

## A closer look at the UK's only FGM conviction

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HRWF (22.05.2019) - In February 2019, the mother of a young girl became the first person in the United Kingdom to be convicted of [female genital mutilation \(FGM\)](#) for cutting her three-year-old daughter in 2017.<sup>1</sup> Her Ghanaian partner, who was also charged with the crime, was exonerated.<sup>2</sup> Both had been living in the UK for several years.

The mother is originally from Uganda, where FGM is illegal and the estimated prevalence is around 1.4%. The practice has been concentrated in certain regions and ethnic groups.<sup>3</sup> It is not known why the mother performed FGM on her daughter but authorities mentioned the possibility of a link to witchcraft.

### *The facts and prosecution*

On 28 August 2017, the mother, who was living in East London, called the emergency services for an ambulance approximately 12 hours after the injury occurred, the girl having lost a large amount of blood. She claimed that the child had accidentally sustained an injury to her genitals after a fall on a kitchen cupboard. However, as the ambulance could not come quickly, the girl was taken to hospital in a taxi. At hospital, the mother told the medical staff again the same story. She maintained the same version with the police, the medical staff, the social services, and in court.<sup>4</sup>

This version of the facts was rejected by the jury as it was not supported by medical examiners and the prosecution brought forward evidence of 'witchcraft'.<sup>5</sup>

Both mother and father of the girl in this case were charged with two counts of FGM:

- **Count 1:** Female Genital Mutilation, contrary to section 1(1) of the Female Genital Mutilation Act 2003. Both defendants on 28 August 2017 excised, or otherwise mutilated, the whole or any part of the labia minora or clitoris of the complainant
- **Count 2:** Failing to protect a girl from the risk of genital mutilation, contrary to Section 3a of the Female Genital Mutilation Act 2003. Both defendants on 28 August 2017 had parental responsibility for the complainant, a girl under the age of 16 against whom an offence of female genital mutilation was committed.<sup>6</sup>

The father was acquitted of the FGM charges, but the mother, in addition to the two counts of FGM, was also convicted on other charges of possessing indecent images of children and extreme pornography. In March, she was sentenced to eleven years in prison for the FGM charges and two more years for the other charges.<sup>7</sup>

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<sup>1</sup> <https://www.cps.gov.uk/london-north/news/mother-first-be-convicted-female-genital-mutilation> and <https://www.nytimes.com/2019/02/01/world/europe/female-genital-mutilation-conviction-britain.html?module=inline>; To protect the identity of the child, there are reporting restrictions: no name is made public.

<sup>2</sup> <https://www.theguardian.com/society/2019/mar/08/mother-of-three-year-old-is-first-in-uk-to-be-convicted-of-fgm>, Note: The father pled guilty to charges of being in possession of child pornography and bestiality images.

<sup>3</sup> [https://www.28toomany.org/static/media/uploads/Country%20Images/PDF/uganda\\_report\\_15jul13.pdf](https://www.28toomany.org/static/media/uploads/Country%20Images/PDF/uganda_report_15jul13.pdf)  
See details about the ethnic groups and the regions in the executive summary, pp 9-12.

<sup>4</sup> <https://www.judiciary.uk/wp-content/uploads/2019/03/r-v-n-female-genital-mutilation-sentencing-remarks-whipple-j.pdf>

<sup>5</sup> <https://www.theguardian.com/society/2019/mar/08/mother-of-three-year-old-is-first-in-uk-to-be-convicted-of-fgm> and <https://www.nytimes.com/2019/02/01/world/europe/female-genital-mutilation-conviction-britain.html?module=inline>

<sup>6</sup> <https://www.cps.gov.uk/london-north/news/mother-first-be-convicted-female-genital-mutilation>

<sup>7</sup> <https://www.judiciary.uk/wp-content/uploads/2019/03/r-v-n-female-genital-mutilation-sentencing-remarks-whipple-j.pdf>

The UK criminalised FGM in 1985 under the Prohibition of Female Circumcision Act 1985, which was superseded by the Female Genital Mutilation Act 2003.<sup>8</sup>

### **What led to conviction?**

Although a few other alleged FGM cases had previously been brought forth, none ended in conviction. For example, in 2015, a gynaecologist was indicted on FGM charges for having stitched a woman's genitals after she gave birth. However, he was later acquitted.<sup>9</sup>

In the present case, there were several factors that contributed to the conviction; There was the evidence that the girl had in fact been cut; the medical examination at hospital concluded she had suffered a Type II cut<sup>10</sup> and there was the testimony from the victim herself who claimed she was cut by a "witch-lady".<sup>11</sup> In addition, the brother was also a witness, and bizarre evidence was found at the home relating to the incident that prosecutors deemed to have been something akin to 'witchcraft'.<sup>12</sup>

In deciding upon the sentence length for the charge of FGM, Ms Justice Whipple took into account both aggravating and mitigating factors of the crime. Adding to the gravity of the act was that it had occurred at home, a place the defendant's daughter should have felt safe and protected. Furthermore, the defendant's son was present and witnessed the ordeal. On the other hand, the defendant was the primary caregiver of both children, who were now placed in foster care. In addition, the fact that the girl was not under a FGM protection order<sup>13</sup> and the defendant did eventually take her daughter to the hospital were both seen as slightly mitigating circumstances.<sup>14</sup>

### **FGM protection orders in the UK**

Under the [Serious Crime Act of 2015](#), an FGM Protection Order may be issued by a court to protect someone who is at risk of FGM or has already been subjected to FGM. Such protection orders may include travel prohibitions, the surrender of passports, in addition to other restrictions and requirements. It is a criminal offense to breach a protective order and if breached "is punishable on summary conviction with up to 12 months' imprisonment or a fine; or on conviction on indictment, with up to 5 years' imprisonment or a fine."<sup>15</sup>

348 protective orders had been made in the UK as of December 2018.<sup>16</sup>

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<sup>8</sup> The Female Genital Mutilation Act 2003 came into effect "on 3 March 2004 and was amended by sections 70 to 75 Serious Crime Act 2015. Sections 70 to 72 which came into force on 3 May 2015, and which:

- extended the scope of extra-territorial offences
- granted victims of FGM lifelong anonymity; and
- introduced a new offence of failing to protect a girl from risk of FGM.

Sections 73 came into force on 17 July 2015; section 74 came into force on 31 October 2015. These provisions introduced FGM Protection Orders and a mandatory duty for front line professionals to report FGM. Section 74 provides for issue of statutory guidance on FGM, this provision has not yet come into force." The crime carries a maximum prison sentence of 14 years. [https://www.cps.gov.uk/legal-guidance/female-genital-mutilation-prosecution-guidance#\\_blank](https://www.cps.gov.uk/legal-guidance/female-genital-mutilation-prosecution-guidance#_blank)

<sup>9</sup> <https://www.theguardian.com/society/2015/feb/04/doctor-not-guilty-fgm-dhanuson-dharmasena>

<sup>10</sup> TYPE II FGM by the World Health Organisation. See:

<https://www.who.int/reproductivehealth/topics/fgm/overview/en/>

<sup>11</sup> "...the victim later told specially – trained officers she had been cut by a "witch"."

<https://www.theguardian.com/society/2019/mar/08/mother-of-three-year-old-is-first-in-uk-to-be-convicted-of-fgm>

<sup>12</sup> [Ibid.](#)

<sup>13</sup> [Ibid.](#)

<sup>14</sup> <https://www.judiciary.uk/wp-content/uploads/2019/03/r-v-n-female-genital-mutilation-sentencing-remarks-whipple-j.pdf>

<sup>15</sup> [https://www.cps.gov.uk/legal-guidance/female-genital-mutilation-prosecution-guidance#\\_blank](https://www.cps.gov.uk/legal-guidance/female-genital-mutilation-prosecution-guidance#_blank)

<sup>16</sup> See page 11:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/789792/FCO\\_October\\_to\\_December\\_2018\\_-\\_final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/789792/FCO_October_to_December_2018_-_final.pdf)

More on FGM protection orders [here](#).

[Click here](#) for further information and resources about FGM in the UK.