



Genital Autonomy
Legal Defense and Education Fund
Affirming rights. Protecting choice. Redressing harm.
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Address by Tim Hammond
at Filing of Colorado Equal Protection Challenge – Denver, 15 June 2026

Thank you. As Executive Director of the Genital Autonomy Legal Defense and Education Fund I'm honored today to stand with our partners at Intact Global, and with all Americans who believe in equal protection under the law.

Back in 1996, Professor of Psychiatry Thomas Szasz, a Jewish-Hungarian immigrant, wrote: *"Why is routine neonatal circumcision legal? Because it is defined as preventive medicine. Why is it defined as preventive medicine? To avoid having to ban it as male genital mutilation."*

That's why we're here today, to question the constitutionality of a law that protects only one class of children from forced genital cutting. We challenge Colorado's anti-FGM law because in 1999 it established a new right to bodily integrity and bodily autonomy, but only for those born female, to the exclusion of children born male or intersex, children who we know are equally, if not **more** at risk of harmful genital cutting.

Genital mutilation has been falsely characterized as a **gendered** mutilation. We know, however, that forced nontherapeutic genital cutting of children is genderless.

The solution might seem politically daunting, but ethically and legally it's quite simple: Recognize that the current sex-based law is unconstitutional for its lack of equal protection and demand it be made gender-neutral and supportive of individual genital autonomy.

Genital autonomy, according to human rights attorney Steven Svoboda, is: *“A unified principle that children should be protected from genital cutting that is not medically necessary.”*

This question is not new. When Colorado Congresswoman Patricia Schroeder introduced legislation that led to the successful passage of the federal anti-FGM statute, [hold up letter] she recognized in this 1994 letter that: *“MGM is no longer considered a medically necessary procedure and is painful for male infants.”*

Since that time, scholars like Dena Davis, Professor of law and religion, wrote that the disparate legal treatment of male and female genital alteration is on an inevitable *“collision course with the law.”*

Sara Johnsdotter, Professor of Medical Anthropology at Sweden's Malmö University, wrote: *“Sooner or later, societies need to respond to the following questions which, in reality, are one and the same question formulated from different perspectives:*

Why should girls not enjoy the same opportunities as boys to be incorporated into cultural and religious communities through a ritual involving minor cutting of their genitals? OR

Why should boys not have the same legal protection as girls against non-medically motivated alterations of their genitals?”

This prompts the questions: Why is it **illegal** to excise a genital structure from one sex – the clitoral foreskin – and permit the destruction of the **same** anatomical structure – the penile foreskin – from the other sex?

How is it **illegal** to excise the relatively smaller clitoral foreskin from one child and leave another child unprotected from having half of the penile skin stripped away? The foreskin is a densely nerve-laden structure that in the adult will become 15 square inches of highly erogenous tissue. [hold up index card]

These are the legal questions raised by Colorado's anti-FGM law. As currently written, the law prohibits the removal *“in whole or in part”* of the clitoris or labia minora. The clitoral foreskin is an extension of the labia minora and forms the protective hood of the clitoris. In both males and females, these structures have the same medical name: the prepuce.

I was taught from childhood that, as Americans, we believe “**All** people are created equal” and the concept of “**Equal** justice under the law.” I grew up witnessing the early feminist movement promoting the cause of gender equality, to treat not just *females* equally under the law, but treat *everyone* fairly, regardless of sex.

When it comes to offenses against the person, we don’t have separate laws for males and females. Our laws are written to be gender neutral. We don’t have laws against just female rape, because males can also be raped. Our laws are not written to protect only girls from child abuse, but to protect all children. We don’t have separate sex-based laws for workplace harassment, sexual abuse, assault or murder.

Sex-specific laws that protect only one class of children from nontherapeutic, nonconsensual genital cutting are **inherently** unconstitutional and unsustainable.

And lest anyone labor under the illusion that our FGM laws are just about protecting girls from harm...they are not. If it were just about harm, women’s groups and society would favor medicalization of FGM to make it less painful, less drastic and more safe. But they **oppose** medicalization. Why? Because they know that once the practice is medicalized it becomes institutionalized and socially acceptable. And this would put girls at the same risk of genital mutilation as boys in the U.S.

If it were only about harm, we wouldn't just protect minors, we'd prohibit **adult** women from choosing FGM. But we don't. Why? Because FGM laws are primarily about bodily autonomy. They're about consent. They're about controlling what's done to your body. They're about safeguarding an open future for **children** to decide for **themselves** when they're old enough how much of their genitals they get to keep. It's about "My body, my choice."

Now, some will argue that the two practices differ in intent. Yet, loving parents who circumcise their daughters and sons sincerely believe the cutting is beneficial and they remain ignorant of the harms. However, the law recognizes that even with the **best** of intentions, one's actions can still harm others.

And while it's estimated that about 500,000 girls and women in the U.S. are "**at risk**" of genital cutting, this **pales** in comparison to the one and a quarter million infant boys **every year** in the U.S. who are subjected to genital cutting. Over the decades this has produced millions of circumcision sufferers, most of whom endure – often in silence – the adverse long-term physical, sexual, emotional and psychological consequences of unwanted circumcision.

So let's ask ourselves, if the situation were reversed, and the law protected only males from genital cutting, and not females, wouldn't we challenge it?

But this is **not** a competition over who suffers more. It's about equal protection.

FGM laws must change – **not** to **lower** the ceiling of protection for females but to **raise** the floor of protection for **all** children. FGM laws must be expanded and made gender-neutral, **not** just because it's the right thing to do, but because of increasing political challenges coming from both sides of the debate.

On our side, we're calling for protection of **all** children because we are affected by or are direct witnesses to the gender inequality of the present laws. **We're** calling for gender equality that **benefits** every child.

On the other side, some in the medical community and beyond want to perpetuate **male** circumcision by **weakening** FGM laws to permit the female equivalent of male circumcision – that is, foreskin removal, **and** other “minor” forms of FGM, like ritual nicking. **They're** seeking gender equality to the **detriment** of every child.

Either way, if equality under the law is to have any meaning at all, Colorado's FGM law cannot be sustained in its current form.

Indeed, when the first prosecution under the Federal anti-FGM statute occurred in 2018, Judge Bernard Friedman stated: *“As laudable as the prohibition of a particular type of abuse of girls may be, it does **not** logically further the goal of protecting children on a nondiscriminatory basis.”*

Ethicist Brian Earp summarized it well when he wrote *“In light of such developments, feminist scholars and advocates of children’s rights now increasingly argue that efforts to protect girls from non-consensual genital cutting **must** be rooted in a sex and gender-neutral “**human**” right to bodily integrity, if these efforts are to be successful in the long-run.”*

The Genital Autonomy Legal Defense and Education Fund agrees with this assessment.

Although we all have different bodies, protecting children from genital mutilation should not be a **gendered privilege**, but a **protected human** right.

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