

Female Genital Mutilation (FGM)

I need the
ERA because...

I HAVE THE
RIGHT TO BODILY
INTEGRITY

Female genital mutilation (FGM) comprises all procedures that involve partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons. **It is a human rights violation deeply rooted in gender inequality and discrimination.**

FGM is most often carried out on girls between infancy and age 15, although adult women are also subjected to it. Official statistics indicate that more than 200 million women and girls around the world are impacted by FGM, but in reality the number is likely to be much higher as many countries do not adequately track the prevalence of FGM.

According to the World Health Organization, FGM often results in lifelong health problems; increased risks during childbirth; psychological trauma; pain during menstruation, urination, and sex; and even death.

While there is a perception among western countries that FGM is a problem that only afflicts the Global South, this is far from accurate. **FGM occurs across all cultural, religious, and socio-economic groups and is practiced on every continent except Antarctica.** In fact, in the US, approximately 513,000 women and girls have undergone or are at risk of FGM. Regardless of race or ethnicity, women and girls in the US may be subjected to FGM domestically or brought abroad—a practice known as “vacation cutting.” It is estimated that rates of FGM have tripled in the country since 1990.

Despite the prevalence of the practice in the USA and the persisting risk to many women and girls, 20% of American states do not have laws criminalizing FGM.

What could the ERA do?

In 2018 a federal court in Michigan struck down a federal anti-FGM law on the ground that it did not meet the requirements of the Constitution's Commerce Clause and thus, Congress had lacked the authority to pass the law in the first place. Fortunately, a new federal anti-FGM law that met the Commerce Clause requirements was passed in 2021.

However, if the ERA had been part of the Constitution, then the 1996 law may have remained in effect, avoiding a gap in protection of girls from FGM at the federal level.

Section 2 of the ERA gives Congress an independent source of power to pass legislation to enforce sex equality. **This could include enacting laws to ensure that women and girls are protected against sex discriminatory human rights violations, such as FGM.**

The ERA would also make it harder for courts to find Congress lacked the constitutional authority to pass such laws, helping to prevent future rollbacks of laws that protect the human rights of women and girls and ensuring that women and girls don't have to rely on an incomplete patchwork of state legislation.

Learn more: equalitynow.org/ineedera