

What is female genital mutilation?

Female genital mutilation (FGM) is sometimes called 'female circumcision' or 'cut'. The practice has different names in different languages, see Other names for female genital mutilation below. FGM is the collective name given to a range of procedures involving the total or partial removal of the outer female genitalia or other injury to the female genital organs, for non-medical reasons. This can include:

- Cutting or removing the labia majora or the labia minora (the labia are the "lips" that surround the vagina)
- Cutting or removing the clitoris (the clitoris is the small, sensitive and erectile part of the female genitals)
- Narrowing or sealing the opening of the vagina by stitching, sewing, cutting or repositioning parts of the vagina
- All other harmful procedures to the female genitalia, including pricking, piercing, incising, scraping, burning and pulling
- Re-infibulation, which means resealing or reclosing the opening of the vagina after it has been opened for a woman to give birth

FGM is usually carried out on girls between 5 and 8 years old. However it can also be carried out on younger or older girls and adult women.

The NHS has a number of specialist clinics dedicated to treating and supporting women and girls who have been affected by FGM. You can find contact details for the NHS in **Useful contacts**, below.

Other names for female genital mutilation

Language	Term for FGM
Amharic	Megrez
Arabic	Khifad/Khitan/Tahoor/Tahara
Harrari	Absum/Ibi/Ugwu
Kriolu	Fanadu Di Mindjer
Limba	Bondo
Mandigo	Sunna/Bondo
Mandinka	Kuyango
Mendee	Bondo/Sonde
Musolula	Karoola/Niaka
Somali	Gudiniin/Halalays/Qodiin
Sousou	Sunna
Swahili	Kutari was ichana
Temenee	Bondo
Tigregna	Mekhnishab

Who is affected by FGM?

The practice of FGM is common in Africa, the Middle East and Asia. Tens of thousands of women and girls are affected by FGM all over the United Kingdom and it can happen to any woman or girl from any background regardless of age, race, nationality, social class, financial status or sexuality.

Unlike male circumcision, which is legal in the UK, the practice of FGM is a criminal offence.

FGM has no health benefits for women or girls. Medical professionals consider the practice to be extremely harmful. It is therefore recognised as a form of violence against women and girls.

See **Useful contacts** for more information about the reasons for and the impact of FGM on those who are affected.

FGM and child abuse

When a girl under the age of 16 is subjected to FGM, it is considered to be a form of child abuse. As well as the potential criminal law consequences, parents who arrange for their girls to be subjected to FGM could find that local authorities and the family courts raise concerns about their fitness to care for their children.

Protection under the law in England and Wales

Helping or encouraging FGM in any way is a criminal offence which you can report to the police. You can also apply to the civil courts to protect yourself or someone you know from being subjected to FGM.

Female Genital Mutilation Protection Orders

A female genital mutilation protection order (FGMPO) is a type of injunction (a kind of protective court order) which can forbid a person from doing certain things. For example, if you are at risk of FGM then an FGMPO can forbid a person from performing FGM, arranging for or encouraging someone else to perform FGM, taking you out of the country, threatening you with violence or pressuring you to agree to a FGM. The injunction can also require the person named in the order to do certain things, for example, handover passports to the court, ensure attendance at school, or present you for interview with social services at intervals throughout the summer holidays. Essentially the court can make any orders it thinks necessary to protect you from experiencing FGM.

Can I get a female genital mutilation protection order (FGMPO)?

You can apply for an FGMPO if you have been subjected to FGM or you feel you may

be pressured or forced into FGM. The FGM does not have to have occurred for you to gain protection. An FGMPO is a court order containing provisions that can restrict a person's actions or require them to take certain steps in order to protect you from abuse and to stop the person making arrangements for FGM. This could mean that the order is made against one person or many people who are involved in arranging the procedure.

Who can I get an FGMPO against?

An order can be made against any person in the UK or outside, who is, may be or has been, involved in the FGM in any way. This could be your mother, father, husband or other close family member; or someone who you do not know, but is involved in arranging or encouraging the crime. The person's involvement in the FGM/procedure does not have to involve them physically abusing or threatening you, or involve any other type of abuse. The order could be made against a person who is encouraging or advising about the FGM/procedure or making practical arrangements such as booking flights to take you to another country for the purpose of FGM/procedure.

Examples of FGMPOs

The person making the application is called the Applicant. The person the FGMPO order is made against is called the Respondent. Here are some examples of what the FGMPO might say:

- The Respondent must not take the Applicant out of the Birmingham area
- The Respondent must not harass, pester or molest the Applicant, directly or indirectly
- The Respondent must halt any arrangements for the procedure of female genital mutilation to be carried out on the Applicant
- The Respondent must not arrange for any medical or surgical procedures to be carried out on the Applicant's person

The application process

You can make an application for an FGMPO at the Family Court. The application form is an FGM001 which is available from any court or to download from the Ministry of Justice's website. If you are seeking an order to protect someone else (and you are not a local authority) you must first get the court's permission using form FGM006.

There is no court fee for applying for an FGMPO. You may be entitled to legal aid for your solicitor's costs. For more information see **A Guide to Family Law Legal Aid**.

You or your solicitor will need to prepare a witness statement setting out details of your situation, any violence or threats that have been used against you, any attempts to persuade you to agree to the FGM/procedure, the arrangements for the procedure/FGM or details of the procedure/FGM if it has taken place. You should also set out what you want the order to do and the persons you want the order to be made against. If you are considering applying for an FGMPO call our free legal advice service (see **Useful contacts**).

Will my family/the perpetrator(s) know about the application for an FGMPO?

Your family/the perpetrator(s) will find out about your application for an FGMPO, but they might not know until after you get the order. You or your solicitor can start the application for an FGMPO without telling your family/perpetrators. This is called a 'without notice' application. If the without notice FGMPO is made, this means that you will have protection before your family/perpetrator(s) know you have made the application. The application must be sent to them by a process server (a person whose job is to give documents to people) or the court bailiffs. The Family Court will then set a hearing at which your perpetrators will have the opportunity to challenge the order, or they can agree to let the order continue. This

might mean that you have to give evidence at court with your perpetrators there.

You will usually have to attend court. In certain situations you can give evidence from another location, so that you do not have to face your perpetrators at court. If you do not wish to or do not feel you can attend court, you should ask your solicitor to request that you can give evidence from a different location. If this is not possible, you or your solicitor should ask for special facilities to be put in place to protect you at court. You or your solicitor can call the court in advance and ask for special measures, such as screens for you to provide your evidence behind and a safe exit.

I am concerned that someone I know is going to be subjected to FGM, can I apply for a female genital mutilation protection order to protect this person?

A friend, relative or someone else can make an application for an FGMPO. As you are making the application about someone else, you will have to ask for the court's permission first using application form **FGM006** and set out your relationship with the victim. For example, if it is your sister you should state this and provide any proof in support. If it is your friend or your girlfriend you should explain how long you have known the victim and provide any evidence you have to show this. Your application will need to set out your knowledge of the circumstances of your friend or relative's situation and the court will also consider what she thinks about the application, if her wishes can be determined. If the court grants permission then the application can be made on form **FGM001** for an FGMPO to protect her.

Can someone else make the application for me?

If you are not able to make the application yourself (for example if you cannot leave the house or access the courts, or are in another country, or you are too frightened) then someone else can make the application.

See above: **I am concerned that someone close to me is going to be subjected to FGM, can I apply for a female genital mutilation protection order to protect this person?**

Someone else making the application means it is not being made by you but it is being made to protect you, which might make it easier for you to take steps to protect yourself without it coming directly from you. As FGM often involves parents and other family members it can be difficult for you to make the application in your own name and it might not be safe or possible for you to do so.

What are wardship proceedings?

The High Court can make orders to protect children. If a child is taken abroad or is at risk of being taken abroad for the purposes of FGM or has gone through the procedure and is overseas, the High Court can make an order which gives itself parental responsibility for a child. This means that important decisions concerning a child can be made by the court and the court can ensure a child is protected when they are returned to the UK. The High Court can also make orders in relation to vulnerable adults. For example, the High Court could order that a woman, who is abroad and who is considered to be at risk, be returned to the United Kingdom.

Social services applications for female genital mutilation protection orders

If you are a child under the age of 18, or you are over 18 but the local authority consider you to be vulnerable, the local authority has the power to apply for an FGMPO for your protection. The application would be made by the legal department of the local authority. The local authority does not need permission from the court to make the application.

Can the court decide to make an FGMPO even if no one has asked it to?

If during other proceedings a court becomes aware that a woman or girl may be in need

of protection, it can make an FGMPO, even if no one has made an application. This is the case for criminal courts and family courts.

What if the FGMPO is ignored or not followed by my perpetrators?

The person who is making the application, for example, you, your solicitor, social services or someone supporting a victim, is responsible for serving the FGMPO on the perpetrator. This means giving the respondent (your family/perpetrator) a copy and it should be done using a process server or the court bailiff. You can ask the court to arrange for the court bailiff to personally serve the FGMPO on the respondent. The court will charge a fee for this service. If you cannot afford to pay the fee, you may be eligible for a fee remission (i.e. you may not have to pay the fee). To find out more about fee remissions, download the EX160A from the HMCTS website (the court website). The respondent must know about the FGMPO to be responsible for breaching any part of it. A copy should also be sent to your local police station, which you can find at www.police.uk

It is a criminal offence to breach (break/disobey) any part of an FGMPO and you can call the police if any part of the order is ignored or not complied with. For example, if the order states that the perpetrator is not allowed to text you and you receive a text from them, this is a criminal offence, or if the perpetrator is ordered to make a child survivor of FGM available for medical treatment, but fails to do so, this is a criminal offence. If your perpetrator is found guilty of breaching the FGMPO there are a range of sentences that they could receive. The maximum sentence is 5 years imprisonment, or they may be fined, or both.

For information about criminal proceedings see **Reporting an offence to the police: A guide to criminal investigations.**

The criminal offence of female genital mutilation

Even if there is no FGMPO, performing or arranging FGM is a criminal offence. The law states that:

A person is guilty of an offence if he excises, infibulates or otherwise mutilates the whole or any part of a girl's labia majora, labia minora or clitoris

This means that it is a criminal offence to carry out FGM. If you (the victim) live in the UK, then it is a criminal offence whether the procedure/FGM happens in the United Kingdom or abroad.

The law also states:

A person is guilty of an offence if he aids, abets, counsels or procures a person who is not a United Kingdom national or permanent United Kingdom resident to do a relevant act of female genital mutilation outside the United Kingdom

This means that it is a criminal offence to help or encourage or advise or arrange for any other person to perform FGM. If you (the victim) live in the United Kingdom, then it is an offence for anyone to arrange for the FGM to happen in the United Kingdom, or abroad.

It is also a criminal offence to help or encourage a girl or a woman to perform FGM on herself.

If you are aged under 16 then whoever is responsible for you or cares for you (such as your parents) must protect you from FGM. If you are a girl aged under 16 and you have been subjected to FGM then your main carer or whoever is responsible for you will be guilty of a criminal offence. This is a new law so your main carer will only be guilty of a criminal offence if the procedure/FGM happened after 3rd May 2015.

The criminal offence of FGM and the associated offences listed above are punishable by up to 14 years imprisonment, or a fine, or both.

The courts also have the ability to make an FGMPO even if the defendants are not found guilty. The court can also make restraining orders against the defendants. If the court believes you are being harassed or put in fear of violence it can make a **restraining order** against the person(s) responsible. A restraining order is a court order requiring and/or forbidding a person from doing certain things and can be written in a similar way to an FGMPO.

For more information on the criminal justice process see our guides **Reporting an offence to the police: A guide to criminal investigations** and **From charge to trial: A guide to criminal proceedings**. If you have experienced a violent crime you may be able to get criminal injuries compensation, for more details see our guide **A guide to criminal injuries compensation**. You can also contact our legal advice line, please see **Useful contacts** for details.

When is an operation not a criminal offence?

It is not a criminal offence for a medical professional who is registered in the United Kingdom to perform an operation which is necessary for the health of a woman or girl. If the medical professional is registered outside the United Kingdom, the court will decide on the facts of that case whether it is a legitimate medical operation or whether a crime of FGM has been committed.

Duty to report

From October 2015 teachers and healthcare professionals (in England and Wales) and social care workers (in Wales) will be under a legal duty to report to the police if they discover that a girl under the age of 18 has experienced FGM. The discovery must have happened either because the professional has seen what they consider to be FGM or because the girl has disclosed to the professional that she has experienced FGM. The professional must notify the police either orally or in writing within 1 month of discovering that the FGM has taken place.

The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

For free, confidential, legal advice on family law including domestic violence, divorce and relationship breakdown and issues relating to children:

Women living and working in London: call **020 7490 2562** the advice line is open Mon 11am–1pm and Tues – Thurs 2–4pm.

For all women: call **020 7251 6577** the advice line is open Tues – Thurs 7–9pm and Fri 12–2pm

For free, confidential, legal advice on immigration and asylum law or criminal and sexual violence visit **www.rightsofwomen.org.uk** for our advice line details.

Useful contacts

Emergency contacts

Police (emergency)
999

24 hour domestic violence helpline
0808 200 0247
www.nationaldomesticviolencehelpline.org.uk

National Society for the Prevention of Cruelty to Children (NSPCC)
0808 800 5000
www.nspcc.org.uk/

Finding a solicitor

The Law Society
0207 320 5650
www.lawsociety.org.uk/find-a-solicitor/

Ministry of Justice
020 3334 3555
http://find-legal-advice.justice.gov.uk/

Resolution
01689 820272
www.resolution.org.uk/

Advice and support on FGM

FORWARD
0208 960 4000, extension 1
support@forwarduk.org.uk
www.forwarduk.org.uk/

Daughters of Eve
textphone 07983030488
http://www.dofeve.org/

Gov.uk (for local organisations - insert your postcode)
www.gov.uk/female-genital-mutilation-help-advice

NHS website (for list of specialist FGM clinics)
http://www.nhs.uk/conditions/female-genital-mutilation/pages/introduction.aspx

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