



# **CPS Response to Female Genital Mutilation (FGM)**

Jo Lazzari  
Domestic Abuse Co-ordinator  
CPS Mersey-Cheshire

6<sup>th</sup> March 2013

# Overview



- Crown Prosecution Service (CPS) Key Roles and Responsibilities
- Legislation on Female Genital Mutilation (FGM)
- Evidential Considerations in FGM Cases
- FGM Round Table Meeting and Action Plan 2012/13
- CPS Involvement in Local FGM Work
- Next Steps

# Key Roles and Responsibilities



The CPS is the Government Department responsible for prosecuting criminal cases investigated by the Police in England and Wales:

- Advise the Police
- Review cases submitted by Police
- Make charging decisions
- Prepare cases for court
- Present cases at court

# Legislation on FGM



- **Prohibition of Female Circumcision Act 1985** - made FGM a specific criminal offence.
- **Female Genital Mutilation Act 2003** – closed a ‘loop hole’ and made it an offence for UK nationals or permanent UK residents to carry out, or aid, abet, counsel or procure the carrying out of FGM abroad on a UK national or permanent UK resident, even in countries where the practice is legal.
- **Violence Against Women and Girls and Human Rights** – CPS acknowledges FGM as an offence that violates the rights of women and girls to health, security, physical integrity, the right to be free from torture and cruel, inhuman or degrading treatment and the right to life when the procedure results in death.
- **There have been no successful prosecutions for FGM in England and Wales.**

# Evidential Considerations



When reviewing an FGM case prosecutors should consider a range of issues, including:

- Social Care/ Local Authority Evidence – Appropriate steps should be taken to obtain material and if necessary, consideration should be given to making an application to the Court
- Expert Evidence – Use of an expert witness, eg medical professional specialising in wound healing/scar tissue
- International Evidence – Passports/flight records if a victim is believed to have been taken abroad for FGM
- Reluctant Victims/Witnesses – Support can be offered through ‘Special Measures’

# FGM Round Table Meeting 2012



- In September 2012, Kier Starmer QC, Director of Public Prosecutions, hosted a 'round table' meeting about prosecuting cases of FGM. The meeting was held at CPS Head Quarters in London.
- Over 30 people attended including – the Association of Chief Police Officers, individual police forces, Members of Parliament, medical professionals, the NSPCC and other Third Sector organisations.
- The DPP has established a multi agency steering group to oversee progress on the CPS National FGM Action Plan that was developed following the meeting.
- A further FGM Round Table Meeting is scheduled for summer 2013.

# CPS FGM Action Plan 2012/13 (1)



- Improve national data on allegations of FGM or persons who may be at risk of FGM that have been referred to the police. More robust national data on cases referred to the CPS for advice and/or charging decision.
- Identify case studies from the data (above) to examine emerging issues on why they did not proceed. If no action was taken, why was this?
- The DPP will highlight with Ministers, the existing reporting duties for medical professionals, social care professionals and teachers in referring possible FGM cases to the police.
- Explore whether evidence to prosecute offences under other legislation is possible and may be easier to support, such as section 5 Domestic Violence, Crime and Victims Act (DVCVA) 2004, as amended by DVCVA 2012, which creates an offence of causing or allowing a child or vulnerable adult to die or suffer serious physical harm.

# CPS FGM Action Plan 2012/13 (2)



- The DPP will raise with Justice Ministers whether current legislation should be reviewed.
- Explore what evidence is required to support charges of conspiracy to commit or aiding and abetting the offence of FGM.
- Examine how other jurisdictions (especially common law jurisdictions) have prosecuted cases of FGM.
- Explore how other police tactical options might operate and what intelligence could be collated to support evidence gathering for a prosecution.
- The police and the CPS will develop a protocol for the police to refer all cases of FGM to the CPS for early advice on the lines of enquiry and evidential issues for the police to build a strong case.
- Discussions with the Department for Education will take place on whether guidance on Working Together to Safeguard Children requires updating for further clarity about FGM.



# CPS Involvement in Local FGM Work



- CPS Mersey-Cheshire is committed to working in partnership with local agencies and communities to raise awareness of FGM, encourage reporting and bring perpetrators to justice.
- Dorcas Akeju MBE, Chair of the local FGM group continues to work closely with CPS Mersey-Cheshire as a member of our Local Scrutiny and Involvement Panel (LSIP).
- Training on FGM, Forced Marriage and Honour based Violence was delivered to specialist CPS Domestic Violence Prosecutors by Dorcas Akeju and Afrah Qassim during 2012.
- The Area is represented on the local FGM group by Katrina Igbinovia, Equality and Diversity Manager. She is currently working with key partners to draft an FGM Protocol for Liverpool - to be agreed by Liverpool Safeguarding Children Board.

# Next Steps



CPS will continue to work with partners at national and local level to strengthen responses to FGM:

“Everyone who can play a part in stopping FGM – from the doctor with a suspicion that an offence has been committed and the police officer investigating the initial complaint to the prosecutor taking a charging decision – needs to know what to do to improve detection rates, strengthen investigations and, for the part of the CPS, to start getting these offenders into court. I am determined that the CPS should play a key role in ensuring that the impunity with which these offenders have acted will end.”

Kier Starmer QC, November 2012