

## Response ID ANON-9MPV-KRRG-2

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### Introduction

#### A. What is your name?

**Name:**

Dr Victoria Evans

#### B. What is your email address?

**Email:**

president@fflm.ac.uk

#### C. What is your organisation (if any)?

**Organisation:**

Faculty of Forensic and Legal Medicine of Royal College of Physicians of London

### Question 1

#### 1. In principle, do you think that a specific civil law measure for FGM is a good idea?

Yes

**Please explain your answer::**

If such an order can (a) give long term protection, and (b) prevent the criminalisation of families. It would need to be accompanied by a great deal of publicity explaining its purpose to those communities at risk.

### Question 2

#### 2. Do you think that introducing a specific civil law measure for FGM would in any way undermine the efforts that are being made to secure prosecutions?

No

**Please explain your answer::**

We see this as complementary not a replacement - criminal proceedings are generally taken (if at all) after FGM has occurred the role of a civil law measure should be to deal with prevention.

### Question 3

#### 3. Do you think that similar provisions to protect against conduct that may lead to a girl being mutilated would cover the range of circumstances in which FGM may take place?

Yes

**Please explain your answer::**

Yes provided such an order can be made to include other members of the individual at risk's family. Given that FGM can occur when a girl goes to stay abroad with family members who do not seek permission from parents to have FGM done to a child, or arrange it without the parents knowledge, the penalties for Breach of such an order would have to be carefully thought out.

### Question 4

#### 4. Do you think that there are circumstances in which a civil order could be used to help girls or women who have already been subjected to FGM?

Not sure

**Please explain your answer::**

Not sure how effective this would be and how it work in practice. If FGM had already occurred, it is likely that better physical medical care could be offered in the UK. However, the psychological, emotional and cultural aspects of such repatriation would need to be considered on a case by case basis.

### Questions 5 - 7

**5. Given that most victims of FGM are young girls, typically aged 5-8, do you think that similar provisions in relation to FGM would enable vulnerable young victims, including babies, to be protected?**

Not sure

**Please explain your answer::**

It would depend on the speed with which the application can be granted and the costs incurred in doing so. Is it proposed that there will be automatic legal aid for those making such an application? Are the police a "relevant third party"?

**6. If you answered 'no' to question 5, what additional or different provisions do you think should be put in place to protect such vulnerable young victims?**

**Please provide your response in this text box.:**

**7. As indicated above, local authorities, as a specified "relevant third party" may apply on the victim's behalf for a FMPO without first needing to seek the leave of the court. Which persons or class of persons do you think should be able similarly to apply for an order to protect a potential victim of FGM?**

**Please specify::**

Police

## **Question 8**

**8. Given that girls are at risk of FGM from birth until, and even during, adulthood, do you think that similar provisions in relation to FGM would enable long-term protection from mutilation?**

Not sure

**Please explain your answer::**

Perhaps there should be a provision for such an Order to be made for life but with review at a time to be determined by the Court.

## **Questions 9 - 10**

**9. If a civil order for FGM were introduced, do you think that it should be a criminal offence to breach such an order?**

Yes

**Please explain your answer::**

Both a civil and criminal remedy should be available.

**10. Do you think that, as with FMPOs, victims should be able to use the civil enforcement route if they prefer, even if the breach of an order is a criminal offence?**

Yes

**Please explain your answer::**

See above but if an order(s) is breached more than once, then it should automatically be a criminal matter.

## **Questions 11 - 12**

**11. Do you think that there are alternative ways in which the civil law could be used to protect victims of FGM?**

Not sure

**Please explain your answer::**

There are already a range of options open to the Court, if there were a new Order to protect individuals from FGM it is unclear what more could be added.

**12. Are there any other points that you wish to add?**

**Please add any other points you wish to make::**

The biggest concern of FFLM is that there is a consistent clinical pathway in place for the medical assessment of those children and young people where FGM is a concern by appropriately trained health care practitioners who understand the requirements of the law and the courts and which is understood by all agencies involved and gives clear guidance on when a medical examination is to be considered in the best interests of that child.