

## NOTES

### *R v. Noor*: From Victim of Tradition to Verdict in the United Kingdom's Landmark Decision on Female Genital Mutilation

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#### I. OVERVIEW

In the first case of its kind, Amina Noor, a citizen of the United Kingdom (UK), was convicted of assisting a non-UK person overseas to mutilate her daughter's genitalia while outside the UK.<sup>1</sup> Noor, a UK resident originally from Somalia,<sup>2</sup> had her daughter (referred to as Jade<sup>3</sup> in legal documents) undergo female genital mutilation (FGM) in Kenya,<sup>4</sup> resulting in the removal of her daughter's clitoris.<sup>5</sup> Noor's mother pressured her to subject her daughter to FGM, threatening to disown her if she refused.<sup>6</sup> Noor denied knowledge of the extent of the procedure and claimed she had not intended for such an outcome.<sup>7</sup> Noor's offense falls under the Female Genital Mutilation Act 2003 (FGM Act 2003), which criminalizes FGM for failing to protect a girl under sixteen from the risk of genital mutilation.<sup>8</sup> No other guidelines currently exist for offenses under the FGM Act 2003.<sup>9</sup>

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1. *R v. Noor* [2024] EWCA (Crim) 714 [1] (Eng.).
2. *Id.* at 5.
3. *Id.* at 2.
4. *Id.* at 5.
5. *Id.* at 6.
6. *Id.*
7. *Id.*
8. *Id.* at 3.
9. *Id.*

On October 26, 2023, Noor, after a trial at the Central Criminal Court, was found guilty of assisting a non-UK person in mutilating a girl's genitalia while outside of the UK,<sup>10</sup> contrary to section 3 of the FGM Act 2003.<sup>11</sup> On February 16, 2024, the trial judge sentenced Noor to six years and nine months imprisonment.<sup>12</sup> Noor then appealed this decision.<sup>13</sup> On July 4, 2024, the Court of Appeals for the Criminal Division handed down its judgment.<sup>14</sup> The England and Wales Court of Appeal Criminal Division held that evidence supported the judge's finding regarding Noor's awareness of and participation in the FGM procedure,<sup>15</sup> the judge did not err in categorizing the FGM offense under the causing grievous bodily harm with intent guideline,<sup>16</sup> and the sentence imposed by the judge was appropriate given the circumstances and mitigating factors.<sup>17</sup> *R. v Noor* [2024] EWCA (Crim) 714 (Eng.).

## II. BACKGROUND

### A. *Statutory Law*

FGM encompasses a range of procedures involving the partial or total removal or other forms of mutilation of external female genital organs for nonmedical reasons.<sup>18</sup> These procedures, often carried out without proper medical oversight, are excruciatingly painful and frequently result in severe and long-lasting health and social repercussions.<sup>19</sup> The immediate effects of FGM can include intense physical pain, bleeding, and infection, while the long-term consequences often extend to chronic pain, complications during childbirth, and significant psychological trauma.<sup>20</sup> Socially, survivors may face stigmatization or ongoing cultural pressures related to the practice.<sup>21</sup> There is no fixed age at which FGM is performed, but it is predominantly

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10. *Id.*

11. *Id.* at 16.

12. *Id.* at 3.

13. *Id.*

14. *Id.* at 1.

15. *Id.* at 14.

16. *Id.* at 16.

17. *Id.* at 20.

18. WORLD HEALTH ORGANIZATION (WHO), *Female Genital Mutilation*, <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation> (last updated Jan. 31, 2025).

19. *Id.*

20. *See id.*

21. *See id.*

inflicted on young or very young girls, often before they can understand or resist the practice.<sup>22</sup>

FGM has been recognized as a specific criminal offense in the UK since the enactment of the Prohibition of Female Circumcision Act 1985.<sup>23</sup> This legislation criminalized acts of FGM, defining them as “to excise, infibulate or otherwise mutilate the whole or any part of the labia majora or labia minora or clitoris of another person” or “to aid, abet, counsel or procure the performance by another person of any of those acts on that other person’s own body.”<sup>24</sup>

The FGM Act 2003 replaced the Prohibition of Female Circumcision Act 1985, broadening the scope of criminal liability and increasing the severity of penalties.<sup>25</sup> Section 1 criminalizes FGM performed *within* the UK, targeting excision, infibulation, or other forms of genital mutilation for nonmedical purposes.<sup>26</sup> Importantly, consent is not a defense, acknowledging the societal and familial pressures often involved.<sup>27</sup> Section 3 extends accountability to acts committed *outside* the UK, criminalizing aiding, abetting, counseling, or procuring FGM on UK nationals or residents abroad.<sup>28</sup> The inclusion of section 4, which establishes extraterritorial jurisdiction, ensures that offenders cannot evade justice by exploiting jurisdictional boundaries.<sup>29</sup> The FGM Act 2003 imposes a maximum penalty of fourteen years for these offenses, underscoring the seriousness of FGM as a human rights violation.<sup>30</sup>

In 2015, the Serious Crime Act introduced significant amendments to the FGM Act, emphasizing prevention and safeguarding.<sup>31</sup> Section 3A created the offense of failing to protect a girl under sixteen from the risk of FGM, holding parents or guardians accountable for omissions.<sup>32</sup> This offense, which carries a maximum penalty of seven years, complements the punitive focus of sections 1 and 3 by addressing indirect complicity. The Serious Crime Act 2015 also introduced Female Genital Mutilation Protection Orders (FGMPOs), providing courts with proactive tools to

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22. *See id.*

23. Prohibition of Female Circumcision Act 1985, c. 38 (UK).

24. *See id.* § 1(1)(a)-(b).

25. Female Genital Mutilation Act 2003, c. 31, § 7 (UK).

26. *Id.* § 1(1).

27. *Id.* § 3(4)(a)-(b), sch. 1.

28. *Id.* § 3.

29. *Id.* § 4.

30. *Id.* § 5(1)(a).

31. *Id.* § F(3), F(8), F(12), F(14), F(19), F(25).

32. *Id.* § 3(A).

protect individuals at risk of FGM.<sup>33</sup> Breaching an FGMPO constitutes a criminal offense.<sup>34</sup> Additionally, mandatory reporting obligations were introduced, requiring health care, social care, and education professionals to report to the police known cases of FGM in individuals under eighteen.<sup>35</sup>

Given the absence of specific sentencing guidelines for offenses under sections 1 and 3 of the FGM Act 2003, courts rely on analogous sentencing frameworks to determine appropriate penalties.<sup>36</sup> The guideline for causing grievous bodily harm (GBH) with intent is frequently used, as it involves the deliberate infliction of severe physical harm.<sup>37</sup> The revised 2021 GBH with intent guideline classifies harm into three categories, with the most severe involving life-threatening injuries or permanent and irreversible harm.<sup>38</sup> Courts also consider guidelines for causing or allowing a child to suffer serious harm, which emphasize factors like a breach of trust and the vulnerability of the victim.<sup>39</sup> These guidelines provide starting points and ranges that reflect the gravity of harm typically associated with FGM.<sup>40</sup>

The World Health Organization (WHO) classifies FGM into four types, ranging from Type I (clitoridectomy), involving partial or total removal of the clitoris, to Type IV, which includes all other harmful nonmedical procedures.<sup>41</sup> According to WHO, FGM is associated with severe health risks, including chronic pain, infections, childbirth complications, and long-term psychological trauma.<sup>42</sup> These harms underscore the global consensus that FGM is a grave violation of human rights.<sup>43</sup> While FGM is deeply rooted in specific cultural traditions, often viewed as a rite of passage or a means of preserving chastity and family

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33. *Id.* § 5(A).

34. *Id.* § 4(1), sch. 2.

35. *Id.* § 5(B).

36. R v. N (Female Genital Mutilation) [2019] 3 WLUK 161 [4] (Eng.).

37. *Id.*

38. UK SENTENCING COUNCIL, *Causing Grievous Bodily Harm with Intent to Do Grievous Bodily Harm* (July 1, 2021), <https://www.sentencingcouncil.org.uk/offences/crown-court/item/causing-grievous-bodily-harm-with-intent-to-do-grievous-bodily-harm-wounding-with-intent-to-do-ghb-2/>.

39. UK SENTENCING COUNCIL, *Causing or Allowing a Child to Suffer Serious Physical Harm* (Apr. 1, 2023), <https://www.sentencingcouncil.org.uk/offences/crown-court/item/causing-or-allowing-a-child-to-suffer-serious-physical-harm-causing-or-allowing-a-child-to-die/>.

40. See R v. N [2019] 3 WLUK [4].

41. WORLD HEALTH ORGANIZATION (WHO), *supra* note 18.

42. *See id.*

43. *See id.*

honor, UK courts categorically reject such justifications.<sup>44</sup> For example, in Kenya, FGM prevalence rates among women aged fifteen to forty-nine are approximately twenty-one percent,<sup>45</sup> with significantly higher rates among Somali ethnic groups.<sup>46</sup> In Somalia, where FGM prevalence exceeds ninety percent, social pressures and misconceptions about religious obligations perpetuate the practice.<sup>47</sup>

### B. Case Law

The development of legal principles related to FGM in the UK begins with the House of Lords, which laid the groundwork for the judiciary's approach through its rulings on fundamental human rights.<sup>48</sup> In *K v. Secretary of State for the Home Department*, the court addressed FGM's cultural and human rights dimensions within the context of asylum claims.<sup>49</sup> While not a criminal case under the FGM Act 2003, it highlighted the devastating physical, psychological, and social consequences of FGM and the importance of protecting individuals from harm.<sup>50</sup> Baroness Hale described FGM as a grave violation of bodily autonomy and fundamental rights, emphasizing the UK's obligation to safeguard vulnerable individuals under domestic and international law, including the European Convention on Human Rights (ECHR).<sup>51</sup>

The House of Lords unequivocally rejected cultural justifications for FGM, stating that no societal or familial tradition could override the state's duty to protect its citizens.<sup>52</sup> This ruling established a critical precedent: The harm caused by FGM could not be excused or mitigated by cultural norms.<sup>53</sup> This principle, which has since guided subsequent judicial interpretations of the FGM Act 2003, emphasized the priority of victim protection over cultural considerations.<sup>54</sup> By framing FGM as a

44. *K v. Secretary of State for the Home Department* [2006] UKHL 46 [32] (Eng.).

45. UNITED NATIONS FUND FOR POPULATION ACTIVITIES (UNFPA), *Female Genital Mutilation Dashboard (FGM)—Kenya*, <https://www.unfpa.org/data/fgm/KE> (last visited Nov. 13, 2024).

46. UNITED NATIONS FUND FOR POPULATION ACTIVITIES (UNFPA), *Female Genital Mutilation Dashboard (FGM)—Somalia*, <https://www.unfpa.org/data/fgm/SO> (last visited Nov. 13, 2024).

47. UNITED NATIONS FUND FOR POPULATION ACTIVITIES (UNFPA), *supra* note 46.

48. *See K* [2006] UKHL 46 [32].

49. *Id.* at 12.

50. *Id.* at 32.

51. *Id.* at 32-33.

52. *Id.* at 36.

53. *Id.* at 3.

54. *Id.* at 29.

violation of human rights, *K* provided a foundational framework for interpreting and applying the FGM Act 2003, reinforcing the judiciary's role in ensuring strict accountability for such practices.<sup>55</sup>

The Court of Appeal has played a pivotal role in developing the application of the FGM Act 2003, particularly in cases where cultural context intersects with the severity of harm inflicted.<sup>56</sup> Its decisions have been crucial in refining sentencing practices and addressing challenges arising from the absence of specific sentencing guidelines for certain FGM offenses.<sup>57</sup> The landmark case of *R v. N* was the first to result in a conviction and substantial sentence under the FGM Act 2003.<sup>58</sup> The defendant, a mother, was convicted of performing Type II FGM on her three-year-old daughter.<sup>59</sup> The Court of Appeal upheld her sentence of eleven years' imprisonment, with Justice Whipple describing FGM as a barbaric practice and a serious crime.<sup>60</sup> This case established that sentencing must reflect both the physical and psychological harm inflicted on the victim and the need for deterrence.<sup>61</sup> The court emphasized that FGM, even when influenced by cultural or familial pressures, constitutes a grave violation of a child's rights and must be met with severe custodial penalties.<sup>62</sup>

In determining the sentence in *R v. N*, the court acknowledged the absence of specific sentencing guidelines for section 1 offenses under the FGM Act 2003.<sup>63</sup> To address this gap, it relied on analogous guidelines for causing GBH with intent, which involve comparable levels of harm.<sup>64</sup> This approach provided a framework for future cases where specific FGM sentencing guidelines are unavailable.<sup>65</sup> The court also highlighted that cultural or familial pressures could not justify or mitigate the offense, reinforcing the principle established in *K* that victim protection must always take precedence.<sup>66</sup> Following *R v. N*, the Court of Appeal further elaborated on sentencing principles for FGM offenses.<sup>67</sup> It emphasized

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55. *Id.* at 21.

56. *R v. Noor* [2024] EWCA (Crim) 714 [4] (Eng.).

57. *Id.*

58. *Id.* at 2.

59. *Id.*

60. *Id.*

61. *Id.* at 3.

62. *Id.* at 4.

63. *Id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

that judges must prioritize the irreversible harm caused by FGM and the breach of trust inherent in cases involving family members or caregivers.<sup>68</sup> The court clarified that the lack of specific guidelines does not preclude significant custodial sentences.<sup>69</sup> Instead, it encouraged the adaptation of existing frameworks, such as those for GBH or child cruelty, to ensure proportionality and consistency in sentencing.<sup>70</sup> This guidance has become central to the judiciary's approach, ensuring that penalties for FGM reflect the gravity of the harm inflicted and the need for deterrence.<sup>71</sup>

### III. THE COURT'S DECISION

In the noted case, the England and Wales Court of Appeal Criminal Division relied on section 3A of the FGM Act 2003, which criminalizes FGM for failing to protect a girl under the age of sixteen from the risk of genital mutilation, to prosecute and convict Noor.<sup>72</sup> The first part of the Court's holding rejected Noor's claims of lack of awareness and participation.<sup>73</sup> It also deemed the trial judge's reliance on her statements to social workers sufficient to establish her culpability.<sup>74</sup> The judge conducted the sentencing process thoroughly, basing his findings on the evidence presented.<sup>75</sup> While he appropriately assessed culpability and harm using relevant guidelines, the trial judge determined that any offense under section 3 of the FGM Act 2003 is inherently severe.<sup>76</sup> The offense involved assisting or encouraging the removal of a critical sexual organ, with added gravity given the young age of the victim, Jade, and the fact that the FGM occurred abroad.<sup>77</sup> Parliament's legislative actions since 2003, including increasing the maximum penalty to fourteen years, underscore the seriousness of such offenses.<sup>78</sup> Although the trial court considered mitigating factors, they carried less weight due to the gravity of the offense.<sup>79</sup>

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68. *Id.* at 3.

69. *Id.* at 4.

70. CROWN PROSECUTION SERVICE (CPS), *Female Genital Mutilation* (Aug. 16, 2023), <https://www.cps.gov.uk/legal-guidance/female-genital-mutilation>.

71. CROWN PROSECUTION SERVICE (CPS), *supra* note 70.

72. See R v. Noor [2024] EWCA (Crim) 714 [10] (Eng.).

73. *Id.* at 14.

74. *Id.*

75. *Id.* at 20.

76. *Id.*

77. *Id.* at 13.

78. *Id.* at 3.

79. *Id.* at 13.

The appellant's lawyer argued that the trial judge failed to appreciate the cultural context, the appellant's trauma, and her cooperation with authorities.<sup>80</sup> The defense claimed Noor's shock at the hospital indicated she was unaware of the procedure's severity.<sup>81</sup> However, the trial judge rejected these arguments, relying on inconsistencies in Noor's testimony, particularly her admission to a social worker that she had entered the house during the procedure.<sup>82</sup> The trial judge inferred that as Jade's caretaker, Noor would have stayed with her during the procedure, demonstrating her awareness of and assistance in the FGM.<sup>83</sup> The Court found no grounds to overturn the trial judge's findings.<sup>84</sup> The trial judge's reasoning was detailed and justified, considering all the evidence.<sup>85</sup> There was no indication that his conclusions were irrational or unreasonable, and his careful assessment could not be impugned.<sup>86</sup> Thus, on this ground, the Court dismissed the appeal.<sup>87</sup>

The second part of the Court's holding concerned the judge's categorization of the FGM offense under the causing GBH with intent guideline, which the Court disagreed with, noting that the injury did not align with Category 1 harm.<sup>88</sup> The judge made a minor error by categorizing the harm under the guideline for grievous bodily harm with intent as Category 1A, which resulted in a slightly inflated starting point for sentencing.<sup>89</sup> While the total removal of Jade's clitoris is undeniably serious, the updated guideline, effective July 2021, classifies such harm as Category 2, defined as a "grave injury" or a "permanent, irreversible injury or condition not falling within Category 1."<sup>90</sup> The appropriate starting point for Category 2A offenses is seven years, ranging from six to ten years.<sup>91</sup>

However, the judge correctly assessed the offense within the guideline for causing or allowing a child to suffer serious harm, identifying it as a Category 2A offense with a starting point of nine years

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80. *Id.* at 13-14.

81. *Id.* at 14.

82. *Id.*

83. *Id.*

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.* at 15.

89. *Id.*

90. *Id.*

91. *Id.*

and a range of seven to twelve years.<sup>92</sup> The Court agreed that the offense involved high culpability, justified by the factors indicating deliberate harm and the breach of trust.<sup>93</sup> Although the appellant argued that the guideline for failing to protect a girl from the risk of FGM should apply, the Court dismissed this argument, noting that the appellant's active involvement made the situation more severe than mere omission.<sup>94</sup> Ultimately, the Court concluded that the correct starting point for the sentence, considering the relevant aggravating factors, should have been nine years rather than nine years and six months.<sup>95</sup> The earlier decision in *R v. N* was distinguished as involving different facts and applying a previous version of the guideline, which is no longer relevant to the present case.<sup>96</sup>

The third part of the Court's holding questioned whether the Court found that the eventual sentence was manifestly excessive, which it did not, considering the seriousness of the offense and the mitigating factors presented.<sup>97</sup> The assessment of mitigating factors, including Noor's age, status as an FGM victim, family impact, and cultural pressures, were appropriately considered in the sentencing reduction.<sup>98</sup> The Court reviewed whether the sentence imposed on the appellant was manifestly excessive.<sup>99</sup> After recalculating the starting point at nine years, the reduction for mitigating factors would result in a sentence of six years and nine months.<sup>100</sup> However, the slight deviation from this calculation does not render the judge's sentence excessive.<sup>101</sup> The judge was entitled to his view unless a clear error could be shown, which was not the case here.<sup>102</sup>

The appellant argued that the judge should have further reduced the sentence due to the impact on her family.<sup>103</sup> However, the Court concluded that the judge had accounted for these effects adequately.<sup>104</sup> While some judges may have made a more significant reduction, the Court emphasized that deterrence is crucial in FGM cases due to the

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92. *Id.* at 16.

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.*

97. *Id.* at 16.

98. *Id.*

99. *Id.*

100. *Id.* at 20.

101. *Id.*

102. *Id.*

103. *Id.* at 17.

104. *Id.* at 18.

deliberative nature of the offense.<sup>105</sup> The judge also accounted for the appellant's health and challenges in prison, noting that she was adjusting well in custody, which validated the sentence's reasonableness.<sup>106</sup> The issue of delay was treated separately as a mitigating factor.<sup>107</sup> While the judge acknowledged some unjustified delay before the charge, which strained the appellant and her family, he found that the case involved complex evidentiary and public interest considerations.<sup>108</sup> The judge appropriately reduced the sentence by six months to reflect the delay, consistent with the fact-specific nature of such reductions.<sup>109</sup> Ultimately, the approximately twenty-five percent reduction for all mitigating factors was deemed sufficient, and the judge's approach was upheld.<sup>110</sup>

#### IV. ANALYSIS

The decision in the noted case provides significant insights into the complexities of sentencing in FGM cases under UK law. On the positive side, the Court's approach underscores the gravity with which it views FGM, treating it as a serious criminal offense with far-reaching physical and psychological impacts on victims. The judgment reflects Parliament's intent to deter FGM by upholding a severe sentencing framework, with the maximum sentence under the relevant statute increased to fourteen years. This aligns with broader public policy efforts to combat harmful practices and emphasizes the need for accountability, even when such offenses are carried out abroad within specific cultural contexts. By doing so, the judgment reinforces the message that the UK will not tolerate such practices, irrespective of where they occur. Furthermore, the decision affirms the commitment of UK law to uphold the protection of vulnerable individuals, particularly children, from practices deemed universally harmful.

However, the case also highlights potential drawbacks in how courts balance mitigating factors with the seriousness of the offense. The trial judge recognized Noor's unique circumstances, including her history as an FGM survivor and the intense cultural and familial pressure she faced. While the judge considered these factors, they were given limited weight, reinforcing a punitive approach prioritizing deterrence over rehabilitation.

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105. *Id.* at 19.

106. *Id.* at 18-19.

107. *Id.* at 19.

108. *Id.*

109. *Id.*

110. *Id.*

This raises questions about whether sufficient consideration was given to the challenges Noor faced in resisting cultural norms and the trauma she experienced throughout her life. Critics may also argue that the minimal weight accorded to mitigating factors risks perpetuating a narrow view of justice that prioritizes punishment over understanding complex socio-cultural dynamics. Moreover, it sets a precedent that may discourage courts from exploring rehabilitative approaches in culturally sensitive cases.

The court's reliance on analogous guidelines for GBH and child cruelty reveals certain inconsistencies. Although the judge acknowledged that Noor's actions did not involve intent to cause serious harm in the same way as GBH offenses, the starting point for sentencing was drawn from those guidelines. This choice led to the imposition of a severe sentence that may not have fully accounted for the nuanced circumstances of the case. Critics could argue that applying GBH guidelines to an offense influenced by cultural factors introduces a rigid framework that fails to capture the full context of the offender's situation. Additionally, the reliance on guidelines designed for different types of offenses may inadvertently limit judicial discretion, reducing the ability to tailor sentences to the specific facts of each case. This approach may also inadvertently blur the lines between active malice and acts of compliance under duress, which could have broader implications for future cases.

The judgment also exposes an implicit bias in how the court treats cultural defenses. While Noor's cultural background was acknowledged, the court determined that cultural context could not diminish the seriousness of the offense. This position reflects a broader policy of upholding universal human rights standards, but it also suggests a lack of sensitivity toward the social pressures that shape individual decisions. By emphasizing deterrence over understanding, the court risks creating a perception that cultural diversity is incompatible with justice, potentially alienating communities that already face systemic challenges. The decision to give minimal weight to Noor's cultural pressures risks marginalizing defendants from culturally diverse backgrounds who struggle to reconcile conflicting societal expectations. This could lead to an unintended chilling effect, deterring individuals from seeking legal redress or cooperation due to fears of cultural misrepresentation or inadequate understanding by the courts.

The implications of this case are likely to be far-reaching. It sets a precedent for severe penalties in FGM cases, sending a strong message about the unacceptability of the practice. However, it also raises concerns

about whether future courts will adopt an overly rigid stance, potentially overlooking key mitigating factors in favor of deterrence. This could discourage individuals in similar situations from cooperating with authorities or seeking help out of fear of harsh punishment, undermining efforts to address the root causes of FGM within affected communities. Furthermore, by focusing on deterrence, the decision may overlook opportunities to engage with affected communities in educational and preventative measures, which could be more effective in eradicating the practice long-term. Finally, the ruling might prompt debates over the extent to which sentencing guidelines adequately reflect the diverse circumstances and motivations underlying transnational offenses like FGM.

An additional implication of the decision of the noted case is its potential to influence international cooperation and legal frameworks for addressing transnational crimes like FGM. By demonstrating the UK's willingness to prosecute offenses committed abroad under domestic law, the case could encourage other jurisdictions to adopt or strengthen similar extraterritorial provisions. This may lead to broader international alignment on combating FGM and other human rights violations. Moreover, the decision might increase the burden on courts to navigate evidentiary challenges in cross-border cases, as the reliance on testimony from the defendant and limited evidence from foreign jurisdictions highlight the difficulties in prosecuting such offenses. The case could also amplify calls for the better integration of cultural competence training in judicial practice, ensuring courts can handle the nuances of culturally influenced cases without alienating defendants or affected communities. Finally, the publicity surrounding the case may heighten public scrutiny of judicial decisions, potentially increasing pressure on courts to deliver sentences perceived as just and balanced in future culturally sensitive cases.

## V. CONCLUSION

The judgment in the noted case demonstrates the UK courts' firm stance against FGM by emphasizing deterrence and holding individuals accountable for facilitating such practices, even when performed abroad. This landmark decision reinforces the seriousness with which FGM is regarded under UK law and serves as a pivotal moment in the fight against harmful cultural practices. While the decision aligns with public policy efforts to combat FGM and reflects a commitment to upholding human rights, it also reveals challenges in balancing cultural sensitivity with legal

standards. The judgment highlights the difficulty courts face in navigating the intersection of global human rights advocacy and culturally rooted practices that persist in specific communities. The court's application of strict sentencing guidelines signals the importance of protecting vulnerable children but risks imposing rigid outcomes that may not fully consider the nuanced circumstances surrounding cultural pressure and trauma experienced by offenders. The decision to prioritize deterrence over rehabilitation might inadvertently discourage defendants from cooperating with authorities or acknowledging their roles in culturally sensitive offenses. Additionally, the limited flexibility in the sentencing framework could lead to outcomes that overlook opportunities for addressing systemic issues, such as education and community engagement, which are crucial in preventing FGM at its roots.

Ultimately, the case underscores the need for courts to maintain deterrence and fairness in their sentencing approach. While Noor's sentence serves as a warning to those complicit in FGM, the limited consideration given to her personal and cultural context raises concerns about proportionality. The lack of substantial weight given to mitigating factors such as Noor's victimization and cultural pressures could set a precedent that diminishes the scope for nuanced adjudication in future cases. Moving forward, courts may need to explore more nuanced approaches that address both the root causes of FGM and the specific circumstances of offenders, ensuring justice is not only served but also sensitive to the complex social dynamics underlying such cases. Moreover, this case may prompt broader discussions about the adequacy of existing guidelines in capturing the intricacies of offenses with strong cultural or transnational elements. Legislators and judicial bodies could consider developing tailored frameworks that better accommodate the dual objectives of accountability and cultural sensitivity. By fostering a more holistic approach, future judgments could strike a balance between enforcing the law, deterring harmful practices, and recognizing the unique pressures offenders face, thus reinforcing the credibility and fairness of the judicial process in a multicultural society.

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