

Female Genital Mutilation

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Order

No: [REDACTED]



In the High Court of Justice, Family Division

The Senior Courts Act 1981

The Child N (a girl born on [REDACTED])

After hearing [REDACTED], Counsel for the Applicant

After consideration of the documents lodged by the Applicant

After reading the statements specified in paragraph 6 of the recitals below

After the making of a Passport Order in relation to the 1st & 2nd Respondents;

ORDER MADE BY MR JUSTICE [REDACTED] ON [REDACTED] SITTING IN PRIVATE

PENAL NOTICE:

IMPORTANT NOTICE to M & A

YOU MUST OBEY THE TERMS OF THIS ORDER, AND PARTICULARLY PARAGRAPHS 11,13 & 15 HEREIN. IF YOU DO NOT, YOU MAY BE FINED, SENT TO PRISON OR HAVE YOUR ASSETS SEIZED.

You have the following legal rights:

- (a) to seek legal advice. This right does not entitle you to disobey any part of this order until you have sought legal advice;
- (b) to require the applicant's solicitors, namely Dawson Cornwell, 15 Red Lion Square, London, WC1R 4QT, tel 02072422556 to provide you with a copy of any application form(s), affidavit(s), note of oral evidence or other note of hearing referred to in paragraph 6
- (c) to apply, whether by counsel or solicitor or in person, to the Judge of the Family Court assigned to hear urgent applications at the Royal Courts of Justice, Strand, London, if practicable after giving notice to the applicant's solicitors and to the court, for an order discharging or varying any part of this order. This right does not entitle you to disobey any part of this order until your application has been heard;
- (d) if you do not speak or understand English adequately, to have an interpreter present in court at public expense in order to assist you at the hearing of any application relating to this order

The parties

1. The applicant is F (represented by Dawson Cornwell), the father of N.

The 1st respondent is M, the mother of N.

The 2nd respondent is A, the maternal aunt of N.

2. Unless otherwise stated, a reference in this order to 'the respondent' means all of the respondents.

Definitions

3. The Tipstaff is the enforcement officer of the High Court at the Royal Courts of Justice. He has a deputy and assistants and can authorise police officers to act on his behalf. Any obligation to give information to the Tipstaff or to hand over a document to him includes an obligation to do so to his deputy or assistant or a police officer acting on his behalf.
4. A Location and Passport order are orders directed to the Tipstaff authorising him to take steps to locate the respondents and to seize any passport or other travel documents from them.

Recitals

5. This order was made at a hearing without notice to the respondent(s). The reason why the order was made without notice to the respondents is because of the risks of harm to the child if the respondents were made aware of the application and the whereabouts of the 1st respondent are unknown.
6. The Judge read the following documents:
 - a. Statement of applicant dated 25 September 2014.
7. The court was satisfied on a provisional basis on the basis of the evidence filed that
 - a. The child, N was during the period from June 2014 until today's date and remained habitually resident in the jurisdiction of England and Wales;
 - b. The child, N was wrongfully removed from England to Somalia on a date between June 2014 and 7 September 2014; and
 - c. The courts of England and Wales have exclusive jurisdiction in matters of parental responsibility over the child pursuant to Articles 8 and 10 of BIIR.

Undertakings to the court by the solicitors for the applicant

8. The solicitors for the applicant undertake:
 - a. To issue these proceedings forthwith and in any event by no later than 4 pm on 26 September 2014;
 - b. To pay the *ex parte* application fee forthwith and in any event by no later than 4 pm on 26 September 2014;
 - c. To serve these proceedings on the respondent at the earliest available opportunity, but subject to execution of the Tipstaff order and the applicant discovering the whereabouts of the 1st Respondent and child.

AND NOW THEREFORE THIS HONOURABLE COURT RESPECTFULLY REQUESTS:

9. Any person not within the jurisdiction of this Court who is in a position to do so to co-operate in assisting and securing the immediate return to England and Wales of the Ward, N (d.o.b. [REDACTED]).

IT IS ORDERED THAT:

10. The child, N (d.o.b. [REDACTED]) is and shall remain a Ward of this court during his minority or until further order.

11. The respondent(s), or each of them, are prohibited from:

- a. Arranging, attempting to arrange, or otherwise instructing or encouraging any other person to subject the child N (d.o.b. [REDACTED]) to any procedure involving female genital mutilation and the excision, infibulation or mutilation of the whole or any part of the child's labia majora, labia minora or clitoris;
- b. Instructing or otherwise encouraging the person to be protected N (d.o.b. [REDACTED]) to undergo any procedure involving female genital mutilation and the excision, infibulation or mutilation of the whole or any part of the child's labia majora, labia minora or clitoris;
- c. Facilitating, allowing or otherwise permitting the person to be protected N (d.o.b. [REDACTED]) to undergo any procedure involving female genital mutilation and the excision, infibulation or mutilation of the whole or any part of the child's labia majora, labia minora or clitoris;
- d. Using or threatening violence against the person to be protected N (d.o.b. [REDACTED]) or otherwise instructing or encouraging any other person to do so;
- e. Intimidating, harassing or pestering the person to be protected N (d.o.b. [REDACTED]) or otherwise instructing or encouraging any other person to do so;
- f. Upon N's (d.o.b. [REDACTED]) return to this country, from removing, seeking to remove or instructing or encouraging any other person to remove the person to be protected N (d.o.b. [REDACTED]) from the jurisdiction of England and Wales.
- g. The 2nd Respondent shall not leave the jurisdiction of England and Wales.

12. The injunctions as made at paragraph 11 shall continue until discharged by further order of the court.

13. The respondent(s), or each of them, shall:

- a. By no later than 4 pm on 29 September 2014 notify the solicitors for the applicant Dawson Cornwell of the current whereabouts of the person to be protected N (d.o.b. [REDACTED]) and the current care arrangements for them;

- b. By no later than 4 pm on 29 September 2014 notify the solicitors for the applicant Dawson Cornwell of the arrangements that will be made for the return of the person to be protected to the jurisdiction of England and Wales;
 - c. Return or cause the return of the person to be protected N (d.o.b. [REDACTED]) to the jurisdiction of England and Wales in accordance with the arrangements notified at sub-paragraph b. (above) and by no later than 4 pm on 1 October 2014.
14. The matter shall be adjourned and relisted to allow the respondent(s) to make representations about this order (or any part of it) at a hearing before a High Court Judge of the Family Division sitting in private at the Royal Courts of Justice, The Strand, London, Wc2A 2LL on Thursday 2 October 2014 at 10.30am, with a time estimate of 30 minutes.
 15. The respondent(s) shall attend the hearing listed pursuant to paragraph 14 (above) together with solicitors and/or counsel if so instructed.
 16. The respondent(s) may, if so advised, file and serve a statement of evidence by no later than 4pm on 1 October 2014.
 17. [REDACTED] Social Services and [REDACTED] Social Services are directed to file and serve by 4 pm on 1 October 2014 a letter or short report detailing all knowledge they have of past and current dealings with the child N (d.o.b. [REDACTED]).
 18. Permission is granted to the applicant to serve a copy of this order and papers in these proceedings upon the 1st Respondent outside the jurisdiction.
 19. Permission is granted to the applicant to serve a copy of this order and papers in these proceedings upon the Foreign and Commonwealth Office, [REDACTED] and [REDACTED] Social Services and Metropolitan Police and police in Somalia and their officers or servants or agents.
 20. Costs reserved.

Dated [REDACTED].

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