



AMERICAN ATHEISTS

September 24, 2019

The Honorable Sen. James B. Eldridge
Chair, Joint Committee on the Judiciary
24 Beacon St. Room 511-C
Boston, Massachusetts 02133

The Honorable Rep. Claire D. Cronin
Chair, Joint Committee on the Judiciary
24 Beacon St. Room 136
Boston, Massachusetts 02133

Re: SUPPORT H3332/S834, Testimony from American Atheists in support of legislation to protect girls and young women in Massachusetts from female genital mutilation (FGM)

Dear Chairperson Eldridge, Chairperson Cronin, and Members of the Joint Committee on the Judiciary:

American Atheists, on behalf of its over 1,000 constituents in Massachusetts, writes in support of H3332/S834, legislation will protect girls and young women in Massachusetts from the harmful practices known as female genital mutilation (FGM). Massachusetts is one of just 15 states that does not prohibit FGM.¹ We urge you to swiftly remedy this situation by passing this critical legislation.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for the health, safety, and well-being of all Americans, American Atheists objects to efforts to subordinate medical care to the religious beliefs of others.

FGM, which is the ritual cutting or alteration of female genitalia for non-medical purposes, is predominately forced upon young females and performed by non-licensed practitioners. In a 2016 report, the US Government Accountability Office stated that the Centers for Disease Control and Prevention (CDC) estimated that 513,000 women and girls in the United States were at risk of or had been subjected to FGM.² In Massachusetts alone, nearly 14,211 women and girls are at risk for FGM.³

H3332/S834 establishes that FGM performed upon minors is a felony, and it covers not only those who perform FGM, but also individuals who facilitate or transport a minor for these purposes. The

¹ AHA Foundation, FGM Legislation by State. Available at <https://www.theahafoundation.org/female-genital-mutilation/fgm-legislation-by-state/#popup>.

² United States Government Accountability Office, Female Genital Mutilation/Cutting: Existing Federal Efforts to Increase Awareness Should Be Improved. Available at <https://www.gao.gov/assets/680/678098.pdf>.

³ AHA Foundation, FGM Legislation by State, *supra*.

bill clarifies that religious beliefs, customs and traditions, and consent (whether by the minor or their legal guardians) are not appropriate defenses. H3332/S834 also establishes a private right of action for survivors of FGM and authorizes programs to raise awareness and provide education regarding the harms of FGM.

Although FGM is often performed as a traditional practice in some cultures, these procedures have no medical necessity or benefit. Instead, FGM frequently results in serious injury to the victim as well as a host of serious medical complications. In addition to the devastating physical consequences, FGM can result in significant psychological harm.

It is essential that states increase their efforts to oppose FGM, especially after the recent court ruling calling into question the constitutionality of existing federal laws prohibiting these practices.⁴ Massachusetts has a duty to protect its residents from these dangerous practices regardless of tradition. This sort of religiously inspired and brutal misogyny has no place in our society.

Thank you for holding a hearing on these life-saving measures. We urge you to act swiftly to pass this legislation to protect girls and young women in Massachusetts from FGM. If you should have any questions regarding American Atheists' support for this legislation, please contact me at 908.276.7300 x309 or by email at agill@atheists.org

Sincerely,



Alison Gill, Esq.
Vice President, Legal and Policy
American Atheists

cc: All Members of the Massachusetts Joint Committee on the Judiciary

⁴ *United States v. Nagarwala*, No. 17-CR-20274, 2018 U.S. Dist. LEXIS 197494 (E.D. Mich. Nov. 20, 2018).