex trafficking, which occurs regardless of force, fraud, or coercion.

TVPA – Trafficking Victims Protection Act

A US federal law enacted in 2000 to combat trafficking in persons, with special provisions for the protection of women and girls from sex trafficking and exploitation. The TVPA also supports survivor services and international cooperation.

UN – United Nations

An international organization of 193 Member States working to promote peace, development, and human rights. The UN plays a central role in setting global norms for gender equality and protecting women’s rights through treaties, special mechanisms, and advocacy.

UN Convention Against Cybercrime

An international treaty aiming to improve cross-border cooperation against cybercrimes, which will open for signature in October 2025 and enter into force after the fortieth ratification, signature, or approval.

UPR – Universal Periodic Review

A peer-review mechanism of the UN Human Rights Council in which each State’s human rights record is reviewed, including its performance on gender equality, women’s rights, and measures to address violence against women and girls.

US – United States

A federal republic composed of 50 states and various territories. The US plays a major role in shaping international human rights law relating to gender equality and the protection of women’s rights.

USCIS – United States Citizenship and Immigration Services

The federal agency that administers lawful immigration to the US, including protections for survivors of gender-based violence through programs like asylum and visas.

Submitting organizations



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Equality Now (main submitting organization) is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our network of individuals and organizations in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices, and achieving legal equality are the main areas of our work.

The Alliance for Universal Digital Rights (AUDRi) exists to explore ways of creating a digital future in which everyone can enjoy equal rights to safety, freedom, and dignity – whoever they are and wherever, whenever, and however they exist and connect in the digital world. They place particular focus on women, girls, and other people from discriminated-against groups, all of whom face intersecting forms of discrimination and gender-based stereotypes in the physical world.

The ERA Coalition is comprised of over 300 national, state, and local partner organizations across the United States representing millions of advocates working for equality of all. Our goal is to amend the U.S Constitution to ensure that one cannot be discriminated against because of one's sex. We strategize with states seeking ratification. We work with legislators to pass resolutions affirming the ratification of the ERA. We provide groundbreaking research. Our team of legal scholars has examined the next step to a fully realized ERA.

The U.S. End FGM/C Network (the "Network") is a vibrant and collaborative group of over 200 survivors, civil society organizations, foundations, activists, policymakers, researchers, healthcare providers, and others committed to promoting the abandonment of female genital mutilation and cutting (FGM/C). The Network serves as the main source for information and the lead advocacy voice in the United States on ending this harmful practice in the US and around the world. Currently, the Network functions as a platform that facilitates collaboration and information sharing, empowers grassroots organizations, builds bridges between US-based and international efforts to end FGM/C, influences policies and laws on FGM/C, and leads both national and global efforts to frame the issue of FGM/C in a broad and intersectional manner.

Unchained at Last is a survivor-led nonprofit working to end forced and child marriage in the United States through direct services and systems change.

Introduction and summary

During the 3rd UPR Cycle, the United States received 69 recommendations to strengthen and improve measures related to women's and girls' rights protection. The State supported 59 of these and supported/noted the remaining 10. Of those supported, 25 called for the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),¹ thirteen advocated for sexual and reproductive health rights and services,² two called for access to health services generally,³ six concerned discrimination against women and girls in the legal system and public life,⁴ four related to discrimination in employment,⁵ three asked for measures around maternity and paternity leave,⁶ four concerned sexual and gender based violence against women and girls,⁷ one related to women, peace, and security,⁸ and one called for financing for development cooperation to eliminate female genital mutilation/cutting (FGM/C) and child, early, and forced marriage.⁹ Of those supported/noted, all 10 referred to the ratification of CEDAW.¹⁰

This submission outlines gaps in the implementation of international human rights obligations and legislation in the United States of America in addressing constitutional sex equality, child marriage, FGM/C, and online sexual exploitation and abuse (OSEA).

It is concerning that none of the issues included in this report, despite their prevalence and pervasiveness across the country, have been the subject of recommendations to the US in previous UPR Cycles. We hope these issues will be granted appropriate consideration in the upcoming review, particularly in light of significant rollbacks on rights previously thought to be protected under the US Constitution.

Rollback of women's and girls' rights in the United States

During the past reporting period, the United States has witnessed a concerning regression in the protection and advancement of women's and girls' rights. In 2022, following the Supreme Court's decision that the US Constitution does not confer a right to abortion,¹¹ sweeping restrictions on reproductive freedoms were imposed in states across the country, with devastating consequences for women and girls.¹²

Most recently, policy shifts under the new government administration have further undermined gender-based protections, including in the workplace,¹³ reduced funding for equality initiatives,¹⁴ and restricted access to reproductive health care and gender-affirming care.¹⁵ Internationally, the United States has distanced itself from human rights mechanisms, withdrawing from the Human Rights Council¹⁶ and placing a hold on all US foreign aid,¹⁷ which will disproportionately impact marginalized groups. These developments highlight the urgent need to restore and strengthen protections for all women and girls in the US.

Legislative updates

A number of significant legislative changes have occurred in the months following the initial sharing of the submission to the UPR in March, 2025. The following are current through July, 2025.

Online sexual abuse and exploitation:

Federal - Take It Down Act - *law passed on May 19th, 2025* - this will require online platforms to remove nonconsensual intimate images, including deepfakes and other forms of image-based sexual abuse, within 48 hours of request, and creates criminal penalties for the proliferation and distribution of such images.

Child marriage:

Maine - *law passed on May 6th, 2025* - raises the marriage age to 18 without exception. Previously, 17-year-olds could marry with parental consent.

Missouri - *law passed on July 10th, 2025* - raises the marriage age to 18 without exception. Previously, 16 and 17-year-olds could marry a person under 21 with parental consent.

Oregon - *law passed on May 28th, 2025* - raises the marriage age to 18 without exception. Previously 17 year olds could marry with parental consent.

Female genital mutilation/cutting:

Washington D.C. - *law passed on April 18th, 2025* - criminalizes FGM/C in the District of Columbia, creates a civil remedy for survivors, and emphasizes education and community outreach.

Federal - *bill introduced on May 19th, 2025* - would amend the STOP FGM Act of 2020 to include gender-affirming care. This harmful conflation exploits the condemnation of FGM to provoke opposition to trans-healthcare while obscuring the fundamental differences between the two issues.



Lack of implementation of legal equality on the basis of sex in the United States Constitution

A historic milestone in the struggle for constitutional equality occurred on January 17, 2025, when President Biden declared the Equal Rights Amendment¹⁸ (ERA) as the 28th Amendment to the Constitution and the “law of the land.”¹⁹ Until then, the US Constitution—the most authoritative legal document in the country—did not explicitly prohibit discrimination on the basis of sex. This was in stark contrast to the vast majority of UN Member States (85%), whose constitutions prohibit such discrimination.²⁰ While President Biden’s affirmation was a significant achievement, constitutional equality in the US remains precarious, underscoring the urgent need for the ERA’s full implementation.

To date, the US has not received any UPR recommendations regarding its lack of constitutional prohibition of discrimination on the basis of sex. However, in past UPR cycles, the US made recommendations to Kiribati to “[f]ully implement, once adopted, a draft amendment to the Constitution that would protect against discrimination on the basis of sex and gender,”²¹ and to Iraq to “[f]ully implement laws intended to enforce constitutional protections for women and minorities, including laws against discrimination.”²²

The ERA is an Amendment to the US Constitution that guarantees equal rights under the law for all citizens regardless of sex (inclusive of gender).²³ First proposed in 1923, it was passed by Congress in 1972 but fell short of the 38-state ratification threshold due to an arbitrary time limit imposed by Congress.²⁴ In 2020, however, the number of states required to ratify the ERA was met.²⁵ In January 2025, after prolonged government pushback, President Biden affirmed the ERA’s validity, declaring it the 28th Amendment to the United States Constitution.²⁶

Despite this, the fight to secure constitutional equality in the United States is far from over. Since the change in administration, the White House has removed President Biden’s declaration on the ERA, and opponents argue his action was legally meaningless. However, this view contradicts the opinions of the country’s most respected legal scholars, including the American Bar Association,²⁷ as well as Senators²⁸ and members of the House of Representatives,²⁹ who affirm that all requirements for ratification have been met and that the ERA is the 28th Amendment to the Constitution.

Universal recognition and implementation of the ERA will provide a firm constitutional basis of protection for sex equality under the law across the country,³⁰ requiring all federal and state laws to align with its provisions. Elevating sex to the level of protection afforded to race, religion, and national origin in the Constitution means that sex-discriminatory laws could be struck down more easily. Implementation of the ERA would make sex a “suspect classification,” requiring cases of sex discrimination to undergo “strict scrutiny”—the highest level of review in the US legal system—, and raise gender equality to the status of a fundamental right, categorizing sex as a “protected class.” Moreover, the ERA gives Congress the legal foundation and constitutional mandate to enact laws to address systemic and structural gender inequality, i.e., take positive measures to advance equality. It would be harder for courts to find that Congress lacks the constitutional authority to pass such laws, helping to prevent future rollbacks of rights.

Without constitutional equality, the US has been in direct violation of its international human rights obligations. Specifically, this contravenes one of the most fundamental international human rights principles of equality and non-discrimination as guaranteed under articles 2 and 3 of the International Covenant on Civil and Political Rights (ICCPR),³¹ which the US has an obligation and duty to respect, protect, and fulfill, including through formal protection in its Constitution.³²

In its 2023 review, the Human Rights Committee emphasized this point, urging the US to “redouble its efforts to guarantee protection against sex- and gender-based discrimination in its Constitution, including through initiatives such as the Equal Rights Amendment.”³³

It is well-documented that constitutional equality provisions around the world have had far-reaching impacts and have acted as an effective trigger for legislative and policy changes in support of gender equality.³⁴ The ERA could have a transformative impact in eliminating gender-based violence, such as child marriage and FGM/C, ensuring access to sexual and reproductive health rights, facilitating women’s full and equal economic participation, and more. While the US Government has submitted that legal equality is guaranteed to women through the Equal Protection and Due Process clauses of the 14th and 5th Amendments to the Constitution,³⁵ recent jurisprudence

leaves these protections extremely vulnerable.³⁶

When the Supreme Court of the United States (SCOTUS) rules on cases involving gender and sex discrimination, they often fail because existing constitutional provisions do not provide sufficient protection.³⁷ In 2022, in *Dobbs v. Jackson Women’s Health Organization*, SCOTUS overruled *Roe v Wade* and held that the right to abortion does not have a basis in the Constitution. Using an “originalist” approach, the majority opinion stated that the 14th Amendment only protects those rights intended to be protected by the framers of the Constitution and/or the 14th Amendment when written, or rights “deeply rooted in the Nation’s history and traditions.” This devastating decision has not only had a harmful impact on pregnant women’s and girls’ lives, it also threatens all previous SCOTUS decisions that rely on a constitutional right to privacy or sex based-discrimination. Without this

constitutional basis, precedents granting rights to birth control, same-sex marriage, or the prohibition of discrimination on the basis of sexual orientation and gender identity are, like *Roe*, all open for review. Thus, comes the necessity of the ERA—by grounding rights related to sex and gender in equality, rather than privacy, the ERA would help protect fundamental human rights from being overruled.

The US government has also previously asserted that it is sufficient that US states address

sex discrimination in their own constitutions.³⁸ Although 23 out of 50 states have added equal rights amendments to their state constitutions,³⁹ state-level efforts do not satisfy the US’ obligations as a nation. Even if every state had an ERA, courts could continue to be inconsistent in their rulings regarding claims of sex discrimination.⁴⁰

Multiple avenues of ensuring equal rights for women and girls in the country are being deployed and require meaningful support and concrete action by the US federal government. For the US to fulfill its obligations under international law, it is essential that it universally recognizes and fully implements the ERA so as to provide fundamental constitutional protection from sex and gender-based discrimination, and for the US Congress to be able to enact laws that uphold equality on account of sex.

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Lack of protection against child marriage

Child marriage, a marriage where one or both parties are under the age of 18, is legally permitted in the vast majority of the US.⁴¹ Only 13 out of 50 states have set the minimum age at 18 and eliminated all exceptions, and four US states do not even specify any absolute minimum age for marriage, with parental and/or judicial waiver.⁴² States with a specified minimum age to get married under the law can go as low as 15 years of age.

In the third UPR cycle, the US received only one recommendation related to ending child, early, and forced marriage. However, the recommendation—from Costa Rica, to “[i]mplement the commitment made at the Nairobi summit to increase the financing of development cooperation for the prevention of...child and forced marriage”⁴³—did not relate to the US’ obligations at home, but instead focused abroad.

In past UPR cycles, the US has made several recommendations regarding child, early, and forced marriage. For example, the US recommended Pakistan to “[e]nforce and strengthen existing provincial laws and support national laws on child, early, and forced marriage of women and girls and hold violators accountable,”⁴⁴ Afghanistan to “[l]aunch public information campaigns and work with religious leaders to raise awareness of the legal rights for women and girls guaranteed in Afghanistan’s Constitution, including the legal age for

marriage,”⁴⁵ and China to “[e]nd forced labour, marriage, birth control, sterilization, abortion, and family separation in Xinjiang.”⁴⁶

Despite making such recommendations, the US has failed to take adequate steps in its own country to end child, early, and forced marriage, all of which facilitate increased rates of domestic and sexual violence against women and girls. In the US, at least 300,000 minors were legally married between 2000 and 2018.⁴⁷ A few were as young as 10, though nearly all were aged 16 or 17.

Girls are disproportionately impacted by child marriage and are further unprotected without an explicit constitutional prohibition against sex-based discrimination. 86% of the children who married between 2000 and 2018 were girls, and most were wed to adult men.⁴⁸ Further, when girls married, their average spousal age difference was four years, whereas when boys married, their average spousal age difference was less than half that at 1.5 years.⁴⁹

In the US, at least 300,000 minors were legally married between 2000 and 2018.

In most US states, child marriage is considered a valid defense to statutory rape.⁵⁰ Alarming, at least 60,000 marriages since 2000 occurred at an age or spousal age difference that should have been considered statutory rape.⁵¹ State laws which provide a marital exception to statutory rape condone and promote child marriage in cases where the act itself is criminal.

Additionally, other federal laws contain legal loopholes and exceptions that encourage child marriage. For instance, the Uniform Code of Military Justice prohibits sex with a child aged 12 to 15 but specifically exempts those who are married to the child.⁵² Additionally, there is no federal minimum age to petition for a foreign spouse or fiancé or to be the beneficiary of a spousal or fiancé visa.⁵³ United States Citizenship and Immigration Services (USCIS) and the State Department may approve a spousal or fiancé visa involving a minor if the marriage would be legal in the state where the couple will reside. This law allows and encourages children in the US to be trafficked for their US citizenship. It also encourages minors from other countries to be trafficked to the US legally, under the guise of marriage. Both of these laws encourage child marriage and child rape.

According to international law, child marriage is a profound manifestation of gender inequality and gender-based violence.⁵⁴ It has far greater effects on girls than on boys, and violates the articles of equality and non-discrimination under the ICCPR.⁵⁵ The deeply negative consequences of child marriage for women and girls are well documented,⁵⁶ including in the United States. Like their counterparts in other countries, girls in the US who are married before the age of 18 experience detrimental consequences. Child brides report high rates of physical, sexual, financial, and/or emotional abuse during their marriages, as well as early and/or unplanned pregnancies and poor mental and physical health.⁵⁷ Child marriage disrupts education and limits economic attainment, trapping girls in a cycle of poverty with little chance of becoming economically independent or secure.⁵⁸ Girls who marry are more likely to drop out of high school, earn less over their lifetimes, and live in poverty than their peers who marry at later ages.⁵⁹

Girls in child marriages also have limited access to justice. The age of majority, determined by state law, ranges from

18 to 21. This means that minors, who do not yet have the capacity to consent to enter into a contract, can be forced to enter into a legally binding marriage contract. However, these same minors are not able to enter into contracts to retain a lawyer, initiate legal proceedings against the husband, or file for divorce unless it is done through a legal guardian. Considering it is often the legal guardians or parents of the girl who have forced her into marriage, obtaining their consent to file can be challenging. Legal emancipation through state statute may grant married minors some of these rights, however, these vary widely by state and are inadequate protections. Further, girls under the age of 18 typically cannot access domestic violence shelters without the shelter informing their parents.⁶⁰ The lack of access to justice during marriage and at its dissolution for minor girls is in itself a violation of the US' international legal obligations.⁶¹

In its foreign policy, the US has presented comprehensive strategies for other countries to address child, early, and forced marriage.⁶² The US State Department has declared child marriage a human rights abuse that contributes to economic hardship and leads to under-investment in girls' educational and healthcare needs, fosters conditions that enable or exacerbate violence and insecurity, and produces devastating repercussions for a girl's life, effectively ending her childhood. Yet the vast majority of states in the US allow minors to be subjected to marriage before they reach 18 years of age.

Additionally, there is a lack of awareness and knowledge on the prevalence of child marriage in the US.⁶³ A recent survey found that nearly half of Americans believe child marriage is already illegal in all US states.⁶⁴ Increasing public education on the prevalence and impacts of child marriage for key stakeholders such as elected officials, parents, and others is critical to eliminating child marriage in the US.⁶⁵

The lack of consistent and clear legal standards on child marriage across the country, including to prohibit child marriage without exception, and the contradictions of family law with criminal law are serious failures of the US government to comply with fundamental international human rights standards and rights.⁶⁶

Alarming, at least 60,000 marriages since 2000 occurred at an age or spousal age difference that should have been considered statutory rape.



Lack of comprehensive protections against female genital mutilation/cutting

FGM/C is recognized in the US and internationally as a human rights violation and an extreme form of gender-based violence.⁶⁷ In the US, between 421,000 and 577,000 women and girls have undergone or are at risk of FGM/C.⁶⁸ Women and girls living in the US, including citizens, continue to be at risk of FGM/C. They may be subject to FGM/C on US land, or taken to neighboring states or their families' countries of origin—a practice known as “vacation cutting.”

In the US, between 421,000 and 577,000 women and girls have undergone or are at risk of FGM/C.

In past UPR cycles, the US has made eight recommendations related to ending FGM/C.⁶⁹ The US recommended Liberia to “[c]riminalize female genital mutilation or cutting and spousal rape, and increase the number of public awareness campaigns focused on preventing violence against women and girls,”⁷⁰ and Guinea to “[c]ontinue to implement and build on efforts to address female genital mutilation/cutting, including by engaging state and non-state stakeholders in dialogue on education, programming, and legislation.”⁷¹ The US has only received one previous recommendation related to FGM/C, from Costa Rica, to “[i]mplement the commitment made at the Nairobi summit to increase the financing of

development cooperation for the prevention of female genital mutilation.”⁷² The lack of attention that the issue of FGM/C within the US has received—both by the US itself and by the international community—is concerning given the pervasiveness of the practice.

FGM/C was first outlawed under US federal law in 1996. Under the current Strengthening the Opposition to Female Genital Mutilation Act of 2020, also known as the Stop FGM Act 2020, it is illegal to perform FGM/C on a girl under the age of 18, or for the parent, caretaker, or guardian of a girl under the age of 18 to facilitate or consent to FGM/C being performed on her.⁷³ The act of transporting a girl for the purpose of FGM/C is also a punishable offense.

In a federal case, *U.S. v. Nagarwala*, a US-licensed doctor was charged with performing FGM/C on nine girls, aged 7-13.⁷⁴ In 2018, a federal judge dismissed six of the eight charges on the grounds that the 1996 law was unconstitutional because Congress did not have the right to criminalize the practice. The Stop FGM Act 2020, which expressly notes Congress’ belief that the court erred in declaring the 1996 law unconstitutional, is now in effect.⁷⁵ In 2021, a woman in Texas was indicted for transporting a minor from the US to a foreign country for the purpose of FGM/C.⁷⁶ This case was subsequently dismissed, and overall progress in enforcing the Stop FGM Act has been egregiously slow. As of January 2025, the Texas case was the only prosecution the US government had reported since the new law came into effect.⁷⁷

In addition to criminal provisions, the Stop FGM Act requires the Attorney General to submit an annual report to Congress containing (1) an estimate of the number of women and girls in the US at risk of or subjected to FGM/C; (2) protections available and actions taken by federal, state, and local agencies to protect such women and girls; and (3) actions taken by federal agencies to educate and assist communities and key stakeholders.⁷⁸ Yet implementation of the reporting provision has been weak to date. The most recent 2023 annual report shared FGM/C prevalence data from 2016, which was collected many years prior to enacting the new law.⁷⁹ The report does not share any new or substantive information addressing the prevalence of FGM/C or the prosecution of FGM/C cases, indicating that the government's current programs and actions on FGM/C are not nearly enough to address a problem of this scale.

The 2023 report briefly describes training for law enforcement “around the country” by the Federal Bureau of Investigation (FBI).⁸⁰ However, it provides no information on whether the training is mandatory or if it was developed and implemented in consultation with subject-matter experts. The 2024 report has yet to be released.

At the state level, only 41 US states have specific laws against FGM/C.⁸¹ Further, in states that do have a statute outlawing FGM/C, not all have enacted comprehensive legislation or taken a multi-sectoral approach. Research shows that comprehensive approaches are required to respond effectively to FGM/C.⁸² Laws should include provisions and funding for sustained outreach and education, prevention, survivor services, and multi-sectoral stakeholder training. Statutes must also prohibit the transport of women and girls for the purpose of FGM/C or “vacation-cutting.”⁸³

Civil society organizations and coalitions in the US have developed resources for survivors and often provide training and education on best practices for stakeholders.⁸⁴ These programs require strong institutional and financial support. The US government must provide core and project-based funding to organizations that advocate for better laws, research, and tools for addressing FGM/C, and provide services to survivors and people at risk. The federal government made some grant funding available in 2020, but not nearly enough to meaningfully address the urgent needs of the sector,⁸⁵ and not in recent years.

In the US, FGM/C is often considered and dealt with as an issue practiced by specific diaspora communities. Indeed, the prevalence estimates published by the CDC were determined based on the prevalence rate of FGM/C in the countries where women and girls in the US were born, or where their parents were born.⁸⁶ However, FGM/C is also practiced by local US-born communities and people from diaspora communities whose countries of origin are not countries with a high prevalence of FGM/C. There are reports and evidence of FGM/C being practiced by white, Christian communities in midwest US states⁸⁷ and within the Bohra community,⁸⁸ among others. Despite this, reliable, disaggregated data on actual prevalence rates in the US is sorely lacking.⁸⁹ Lack of data impacts all aspects of the approach the government takes to tackle the issue effectively. Moreover, targeting of certain ethnic groups or nationalities in the context of FGM/C can cause

further secrecy in practice, increase stigmatization, and lead to systemic discrimination in law and policy.⁹⁰ Accurate and sensitive data gathering on FGM/C must be undertaken and shared publicly.

There is also growing recognition globally that FGM/C exists in additional forms, such as the ‘husband stitch.’ The husband stitch is the term given for the placing of an extra stitch during vaginal repair after childbirth, with the purpose of tightening the vaginal opening to increase sexual pleasure for a male partner, without the consent of the woman involved. Recent research has documented the husband stitch by various women, including in the United States, with survivors experiencing health complications and comparing the practice to FGM/C.⁹¹ Over the last year, more than 167 women in California have filed a series

of civil lawsuits against a doctor who allegedly subjected them to various forms of sexual abuse and gender-based violence, including the husband stitch.⁹² This lawsuit is the first time the husband stitch has been explicitly identified and challenged as a form of gender-based violence and FGM/C in a US court.

FGM/C is deeply rooted in discriminatory social norms that are present in nearly all cultures, religions, and communities across the world. To meaningfully eradicate the practice, there must be a multi-sectoral approach which includes training law enforcement officials and providing education for teachers, parents, faith-based leaders, and at-risk communities;⁹³ developing prevention-based methods and addressing FGM/C in healthcare systems; providing financial support to the sector; and increasing awareness among various stakeholders.⁹⁴

The US government must provide core and project-based funding to organizations that advocate for better laws, research, and tools for addressing FGM/C, and provide services to survivors and people at risk.



Lack of protection from online sexual exploitation and abuse

There is a need for strengthened concrete action and urgent attention to address online sexual exploitation and abuse (OSEA) in the US, in addition and in relation to in-person sex trafficking. OSEA has not been raised to the US in previous UPR Cycles. Sexual exploitation and abuse in the physical and digital realms operate together in a continuum, reinforcing each other as part of the same system of violence rooted in gender-based inequality and systemic misogyny.

The US is a key player in the fight against OSEA, and its role in this fight is especially important because the US is a global hub of technological development and business interest. Many digital service providers and platforms are domiciled in the US, and over 94% of Americans have internet access.⁹⁵ Traffickers operate online too. According to the US Department of Justice (DoJ), in the US, approximately 40% of sex trafficking victims are recruited online, making the internet the most common place for recruitment.⁹⁶ Further, online advertising is the main tactic used by traffickers to solicit buyers for commercial sex. In 2020, over 80% of DoJ sex trafficking prosecutions involved online advertising.⁹⁷

Over the past two years, the US has been central in shaping international efforts to combat OSEA. In November 2024, the US joined other governments and took the significant step of adopting the Global Digital Compact,⁹⁸ a major step toward establishing global standards for digital safety and accountability. The US was also instrumental in drafting the UN Convention Against Cybercrime, which will open for ratification later this year. While these efforts demonstrate US leadership in addressing online harms, meaningful progress requires the US to align its domestic laws and policies with these global commitments to ensure real protection against OSEA at home.

Existing US laws on sexual abuse and exploitation, including the Trafficking Victims Protection Act (TVPA), have not kept pace with digital technology. The TVPA criminalizes sex trafficking, including commercial sex acts involving minors, and penalizes ventures that exploit them.⁹⁹ However, advancing technology complicates enforcement. Cloud data fragmentation makes tracking sources difficult, especially across jurisdictions.¹⁰⁰ Gathering e-evidence is further hindered by legal inconsistencies, jurisdictional challenges, and limited cooperation between governments and the technology sector.

In response to this growing crisis, the US passed FOSTA-SESTA, which limits the “safe harbor” rule of the Communications Decency Act,¹⁰¹ allowing victims to sue platforms that knowingly facilitate trafficking.¹⁰² However, a 4-year constitutional challenge for infringing on freedom of expression has slowed progress on the use of this law.¹⁰³

Federal law also criminalizes the interstate transmission of communications containing threats to property or reputation, but lacks specific protections against online sexual exploitation and coercion, which disproportionately harm women and girls.¹⁰⁴ It is also a crime to send obscene content or Child Sexual Abuse Material (CSAM) to minors, but state definitions on obscenity vary, leaving gaps in protection.¹⁰⁵ At the end of 2024, Congress passed the REPORT Act, which extends mandatory data retention and reporting requirements for CSAM on online platforms to assist investigations.¹⁰⁶ Though this was a significant step forward, the legislation only applies to CSAM, leaving a large proportion of intimate images outside of the regulation.

There are additional inconsistencies across state laws. Not all state laws address all forms and aspects of OSEA, and not all remedy these harms in the same way. Some states, like Illinois¹⁰⁷ and Florida,¹⁰⁸ prohibit online solicitation and grooming but primarily protect children, overlooking vulnerable adults and long-term impacts on survivors. While 48 states have laws that criminalize image-based sexual abuse, laws differ widely. New Jersey prohibits the non-consensual recording and distribution of intimate images,¹⁰⁹ while California penalizes posting explicit images without consent.¹¹⁰ Further, some laws

create unnecessary obstacles for victims. For example, Arizona requires “intent to harm or harass” or a domestic relationship between the offender and victim.¹¹¹

Despite federal and state laws, significant gaps remain, including those of AI-generated or manipulated OSEA-images or videos depicting the victim. The US FBI in 2023 warned of an increase in reports of bad actors manipulating images and videos with AI to create sexually explicit content and extort and harass victims.¹¹² The Disrupt Explicit Forged Images and Non-Consensual Online Edits (DEFIANCE) Act creates a civil remedy against certain people who create, distribute, or receive sexually explicit manipulated images. The Act passed through the Senate in 2024, but did not make it through the House. It was reintroduced in 2025. Passage of the Act would be

a significant step towards protecting survivors; however, additional legislation will be necessary to adequately address the issue. Other bills, such as the SHIELD Act and the Take It Down Act did not pass into law in 2024,¹¹³ and will be reintroduced in 2025.¹¹⁴ These would respectively criminalize the distribution of non-consensual intimate images and prohibit their posting online. It is imperative that the US take swift legislative action to pass these bills into law.

To fully and effectively address OSEA, it is important that women and girls in the US can realize the full array of human rights—the right to education, to health, including sexual and reproductive rights and bodily autonomy, to housing, economic security, and others enshrined in international law. The realization of these rights reduces their vulnerability to sexual exploitation and abuse.

Not all state laws address all forms and aspects of OSEA, and not all remedy these harms in the same way.

Ratification of international and regional human rights instruments

The US remains one of only six States that have not ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),¹¹⁵ and the only State that remains to ratify the Convention on the Rights of the Child.¹¹⁶ The US government has also not signed the American Convention on Human Rights or the Belém do Pará Convention, formally known as the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women.¹¹⁷

Conclusion

The period under review has involved drastic setbacks for women and girls in the US, particularly with respect to sexual and reproductive rights as embodied by the *Dobbs* decision, as well as the subsequent enactment by state governments of extreme abortion bans and restrictions in dozens of US states. This has caused significant harm to women, girls, and pregnant people in the US, particularly people of color, low-income people, and people from other marginalized communities. Yet women and girls in the US lack the international scrutiny, effective mechanisms, and constitutional protection they need in order to advocate for and achieve transformative change.

We submit that it is time for the US to further demonstrate that it takes its international human rights commitments seriously. As this submission highlights, current US laws fall short of addressing urgent human rights concerns. Many outstanding recommendations need to be effectively implemented and fully realized in the lives of all women and girls in the US to benefit themselves, their families, communities, and the world.



Recommendations:

We respectfully urge Member States to recommend to the United States of America to:

Constitutional equality

- Take every step necessary to universally recognize and fully implement the ERA as the 28th Amendment to the US Constitution.

Protections against child marriage

- Enact laws at the federal and state levels that set the minimum age of marriage in the US at 18, without exceptions.
- Repeal all marital exceptions or defences to the crime of statutory rape at the federal and state levels.
- Amend all federal laws that encourage, condone, or incentivize marriage before age 18.
- Collect nationwide, disaggregated data on the prevalence of child marriage in the US.
- Provide public education and increase awareness on the prevalence and impact of child marriage in the US and its obligation to protect children.

Protections against female genital mutilation/cutting

- Effectively implement the federal law on FGM/C.
- Collect regular, comprehensive disaggregated data on the prevalence of FGM/C in the US.
- Provide funding, resources, and state support to community-based organizations and organizations with expertise in addressing FGM/C.
- Encourage state governments to pass comprehensive state-level laws that explicitly:
 - ▶ Define, prohibit, and criminalize all forms of FGM/C in the state.
 - ▶ Prohibit transporting women and girls to another country or state for the purpose of FGM/C.
 - ▶ Provide education and awareness-building to the public and key stakeholders on FGM/C.
 - ▶ Provide appropriate, mandatory, and integrated training to public institutions such as public safety personnel, medical professionals, and educational institutions.
 - ▶ Allocate earmarked funding for education on FGM/C for public institutions and civil society organizations that engage directly with survivors.

Protection from online sexual exploitation and abuse

- Enact laws that address the root causes of OSEA, in particular gender and sex-based discrimination, intersecting inequalities, and the proliferation of misogyny and abuse of power online and through the use of digital technologies.
- Ensure laws and policies address all forms and aspects of OSEA and are aligned with international standards.
- Ensure legal protections offer support to survivors to prevent further exploitation.
- Provide adequate resources to investigate and prosecute OSEA and support victims' access to the legal system, including through funding to law enforcement, child protection services, women's rights departments, and civil society organizations.
- Mandate digital platforms and service providers to implement easy-to-use, clear, and efficient policies relating to posting, sharing, publication, and takedown of OSEA material, and mandate penalties for noncompliance.
- Require digital platforms and service providers to adopt human rights-based approaches and encourage them to collaborate with the US government.
- Support civil society initiatives to raise understanding of OSEA, including on how to identify violations and report to law enforcement, digital service providers, and platforms.
- Fully implement the commitments made in the Global Digital Compact into actionable policies and lead by example in holding tech companies accountable for upholding human rights online.
- Sign and ratify the UN Convention Against Cybercrime when it opens for ratification, ensuring its provisions are incorporated into domestic law and enforcement practices.

Endnotes

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