

Female Genital Mutilation (FGM) Protection Orders

What are they and how can they help?

Female Genital Mutilation Protection Orders (FGMPOs) offer a legal means to protect and safeguard victims and potential victims of FGM.

FGMPOs are granted by a court and are unique to each case. They contain conditions to protect a victim or potential victim from FGM. This could include, for example, surrendering a passport to prevent the person at risk from being taken abroad for FGM or requirements that no one arranges for FGM to be performed on the person being protected.

Who can apply for an order?

- The person who has had or is at risk of FGM;
- a local authority; or
- any other person with the permission of the court (for example, the police, a teacher, a charity or a family member).

Adults or children (those under 18) can apply for an FGMPO. Children may have a 'next friend' or someone to assist them, but do not have to if they have a legal representative or if the court agrees. The contact details of the person applying for a FGMPO can be kept confidential if required.

Where can I apply for an order?

An application for a FGMPO can be made at a Family Court in England and Wales. The person completing the application should read the guidance first – see FGM700 (guidance on <https://formfinder.hmctsformfinder.justice.gov.uk/fgm700-eng.pdf>). This guidance is available in Amharic, Arabic, English, Farsi, French, Somali, Swahili, Tigrinya, Turkish, Urdu and Welsh.

Where an application is being made by the person to be protected (with or without legal representation) or a local authority, form FGM001 should be used: <http://formfinder.hmctsformfinder.justice.gov.uk/fgm001-eng.pdf>.

If an application is being made on behalf of someone else, the court's permission to apply will be needed and so form FGM006 should be used: <http://formfinder.hmctsformfinder.justice.gov.uk/fgm006-eng.pdf>.

All of these forms are free and can be obtained from any of the court centres listed in the guidance (FGM700) or the forms can be downloaded from: <https://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do> (enter 'FGM' in the form number or form title field).

What should I do if I need an order quickly?

The court can be asked to consider an application straightaway and can make a FGMPO without the respondents being present. (In this type of case the respondents are the person or persons alleged to be arranging the FGM procedure). This is known as an 'ex-parte' or 'without notice' order.

How much will it cost?

There is no court fee for applying for an FGMPO. There is no court fee for any additional court procedures associated with the case such as:

- applications to change or discharge an order;
- applications to the Family Court to consider how the person who has breached the order should be dealt with; or

- requests for a court bailiff to serve the order.

What happens after an order has been granted?

The applicant must serve a copy of the order and any other court documents on the respondents. The court can, if asked, serve the documents on behalf of the applicant.

The police must also receive a copy of the order, together with a statement showing that the respondents and any other persons directed by the court have been served with the order or informed of its terms. This should be delivered to the police station for where the person being protected by the order resides, unless the court specifies another police station.

What if I want to vary, extend or end the order?

An application to vary, extend or discharge (end) a FGMPO at a later time can be made. To do this, Form FGM003 should be completed:

http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=12020

What if the conditions in the order aren't followed?

If the conditions in the FGMPO are not followed this is called a breach. This can be reported to the police or alternatively can be dealt with in the Family Court as a contempt of court matter.

Where a person is found by a Family Court to be in breach of the terms of the FGMPO, the court will deal with them under its powers of contempt of court, which can include sending them to prison for up to two years.

Where breach is reported to the police, the police can arrest the person/people suspected of breaching the terms of the FGMPO. Following a police investigation, the Crown Prosecution Service will decide whether to proceed with a prosecution by applying the two-stage test: whether there is sufficient evidence to provide a realistic prospect of conviction and, if so, whether a prosecution is in the public interest. The maximum penalty for breaching an FGMPO is five years imprisonment.

Is legal aid available?

Civil legal aid is available to victims, potential victims and third parties seeking to make, vary or discharge a FGMPO, subject to meeting the relevant means and merits criteria (a legal aid solicitor will be able to provide more information on what is meant by this). You can check whether you are eligible and/or obtain more information on legal aid at: <https://www.gov.uk/civil-legal-advice>