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Behind Closed Doors

**Exposing and Addressing Harmful
Gender-Based Practices in the United States**

CHAPTER EXCERPT

Full report available at populationinsitute.org



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Acknowledgments

The co-authors would like to acknowledge the efforts of a few individuals in the creation and finalization of this report.

Thank you to Casey Carter Swegman, Director of Public Policy at the Tahiri Justice Center; Mariya Taher, Co-founder and U.S. Executive Director at Sahiyo; Fraidy Reiss, Co-founder and Executive Director of Unchained at Last; and Dr. Erica L Gollub, Professor at Pace University, for their expert guidance, input, and continued advocacy against gender-based violence. We are grateful for their comments and valuable feedback that contributed to making this report accurate and best aligned with advocacy groups and survivors.

Thank you to Kathleen Mogelgaard, President and CEO, Population Institute; Jennie Wetter, Director of rePROs Fight Back; and Heidi Worley, Director of Communications, Population Institute for their masterful editing and review.

Thank you to Laurie Chamberlain for her reference checking.

Thank you to Tanja Bos of BosPoint Graphic Design for her artistry and skillful design of this report.

List of Abbreviations

AAP – American Academy of Pediatrics

ACOG – American College of Obstetricians and Gynecologists

AMA – American Medical Association

CEFMU – Child, early, and forced marriage/union

CSE – Comprehensive sexuality education

FGM/C – Female genital mutilation/cutting

GBV – Gender-based violence

LGBTQI+ – Lesbian, gay, bisexual, trans, queer/questioning, intersex+

PTSD – Post-traumatic stress disorder

SOGI – Sexual orientation and gender-identity

SRHR – Sexual and reproductive health and rights

U.N. – United Nations

U.N. CRC – United Nations Convention on the Rights of the Child

U.S. – United States

UNFPA – United Nations Population Fund

VAWA – Violence Against Women Act

WHO – World Health Organization



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Table of Contents

Introduction.....	2
Female Genital Mutilation/Cutting (FGM/C).....	4
Child, Early, and Forced Marriage/Union (CEFMU)	8
Statement on Virginity Testing.....	12
Femicide	14
An Acknowledgment of Disproportionate Harm Against the LGBTQI+ Community	20
Conclusion	22
Endnotes	24

Introduction

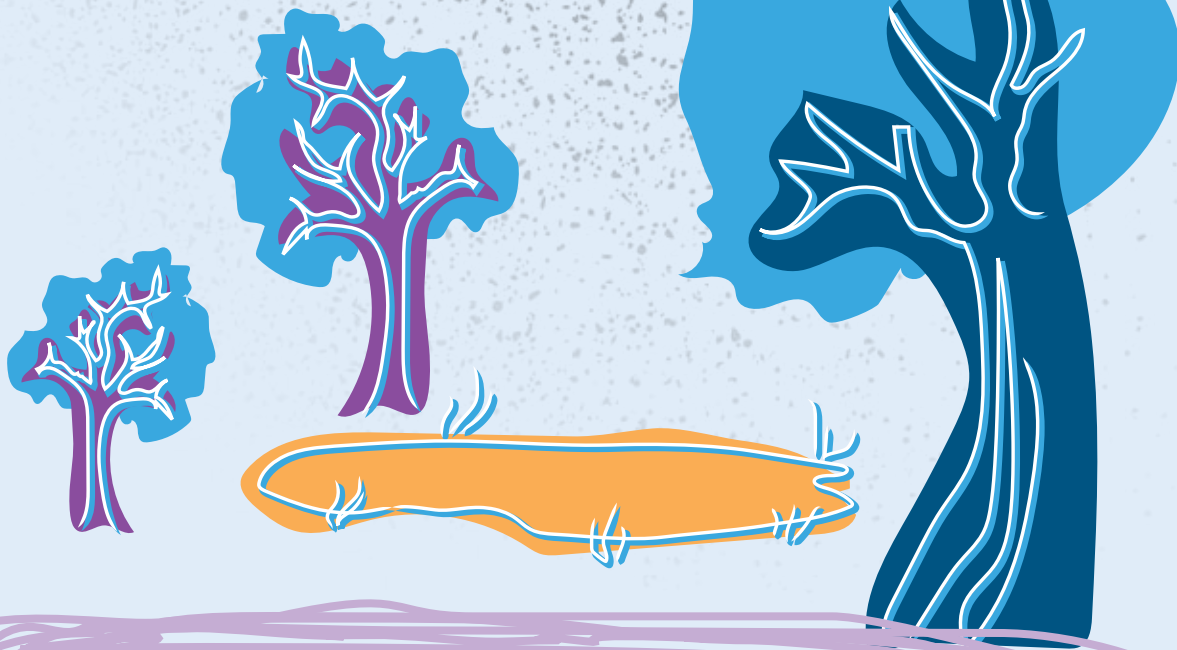
Gender-based violence exists in every community within the United States. Often dismissed as a foreign or cultural issue, U.S. policymakers largely ignore the reality of harmful gender-based practices in their own communities. Healthcare professionals and community members working with affected women and girls need information and resources to better address the effects of these practices. This report, driven by a commitment to social change, seeks to illuminate the pervasive nature of some harmful gender-based practices. U.S. policymakers and community leaders must take steps to combat these forms of gender-based harm in ways that are survivor-focused, culturally competent, and sustainable.

Gender-based violence (GBV) is a global phenomenon, with reportedly over one-third of women and girls globally experiencing some form of violence in their lifetime.¹

The Biden Administration's *National Plan to End Gender-Based Violence: Strategies for Action* defines GBV as “any harmful threat or act directed at an individual or group based on actual or perceived sex, gender, gender identity, sex characteristics, or sexual orientation.”² This kind of violence can manifest in a number of ways such as intimate partner violence, femicide or gender-based killings, sexual violence, human trafficking, female genital mutilation/cutting, child marriage, and more.³

The *National Plan to End Gender-Based Violence*, the first of its kind, is a step in joining a global trend to address gender-based violence on a national level.⁴ The Plan aims to make “federal funding and support a priority for programs, research, training, and technical assistance that address GBV using trauma-informed, culturally specific, and survivor-centered care.”⁵ However, there is still a need to understand and address the scope of the specific harmful gender-based practices occurring within the United States. The gender-based harms identified in this report are often thought of as “foreign” problems, but they are happening in the United States, and in some cases, are on the rise.⁶ Ignoring harmful gender-based practices in the United States condones a culture of GBV and perpetuates harm to survivors and those at-risk.





Recognizing the universal dimensions of gender-based harms, often rooted in social norms, is crucial for showing solidarity against GBV across the globe and identifying sustainable solutions

Resistance to recognizing harmful gender-based practices stems, in part, from American exceptionalism—the idea that America is morally superior to the rest of the world. This exceptionalism, coupled with fear of threats to American sovereignty, impedes our ability to participate in international discussions on violence against women and girls. Recognizing the universal dimensions of gender-based harms, often rooted in social norms, is crucial for showing solidarity against GBV across the globe and identifying sustainable solutions. The ripple effect of gender-based harm transcends geographical boundaries, urging all to stand united in the fight against injustice.

This report provides an analysis of harmful practices—female genital mutilation/cutting (FGM/C); child, early, and forced marriage/union (CEFMU); and femicide—occurring in the United States and recommends next steps to consider in tackling these persistent problems. By fostering global awareness, advocating for change, and building alliances across borders,

rather than stereotyping gender-based harm as a “foreign” problem, U.S. policymakers, practitioners, and communities can better contribute to dismantling oppressive structures and fostering a future where every individual is free from discrimination and gender-based harm.

This analysis calls for a culturally competent lens to minimize prejudice and judgment, yet advocate for healthy and safe practices. Expressing opposition to harmful practices while promoting awareness and understanding of the underlying factors for their persistence is crucial to encourage non-harmful advocacy for survivors and those at risk. Advocating for stronger state and federal policy frameworks, investing in the community through further funding for research, investing in survivor-focused and -led initiatives, encouraging comprehensive sexuality education, and raising awareness are some important avenues for change in the United States.

Child, Early, and Forced Marriage/Union (CEFMU)

Child, early, and forced marriage/union (CEFMU) is a human rights violation that cannot be dismissed as an archaic practice or a foreign problem. This practice has life-threatening long-term consequences for women and girls, as well as for the broader community. With only 11 U.S. states with a set minimum age of 18 for marriage, many are still vulnerable to becoming victim to child marriage.^{48, 49} CEFMU threatens the autonomy of young individuals and limits their prospects.⁵⁰ A combination of community-level intervention and policy reform is necessary to combat this form of injustice in the United States.

What is CEFMU?

Child, early, and forced marriage/union (CEFMU) is commonly defined to include any formal marriage or informal union involving at least one party under the age of 18 or without the full and free consent of one or both parties.^{51, 52}

DEFINING CEFMU^{53, 54}

Child marriage refers to a formal marriage or informal union in which at least one of the parties is under 18 years old.

Early marriage is similar to child marriage in that it refers to a marriage in which one or both parties are under 18 years old but is also sometimes used to describe marriages in which one or both parties are 18 years or older, but one of the parties has a compromised ability to grant consent, such as an emotional or physical disability.

Forced marriage refers to a marriage in which one or both parties do not or cannot consent, and in which one or more elements of force, fraud, or coercion are present.

Unions refer to informal marriages that are equivalent to formal marriage, without the legal status of one.

Prevalence in the United States

Approximately one in five girls are married during childhood across the globe.⁵⁵ In the United States, despite an increase in legal reforms against child marriage over the past decade, exceptions within state laws have allowed minors to marry under certain circumstances, often through parental consent or court approval. These exceptions have contributed to an estimated 300,000 married minors in the United States between 2000 and 2018.⁵⁶ The COVID-19 pandemic caused an uptick of cases of child marriage globally, with up to 10 million more girls at risk of becoming child brides.⁵⁷ CEFMU is present across a variety of U.S. communities, affecting individuals of many ages and gender identities. Research indicates that child marriage most often affects girls ages 16-17, and most are wed to an adult man.⁵⁸ Between 2000 and 2015, 86% of reported child marriages took place between minors and adults.⁵⁹

Reasons for the persistence of CEFMU around the world are highly complex and varied, ranging from economic concerns, traditional norms, and family agreements. Poverty is often a major driver of child marriage, where families sometimes see marriage as way to reduce family costs and gain financial security.⁶⁰ Knowledge of social factors that perpetuate child marriage in the United States, however, is extremely limited.⁶¹ In some cases, unintended pregnancy has been cited as a reason to be married as a child, but this has not been found to be a key motivator.⁶² Religion is also a driver of child marriage.⁶³ Child marriage is a part of many religious communities, include U.S.-based evangelical Christian and orthodox communities. Entrenched patriarchal systems that value girls' virginity can sometimes lead

to child and forced marriage, where marriage is seen as a way to elevate the status of a girl or thought to protect a family's honor.⁶⁴ Child marriage can be used to control women's sexuality, such as when a girl reaches menarche.⁶⁵

Harmful Impacts

CEFMU is linked to a number of lifelong harmful impacts. Some of these include increased maternal mortality and morbidity, higher risk of intimate partner violence and marital rape, poor educational and economic outcomes, child stunting, and intergenerational poverty.⁶⁶

Young brides, especially those married to older partners, often face power imbalances that can lead to negative health outcomes. CEFMU is a form of gender-based violence on its own, but also intersects with other harmful practices.⁶⁷ Mechanisms of power that are at play in a forced relationship often favor males and lead to issues of control and coercion.⁶⁸ The imbalanced power dynamic can lead to an increased risk of domestic and sexual violence, as well as reproductive coercion, emotional abuse, curtailed education, and denial of any kind of independence.⁶⁹ These compounding oppressions can further impact victims of CEFMU.

Additionally, child brides are likely to have worse economic and health outcomes, including mental health, than their unmarried peers.⁷⁰ Early marriage contributes to a cycle of poor health and poverty.⁷¹ Similarly, child brides are more likely to experience early pregnancies than their counterparts that marry later in life, which increases risks of pregnancy- and childbirth-related complications.⁷²

Action in the United States

Laws regarding child marriage vary widely across states, contributing to the complexity of child marriage within the United States. In recent years, some states have taken steps to address child marriage by raising the minimum marriage age or eliminating exceptions that allow minors to marry (see map, p.10).⁷³ However, there is a lack of uniformity and comprehensive federal legislation addressing child marriage. A recent report from Human Rights Watch found that U.S. states overwhelmingly fail to live up to key standards on child rights, including child marriage, as set by the United Nations (U.N.) *Convention on the Rights of the Child (CRC)*.⁷⁴

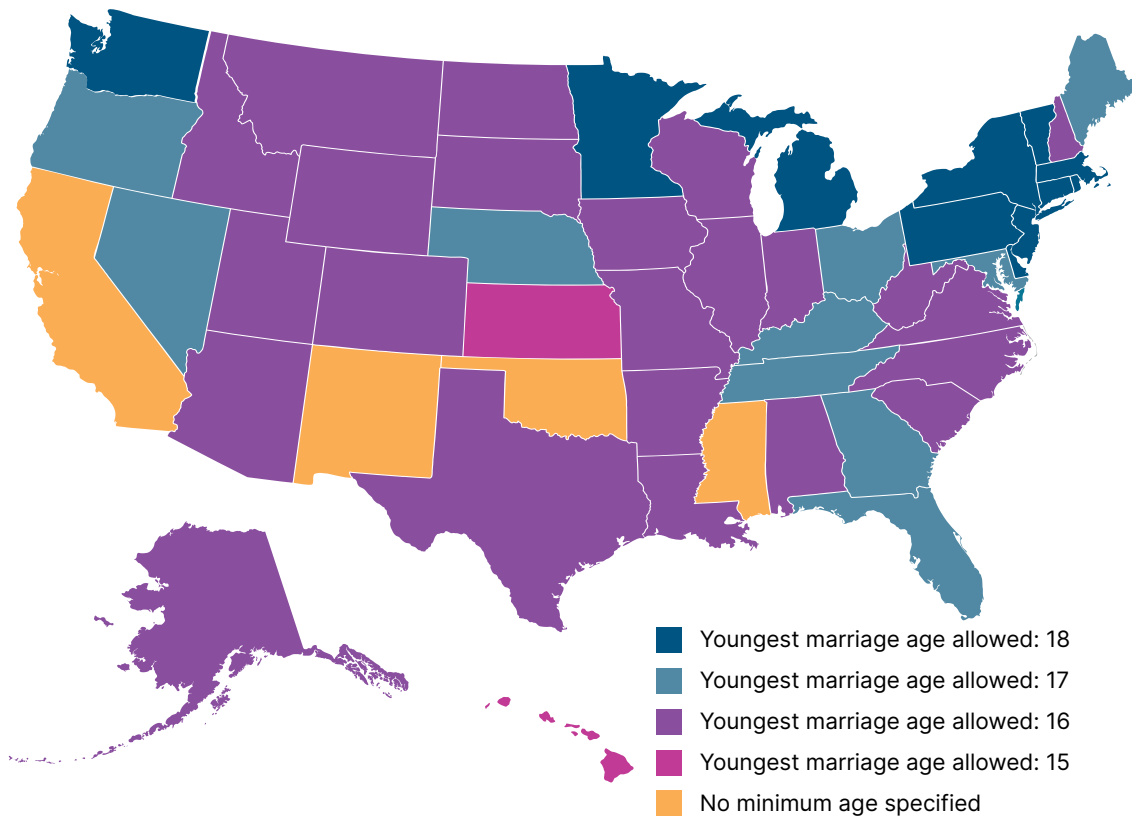
WHAT IS THE U.N. CONVENTION ON THE RIGHTS OF THE CHILD?

In 1989, world leaders convened to make a historic commitment to the world's children by adopting an international legal framework. This treaty—the most ratified international human rights treaty to date—establishes a commitment to protect children from violence and exploitation.^{75,76} This international standard specifies that “persons up to the age of 18 years are entitled to continuing protection from all forms of exploitation and abuse,” which implies that the minimum age for marriage should be set at 18. The United States remains the only U.N. member country that has not ratified the convention.⁷⁷

As of November 2023, 16 states and Washington D.C. are yet to adopt any policies related to child marriage.⁷⁸ Only eleven states have effectively banned child marriage, beginning with Delaware and New Jersey in 2018.⁷⁹ Washington is the most recent state to make child marriage illegal in the beginning of 2024.⁸⁰ Four states currently have no age floor for marriage.⁸¹



Many States Have Yet to Set 18 as the Minimum Age to Marry



Source: Unchained At Last. (n.d.). *Child marriage - progress*. <https://www.unchainedatlast.org/child-marriage-progress/>.

Common state exceptions for underage marriages include “parental consent” and “judicial approval” clauses, which allows an underage individual to marry with parental consent or approval from court judges.⁸² Only nine states, as well as D.C. and the U.S. Virgin Islands, have criminal statutes specifically on forced marriage.⁸³ An additional two states have statutes on abduction for marriage of certain minors.⁸⁴ Loopholes in federal law also allow CEFMU to take place across the United States.⁸⁵ For example, immigration law does not specify a minimum age to petition for a foreign spouse or fiancée, which encourages trafficking of American girls for citizenship. The U.S. government approved nearly 9,000 marriage-based petitions involving minors either as the petitioner or the beneficiary between 2007 and 2017.⁸⁶

The Violence Against Women Act Reauthorization of 2022 finally removed marriage as a defense for federal statutory rape charges.⁸⁷ Prior to the reauthorization, a study found that child marriages violated statutory rape laws in 14 states due to the blurred lines of legality between child marriage laws and laws on age of sexual consent.⁸⁸

Advocacy Needed

While the United States is a major player in promoting policies overseas to prevent child marriage, the laws within the country are weak in protecting vulnerable minors. A comprehensive approach that combines



Implementing a strong legislative framework that sets a minimum age of marriage at 18 with free and informed consent is crucial

legal reforms, community-based support services, and raising awareness through education is essential to protect the rights and well-being of minors and prevent the perpetuation of this harmful practice. Efforts to put an end to CEFMU will not only uphold the principles of human rights and gender equality but also contribute to the overall social and economic development of the nation.

Advocacy in this field should focus on raising the minimum age of marriage, expanding access to education and support services for youth and survivors, and strengthening support from and for sexual and reproductive health advocates. Community mobilization and dialogues on harmful gender norms are critical in supporting these efforts.⁸⁹

Awareness-building

While there should be a minimum age law for marriage, all individuals should have access to sexual and reproductive health and rights (SRHR). Young people should be allowed to make decisions that concern their future, such as accessing SRHR services, but not trapped in a legal contract that they often do not have power to end, such as with child marriage. Therefore, the reproductive rights and anti-child marriage advocacy groups must work together in order to advance both of these goals. In California, the debate concerning minimum legal marriage age is clouded by worries from reproductive health and civil liberties advocacy groups about limiting access to SRHR and imposing on the fundamental right to marry.⁹⁰ However, it is important to recognize that child marriage impedes an individual's right to bodily autonomy and freedom of choice in family planning decisions. Additionally, child marriage leads to higher rates of domestic violence and increases risks related to pregnancy and childbirth.⁹¹ It is equally important that young people have access to a full range of SRHR services and resources, as well as protection from entering legal contracts that they cannot get out of, which may very well restrict their ability to access SRHR services in the first place. Focusing efforts on aligning agendas and increasing both awareness and support for increased SRHR and stronger anti-child marriage laws is crucial in strengthening both movements.

Legislative Action

American exceptionalism drives the belief that child marriage is not a problem within the country, therefore laws preventing child marriage are seen as

unnecessary. However, the United States is not immune to the problem of child marriage, and implementing a strong legislative framework that sets a minimum age of marriage at 18 with free and informed consent is crucial.⁹² Ensuring that strict legislation to set a minimum age to marry at 18 takes precedence over religious or customary law is important as well. Currently, many state minimum age laws are in direct conflict with state laws of sexual assault of a child, which must be rectified.⁹³ Advocacy has focused primarily on state legislation reform, as the Supreme Court has held over time that marriage is to be regulated at the state level only.⁹⁴ However, it is important to note that the U.S. government is a signatory of the *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, which states that legislative action to specify a minimum age for marriage is necessary, despite not having a set federal minimum age to marry.⁹⁵

Community Investment

Investments in youth-led organizations with peer-to-peer approaches to expanding access to education and integration of comprehensive sexuality education (CSE) in schools can be instrumental in combatting CEFMU. Enhancing girls' access to education will deter CEFMU, as girls from more educated and wealthier households are less likely to marry in childhood.⁹⁶ Access to quality education across generations unlocks economic potential for girls, contributing to a break in the cycle of poverty and intergenerational transmission of child marriage.⁹⁷ Integrating CSE in schools will provide young people the tools to exercise greater bodily autonomy and strengthen healthy decision-making ability. Empowering youth to combat gender-based discrimination will reinforce efforts to combat harmful gender-based practices, including CEFMU.⁹⁸ Moreover, expanding access to tertiary care resources such as domestic violence shelters and civil legal protections will be beneficial to survivors of CEFMU. Empowering survivors should be a key focus of any advocacy against child marriage.

Ending CEFMU requires careful consideration of the specific needs of married adolescents and at-risk individuals. While advocating for supportive laws, tackling this issue requires considering the root causes of gender inequality and exclusion that drive CEFMU. Engaging community leaders in dialogue and promoting opportunities for girls in education and the economy can create an enabling environment for change.⁹⁹

An Acknowledgment of Disproportionate Harm Against the LGBTQI+ Community

In the United States, LGBTQI+ individuals face systemic discrimination, violence, and frequent attacks on their rights and autonomy, further increasing the risk of gender- and sexuality-based violence. Research shows that LGBTQI+ people are at an elevated risk for physical and sexual assault, harassment, bullying, and hate-crime victimization compared to their non-LGBTQI+ counterparts.¹⁹⁸ Those with intersecting marginalized identities face threats of violence at higher rates, with Black transgender women making up the group with highest risk.¹⁹⁹ Highlighting the disproportionate violence against the LGBTQI+ community is crucial in conversations about gender-based harm in the United States.

Prevalence of Violence

Many of the harmful gender-based practices included in this report uniquely affect the LGBTQI+ community. Queer identity is rooted in gender and sexuality

expression that runs counter to patriarchal views of masculinity and femininity, a key driver of harmful gender-based practices, social norms, and subsequent violence.

Violence against the LGBTQI+ community is pervasive and heightened compared to their non-LGBTQI+ counterparts. An analysis of the 2017-2019 National Crime Victimization Survey found that LGBT people*** experienced 6.6 violent hate crime victimizations per



In 2023, at least 510 anti-LGBTQI+ bills were introduced across the United States



LGBTQI+ individuals face disproportionate rates and unique impacts of murder, violence, forced marriage, and FGM/C.

1000 people, compared to 0.8 per 1,000 for non-LGBT individuals.²⁰⁰ Almost 500 gender identity-motivated hate crimes were recorded in 2022, accounting for 4% of all hate crimes recorded in that year.²⁰¹ Additionally, members of the LGBTQI+ community face an incredibly high risk of murder in the United States. Based on extremely limited existing data, conservative estimates from 2014 show that transgender women risk becoming a murder victim at 4.3 times the rate of the general population of all women.²⁰² However, data on violent and fatal crimes against the transgender community continue to be incomplete and unreliable.²⁰³ Other gender-based harms such as FGM/C and forced marriage can also uniquely impact the LGBTQI+ community. Despite FGM/C only referring to the female anatomy and being highly entrenched in binary gender norms, not every survivor identifies with cis-heterosexual womanhood.²⁰⁴ FGM/C has been used as a way to control sexual orientation, gender identity, and other sexual characteristics of LGBTQI+ individuals, yet limited research on LGBTQI+ survivors of FGM/C is available to inform effective survivor-centered care.^{205, 206} Similarly, LGBTQI+ individuals can sometimes be forced into a heterosexual marriage through physical and emotional pressure due to shame, stigma, worry, and hatred around the victim's gender expression or sexuality.²⁰⁷

Motivations Behind Violence against the LGBTQI+ Community

The victimization of LGBTQI+ people is often motivated by anti-sexual orientation and gender-identity (SOGI) bias.²⁰⁸ Transphobia, for example, is rooted in patriarchal

and white supremacist norms that are sustained by a belief in gender binary frameworks and spurs violence against the transgender community.²⁰⁹ Queer identity is thought to be a challenge to patriarchal society, which requires stringent belief in heteronormative relationships with a hierarchy in which men are superior to women.²¹⁰ In general, perceptions of the LGBTQI+ community as untrustworthy and a social threat also align with much of the popular anti-LGBTQI+ rhetoric and hate speech of the American far-right.²¹¹ Intersecting marginalized identities have increased risk of violence due to intersecting bias-motivated hate. For example, the high rates of violence against transgender Black women have roots in misogyny, racism, and transphobia in society.²¹²

Moreover, in 2023, at least 510 anti-LGBTQI+ bills were introduced across the United States.²¹³ These laws create a hostile environment for LGBTQI+ individuals, and the blatant hateful and violent rhetoric of these bills leads to stigma and radicalization, leading to further violence against the LGBTQI+ community.²¹⁴ Healthcare restrictions, student and teacher rights restrictions, free speech and expression bans, and other civil rights violations are some areas that anti-LGBTQI+ policy aims to tackle.²¹⁵

In summary, LGBTQI+ individuals face disproportionate rates and unique impacts of murder, violence, forced marriage, and FGM/C, making it vital for the fight against harmful gender practices in the United States to include this community at the forefront. There is a clear epidemic of violence against the LGBTQI+ community and an urgent need for action.

***Population Institute (PI) is intentionally using the acronym, LGBT, in statements where the research data cited does so. Otherwise, PI uses LGBTQI+ to represent all individuals that are part of the community.

Conclusion

As the analysis in this report illustrates, a culture of gender-based violence exists within the United States that cannot be ignored. Greater investment in women and girls is necessary to spur sustainable change and end these human rights violations. U.S. policymakers cannot deny the existence of female genital mutilation/cutting (FGM/C), child marriage, and femicide in the United States, and should not shirk their responsibility to address these harmful practices. Advancing culturally competent and sustainable solutions is an imperative in civil society to stop gender-based harm in the country and join communities in enacting change across the globe.

This report demonstrates a prevalence of gender-based harm in the United States that is often ignored. More than 500,000 women and girls are estimated to have undergone or are at risk of undergoing FGM/C.²¹⁶ At least 300,000 minors are estimated to have been married in the United States between 2000 and 2018.²¹⁷ And the rate of gender-based murder continues to be among the highest of high-income countries, with a reported 2.2 per 100,000 women being intentionally killed in 2021.²¹⁸ Moreover, even with minimal prevalence data available, healthcare providers are undeniably encountering requests for virginity testing across communities in the United States.²¹⁹ Finally, it is important to acknowledge the disproportionate harm done towards those with intersecting marginalized identities and the LGBTQI+ community.

Addressing harmful gender-based practices within the United States requires a holistic and targeted approach. In addition to acknowledging the presence of these harmful gender-based practices, policymakers, practitioners, program implementers, and U.S.-based advocates should:

Implement awareness and education campaigns

Implementing comprehensive educational initiatives at various levels, including schools, community centers, and healthcare facilities, to raise awareness about the harmful consequences of these practices is important. Tailoring these educational materials to be inclusive and sensitive to the experiences of marginalized communities, including LGBTQI+ people, can help to transform unhealthy attitudes and perceptions about gender norms and bodily autonomy.

Encourage multi-sectoral approaches

Many of these harmful gender-based practices flourish due to many different actors. A combination of activities across the public health sector, medical field, religious communities, and government agencies is necessary, including community-led initiatives that challenge social and cultural norms that perpetuate harmful practices and collaborative work with community and faith leaders, influencers, and organizations that work to create a supportive environment that rejects harmful gender-based practices and promotes gender equality.

Strengthen federal and state laws and focus investments

Advocating for and enacting legal reforms that specifically address and oppose these harmful gender-based practices will be impactful. Each practice requires explicit laws to close loopholes that allow them to persist. These laws should include provisions and investments for community education efforts, as well as support services including counseling, shelters, and legal aid, specifically designed for survivors.

Ensure robust data collection and analysis

Investing in research and data collection to better understand the prevalence and impact of these harmful practices within different communities is crucial in tailoring interventions. Incomplete data tells an incomplete story. Better understanding the underlying risk factors that drive harmful gender-based practices will foster culturally competent advocacy and help to allocate resources effectively.

Addressing harmful gender-based practices within the United States requires a holistic and targeted approach

By recognizing the harmful gender-based practices that are occurring behind closed doors across the United States, we can begin to make substantial and sustainable strides towards eradicating gender-based harmful practices. The *National Plan to End Gender-Based Violence* from the Biden Administration makes a step towards prioritizing vulnerable populations and discussing culturally competent solutions, but further awareness-raising, legislative action, and community investment are required.

Collaborating with international organizations and engaging in diplomatic efforts to collectively combat harmful practices on a global scale can uncover the interconnectedness of gender-based violence that occurs worldwide, and this collaboration requires a recognition of the harms that are perpetuated behind closed doors within the United States. Applying culturally competent solutions that engage all levels of the community is crucial in fostering a society that respects the bodily autonomy, rights, and dignity of all individuals.



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