



HM Courts &
Tribunals Service

A Practical Guide to obtaining a Female Genital Mutilation (FGM) Or Forced Marriage (FM) Protection Order



What do I need to do to obtain an order?

- Complete online FMPO forms

<http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>

FMPO

FL401A (application form)

FL430 (Application for leave to apply if not Victim or Relevant Third party)

C8 (Confidential address form)

FL701 Forced marriage Orders – How they can protect me? (Available in English, Arabic, Bengali, Farsi, Punjabi and Urdu) Whilst online why not print off a copy of the form for your victim?

FGMPO

FGM001 (application form)

FGM006 (Application for leave to apply if not the victim or relevant third party)

C8 (confidential address form)

FGM700 Female Genital Mutilation (FGM) Protection Orders- How they can protect me? (Available in English, Amharic, Arabic, Farsi, French, Somali, Swahili, Tigrigina, Turkish and Urdu) Whilst online why not print off a copy of the form for your victim?

FGM701 Female Genital Mutilation (FGM) Protection Orders - Interim guidance for local authorities as a relevant third party and information relevant to multi-agency partnership working.

- Complete your statement/take statements from victim/witnesses if able.

NB: DO NOT disclose sensitive information: all papers will subsequently be served on the perpetrators. Any information regarding sources of information (where this is not the person to be protected and not a professional) should be disclosed verbally to the judge in private. (include specific prohibition request – see page 5)**

- Print 4 copies of each of the above (3 for court, 1 for you)
- Discuss case with your legal services and email copies of all paperwork (they don't need to accompany you on the initial hearing).
- You will need to call and inform the court of your intentions to apply for an order. Contact Manshah Yaseen (FMPO's) or Marie Waters (FGMPO's) at Birmingham Family Court on 0121 250 6390/6395

NB: If the FMPO is for a person outside of the UK, then you will need to see if a High Court Judge is available first. Ensure you tell the court this information.

- Go to court (Priory Courts 33 Bull Street, West Midlands, B4 6DS) with 3 copies of all paperwork (you no longer need to pay for a FMPO now it is a criminal offence). Visit the 4th floor and register your application at the office. **You MUST have called them first to be able to do this!**
- You will be told which court to go to. Ensure you have a copy of the application papers and any other relevant information with you. Where appropriate consider the victim/parent seeking your help attend with you.

NB: Ensure that you inform the court at the time of booking, of the need for an interpreter if required.

- You will be asked questions by the Judge.
- When the order is granted you will need to send a copy of orders to your legal services and serve ALL papers on ALL respondents ASAP. The order is not live until it is served.
- When the order is served, a copy of the order needs to be placed onto the Police National Computer (PNC) where it can be accessed by officers if there is a need to enforce it.
- Give victim a copy of the papers.
- Complete form C9 (statement of service), take the original to court and send a copy to legal services and advise them of the next court date.
- Attend the next hearing. Legal Services will instruct a Lawyer to represent you, but you also need to attend.

Suggestions of conditions to request are as follows (you can add as many as you wish)

The respondents are forbidden whether acting alone, jointly, with another or by instructing, encouraging or suggesting to another the person from: (choose those relevant)

- Carrying out or arranging the genital mutilation of ****name**** and from aiding, abetting, counselling, procuring, encouraging or asking any other person to arrange or carry out the act of genital mutilation of ****name**** either in England or Wales, or anywhere else abroad.
- Taking any steps to cause, or permit to cause, ****name**** and ****name**** to undergo any arrangements or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales, ****country of concern**** or anywhere else abroad;
- Forcing or attempting to force to enter into any arrangements or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales, ****country of concern**** or anywhere else abroad;
- Instructing or otherwise encouraging ****name* *and **name**** to enter into any arrangements or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales, ****country of concern**** or anywhere else abroad;
- Facilitating, allowing or otherwise permitting ****name* *and **name**** to enter into any arrangements or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales, ****country of concern**** or anywhere else abroad;
- Aiding, abetting, counselling, procuring, encouraging, instructing or assisting any person to enter any arrangements or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales, ****country of concern**** or anywhere else abroad for ****name* *and **name****
- Threatening, intimidating or harassing ****name* *and **name**** or encouraging, instructing or assisting any other person to do so; and
- Using or threatening to use violence against ****name* *and **name**** or encouraging, instructing or assisting any other person to do so.

The respondents are ordered to:

- Surrender all of the travel documents, British or otherwise upon serving of this order.
- Not remove ****name**** from the jurisdiction of England and Wales until such time that this order is discharged or varied.
- ensure that ****name**** has a mobile phone made available to him/her 24/7 until such time that this order is discharged or varied.
- Ensure that ****name**** attends weekly appointments organised by the local authority until such time that this order is discharged or varied.

NB: ** Where sensitive information is disclosed in private to the judge include the following:****

- No person shall listen to the tape of today's proceedings in this matter or to obtain any transcript thereof or inspect the file or take a copy thereof, without the permission in writing signed by a Judge of the High Court Family Division (to be used in cases where information is told to the Judge and is not contained within the FMPO application or supporting papers)

Repatriation

- The respondents shall either by working individually or together forthwith return or alternatively take any and all steps as are available to them to return ****name* *and **name**** to the jurisdiction of England within 4 working days of this order being made.
- The respondents ****name**** and ****name**** do forthwith upon service of this order upon them, return or cause to be returned, the children ****name**** and ****name**** to the jurisdiction, to hand the children's passports and any other travel documents to ****police station**** (or children's services if a child, i.e.: B'ham City Council)
- The respondents ****name**** and ****name**** do forthwith upon service of this order upon them, hand in their own passports and other travel documents to ****police station****
- Following the children's return to England and Wales, the respondents ****names**** shall not by themselves, permit or encourage any other person to remove said children ****names**** from the jurisdiction until further order.
- The respondents ****name* *and **name**** are forbidden from applying for a new passport or other travel documents from the UK Passport Agency or from any other UK or foreign passport agency for ****name* *and **name**** until such time that this order is varied or discharged.
- The respondents shall provide their written consent to the Applicants' leaving ****country of concern***

Where capacity of the victim is in question:

If a capacity assessment is needed and the person is remaining in the family home, there can be a risk that the family will be obstructive about the assessment – by placing the assessment as one of the requirements, failure by them to permit this to happen will be a breach of the FMPO and potentially have criminal repercussions.

Varying an order (FL403A or FGM003)

FMPOs can go back to court and be varied to permit travel at a later date –with new requirements added such as:

- Providing evidence of return journey (travel documents)
- Full address of where they will be staying (we can check with colleagues overseas to see if it is a full and genuine address)
- Name of the head of household where they will be staying
- Ensure they have a phone that works there and a number for someone they are staying with
- If trip is longer than 2 weeks, they must present the person to the British High Commission to be seen in person

Further direction from the order:

Who else does the order need to be disclosed to?

ALWAYS POLICE! Who may need to enforce the order!

Consider School, embassies, social services, passport office

- Permission is granted to disclose this Female Genital Mutilation Protection Order to the West Midlands Police, The Foreign and Commonwealth Office, the United Kingdom Passport Agency, the Home Office, the Somali Embassy and the Ethiopian Embassy as deemed appropriate. (i.e.)

Consider who else can be protected by the order?

Parents (are parents being pressured by a spouse or relatives to have their child cut/married)
& Boyfriend/Girlfriend /Siblings

Other considerations

FGM is sometimes carried out by extended family and/or community members without the consent of parents. An order can help them protect their child! Don't see it as a negative.

How long do you wish the order to stay in place before review?

How are you going to monitor this order?

What have you put in place to ensure that any breach is reported?

Do the police have a copy of the order to enable them to enforce it? It will need to be loaded onto the Police National Computer.

Would you like to order that the child undergoes a medical examination?