



Neutral Citation Number: [2024] EWFC 177

Case No: LS22C50395

IN THE FAMILY COURT

Date: 1 May 2024

Before:

Mr Justice Poole

A Local Authority v A Mother and A Father (Alleged Honour Based Abuse)

Between:

A LOCAL AUTHORITY

Applicant

- and -

(1) A MOTHER

(2) A FATHER

(3) B

(4) C

(5) – (7) THE CHILDREN

**(D, E, and F acting by their Children’s
Guardian)**

Respondents

G

Intervenor

**Martin Kingerley KC and Clare Garnham (instructed by the Local Authority) for the
Applicant**

**Richard Pratt KC for Part One, Rex Howling KC for Part Two, and Jamil Khan (instructed
by Zacharias Solicitors) for the First Respondent**

The Second Respondent not appearing and not represented

**Simon Bickler KC and Christopher Styles (instructed by Chivers Solicitors) for the Third
Respondent**

Catherine Mason (instructed by Ramsdens Solicitors) for the Fourth Respondent

**Charlotte Worsley KC and Natalia Perrett for the Children’s Guardian (instructed by Lumb
& Macgill Solicitors) on behalf of the Fifth to Eighth Respondents**

**Susan Campbell KC and Emily Chipchase (instructed by Switalskis Solicitors) for Part One
for the Intervenor who appeared in person for Part Two**

Hearing dates: 26 June to 14 July 2023 and 24 April to 1 May 2024

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

Mr Justice Poole:

Introduction

1. In October 2023 I handed down a findings of fact judgment in this case. On 1 May 2024 I handed down a final judgment making a care order for the four children with whom I am concerned, approving care plans that placed each in long term foster care with provisions for family time. I received submissions on the publication of the judgments. The current proceedings began after the eldest sister of the children was murdered by a member of the wider family. He has been convicted of her murder and is serving a life sentence of imprisonment. The murder trial was reported and so his name and the name of his victim are in the public domain. Nevertheless, the children, who range in age from 2 to 15 have a right to respect for their private and family lives and would suffer harm if details of their private and family lives were published and/or became widely known. I have weighed those rights and interests against the Article 10 right of freedom of expression. The judgments focus on the particular circumstances of the children and their family, but they concern allegations of honour based abuse that may have wider significance, in particular since there are not many published judgments from the Family Court dealing with allegations of a similar kind. There is a strong public interest in publication so that the public have access to how such issues are determined. On the other hand, notwithstanding the publicity there has already been about the murder, I should take steps to try to protect the children’s identities from being publicised. I have therefore decided to publish this single, heavily redacted, and anonymised judgment covering my findings of fact and final welfare determinations. It is a single judgment to aid understanding, but it is in two parts: Part One is the judgment that followed the findings of fact hearing in 2023 and Part Two is the judgment that followed the final welfare hearing in 2024.
2. I shall refer to the children’s parents as the Mother and the Father. I shall refer to their children in age order as A, now deceased, B, C, D, E, and F. The intervenor, G, is a member of the children’s wider family. The man convicted of A’s murder is referred to as H and his daughter as J. H is also a member of the wider family. Other members of the wider family are women: K, L, and M. Another male member of the wider family is T. The area where the family live is not to be published or communicated and so I shall refer only to “N” as connoting the relevant town or city. The Local Authority cannot therefore be named and I shall refer only to “the Local Authority”. The key social worker is Ms S. Details of A’s life and murder and some specific dates would be likely to lead to the identification of the children and so I have redacted them. Accordingly, some of the evidence on which I relied cannot be included in this published judgment. I have omitted reference to many familial relationships and I have obscured some of the chronology in order to avoid “jigsaw identification.”

PART ONE – FINDINGS OF FACT

Introduction

3. A, elder sister of the four children with whom I am concerned, was murdered in Year Y. She was a bright young woman and was beginning to make her way in life. Her murder was a tragedy which has had many ramifications.

4. In Year Z, H, a member of A's wider family, was convicted of her murder after trial by jury. He did not give evidence at his trial but provided a defence statement denying murder and indicating that he was informed of her murder by another person after her death and that he agreed to dispose of her body. He said that because he is Pathan and that within the Pathan culture "honour is paramount", to reveal the identity of this other person would result in a blood feud within the family.
5. Intensive police investigations including interviews with members of A's family failed to reveal H's motive for murdering A. Counsel for the prosecution did not suggest to the jury that this was a so-called honour killing. Furthermore, although the police arrested other family members including A's parents during the investigation, no evidence of the involvement of the parents or any other family member was uncovered. However, the applicant Local Authority maintain that the evidence, including a number of troubling events preceding and subsequent to A's death, establish the threshold for making public law orders in respect of the remaining children of the family.
6. A had five younger siblings:
 - i) B is no longer a child and so not the subject of these proceedings, who now lives with the Mother. She is separately represented.
 - ii) C is now in her mid-teens and is also separately represented. She currently lives with D in a foster placement.
 - iii) D is over the age of 10 and lives with C in a foster placement.
 - iv) E is aged under 10 and lives in a foster placement with F.
 - v) F was born after the murder of A and lives with E in a foster placement.

The children's mother is the First Respondent, their father is the Second Respondent.

7. The brief history is that,
 - i) Approximately 15 years ago many of the wider family were living together at a house ("the family property"), but after a heated argument in which K, a female member of the wider family, asked the Father and Mother, and their then two young daughters to leave the house, and the Father insisted that K, L, and G, and other family members should leave, the police were called and the Father was deemed to have the right to stay. K, L, and G were effectively summarily evicted. This incident has been described as causing the beginning of a deep rift within the family, such that there was little to no communication between the opposing sides for many years.
 - ii) Some years later, however, it was established that K had the right to occupy the family property, and the Father and the family moved out, whilst K and G moved back in. The Mother, Father, and children moved into their own family home.

- iii) From the age of 3, J, a younger female member of the wider family, lived with G, ultimately at the family property. When she was in her teens, her father, H, threatened her with a knife.
- iv) In Year X, A, then no longer a child, B, and C alleged physical abuse and excessive controlling behaviour within the family home. A and those children of the family who were under 18 at the time, did not wish to return home. The female children did not want contact with their parents.
- v) At the same time A also alleged that she and two of her younger sisters, B and C, were going to be taken to Pakistan by their parents and forced into marriage. Forced Marriage Protection Orders were made but without findings or admissions being made.
- vi) Interim care orders were made and the children: B, C, D, and E (F was not yet born) were all placed with L, a female member of the wider family who lived with her husband and own children. Although she had said that she wanted to be considered as a long term carer for the children she changed her position a few months later and, at short notice, chose to leave England to join her husband in Pakistan (although she has subsequently returned). Thereafter the children lived for approximately one month with G.
- vii) Shortly before L left for Pakistan, A and her siblings retracted many of their allegations. B and C expressed a wish to return home. The Forced Marriage Protection Orders (FMPOs) were continued but a rehabilitation plan was put in place for all the children under 18 and, after careful consideration, and with the support of the Guardian, the Court discharged the interim public law orders in respect of the children and they returned home to the care of their parents. On turning 18, B chose to continue to live at the family home where she remains. A did not return home. She continued to live with G and K in the family property. It seems that she was happy in her new life but she had no contact with her parents. To their knowledge she had no contact with her siblings either, although it has since emerged that C, and possibly B, had some meetings with her.
- viii) At the date of A's murder, H was subject to an injunctive order preventing him from entering the family property where A was living. This injunction had not been made to protect A but to protect H's daughter, J, who had been living at the address. H had been previously convicted of assaulting J. Although J left the family property not long after A started to live there, the injunction remained in force. Notwithstanding the injunction, evidence at the criminal trial revealed that H visited the house on a number of occasions on the date of the murder and managed to obtain a copy of the key to the house.
- ix) About two months before the criminal trial, the Father left the family home and has effectively disappeared. The Mother says that before he left he pronounced the talaq three times, thereby divorcing her. She understands from her eldest surviving daughter, B, that he has gone to Pakistan. She says that he has not been in contact with her since he left.
- x) H was convicted of A's murder and was sentenced to life imprisonment.

- xi)** B continues to live at the family home, now with the Mother only.
- xii)** C and D are subject to interim care orders and live together in a foster placement. E and F are also subject to interim care orders and are living together in a different foster placement.

Issues for the Court to Determine

8. It had been intended that only one hearing would be needed for both findings of fact and welfare determinations but the evidence as to the assessment of G as a potential carer for some or all of the subject children was such that the court could not properly proceed to welfare determinations at the initial hearing, not least because at the time of the first hearing the Local Authority was seeking an order that F be placed for adoption. Final welfare decisions had to be adjourned. The focus of the first hearing was therefore on factual allegations made by the Local Authority. Nevertheless, the Local Authority also invited Court to conclude, on the basis of those allegations, if found proved, that the children should not be returned to their mother's care.
9. Interim Care Orders were made shortly after A went missing in Year Y. The Local Authority invited the Court to make a number of findings that concern a central allegation that the children are highly vulnerable to honour based abuse. I shall not set out the detailed allegations but in brief they were that:
 - i)** A's allegations about her parents planning to force her, B, and C, into marriage with members of the extended family in Pakistan were true.
 - ii)** There was physical abuse of the children within the family home as the children had initially alleged in Year X.
 - iii)** A was murdered by reason of her refusal to enter into a forced marriage in Year X and/or related matters, namely (i) that she informed the police that her parents intended to force her, B, and C into marriage (leading to Forced Marriage Protection Orders being made), (ii) that her parents were excessively controlling, (iii) that she chose not to return home after the conclusion of previous care proceedings that followed her allegations, and (iv) that thereafter she made certain lifestyle choices. Each of those matters brought shame and dishonour on the family.
 - iv)** A's Mother and Father ostracised her by reason of their strict adherence to Pashtun cultural norms and Pashtunwali codes of values and beliefs and forbade the other children of the family from having contact with her.
 - v)** A's Mother and Father failed to protect her when they knew that, having chosen to resist forced marriage within the extended family and to leave the family home, she was at high risk of suffering honour based violence.
 - vi)** The Mother and Father were excessively controlling of A and B when they lived within the family home prior to Year X, which involved differential treatment of women and girls and which regulated their everyday behaviour to

the extent that it amounted to significant harm, and which involved physical abuse.

10. There are continuing Forced Marriage Protection Orders (FMPOs) in respect of B, C, and D. The Local Authority invite the court to direct that the orders should remain in force.
11. It is not disputed that the family, and the wider family, hail from the Pashtun community within Pakistan. The importance of the code of honour within that community – known as Pashtunwali – was the subject of expert evidence before me from Ms Rattu, and has been the focus of questioning and submissions. I take into account the evidence received in relation to Pashtunwali but what is important is to assess the facts of this particular family's history, and the risks and welfare concerns that properly exist for each of the subject children.

Legal Framework

12. The judgments of Baker J in *A Local authority and (1) Mother (2) Father (3) L & M (Children, by their Children's Guardian)* [2013] EWHC 1569 (Fam) and Peter Jackson J in *Re BR (Proof of Fact)* [2015] EWFC 41 are of particular assistance in guiding the court's approach to a finding of fact hearing. More recently, MacDonald J summarised the principles to be applied in *Re A Local Authority v W and others* [2020] EWFC 68. I derive the following principles from those cases and the authorities that those judges reviewed:

- i) The burden of proof lies on the Local Authority that brings the proceedings and identifies the findings they invite the court to make. There is no obligation on a respondent to provide or prove an alternative explanation.
- ii) The standard of proof is the balance of probabilities, *Re B* [2008] UKHL 35. If the standard is met, the fact is proved. If it is not met, the fact is not proved. As Lord Hoffman observed in *Re B*:

“If a legal rule requires facts to be proved, a judge must decide whether or not it happened. There is no room for a finding that it might have happened. The law operates a binary system in which the only values are nought and one.”

There is no burden on a parent to produce an alternative explanation and where an alternative explanation for an injury or course of conduct is offered, its rejection by the court does not establish the applicant's case.

- iii) The inherent probability or improbability of an event should be weighed when deciding whether, on balance, the event occurred but regard to inherent probabilities does not mean that where a serious allegation is in issue, the standard of proof required is higher.

- iv) Findings of fact must be based on evidence not suspicion or speculation - Lord Justice Munby in *Re A (A child) (Fact Finding Hearing: Speculation)* [2011] EWCA Civ 12.
- v) The court must take into account all the evidence and consider each piece of evidence in the context of all the other evidence. As Dame Elizabeth Butler-Sloss, President observed in *Re T* [2004] EWCA Civ 558, [2004] 2 FLR 838 at paragraph 33:

“Evidence cannot be evaluated and assessed in separate compartments. A judge in these difficult cases must have regard to the relevance of each piece of evidence to the other evidence and to exercise an overview of the totality of the evidence in order to come to the conclusion of whether the case put forward by the Local Authority has been made out to the appropriate standard of proof.”

- vi) The opinions of experts need to be considered in the context of all the other evidence. In *A County Council v KD & L* [2005] EWHC 144 Fam at paragraphs 39 to 44, Mr Justice Charles observed in relation to medical expert evidence:

“It is important to remember that (1) the roles of the court and the expert are distinct and (2) it is the court that is in the position to weigh up the expert evidence against its findings on the other evidence. The judge must always remember that he or she is the person who makes the final decision.”

Later in the same judgment, Mr Justice Charles added at paragraph 49:

“In a case where the medical evidence is to the effect that the likely cause is non-accidental and thus human agency, a court can reach a finding on the totality of the evidence either (a) that on the balance of probability an injury has a natural cause, or is not a non-accidental injury, or (b) that a local authority has not established the existence of the threshold to the civil standard of proof ... The other side of the coin is that in a case where the medical evidence is that there is nothing diagnostic of a non-accidental injury or human agency and the clinical observations of the child, although consistent with nonaccidental injury or human agency, are the type asserted is more usually associated with accidental injury or infection, a court can reach a finding on the totality of the evidence that, on the balance of probability there has been a non-accidental injury or human agency as asserted and the threshold is established.”

Similar considerations apply to the evidence of non-medical expert witnesses.

- vi) The evidence of the parents and any other carers is of the utmost importance. They must have the fullest opportunity to take part in the hearing and the court must form a clear assessment of their credibility and reliability.

13. It is not uncommon for witnesses in these cases to tell lies in the course of an investigation and the hearing. The court must be careful to bear in mind that a witness may lie for various reasons, such as shame, misplaced loyalty, panic, fear, or distress, and the fact that the witness has lied about some matters does not mean that he or she has lied about everything: see *R v Lucas* [1981] QB 720. In *A, B, and C (Children)* [2021] EWCA 451, Macur LJ advised at [57],

“I venture to suggest that it would be good practice when the tribunal is invited to proceed on the basis, or itself determines, that such a direction is called for, to seek Counsel’s submissions to identify: (i) the deliberate lie(s) upon which they seek to rely; (ii) the significant issue to which it/they relate(s), and (iii) on what basis it can be determined that the only explanation for the lie(s) is guilt. The principles of the direction will remain the same, but they must be tailored to the facts and circumstances of the witness before the court.”

Similar caution should be exercised in relation to a respondent giving unsatisfactory explanations or failing to give any explanation for the allegations made against them – the fact that their explanations are unsatisfactory or missing may not be probative of the truth of the allegations or of the culpability of the respondent.

14. *Re SB (Children)* [2009] EWCA Civ 1048 confirms that the test for identifying a perpetrator of harm to a child is the balance of probabilities “nothing more and nothing less”. There are many potential advantages in identifying the perpetrator of non-accidental injuries but the court should not “strain to find a perpetrator” and sometimes the task is impossible, *Re D (Care proceedings: Preliminary hearing)* [2009] 2 FLR 668. In an appropriate case the court should identify the “pool” of potential perpetrators of significant harm applying the test of “real possibility” *North Yorkshire CC v SA* [2003] 2 FLR 849.
15. A warning under s98 of the Children Act 1989 was given to the Mother before she gave evidence. Such a warning adds to the pressure on a parent giving evidence in a case where their conduct is being scrutinised. The context of this case is the murder of the Mother’s eldest daughter. Macur LJ in *Re M (Children)* [2013] EWCA Civ 1147 at [11] and [12], cautioned that,

"Any judge appraising witnesses in the emotionally charged atmosphere of a contested family dispute should warn themselves to guard against an assessment solely by virtue of their behaviour in the witness box and to expressly indicate that they have done so".

I have heeded that warning. The Mother gave evidence via an interpreter. I was content for her to continue to wear her niqab when giving evidence. I could make eye contact with her and I did not consider that I would be particularly assisted by trying to gauge her credibility by examining her full face as she gave evidence. Furthermore,

I considered that it would add to her difficulties in giving her best evidence by insisting that she removed her face covering in court. As to the credibility of family witnesses more generally, in *Lancashire County Council v M and F* [2014] EWHC 3 (Fam) Peter Jackson J made the following observations which I consider pertinent,

"To these matters I would only add that in cases where repeated accounts are given of events surrounding injury and death, the court must think carefully about the significance or otherwise of any reported discrepancies. They may arise for a number of reasons. One possibility is of course that they are lies designed to hide culpability. Another is that they are lies told for other reasons. Further possibilities include faulty recollection or confusion at times of stress or when the importance of accuracy is not fully appreciated, or there may be inaccuracy or mistake in the record keeping or recollection of the person hearing or relaying the account. The possible effects of delay and repeated questioning upon memory should also be considered, as should the effect on one person of hearing accounts given by others. As memory fades, a desire to iron out wrinkles may not be unnatural – a process that might inelegantly be described as "*story-creep*" may occur without any necessary inference of bad faith."

16. Jurisdiction to grant FMPOs is provided for in the Family Law Act 1996, Part 4A "Forced Marriage", which was inserted into the 1996 Act by the Forced Marriage (Civil Protection) Act 2007, s 1. By s 63A

(1) The court may make an order for the purposes of protecting —

(a) a person from being forced into a marriage or from any attempt to be forced into a marriage; or

(b) a person who has been forced into a marriage.

(2) In deciding whether to exercise its powers under this section and, if so, in what manner, the court must have regard to all the circumstances including the need to secure the health, safety and well-being of the person to be protected.

By s 63B,

(1) A forced marriage protection order may contain—

(a) such prohibitions, restrictions or requirements; and

(b) such other terms;

as the court considers appropriate for the purposes of the order.

(2) The terms of such orders may, in particular, relate to—

(a) conduct outside England and Wales as well as (or instead of) conduct within England and Wales;

(b) respondents who are, or may become, involved in other respects as well as (or instead of) respondents who force or attempt to force, or may force or attempt to force, a person to enter into a marriage;

(c) other persons who are, or may become, involved in other respects as well as respondents of any kind.

(3) For the purposes of subsection (2) examples of involvement in other respects are—

(a) aiding, abetting, counselling, procuring, encouraging or assisting another person to force, or to attempt to force, a person to enter into a marriage; or

(b) conspiring to force, or to attempt to force, a person to enter into a marriage.

By s 63CA, a person who without reasonable excuse does anything that the person is prohibited from doing by a FMPO order is guilty of an offence. Section 63G makes provision for a court to vary or discharge a FMPO on an application by a party to the proceedings, a person protected by the order, any person affected by the order or by the court even if no application for variation or discharge has been made.

17. In *Re K (Forced Marriage: Passport Order)* [2020] EWCA Civ 190, the President, Sir Andrew McFarlane noted,

[29] The Secretary of State submitted that Part 4A of the FLA 1996 pursues the legitimate aims of seeking to prevent forced marriages being entered into, and of providing assistance to those individuals who have been forced to marry. Five specific aspects were highlighted:

1) Preventing a breach of the right to marry under ECHR, Article 12 (see *R (Quila) v Secretary of State for the Home Department* [2011] 3 WLR 836);

2) Discharging the UK's positive obligation under ECHR Article 8 with regard to the right to respect for private life and the protection of the moral and physical integrity of individuals by enhancing or liberating the autonomy of a vulnerable adult;

3) Discharging the UK's positive obligations under ECHR, Article 3 in cases where forced marriage may give rise to a real risk of behaviour sufficient to engage Article 3. In cases in which the Article 3 threshold has been crossed, the UK has an obligation to take reasonable steps to prevent a real risk of inhuman or degrading treatment at the hands of non-State actors, which includes treatment which may be imposed outside the jurisdiction;

4) Discharging the UK's positive obligation under ECHR Article 5 with respect to deprivation of liberty;

5) In particularly serious cases, discharging the UK's positive obligations under ECHR Article 2.

[30] All of the parties are agreed that the legislation is cast in the widest and most flexible terms. FLA 1996, s 63A simply gives the court jurisdiction to make an order for the purposes of protecting a person from being forced into a marriage, or from any attempt to do so, or protecting a person who has been forced into a marriage. The court must "have regard to all the circumstances including the need to secure the health, safety and wellbeing of the person to be protected" (s 63A(2)).

The President continued,

[37] It therefore follows that, in cases where there is potential conflict between Article 3 and Article 8 rights, the court must strive for an outcome which takes account of and achieves a reasonable accommodation between the competing rights. In this context, I have deliberately chosen the word "accommodation" to reflect the court's approach. The required judicial analysis is not a true 'balancing' exercise in consequence of the imperative duty that arises from the absolute nature of Article 3 rights. Where the evidence establishes a reasonable possibility that conduct sufficient to breach Article 3 may occur, the court must at least do what is necessary to protect any potential victim from such a risk. The need to do so cannot be reduced below that necessary minimum even where the factors relating to the qualified rights protected by Article 8 are particularly weighty. Hence the need to find a word other than 'balance' to describe this process of analysis.

[38] The need to accommodate the Article 3 and Article 8 rights is likely to be at the centre of most, if not all, FMPO cases and it was, therefore, understandably, the principal focus of the submissions made to this court. The facts of the present case, in which the judge's order imposes a permanent travel ban upon K leaving the UK, presents the conflict, between the need

to protect the individual from serious harm against the individual's freedom to conduct their private life as they wish, in stark relief.

[39] Once again, all parties before the court were in agreement that an assessment of proportionality must be undertaken. On one view, "proportionality" may seem to be an inappropriate concept when the court is considering an absolute Convention right such as Article 3. However, in cases where there has not yet been a forced marriage, the court will not be dealing with the certainty that future harm will take place but, rather, the assessment of the risk that it may do so. Where protective measures will necessarily limit the freedom of the protected person and others to enjoy other Convention rights, it will be necessary to evaluate, with a degree of precision, the extent of protection that is necessary in each individual case. In this regard, the exercise to be conducted in a FMPO application is broadly similar to that undertaken where the risk of future harm arises from the potential for Female Genital Mutilation ("FGM"). In that context, this court (Irwin, Moylan and Asplin LJ) considered the imposition of a "worldwide travel ban" in an FGM case in *Re X (A Child: FGMPO) (Rev 2)* [2018] EWCA Civ 1825.

The President referred to four stages to be followed:

[46] Stage One is for the court to establish the underlying facts based upon admissible evidence and by applying the civil standard of proof. The burden of proof will ordinarily be upon the applicant who asserts the facts that are said to justify the making of a FMPO.

...

[50] At Stage Two, based on the facts that have been found, the court should determine whether or not the purpose identified in FLA 1996, s 63A(1) is established, namely that there is a need to protect a person from being forced into a marriage or from any attempt to be forced into a marriage, or that a person has been forced into a marriage.

[51] At Stage Three, based upon the facts that have been found, the court must then assess both the risks and the protective factors that relate to the particular circumstances of the individual who is said to be vulnerable to forced marriage. This is an important stage and the court may be assisted by drawing up a balance sheet of the positives and negatives within the circumstances of the particular family in so far as they may relate to the potential for forced marriage.

[52] At the conclusion of Stage Three, the court must explicitly consider whether or not the facts as found are sufficient to establish a real and immediate risk of the subject of the application suffering inhuman or degrading treatment sufficient to cross the ECHR, Article 3, threshold.

[53] At Stage Four, if the facts are sufficient to establish a risk that the subject will experience conduct sufficient to satisfy ECHR, Article 3, the court must then undertake the exercise of achieving an accommodation between the necessity of protecting the subject of the application from the risk of harm under Article 3 and the need to respect their family and private life under Article 8 and, within that, respect for their autonomy. This is not a strict "balancing" exercise as there is a necessity for the court to establish the minimum measures necessary to meet the Article 3 risk that has been established under Stage Three.

[54] In undertaking the fourth stage, the court should have in mind the high degree of flexibility which is afforded to the court by the open wording of FLA 1996, s 64A. In each case, the court should be encouraged to establish a bespoke order which pitches the intrusion on private and family life at the point which is necessary in order to meet the duty under Article 3, but no more. The length of the order, the breadth of the order and the elements within the order should vary from case-to-case to reflect the particular factual context; this is not a jurisdiction that should ordinarily attract a template approach.

18. The parents submitted to the FMPOs made in Year X on the basis of "no admissions being made." The Father applied to the Court to discharge the FMPOs only two months before A's murder. The application has never been progressed because A's death intervened.

Events prior to A's Murder

19. The events of Year X, including the children's allegations and retractions, were fully considered by the Local Authority, the Children's Guardian, and the Court at that time. The children were returned to their parents' care. Nevertheless, it is important to reconsider those events in the light of all the evidence now available, including A's treatment by the family after her siblings were returned home, and her murder.
20. There had been no concerns expressed about the welfare of the children at their schools or GP practices and no contact with social services regarding the immediate family, until the children made their allegations in Year X. A made contact with the local police force to report that the Father had sold the family home and household contents and intended to take all of the family to Pakistan and have herself, B and C

forcefully married. The Local Authority were contacted by the police the following day. The parents were arrested and interviewed before being released on bail with conditions that they were not to have unsupervised contact with the children and were not to have contact with L.

21. In her first statement in relation to the court proceedings that followed, the then allocated social worker Ms P wrote:

“... [the police] made contact with the [Local Authority] Emergency Duty Team and shared that A, the older sibling of B, D, C and E had made contact with them the previous evening. She reported that her father had sold the family house and all the household contents, and he was planning on taking all the family back to Pakistan and planned for A, B and C to be forcefully married.

5.2 A reported that she has overheard her parents in a conversation with an aunt who lives in Pakistan and parents could be heard talking about plans being in place for A and her sisters B and C to be married to their maternal cousins who currently reside in Pakistan. The plan was for father to leave the UK within the next few days, and for the rest of the family to follow within the next few weeks.

5.3 A became worried and initially spoke to her parents and expressed she did not wish to go. Parents are reported to have said that as she is 18 years old, she can make up her own mind. However she became worried for her younger siblings and made contact with [the police] about her concerns.

5.4 When the Police attended the family home to speak to A, the children’s father informed them that A had left the family home, and had gone to [another place] to stay with friends. However, when the Police attended the home of [a member of the wider family] later that day A was present and the family were having a meal to say goodbye. Following A speaking to the police officers both of her parents were arrested and detained for questioning.”

22. In a police interview B asserted that the children would be screamed at and sometimes hit if they annoyed their father. On one recent occasion, “we got caught with the first phone that we got ... the Father grabbed me by the throat and then he threw me upstairs, like, halfway up the stairs. She said that her father had threatened to kill their cousin if she had given A the mobile phone. C was interviewed by the police on the same day, during which she stated that the Mother regularly hit her on her face, arms, and legs. She said that very recently during an argument about fasting, the Mother had repeatedly hit her around the face and A had intervened to try to stop the assault. A broadly corroborated that account.

23. No marks or injuries to the children were recorded. There were some inconsistencies in the accounts given. For example, although her elder sisters said that D was regularly beaten, D herself made no such complaints in her own police interview. B gave conflicting accounts to the police, saying that her mother sometimes hit her, and to the social worker, saying “mum hasn’t hit me but she has threatened to kill me”.
24. After the allegations were made Ms P visited the children at the home of L and her husband. A, B, and C all told her that they believed that it was the intention of their parents to take them to Pakistan and have them married against their will. The three girls also alleged that their parents had physically abused them. In her statement within the proceedings that then followed, Ms P said,

“5.10 All of the children with the exception of E stated that they were physically abused by their parents. All of the children including E said that they have observed their siblings being screamed at and hit by their parents. All of the children were clear that they did not want to return to the care of their parents.

[5.11 was missing]

5.12 The social worker visited the parents at their home address; the Father stated that he had planned to go on holiday to Pakistan with his father and that there were no plans for the children to travel to Pakistan. He stated that A was making the whole thing up, when asked why he thought this was he stated that it was because A did not get on with her mother and she did not want him to go to Pakistan.

5.13 When the Father was asked why he was untruthful to the police and stated that A was in [another place] when they initially attended the family home, he stated that he said this because he did not believe that the attending officer was a genuine police officer. However, the Father confirmed that he made no attempt to contact the police to clarify if this was the case.

5.14 When asked about selling the family home the Father confirmed that he has sold the house, but his plan was for the family to move into his father’s address with the intention of buying a bigger property at auction.

5.15 The social worker was unable to speak to the Mother during this visit due to the language barrier and an interpreter not being available.

5.16 During this visit the social worker’s observation confirmed that in one of the bedrooms there were several suitcases and there was only one bunk bed in one of the bedrooms and a double bed in the other. Therefore there were not enough beds for the children to sleep in. When asked about

this the Father stated that he had recently sold a triple bunk bed, as they were going to reside at his father's address and it was no longer needed. When speaking to the children they confirmed that their bed was sold approximately three weeks prior to the police and social care involvement. Furthermore, C reports that when her parents sold the bunk bed herself and D had to sleep on the bedroom floor without any mattress.

5.17 The social worker completed a further visit to the children. During this visit L stated that her father planned for her to be forced to marry when she was younger. She explained that her older sister ran away and married the husband of her choice in England, so to prevent her from doing the same her father took her to Pakistan to be married against her will. She explained that K "got wind of this" and K and the Father followed them on a later flight to Pakistan without her father's knowledge and brought her back to England.

5.18 L explained that when she arrived in Pakistan her father took her passport. However, her father went to the city one day and K and the Father came and got her and took her to the Embassy and they told them that she had lost her passport. As such she was issued with another passport which allowed her to travel back to England.

5.19 It is of significant concern that when speaking to L she said that she is "fearful that B could be killed if she goes home because she knew what was going on (in regards to A informing the police) and she didn't tell her parents".

5.20 L has informed social workers that she is of the view that the parents intended to take the children to Pakistan to be married. L stated that she has spoken to her cousins in Pakistan and they have informed her that plans were in place for the children to be married once they arrived in Pakistan.

5.21 The Mother and the Father have not registered E to start school in September and this raises concerns that that they not intended for him to attend school in September.

...

[During a second visit to the family home, when the Mother was spoken to on her own with the aid of an interpreter ...]

5.23. During the conversation with the Mother she was asked the purpose of the Father's visit to Pakistan, and she said "problems about the house" before the social worker could discuss this further the Father entered the room and appeared annoyed, he stated that he felt they needed a solicitor as his wife was being interrogated, he also spoke to his wife in their

own language and the interpreter was unable to hear what was being said. It is a concern that the Father had been listening to the conversation from behind the door and he intervened and stopped the conversation when The mother shared information with the social workers.”

...

5.25 It is a concern that safeguarding police have shared that H has previously been accused of Honour Based Violence which was reported to the police by [K]. At the time of writing the outcome of this report is unknown.

5.26 When the social worker has spoken to the children separately A, B, C and D have all stated that that they are scared of their father and they believe that their mother is also scared of him. Furthermore, B and C report that they have witnessed their father physically assaulting their mother in the past. Of significance B reports that when she was in year 8 she witnessed her parents having an argument which resulted in her father “beating her (mother) up”. B described how following the assault her mother’s “eye was red, she had bruises, and her mouth was bleeding”.

25. The children were placed with L under an Interim Care Order. Forced Marriage Protection Orders were made in respect of A, B, C, and D. These were initially made without hearing but later the parents agreed to the continuation of the orders until each of B, C, and D respectively reached the age of 18. In an updating statement Ms P informed the court that,

“9. B has maintained that she is scared of her father due to him being physically abusive towards her and her sisters whilst they were in his care. B has explained that her father has strangled and punched her, withheld food, and her life experiences have been limited to being made to stay in the home and clean.

10. B has stated that her mother is emotionally abusive towards her and her siblings, and she has previously made threats to kill her. B has expressed that that her mother is not protective and she will scream at her. Her mother will also “snitch” on her if she does the slightest thing wrong which results her being physically abused by her father.

11. B has said that feels that her mother is also scared of her father and she has witnessed domestic violence between her parents which was perpetrated by her father. B is of the view that her mother tells her father when the children have misbehaved so that his aggression is focused on the children and not her.

12. B has been very clear that if contact was enforced then she would not comply. Furthermore, B is clear that she does not have any desire to rebuild her relationship with her parents; she has said that she does not feel loved by her parents and that she does not love them.

...

15. C is a 12 year old child and during conversations with C she has maintained that she does not want to resume any form of contact with either of her parents.

16. C has said that there was nothing good about her home life or her relationship with her parents and it has been like this for the past 3-4 years; she does not feel loved by them and she does not feel safe in their care.

17. C explained that she is frightened of her father and when he is very angry she has felt that he might kill her. C has expressed that her mother is also physically abusive towards her and food has been withheld when she has misbehaved.

18. C has said that she has witnessed her sisters being physically abused by both of her parents and she has also witnessed domestic abuse between her parents which was perpetrated by her father.

...

23. Initially D and E stated that they did not want to resume any form of contact with her parents. However, when E agreed to telephone contact with his parents (supervised by the local Authority), D expressed that she also wanted to speak to her parents on the telephone.

24. Unfortunately, the Father was inappropriate during the call offering to buy E a PlayStation so that he would return home and telling D that he would allow her to watch television if she returned home."

26. On the same day that Ms P made that updated statement, she visited the children again at the home of L, this time in the company of the children's guardian, ["the Guardian"]. Ms P's note states,

"The Guardian informed me that when she arrived A had asked to speak to her, A informed her that she had made it all up and she wanted to retract her statement. She said that she thought just her and B would be removed from their parents care, she did not think the younger children would also be removed. A said she wants to retract her statement now because it had gone

too far. A did not ask if there would be any consequences for her which the Guardian thought was unusual. The Guardian also informed me that L was unaware of this until A had spoken about it this evening, L is reported to have been shocked by what A had said.

The Guardian informed me that prior to my arrival D had said that she wants to go home and her dad has bought her a new television and she misses the cat. D told the Guardian that her dad had sold the children's bed because they weren't sleeping in it because they prefer to sleep on the floor. When asked if D sleeps in a bed at L's house she said she does.

The Guardian informed me that B had said that her father had planned for the family to go to Pakistan for 2 months but they may stay for up to a year, but not for the purpose of the children being forcefully married.

Myself and the Guardian spoken to E alone, he spoke about school and showed us a sticker that his teacher had given him, he went on to say that said he misses his mum and dad and he wants to go home, he said his dad has bought him a PlayStation, when asked how he knew this E said his dad had told him. When asked about what he likes about being at home E said his PlayStation and his toys.

Conversation with A

A said she had made it all up. When asked why she was telling us this now she said it has gone too far and her little brother and sister miss their mum and dad. A said she doesn't want to go back (to live with her parents) but she thinks her brother and sisters will be safe. A went on to say she exaggerated the physical abuse. A said her father is controlling, he tells them what to wear, what to eat, and she is not allowed out but she made up the physical abuse and the forced marriage allegations. A said she thought when she made the report to the police only her and her sister (B) would be taken, not her younger brother and sisters.

A did not give eye contact throughout the conversation, she spoke very matter of fact and showed no emotion.

Conversation with B

B said that she doesn't want to go home, she wants to stay here (L's house) or go to live with K. B said she has never been strangled or physically abused by her parents as she previously alleged, she made it up. B said she has never witnessed any

domestic violence between her parents, she also made that up. When asked why she would say these things if they were untrue B said she is not allowed a life outside of the house, she is not allowed a mobile phone or to go out. B said she was lying before but she is telling the truth now. B said A told her and her siblings what to say and they planned the whole thing. B asked what will happen to A, I advised that I was unsure. B presented as subdued and she gave limited eye contact throughout the conversation.

Conversation with C

C said that before she said anything to anyone (professionals) A told her what to say, she said dad won't let us have freedom and he is too strict. C said she doesn't want to go home. When asked why this was C said "I want freedom, he (dad) won't let my sister (A) work and probably won't let me work. C then said that she needed to go to Mosque."

27. Not all the allegations were retracted: (a) B maintained that prior to children's services' involvement, her father was controlling and 'she wasn't allowed any freedom', with this including the children being prevented from seeing friends, not having a mobile phone, being made to do chores and not being allowed to get a job or enter further education upon leaving school; b) B maintained that her parents controlled what she wore; c) C maintained that her father was controlling and she wasn't allowed any freedom; (d) C said that she was worried her parents would stop her education when she turned 18, and she would be prevented from entering employment.
28. Shortly after the retractions were made, L announced that she could no longer look after the children because she was shortly departing for Pakistan with her own children to join her husband there. She did so. Before she left, she made a statement in which she stated that A had told her that the allegations "against her dad were fake. I asked her why she made them up and she said it was because she didn't get on with her dad and she hated him. She stated that she wanted to get out of the house and didn't know how to." L also gave an account of questioning the children that strongly suggested that they had exaggerated their initial allegations. She ended her statement by saying,

"15. The youngest children all want to go home. E is always asking when he is going home and seeing his dad. C and D are now also saying they want to go home and B has also started to say it as well. There is no one else in the family who can look after them. A still says she doesn't want to go home because she doesn't get on her with dad and she doesn't like him."

29. The children were placed in foster care for a short period until they were moved to live with G where they remained for approximately one month. Following a successful transition period, the children were returned to their parents' care. A, as an adult, chose to remain living with G. In a statement Ms P told the court,

“1.5 In summary the children have all settled back into the care of their parents, they are happy there, the parents have cooperated ... and there have been no issues raised regarding the care received by the children since their returned home.

1.6 Since returning home I have had the opportunity to observe the children in their parents' care through regular announced and unannounced visits. It is positive to see that the children's care needs are appropriately met by their parents and it is further positive that the parents have taken on board advice given and adapting their approach in line with the children's needs.

It is also reassuring that G is also visiting the children 2 to 3 times a week. These are a combination of announced and unannounced visits. G has reported that the children have been observed settled within the home. He regularly checks with the children to see if they are okay and obtain their views and he has not had any complaints from them. G also has the opportunity to take the children out of the family home and spend time with them. This process in turn has provided G and the Father, to build on their existing relationship which was previously fractured.”

Ms P had spoken individually to the children and all had given positive reports of being back home. The parents “fully engaged” with a parenting assessment, the outcome of which was positive.

30. The Court then made interim supervision orders in respect of the children in place of the interim care orders. In her final case analysis, the Guardian, advised that,

“11. The rehabilitation plan went well and the children returned to their parents' care. All four children have been seen to be happy and content in their mother's and father's care and feel their views have been listened to as they report that they can see that their mother and father have made changes. There have not been any issues raised regarding the care received by the children since their return home.

12. All four children are meeting their educational attainments in school and they have been provided with the necessary equipment from their schools to access remote learning on-line to minimise any disruption to their education.

13. All four children continue to have contact with G. He visits them at home, and they visit his home, so they can maintain their relationship with their older sister. The paternal Has been assessed as a protective factor as he is speaking to the children away from the home and continuing to undertake announced and unannounced visits.

14. It is very positive that the Mother and the Father have been proactive in ensuring that the children continue to enjoy and spend time with their sister, A on a frequent and regular basis despite the fractured relationship between A and the parents.

...

35. The family were not previously known to professionals and the school had no safeguarding concerns prior to the issue of these proceedings. The older children have remained constant in their concerns about overly strict parenting and the lack of freedom. A remains ostracised from her family and does not wish to return, even though in not returning, she will be separated from her sisters and brother.

36. The Father has presented to all professionals as open and honest. He has shown both remorse and insight expressing his regret as to what happened and admits he has struggled to understand how things became so serious so quickly or why the children felt making the allegations was their only option. However, he has accepted responsibility for his role in this and through listening to the professionals and acting on their advice feels that he has been able to make the necessary changes to his parenting.”

31. At a final hearing the Court discharged the interim supervision orders and made no order. The children were to be subject to children in need plans. The Forced Marriage Protection Orders remained in place.
32. I have quoted at some length from the evidence within the previous proceedings because it demonstrates the seriousness of the initial allegations, the suddenness and extent of the retractions, and the confidence that the Local Authority, the Guardian, and the Court shared that the children could be safely returned to their parents’ care.
33. There is little to no evidence before me of any monitoring of the family after the conclusion of the previous proceedings. I have to rely primarily on evidence from family members as to what happened between the conclusion of those proceedings and A’s murder in Year Y. However, there were no complaints from the children, no reports of any abuse of the children, no signs of any injuries or disturbed or troubling behaviour. To date, the children have not retrospectively reported any form of physical abuse or excessive control within the home after their return there.

A's Murder

34. At the trial of H for murder, the jury heard evidence from the police, the pathologist, and from L, J, and G. I have been provided with transcripts of the prosecution and defence opening and closing speeches, the evidence of the family witnesses, the judge's summing up and his sentencing remarks. The jury's verdict was unanimous. In sentencing H to life imprisonment, the Judge said that, "For the purposes of sentencing, I reach conclusions against you only when I am sure of those facts. All my findings of facts will be consistent with the verdict of the jury." The findings which the judge set out in his sentencing remarks included the following:
- i) "... A had moved out of the Father's house to live with G. She made that move because the Father had made it clear that he wished her to marry a cousin of hers in Pakistan. In fact, the Father had promised her hand to that cousin and intended that she should marry him even though she refused to consent to such a marriage." Notwithstanding these observations, the evidence before me in the Family Court is that there is significant dispute about whether the Father had made any such promise.
 - ii) "At [the family property] A found a substantial degree of freedom and the chance to lead her own life away from the constraints imposed by her father..."
 - iii) "You, [H], had only limited contact with your family members at [the family property] in the lead-up to the events of [the day of the murder]. You had worked with G for some months and it may be that very occasionally you called on your mother. Then, on the afternoon and evening of [the day of the murder] and for no obvious reason, you made a series of seven visits to the house."
 - iv) "I find as a fact that you murdered A ... that afternoon at that address ... G saw no sign of her when he walked through the house ... that day."
 - v) "After you had killed A, you [disposed of her body]."
 - vi) "It is not possible to identify a motive for this dreadful attack by you on an innocent young woman. It is said that you did not support her forced marriage to the cousin in Pakistan. It is said that you did not share the views of the Father about the role of women or the obligations on A to obey her father. Moreover, in my view, it would be pure speculation to consider whether this murder was part of some appalling family agreement. All that matters for present purposes is that the jury have found you guilty of the heinous crime of murder. I decline to speculate on your motive and I reject the suggestion that I should treat this as any form of so-called honour killing. ..."
 - vii) "... there was a degree of premeditation for this murder. It was not sophisticated planning but it was thought through... You obtained a copy of the key to [the family property] to make it easier for you to come and go from

the house... You positioned your car so as to make easier the moving of the body after you had killed A.”

Events after A’s Murder

35. I have set out the steps taken by the Local Authority after A’s murder to protect the subject children under interim care orders. B has chosen to live at the family home – she is now over 18 year old. There has been frequent contact between the subject children and their parents, three times a week, but it has been supervised at a contact centre. Since the Father’s disappearance, such contact has been with the Mother only. G has attended some of those contact sessions. B attends also. There is also regular, separate sibling only contact which B has also attended. B’s conduct at supervised contact has given rise to concerns on the part of the Local Authority – concerns which she maintains are wholly unjustified.
36. The evidence I have received in relation to supervised contact establishes to my satisfaction, that there was no contract of expectations issued to the parents, B, or G, until earlier this year. Criticisms of the conduct of some members of the family made by professionals who later became involved with the supervised contact, fail fairly to reflect the fact that expectations were not clearly set out for the family at the outset. For example, B and G both bought watches for C. Professionals were understandably anxious that inducements should not be given to C. However, to B and G these gifts may well have seemed to have been innocent gestures. Furthermore, although professionals suggested that the watches might be “smart watches” capable of being used or private messaging to and from C, inspection of one of the watches showed it to be a fitness device that measures heart rate, not a smart watch.
37. The Mother tends to be relatively quiet at contact. She prepares food for the children. They appear to be at ease with her, as she is with them. B has taken on more of a parenting role, and has been witnessed to instruct the younger children, chide them for not maintaining religious observances, and being hostile to professionals during contact sessions. This has resulted in her being prevented from attending contact at some stages. Her attitude is concerning because it suggests a lack of insight or a wilful disregard for the very serious events that have resulted in social services becoming involved with her family.
38. B has chosen to remain living at home. The other children have all expressed wishes to return home. I take very seriously C’s position that she is very restricted in her life under the interim care order. Due to concerns about her coming under a malign influence from certain members of her family when not under supervision, she has not been allowed to have sleepovers at the houses of friends, to go out shopping on her own, or to socialise as she would wish. Ironically, she feels more restricted now, as a looked after child, than she did when living at home where, the Local Authority allege, she was excessively controlled by her parents.
39. When the new social worker was allocated she paid an initial visit to the children and spoke to them about A. E did not refer to A as his sister and said that he did not like her because she had “taken his sisters’ passports and run away and also wanted £25,000.” He said that the Father had told him this.

40. The FMPO in respect of B continues in effect. There are no FMPOs in respect of the boys. FMPOs remain in force to protect D and C. Unless extended further they are due to expire when they each reach the age of 18.

Witness Evidence

41. I heard oral evidence from the Detective Constable responsible for the murder investigation [“DC”], from two contact support workers and a contact service team manager, from R, who wrote a Brief Report under Fostering Regulation 26 for the Foster Panel, in relation to G, from Ms S, the Allocated Social Worker and Practice Supervisor, from L, the Mother, G, and from the Guardian. I heard expert evidence from Natasha Rattu of Karma Nirvana, on the risks to the children from honour based abuse, from Dr Khurram, Clinical Psychologist, on the dynamics of the sibling relationships.
42. DC was the senior investigating officer leading the investigation into the death of A. He has considerable policing experience including in relation to honour based abuse. He told the court that his team had extensively investigated the possibility of wider family involvement in A’s murder but could find no evidence to support charges against the Father, the Mother, or any member of the family other than H. Nor did the investigations identify a motive for the murder. He told the court, as the documentary evidence also shows, the Father told arresting officer that, “My daughter’s died – she’s been murdered by [a relative] .”
43. Since about the time of his disappearance, the Father has disengaged from these proceedings. He was represented by Counsel and solicitors at the hearing before me in late Year Y when he and his wife applied for an interim order for the children to be returned to their care. I refused that application. His legal representatives have been unable to make any contact with him or to receive any instructions. I allowed them to come off the record. He therefore played no part in the later proceedings before me. I do have evidence from him in his police interviews and statements within these proceedings. I also note that when a Police Constable [“PC”] attended at the family home in Year X after A had made her initial complaints, the Father told him, incorrectly, that the Mother was abroad. In his police interview later that day he asserted that A had told him that she wanted to stay with a relative rather than at the family home whilst he travelled to Pakistan – as he had planned to do– because she did not get on with her mother.
44. The Father denied the allegations of abuse made by the children in Year X. The Local Authority invites the Court to note that whilst he repeatedly asserted that the girls were lying, when it was put to him that he had hit E, he said, “No. That’s a complete lie. He’s my ... He’s very important to me, he is.” A common thread to the complaints made at the time was that girls were treated differently from boys within the family. The Local Authority suggests that the Father revealed the importance to him of E as his only son (at that time) over the girls of the family.
45. Other members of the family did give oral evidence.

46. A and the other children (except F who was not then born) were placed with L and her own family in Year X until she decided to leave for Pakistan, as earlier described. After A's disappearance but before her body was found, L gave a statement to the police describing the family feud. She said that she thought that H and the Father were involved in A's murder, and that the Father,

“... never forgets and will want revenge on his daughter for what happened [in Year X] ... the Father is a very violent person... He used to batter us all children and young women. He never touched the boys of course, it was me and my sister. He has punched and kicked us both over not doing what he wanted. He is in contact with H and I think H would do as he asked so I think they are in it together.”

She told the police that about one month before A's disappearance, C had told A that she and B had to stop all contact with her. L also told the police that in Year X, A had lived with her for two months after “... the Father tried to force her to get married... He wanted her to marry her first cousin, her mum's sister's son in Pakistan.”

47. In the previous proceedings in Year X, L had told social workers that she had spoken to her cousins in Pakistan about plans by the Father and the Mother to take the children there to be married, “and they have informed her that plans were in place for the children to be married once they arrived in Pakistan.” She also revealed that she herself had been taken by her father to Pakistan when she was younger with a plan to force her to marry, only for her mother and the Father, who “got wind of it” to travel out to Pakistan to bring her back to England. She warned that B's life would be at risk if she returned home to her parents' care because she had effectively collaborated with A.
48. L also made a detailed statement in the previous proceedings. This was after she had decided to depart for Pakistan, causing A, B, C, D and E to move later to G's care. In that statement she expressed scepticism about A and her siblings' allegations against their parents. As to A's allegation that her parents planned to force her to marry,

“I was confused as to why she would reach that conclusion so I asked her where she was getting these ideas from. She then said she had a feeling her dad was going to pack up and go to Pakistan and then come back for the children and take them to Pakistan. I didn't say anything further as I didn't know what else to say to her. This conversation took place in front of B and C ... I asked [them] if they knew anything about this and they said they only knew from what A had told them.”

She said that when she questioned D about her allegation that her father had beaten her up, “D said that her father had cut her hair ... no, he hasn't beaten me up.” She said that on exploring allegations by A and B that the Mother had “starved” them, it transpired that their only complaint was that “years ago” the Mother had hidden

chocolate and sweets from them. After the children had told social workers that they retracted their allegations, L asked A why she had made the allegations up “and she said it was because she didn’t get on with her dad and she hated him. She stated that she wanted to get out of the house and didn’t know how to.”.

49. L’s evidence in late Year X contributed to the confidence of social workers, the Guardian, and the Court, that it was safe for the children to return to the care of their parents yet, on A’s disappearance in Year Y, L told the police, as if it were established fact, that in Year X the Father had planned to take A to marry a first cousin in Pakistan. Furthermore, she has maintained that she repeatedly warned G to remain vigilant because A was at risk. The transcript of her evidence at the crown court trial of G for the murder of A, shows that L repeated the allegation that the Father intended to force A to marry her first cousin but she did, more than once, say that this is what A had told her. However, she went on to tell the jury that the Father had been humiliated when his plans for A to marry her first cousin had been thwarted. He was furious, as was his wife, the Mother, because they had broken their word which involved a significant loss of face in the Pathan communities both in Pakistan and in N. She also told the Crown Court that the Father was very strict with A, controlling what she wore, home-schooling her rather than allowing her to go to school, and that he intended to prevent her from going into further education. She gave evidence at the trial that A was “petrified” of her father and that a month before her murder, the Father had stopped C and B communicating with A. She also told the jury that when she was growing up the Father had been very “violent” towards her and her elder sister, M.
50. It was surprising therefore when, in her evidence to this court, L began by saying that the Father had been “fine” both when she was a small child and during her teenage years and started changing only after the family feud. She also told the court that she had not meant it when she had warned that B’s life would be at risk if she returned to her parents’ care. Furthermore, she said that when she had contacted family members in Pakistan to check out A’s concerns about being forced to marry a first cousin there, she had only been told that there were rumours to that effect not, as she had reported in Year X, that there were plans for the marriage to take place.
51. In cross-examination by Mr Pratt KC for The Mother, L accepted that when giving evidence at the Crown Court she had only been speculating about the Father and the Mother’s response to A’s allegations and actions, and the frustration of any plans to marry her to a first cousin in Pakistan. She was going with her “gut instinct”. It was evident to me that her “gut instinct” remains that the Father was somehow involved in A’s murder and that this had influenced her answers in evidence to the jury.
52. On further questioning by Ms Worsley KC for the Guardian, L said that in fact the Father *had* beaten her when she was younger but she had learned to keep safe by obeying him. However, she told me that notwithstanding the Father’s conduct towards her when she had been a child, she had had no concerns about B and the other children returning to their parents’ care.
53. L gave evidence remotely. She had been the subject of a witness summons. According to her own evidence she had suffered abuse as a child and came close to being forced into marriage. She was willing to share her view that the Father, whose whereabouts are uncertain, was involved in the murder of his daughter, her niece. Accordingly, I

have to be mindful of L's vulnerability as a witness. As it is, she came across as confident and engaging when giving her evidence, but her evidence has been inconsistent over time. I am sure that she has allowed her instincts and feelings of animosity to certain other members of the extended family, to impede her objectivity. It is not easy to reconcile her belief that A was at risk of serious harm from the Father, indeed that he was involved in her murder, with her confidence that it was safe for the other children to return to their parents' care. She did not satisfactorily explain that apparent contradiction. I am satisfied that she has not told me of her true reasons for terminating her care of the children in late Year X. At the time the social work team understood that her departure to Pakistan was temporary only, but she told the Crown Court and me that it had been too much to care for A and her siblings as well as her own children, in short, that she was not intending to care for them again in the future. If she truly believes that the Father is capable of murdering his own daughter, why did she so suddenly change her intentions to care for the children in Year X? Why, at the same time, did she give such reassurance to the authorities that the children's allegations, including A's, had been made up or were groundless? Unfortunately, the changes in her evidence over time, and the inconsistencies between her evidence to the jury and to me, leave these and other questions about her evidence unanswered. However, I remind myself that if much of her evidence is true, she has exposed herself to a risk of harm by giving her evidence, and this may have caused her not to be fully open with the Court.

G

54. A, B, C, D, and E lived with G for a month in late Year X. Upon her siblings then returning home to their parents' care, A chose to continue to live with him at the family property, where K also lived. J had lived with G since she was about three years old even though she was H's daughter. She moved out about two weeks after A moved in. G kept in touch with the other children, visiting them at the Father and the Mother's house on a weekly basis. At no point has he had any concerns about their welfare whilst living with their parents, or with the Mother alone. When he has been alone with the children they have told him that "everything is great." He, A, L, J, and M formed a WhatsApp chat group and regularly kept in touch.
55. G described A to me as "absolutely lovely, like a perfect daughter, very kind and generous, bubbly, humorous, she loved watching movies and helping with the cooking, we talked about everything." He told me that when A was out and about, away from the house, he would keep in contact with her by mobile phone. He identified her mobile phone device to the police. It was found before her body was discovered. He recognised the photograph she had attached to the back of the phone, showing her and E together, on which she had written "Hope ..."
56. The Mother gave evidence immediately prior to G. She told the court that she and her husband had asked G to inform A that their "door was always open". When asked about this, G agreed that they had done so and that he had passed the message on to A. He could not specify when he had done so and could not explain why A had not responded positively to the offer, if only to see her siblings.

57. G described the circumstances of J becoming married at the age of 18. She had been to Saudi Arabia for a religious pilgrimage with K. A Pakistani born taxi driver had flirted with her and she was very taken with him. She and K returned to England where L and G sought to dissuade J from forming any kind of association with this man. However, K, secretly planned a trip with J to Pakistan to marry this man. J openly lied to G about the purpose of the trip and when she and K were there she was married to the taxi driver who had travelled to Pakistan, his home country, for the purpose. Later, her husband never having come to England, J divorced him which, G said, left K with “egg on her face”.
58. He also told the court that M had defied her family’s wishes by marrying a man they did not know sufficiently well to approve. Whilst he, G, had given the marriage his blessing, others did not. He was assaulted by the Father on that account. M lives apart from the rest of the family with whom she has no contact. Her decision to marry whom she chose has cost her her relationships within the family.
59. G has no doubt that H murdered A – he stated his opinion that H is a “psychopath” capable of inflicting severe violence. In his interview with Ms Rattu, the jointly instructed expert on honour based abuse, he spoke frankly about the significance of honour within the Pathan culture and how much it meant to different individuals involved in this case. He also told Ms Rattu that he believed that K had “pumped up” H to kill A as a form of revenge on the Father for his role in the family feud that had begun some 15 years before the murder. He had been struck by information from the police that there had been a large number of calls between H and K shortly before the murder. He told me that he had now disowned K. However, by the time of the hearing before me, he had learned that prior to the murder, H had been seeking to find his own daughter, J. He had known that she had been living at the family property, and G suggested that perhaps H had visited the family property seeking information as to her whereabouts and had killed A after she had refused to tell him where J was.
60. The Judge in the criminal trial recorded that there was evidence that H’s murder of A involved a degree of pre-meditation, including that he had positioned his car before entering the family property so as to be able more easily to remove her body. That might suggest that H did not kill A angrily in the moment. Also, G was in his bedroom asleep at the time of the murder which probably took place in the living room downstairs. He was not disturbed by any argument or shouting.
61. G gave markedly different evidence as to honour and the Pashtun culture in court from that which he was reported by Ms Rattu to have given to her. She had been struck by his frankness in discussing honour within the Pashtun culture and had commended him for it. She reported that he had told her,

“I ask [sic.] G how important honour was to different family members. He shared the following:

- K)– “honour is important.” G said that was shown through her behaviour towards J, specifically not wanting her to divorce.
- H – “Honour is important.”
- M – “Honour is important.”

- The Father – “I am not sure. It’s a bit of both.”

6.46 G stated, “when A’s father disowned her, she became my daughter”. G said that the Father did feel “shame in what had happened”.

6.47 I asked G to think about the family and the community, and how specifically honour and shame play a role within the family. G explained that causing shame is a big issue within the family and provided some examples of how shame could be caused. These included:

- If A went out on her own or had a boyfriend.
- J having a boyfriend or a relationship.

6.48 G linked H, M, K and her former husband as holding strong beliefs and values linked to upholding honour, stating that they had these views “100%”.

62. In contrast, in his oral evidence, G said that he had misunderstood Ms Rattu’s questioning: he had only intended to say that it was important to family members to act honourably – to do the right thing. The Father’s predominant feeling when A made her allegations against him and her mother had not been “shame” but, rather, confusion and regret. Similarly, under cross-examination at the Crown Court trial, G had said that A’s allegations about forced marriage had brought “some shame” to the Father and that he was angry, but that it brought no more dishonour to the family living, as it did, within the Pashtun culture, than it would to any family. He maintained that there was “no evidence” that the Father and the Mother were going to force A into marriage “or anything like that.”
63. Notwithstanding his evidence that he and A “talked about everything”, he also told me that he had never discussed with her the allegations she had made against her parents. His assertions to the jury that there was no evidence of any plan to force A to marry do not appear to be founded on discussions with her. He also firmly rejected L’s evidence that she had repeatedly warned him to be vigilant for A’s safety.
64. During his cross-examination at the Crown Court, it was put to G that he had worked with H for the six months prior to A’s killing. He replied “No ... I worked with him a short while after he came out of hospital...” Then, after being taken through phone records, he was asked again, “For six months or so before A was murdered, you were working with H weren’t you?” and he replied, “I was, yeah.” He accepted that he worked with him or for him about two or three days a week during that period. H would pick him up at the family property, but never come into the house. He said that H hated K and had no contact with A in the house – G would not have allowed him in the house. He denied that A had cooked food for H saying that he, G, did “all the cooking in my house”. This is in contrast to the evidence he gave to me that A helped with the cooking.

65. As to the events of the day of A’s murder, G said that he worked shifts at the time and had returned home from work at about 1.30 pm. He had spoken briefly to A and then gone to bed. In his initial statement to the police in Year Y, G had said that,

“I fell straight to sleep and woke up at about 5 pm. I got up and came downstairs. A’s laptop, earbuds and Beats headphones were still on the settee but A wasn’t. I didn’t think anything of it and just presumed she was either in her room or out. I made some tea for my mum and pottered around up and down between my room and downstairs.

At about 6.30pm I was just about to go upstairs when ... H walked in through the front door, I said to him ‘WHAT ARE YOU DOING HERE’, he doesn’t visit often so I was quite surprised to see him. I also thought it was odd that the front door was unlocked as I always keep it locked. H said, ‘I’VE COME TO SEE [K]’. I then carried on up the stairs with the cup of tea for [K] I gave her the tea, H was behind me up the stairs. He went into [K’s] room and I went up to mine in the attic. I think H was here for around half an hour to forty five minutes as I heard his car go.”

In his oral evidence to the jury he said that his first reaction on seeing H in the house had been to say, “What the fuck do you want?” As already noted, he had told the jury that H never came into the house and hated K.

66. G told me that after A had gone missing, but when he had identified her burnt phone, he knew that “something serious had happened”. He called the Father to tell him about the phone and to “prepare for the worst.” This is of significance because after the phone had been found but before A’s body had been found, the Father said to the police after his arrest, “My daughter’s died – she’s been murdered by [a member of the family].” The question that arises is what grounds the Father had for saying not only that A was dead, and that she had been murdered, but also who had committed the murder. In his initial police interview in Year Y, and in his first statement in these proceedings, the Father said that he already knew that H had been arrested and he therefore believed that A was dead and that she had been murdered by H. In fact, a text from G to the Father timed before the Father’s statement read, “no body has been found”.

The Mother

67. The Mother has lived in England for over twenty years but does not speak English. When interviewed by the police she could not say what A’s aspirations had been with regard to her education, work, or family. B was taking public examinations at the time but she did not know what subjects she was taking. The evidence is that she had no formal education in Pakistan where she lived until her arranged marriage to the Father, her first cousin. She cannot read or write.

68. I acknowledge the Mother's vulnerabilities as a witness. She gave evidence through an interpreter. She is uneducated. Her central roles in life – as a wife and mother – have largely been ripped away from her: her eldest daughter murdered, her other children, apart from B removed from her care, her marriage broken down and perhaps permanently ended. Nevertheless, even making due allowances for her vulnerabilities, I found her to be very evasive in her evidence which was not credible in many important respects.
- i) The Mother told me that prior to Year X family life had been happy. She shared with the court a number of photographs of the family to underline this. The children had been free to dress as they wished, to mix with whom they liked, and to make their own decisions about education. She told me that there had been no problems at home other than A stealing money. The sole reason why A concocted a series of lies against her parents and presented them to the police and social services was as revenge against her father who had confiscated mobile phones from her after she had stolen money from him to purchase them. She had done this three times even though, according to the Mother, A need only have asked for a mobile phone and her parents would have acquired one for her. Her explanation for A making false allegations was different from that given by the Father when the police intervened in Year X. At the time he said that A was motivated by a desire not to remain in the family home with her mother whilst he was away in Pakistan (as he had planned). The Mother told me that the only reason why B, C, D, and E had also lied to the police and social services in Year X was because A had told them to do so and they were “not old enough to understand”. In fact, at the time, B was nearly 16 years old, and C was 12. The children's accounts at the time do not have the hallmarks of having been orchestrated – they give different accounts of various incidents. The allegations were of a very serious nature and the children would all have been very soon aware of the dramatic consequences of making them. Why would A repeatedly steal money to purchase a mobile phone if she only had to ask and her parents would have obtained one for her? I do not find it credible that children within a happy family would voluntarily leave home, make serious allegations to the police and social services against their parents, refuse to return home or even see their parents for a number of weeks, simply because their eldest sister had told them to do so. I am satisfied that the Mother was not frank with the court about the nature of family life before the children made the allegations. She has concealed the truth and given a false account in that respect.
- ii) In her police interview in Year X, the Mother had been asked about the evidence concerning an alleged assault by her on C as a result of an argument about a fast (see above). She said that she had told C that she had missed some fasts and that she would wake early with her to complete her fasts before she returned to school. She said that C was angry but that she had not physically chastised C and that A was lying about the incident. In her oral evidence to me, the Mother not only said that the alleged incident was a lie, made up by A, but also that C had not been fasting. This was contrary to her evidence to the police.

- iii) The Mother told the police that she had never visited A when she lived at the family property, because G's mother (her mother-in-law) "lives with him and I have not good terms with his mum ... she doesn't like if anybody visits her." She told me that she had informed A, via G, that her door was always open to A. If that was truly her attitude to A, it is inexplicable that they did not meet or speak even on one occasion during the period when A was living with G. They could easily have met somewhere other than the family property house if it was difficult to meet there due to K's presence. There is no evidence that A refused to see her mother. The Mother and the Father made no effort to see or communicate with their eldest daughter. There were no communications at all between her parents and A during that period. Further, in her police interview the Mother's solicitor read out a prepared statement on her behalf in which she said that A was "very abusive at times and unruly but we have always ignored this. I love my children and believe my eldest daughter has put the others up to this." In his police interview on the same date, the Father said that on A threatening to leave the family home, he had told her that as she was 18 years old she could go but, if she left then "don't come back". A's parents were feeling very hostile towards her. The Mother's assertion to me that the door was always open to A conflicts with other evidence in the case. I am satisfied that the Mother has not told the truth about why there was no contact between A and her parents.
- iv) The Mother told me that the Father had left the family home shortly before his H's murder trial after she had demanded that he leave because his family had ruined her life. When I asked her to be more specific, she said that she blamed L, J "because she put the allegations against us", and her mother-in-law, K. Her reason for blaming K was because she had been told that she had asked H to kill A. She could not remember who had told her that nor what the Father's view had been of that information, even though the information (and its source) would be highly relevant to a police investigation into the death of her daughter. The information would also be very relevant to her feelings that the Father's family had ruined her life. I remind myself that in late Year Y the Father and the Mother jointly applied to the court for the interim return of the children to their care. I refused that application but they had jointly proposed that they could look after the children together. The Mother told the court at the substantive hearing that a month after that hearing before me they had rowed about the role of the Father's family in ruining the Mother's life, and that her husband had pronounced talaq and left the home. She told me that she did not know where he was and had had no contact with him, but that B had told her that he was in Pakistan. She could not explain why, if he had the good relationship with his remaining children that she says he had, he would depart so suddenly and have no communications with them. She said that she "didn't know" if he was concerned about what H would say about him at the forthcoming criminal trial. I am satisfied that the Mother has withheld the truth from the court about the circumstances of the Father leaving the family home and disappearing shortly before the Crown Court trial of H for the murder of his daughter.
69. J was the subject of a witness summons but did not attend court to give evidence. I nevertheless have a statement she gave to the police stating that she had a close

relationship with A, “We both experienced similar upbringings, and have been the victims of violence and issues from our respective fathers. This brought us together and we have been close since.” I also have a transcript of her evidence to the Crown Court during which she said that she and A were “the best of friends”. She confirmed that she had a poor relationship with her father, H, who had been convicted for threatening her with a knife in 2016 following an argument in which he accused her of having relationships with “multiple men”. She said that men within the extended family tended to have sexist views about a woman’s place being in the home, whereas G, with whom A had a very good relationship, was much more open to women being educated and being treated equally with men. I have regard to this evidence but keep in mind that none of it has been tested in person at the hearing before me.

70. The evidence of R: she had been tasked with assessing G’s suitability as a foster carer for the children. He had previously been considered suitable to care for the children in Year X. R met him twice in December Year Y but then paused her preparations pending receipt of Ms Rattu’s report, which was received in early March 2023. By then G had given evidence at N Crown Court. R met him on three occasions in March and subsequently obtained transcripts from the criminal trial. She consulted with Ms S and with her line manager and then produced a “Brief Report” concluding that G was not suitable as a foster carer for the children. In her written report R focused on two reasons for her conclusion – first, that A was killed in G’s home, and second, that he had been seen with the Mother, C and D outside the girls’ school, outside supervised contact.
71. I read her Brief Report as indicating that in her opinion G would not be able to protect the children from the risk of honour based abuse. However in her oral evidence, R went much further, contending that it could not be excluded that family members other than H, including G, were actively involved in A’s murder. She expressly relied upon H’s defence statement but, by their verdict, the jury rejected the account put forward in that defence statement.
72. The Guardian acted in the same role during the earlier proceedings in Year X to 2021. She supports the Local Authority’s position in relation to the schedule of findings and welfare recommendation that the children cannot safely return to their mother’s care. She recommends that the FMPO’s should remain in force. The Guardian said that if she had had the benefit of Ms Rattu’s expert evidence about honour based abuse at the time of the first set of public law proceedings in Year X-21 she would possibly have changed the recommendations that she then made. The fact is that the Local Authority and the Guardian invite the court to make findings now which are at odds with the approach taken in 2021 when the then subject children were returned to their parents’ care.

Expert Evidence

Ms Rattu

73. Ms Rattu was jointly instructed to provide expert evidence in relation to Honour Based Abuse (HBA). Her suitability to give expert evidence has been challenged on the grounds of a lack of impartiality and objectivity. *The President’s Memorandum:*

Experts in the Family Court, 4 October 2021 identifies four criteria which “govern the admissibility of opinion evidence of an expert”, which are:

“Whether the proposed expert evidence will assist the court in its task;

Whether the witness has the necessary knowledge and experience;

Whether the witness is impartial in his or her presentation and assessment of the evidence; and

Whether there is a reliable body of knowledge or experience to underpin the expert’s evidence.”

74. Ms Rattu has 17 years of experience working in the field of domestic abuse and specifically HBA. Much of her work has been as an advocate for those who have experienced abuse. She is Executive Director of Karma Nirvana, a national charity working in the field of HBA. She has advised public bodies and the Home Office and works with the All Party Parliamentary Group for HBA. She is a non-practising barrister. She was actively involved in the drafting and implementation of the Forced Marriage (Civil Protection) Act 2007 and the introduction of forced marriage within the criminal law through the Anti-Social Behaviour, Crime and Policing Act 2014. She has been active in campaigns to raise the legal age of marriage to 18 and to ban virginity testing. She is UK chair to the global Girls Not Brides coalition. In her report for this court she set out definitions of HBA, providing her sources. She answered questions put to her by the parties and, as instructed, carried out an honour based risk assessment of the Mother, G, and B. She was unable to assess the Father because he had left the country.
75. Counsel for the Mother submit that Ms Rattu is a “formidable campaigner with a laudable endeavour to expand awareness of HBA and to reduce and limit its impact, amongst other objectives. But her ability to separate her functions as a campaigner and an expert witness are entirely questionable.” I was shown a news report in which Ms Rattu was interviewed after the verdict in the trial of H. She told the reporter of her concerns that the FMPO had failed to protect A, thereby implying that there was a link between the FMPO and A’s murder. Ms Rattu had already been instructed as an expert, and had written her first report, in the present case when she gave that interview. When cross-examined about that comment and how it could be reconciled with absence of evidence at the trial of a link between the FMPO and A’s murder, Ms Rattu said that the police did not properly “understand the honour dynamic and if it is not picked up it doesn’t translate to the prosecution”. Counsel for the Mother say that the evidence from the police and the criminal trial shows that HBA was properly considered but that no evidence that the killing was associated with HBA was found. Mr Pratt KC and G further submit that Ms Rattu placed undue reliance on the defence statement of H which must have been rejected by the jury which convicted him. It is submitted that Ms Rattu had determined that A’s murder was linked to HBA and closed her mind to alternatives, notwithstanding the evidence from the criminal proceedings which suggested that there was no honour based motive to the killing.

Further criticism is made of the section of her report on Pashtun culture which, it is said, “is not her work at all”. Ms Rattu did not use quotation marks around parts of that section, in particular paragraph 4.17, when, in fact, they were quotes from published articles.

76. Before I address those concerns, I shall summarise Ms Rattu’s evidence:

i) Ms Rattu advises that HBA is:

“a collection of practices used predominantly to control the behaviour of women and girls within families or other social groups to protect perceived cultural and religious beliefs, values or social norms in the name of “honour”. HBA is, by its nature, hidden. It is mainly (although not exclusively) perpetrated by the victim’s family or community, and may include collusion, acceptance, support, silence or denial.”

ii) The victims of HBA are, she advises, required to live within the honour-based value system and to comply with honour codes which place restrictions on them. Victims may often feel personally responsible for the maintenance and protection of that honour, feeling guilty or ashamed if they breach the codes of honour. “If victims successfully escape the abuse, they face significant risks to their lives. They are left vulnerable and isolated. There is loss of family, feelings of guilt and shame, mental anguish...”

iii) Perpetrators may inflict violence or abuse to restore honour and to deter other family members from committing similar breaches.

iv) The Pashtun culture from which this family derives adds contextual relevance. Ms Rattu’s experience of working in cases involving families from the Pashtun culture shows that women and girls within those families are often controlled by ensuring that family honour and respect are held intact. Pashtun culture is, she says, backed by the Pashtunwali, an unwritten code of honour that is necessary to have Pashtun identity. The essential components of Pashtunwali are honour, generous hospitality, sanctuary and revenge. Pashtunwali operates as a form of patriarchy: the status of a Pashtun family declines if the male members do not uphold their honour, including the honour of female relatives. Ms Rattu provides references to source material for her assertions about Pashtun culture but stated in court that she does not purport to be an expert on the culture.

v) In her interview with and assessment of the Mother, Ms Rattu noted that “it was difficult to obtain a direct answer to many of my prepared questions.” The Mother revealed extensive evidence of first cousin marriage within her family. The Father was her own first cousin and she always knew it was planned for her to marry him and she wanted to marry him. She did not go to school and had no other goals as a child other than to get married. After marrying she eventually left Pakistan and moved to N. Her family have never visited her here. The Mother described her mother-in-law as strict but could not give

much information about the rift in the family which had directly involved her husband and mother-in-law. The Mother explained that she had asked her husband for a divorce and he had left. They have not since spoken and that her side of the family are not speaking to him. The Mother said she had “no idea” when asked about her thoughts on H’s suggestion that someone else in the family had killed A. The Mother was unable to engage with questions about honour and could not provide any examples of behaviour that could be perceived as shameful or dishonourable. She said that it would not be shameful at all for a girl to have sex before marriage and to undergo a termination of pregnancy. Ms Rattu’s conclusion was that it was “difficult to rely upon her answers as a reliable indicator of the risks posed and the family’s ability to mitigate those risks.”

- vi) G engaged much more in his interview with Ms Rattu. He explained the history of J’s marriage and divorce. The divorce had caused [K] to “play hell”. J had been living at the family property but moved out secretly to L’s home without informing K. He explained that H did not know that J was divorced or how K, had organised the marriage. H had fallen out with K in 2007 because he felt she had ruined his life. G explained the rift that had happened when the Father had forced K out of the family property house. He said that another member of his family, T, had taken some family properties in Pakistan in mid-Year X and that the Father had been planning to go there with his father to stop that happening (the Father could not then go because of the children’s allegations leading to the Father’s arrest). G told Ms Rattu that he believed K, “pumped up” H to kill A “because she is the Father’s daughter” and she is a “very revengeful woman”. G said that honour was important to K, H, and T but he was not sure if it was for the Father. He described A as having been “disowned” by her father whereupon she became “my daughter” and that the Father felt “shame in what had happened.” G said that causing shame was a “big issue within the family” and that K, H and T held strong views about upholding honour, “100%”. G did not share common views within his family that the role of women was to cook, clean and stay at home “don’t get a job, don’t get an education.” Ms Rattu’s view was that G was open and honest in his responses which provided an insight into honour dynamics and risks within the family setting.
- vii) During her interview with Ms Rattu, B was keen to emphasise the negative impact of the involvement of social services. She said that “we all lied” in Year X when allegations were made about potential forced marriage and abuse by her parents. She could not see any connection between A’s murder and those events. A had “told us” to make the allegations that were made in Year X “because she stole money from my dad to get a phone” and wanted “to take revenge on her dad for taking her phone.” A had told her that if they lied they could go to L’s house and have parties and fun. B said that there was no difference at all in how males and females were treated within the family. She described her parents’ relationship as “very happy”. B said that her father had moved to his father’s house after the court hearing in December Year Y. He later told her that he was taking a flight to Pakistan and would not come back. He was upset because of the involvement of social services in the family’s lives. He said he would re-marry in Pakistan and start a “whole new life”. She

did not think he would return. B said that honour was important within Pashtun culture but “not to the extent of murdering”. She said that the culture meant “you just do your best ...” B denied that her parents had disowned A and suggested that it was A who chose not to speak to them. When asked why, she said “ask A” even though, of course, A was dead. She denied that any of the examples Ms Rattu gave, such as having sexual relations or a termination of pregnancy outside marriage, would be shameful. Ms Rattu’s opinion was that B minimised the potential risks of HBA.

- viii)** Ms Rattu’s conclusion was that there was “strong evidence within the bundle of potential honour based abuse dynamics and connected risks to the children which included Pashtun culture, suggestions that A was in a relationship and might be bi-sexual (there was some evidence suggesting she had written about this in her diary), extensive coercive control, physical abuse used as punishment, difference in treatment of boys and girls, the family history involving L, M, and J, collusion from extensive family members, disownment of A, and the defence statement of H. She considered that there was a risk of physical abuse and coercive and controlling behaviour if the children returned to live with their mother. She suggested that there were two hypotheses for how A was murdered, both of which were relevant to the potential risk to the children on return to the family: (i) K orchestrated the murder through H, and (ii) another family member killed A to save face. In her view returning the children to the care of family members would be unsafe and it would be difficult to mitigate against the risks to them.

77. I am quite satisfied that Ms Rattu’s evidence is of assistance to the court and that she has the necessary knowledge and experience to provide expert evidence. I am further satisfied that there is a reliable body of knowledge and experience to underpin her evidence, and that she has provided references and examples of her own experience to show that. She ought to have used quotation marks where quoting from a source, but the source is referenced at the bottom of the relevant page of her report. As to her impartiality, I note that her report was submitted prior to the jury’s verdict. I do not regard her references to H’s defence statement as evidence of her lack of impartiality. She was wrestling with the evidence provided to her and trying to make sense of the evidence prior to the jury’s verdict and given the lack of other explanations given by H himself. Ms Rattu was wearing her campaigning hat for the interview after the verdict, not her expert’s hat. Her expression of concern about the lack of monitoring of the FMPO was a legitimate concern and did not suggest to me that she had closed her mind to HBA not being relevant to the case before this court. Ms Rattu should be mindful that the roles of independent expert and campaigner do not always sit comfortably together and she would have been better advised not to make public comments about A and the trial of H when she had been instructed as an expert in this case and this case was ongoing. It was wholly appropriate for Counsel for the Mother, and others, to test Ms Rattu on the question of her experience, expertise and impartiality. It was fairly done. But I thought that Ms Rattu answered such questions with good grace and in a very considered manner. She gained my confidence that she *had* approached the material provided to her with objectivity. I am satisfied that she meets the four criteria for the admission of her evidence, as an expert, set out by the President in his Memorandum of 2021.

78. Nevertheless, I have to weigh Ms Rattu’s evidence alongside all the other evidence in the case. I am not bound to accept her analysis. The importance of honour with the Pashtun culture has been previously recognised by the courts, for example in *AM v Local Authority* [2009] EWCA Civ 205, but the question for me is whether the culture and Pashtunwali plays a role in the life of *this* family, whether it is relevant to the findings I am invited to make, and whether it will affect risk to the children in the future. I am concerned with this family and these children.

Dr Khurram

79. Dr Khurram, Clinical Psychologist, produced an initial report dated 13 May 2023 and, later, written responses to two sets of questions. She carried out psychometric evaluation of B, C, and D. These were not full psychological assessments and she recommended further assessments of all three. She recommended that “the children are not reunited at present as a collective group, and they remain in their respective foster placements. She did not assess the Mother but did see her at a contact session with all the children. She did speak to the foster carers and the social worker. She reported that B appeared worried about what the evaluation scores might mean for her and “therefore I have concerns that she may have under reported her symptoms.” C “met the clinical threshold for depressive and anxiety symptoms ... it is highly probable that she is experiencing trauma symptoms as a result of the sudden loss of her sister and the circumstances surrounding her death.” D met the clinical threshold for loss self-concept and mildly elevated depressive symptoms ... [her scores] could be indicative of a desensitized or disconnected responding style. She is not connecting with the feelings that are occurring for her.”
80. At the observed contact session Dr Khurram noted that B took the role of the “care giver and parent”. The Mother appeared to look towards B and let her take the lead in managing her siblings. Prompts by B to her siblings to do their homework and say their prayers “felt domineering”. Throughout the assessment, “I noted B was looking back towards me and she appeared anxious. At a subsequent meeting with Dr Khurram, B said that she feels bad for blaming her father for something he did not do (in Year X) and struggles to forgive herself. She was adamant that there were no concerns around forced marriages at the time or at present. She reported to feeling that the local authority is not understanding her family and have unnecessarily separated the sibling group. Dr Khurram observed, “Her degree of resistance within the family would suggest that if something were to go wrong in the future it would be unlikely that she would ask for support.”
81. Dr Khurram also saw C separately after the contact session and noted that at the contact she had been in traditional Islamic dress with a headscarf whereas at her office she was in jeans and a t-shirt and overshirt. C said that she only wears Islamic dress for her mother as she prefers her to be wearing it. When asked about A, C said that she was “not talking about her”. C said that she had been in contact with A prior to her death but then asked not to speak further about that. On talking to the foster carer, Dr Khurram learned that shortly prior to seeing C on this occasion she and D had been taken to A’s grave and that it was the first time when the carer had seen C cry openly and release her emotions. She told her carer that she had been seeing A before her dad

stopped them from meeting each other. This was about one month before A's death. C wanted to return home.

82. D engaged well with Dr Khurram. She misses being at home but likes staying with the foster carer. She said that A had been a sister who had not lived with the family and who died. She became tearful when saying this but did not discuss any further.
83. E's foster carers reported that he was a "model child" who uses his manners and is besotted with his younger brother F. He often mentions his sisters but not A.
84. Explaining her recommendation not now to reunite the children, Dr Khurram has written that,

"My concern is that by reuniting the siblings they may re-traumatize each other in reference to A's death as all of them are processing this or will be processing this in their own ways and this has not yet even started with E ... they may not know how to support each other in developmentally appropriate ways in terms of their disclosures about their knowledge of A's death."

She considers that the current placements are "working in allowing the children to have contact and to explore with one another the adversities that have occurred." She concluded that.

"the ongoing parenting assessments will also inform whether or not a carer has been identified who can contain this sibship together as it is highly likely they will need additional training on therapeutic parenting."

Conclusions as to the Alleged Facts

85. I have had full regard to the parties' submissions which were made in writing after the close of evidence, there being insufficient court time to hear oral submissions. The court faces a difficult task in trying to make determinations about the events that have surrounded this family over the past three years. Firstly, there has been inconsistency – the children made serious allegations in Year X and then retracted them. Secondly, although professionals and the court came to clear conclusions in 2021 about the risks to the children arising out of the history to that point, subsequent events require a re-consideration of that history. Thirdly, I am sure, members of the family, including the wider family, have not been prepared to tell the court all that they know. In those difficult circumstances I remind myself that I am not bound to adopt the findings of the Family Court in 2021, nor even to accept the conclusions of the Judge or jury in the Crown Court, but neither should I speculate. My findings must be based on the legal principles set out above, applying the burden and standard of proof to the evidence before me.

86. The wider family has, one way or another, been involved a number of quite striking disputes and disagreements over a number of years. These have resulted in deep rifts within the family, including between the K and her former husband, between H and his daughter J, between K and the Father, between other members of the wider family, and, I am sure, between A and her parents. These divisions have involved money and property but there is also a history of division and deceit in relation to marriage. The degree of hostility involved in some of these rifts is marked. As an illustration of the strength of feeling sometimes involved with these rifts, G considers K capable of “pumping up” H to murder A in order to avenge the Father. H threatened his daughter with a knife. On the Mother’s evidence, upon divorce this year, her husband did not just leave the family home, he disappeared and, according to her daughter B, is going to start a new life in Pakistan. This is a family characterised by rifts and extreme behaviour.
87. I accept L’s evidence that when she was a young woman her father took her to Pakistan with a view to forcing her to marry a cousin of his choice but that her mother and H intervened to prevent the marriage going ahead. Her father had been deceitful about his plans and K and the Father had to act clandestinely in order to “rescue” her and take her out of Pakistan. I am also satisfied, on the balance of the evidence received, that her one other female sibling, M, defied her family when she chose to marry a man to whom she was not related, and has been effectively ostracised by most of the family members since that time. J’s history is a little different. I do not have the benefit of hearing from her in relation to her marriage to the taxi driver whom she met in Saudi Arabia. However, the evidence establishes that K played a significant role in facilitating that marriage which took place abroad when J was only just 18, using subterfuge and deceit to enable the marriage to take place against the wishes of other members of the family.
88. A forced marriage is not the same as an arranged marriage but if it is made clear to a girl or young woman within a family that she is expected to marry a first cousin or other man of her parents’ choosing, if there is a high degree of control within that family, if arrangements are made without her knowledge, and if she is made to understand that it would be dishonourable for the marriage not to take place, then it might readily be concluded that the consent she may ostensibly give to the marriage, if any at all, is not true consent, and the marriage is one that is being forced upon her. That is what A reported to the police and social services she feared was going to happen to her and B and C in Year X. There is no dispute that her father had recently renewed all the children’s passports. There is no dispute that he was about to fly to Pakistan. The family home was being sold. Furniture including children’s beds had been sold. There was, I am satisfied, a history of family members using deceit when making arrangements for the marriage of young women within the family. L considered the children’s concerns about forced marriage to be credible and her contact with family members in Pakistan gave some support to the fear that marriages were intended for the girls (even if they turned out only to be rumours).
89. A spoke openly to the authorities, including the police, about her fears that she and her sisters may be forced into marriage. In doing so she was instrumental in rupturing a family that I am now invited by her mother to believe was generally happy and harmonious. It does not take much imagination to realise what an enormous step A knew she was taking. She may not have envisaged that D and E would be removed

from their parents' care but she knew that she, B, and C might well be. Her actions were consistent and proportionate to a genuine fear about forced marriage. The actions of B and C at that time were consistent with them also having a genuine fear about forced marriage. The sale of the house and some furniture, the Father's travel plans, the renewal of the children's passports, and the history of marriage within the family, will have given a context to what A, B, and C, had seen and heard within the privacy of the family home, to create these fears.

90. I must take into account the inconsistencies (as well as the consistencies) in the reports by A and her siblings of abuse within the family home, and the retractions made in relation to some, if not all of the allegations. The inconsistencies and retractions do bring into question some of the more florid accounts. However, the retractions have to be seen in context. A revealed that she had not expected D and E to be removed from their parents' care. She and the children were placed with a family member which would allow for messaging to be facilitated from the parents to the children. Gifts, or promises of gifts, were made to some of the children. Promises by the parents were made to change their ways. L was no longer prepared to look after the children. Children expect to be loved by their parents even parents who abuse them. These children were under great pressure to reconcile with their parents and so to retract their allegations.
91. Neither B nor any of the subject children have withdrawn their retractions but they have been within the family unit and, if the initial allegations were true, it would be very difficult for them to speak out now to repeat them or to make fresh allegations of similar conduct by their mother and/or father. On the other hand, the children seem genuinely to want to return home to the Mother's care. Even allowing for the fact that often a child will want to be cared for by a parent or parents, even when their parent(s) have mistreated them, the consistency of the expressed wishes of the children to return home since in or around December Year X is an important part of the evidence. There appears to be warmth between the children and the Mother as observed at the many contact sessions. G also speaks to that warmth.
92. Having carefully considered the evidence as a whole I am satisfied that although some of the children's allegations in Year X about the extent of physical abuse within the home were exaggerated, the children honestly and credibly reported the way that control was exercised within the home, including by the use, on occasion, of slapping to the face and head, and hair pulling. I am satisfied that on the balance of probabilities both parents hit the children to enforce expected behaviour within the home and that this happened on a number of occasions. I am satisfied that the evidence establishes that the parents controlled all aspects of the children's lives: what the children wore, when they could leave the house, and what they could do within the house. They strictly enforced fasting patterns. A was compelled to be home educated and not permitted to attend school. B was told, as she reported to the police, that she would not be permitted to attend university, she was expected to undertake cooking and cleaning, and she was not permitted to go beyond the gate of the family property without a friend. I have seen pictures of books on a shelf within the home and do not find that B was not permitted to read books, although her choice of books was, I am sure, controlled. I find that she was not permitted to watch TV.
93. A wanted to further her education and to have freedom to message and call friends. She wanted to wear what she chose not what her parents insisted she wore. She felt

controlled and that, as she entered her young adulthood, she was being thwarted by her parents. I find that she genuinely feared that they were going to force her into a marriage that she did not want by taking her and her siblings to Pakistan and marrying her to a first cousin. I find that B and C also genuinely feared the prospect of being forced to marry.

94. I am satisfied on all the evidence that A was ostracised by her parents because she had reported her concerns about forced marriage and abuse to the authorities and chose not to return home. I reject as not credible the Mother's evidence at the hearing that the door was always open to A. There was in fact no contact between A and her parents after she made the allegations. B blames A as being entirely responsible for what happened in Year X. C, who was close to A and stayed in touch with her, was forbidden from seeing her by the Father. E's comment that he thought that A was a thief who had stolen £25,000 from his parents is telling. He must have learned that from within the family. It speaks to animosity from within the family towards A which, I am sure, was passed on to E from one or both his parents. It is poignant indeed that A held close to her a photograph of her with E on which she had written "hope" whilst her parents were poisoning E's mind against her.
95. The Local Authority allege that A's ostracisation was "by reason of [her parents'] strict adherence to Pashtun cultural norms and Pashtunwali codes of values and beliefs." I note the expert opinion evidence of Ms Rattu. I treat H's defence statement with considerable caution – he is a convicted murderer seeking to provide himself with a defence. His assertion that he did not kill A cannot be given credence. His suggestion that somebody else committed the murder for reasons associated with Pathan culture and family honour, must be taken as an attempt to deflect responsibility. However, G shared with Ms Rattu some frank evidence about the importance of honour to certain members of the family. Also, G has put forward the suggestion that K pumped up H to murder A because "she is a very vengeful woman". His suggestion was not at all flippant – I am satisfied that he genuinely thought K capable of encouraging or aiding the murder of A in order to gain revenge on the Father. That speaks to the deep rifts within the family and the importance to at least some of them of revenge (one of the cornerstones of Pashtunwali according to Ms Rattu). Other aspects of the story of the extended family – the deep rifts arising out of the incidents fifteen years ago, H's behaviour to his daughter J, the cutting adrift of M, the attempted forced marriage of L, and the battles between K and her former husband, all point to the importance within the family not to lose face within their community. The history of the family also demonstrates the importance of seeking to enforce compliance with expected behaviour. Those who do not comply may be cast adrift, not being spoken to, being excluded from a home, or even being subjected to violence.
96. The treatment of A by her parents after she made her allegations in Year X is consistent with this pattern within the wider family. The Father has been directly involved in rifts with other family members. He is said to have struck M at the time she said she wanted to marry out of the family. He threw K and others out of the family home. The Father told the police that he had warned A that if she left the home "then don't come back". On his own account this was when A said she wanted to stay elsewhere whilst he was away in Pakistan. His dramatic threat exposes his intolerance of any dissent from his children. They had to comply with his sense of what was right

and wrong and would suffer the consequences if they did not do so. He is reported later to have said that A was “possessed by the devil” and he “wanted nothing more to do with her.”

97. I am satisfied that the Father held codes of behaviour within Pashtun culture to be important. The Father’s conduct with other family members, his control of his daughters, his responses to being disobeyed, his conduct in ostracising A is consistent with adherence to codes of behaviour within Pashtun culture. It is not possible for me to say that he *strictly* adhered to Pashtunwali codes. I do not think it is necessary so to find. What is important is that the father regarded himself as being required to enforce codes of conduct and expectations of behaviour within the family that he considered important and that he was aware would be regarded as honourable within his community. Consistent with that, he ostracised his daughter, A.
98. I note the Father’s disappearance in early 2023. I do not accept the Mother’s account of it. There is no corroborative evidence that the Mother and Father have divorced. Even if they have divorced, there is no discernible reason why the Father should abruptly leave the country without saying farewell to his children, and then cut off all contact with them, not even letting them know of his whereabouts. I am sure that the Mother could have given the court more information about The Father’s departure and whereabouts if she so chose. He may be in hiding (I note that he disappeared not long before the trial of H was about to begin) but in the absence of frankness on the part of the Mother, and without any other evidence about his disappearance, I should not speculate. However, in December Year Y the Mother and Father told this court that they could look after the children together if they were returned home as they invited the court to order. Within a few weeks the Father had left the family home and disappeared. He left behind a wife who was extremely dependent upon him, financially and otherwise. He left a dependant adult child, B, and he left his other children not knowing where he was or why he had left. These were deeply irresponsible actions that were harmful to his children.
99. The Mother’s prepared statement offered to the police in Year X stated that A, “is very abusive at times and unruly but we have always ignored this.” Clearly that was not true – there had been confrontations within the family home, for example about mobile phones, and, more recently, about A not wanting to stay in the home whilst the Father was away. Likewise, I am sure that she has not told the court the truth that the door was always open to A after she made her reports to authorities and left home. I also find her evidence about the Father’s disappearance in early 2023 to be untruthful. I have no doubt that the Mother has deliberately misled the court in these respects.
100. In my judgment The Mother demonstrated an unbending reluctance to open up her family to scrutiny. She has shut up the windows so that no-one can see within. In that spirit she blithely told the court that there were no problems within the family: A could have had a mobile phone if only she had asked. The children were free to choose what they wore and what educational paths they wished to follow. These assertions were at odds with a great deal of other evidence in the case. The Mother, I find, decided to maintain her evasion and her silence as to the true state of affairs within the family at all costs. Others have been complicit in building a wall of silence around the family in this case. Ms Rattu and Dr Khurram noted it when speaking to B.

When giving oral evidence, G back-pedalled from his frankness with Ms Rattu. They have helped the Mother to keep the truth from the court.

101. The question is why the Mother has so consistently misled the court, and why B and G have sought to support her in doing so. The Mother is highly vulnerable. I have made findings about her husband's domineering and intransigent character. She was wholly dependent on him, having no financial independence, no English language, no education, unable to read or write, and living within a culture which, I find, imposed expectations on her of obedience to her husband and unquestioning support for him in his management of the children's behaviour. The children were controlled and coerced by him and it is not difficult to imagine that the Mother was too. She has not complained of any such behaviour towards her but I take into account her considerable vulnerability. The Mother's life for the past 20 years or so has been wholly devoted to her husband and children. Now only B remains living with her. I am sure that she would say anything to have her remaining children returned to her. Therefore, in a naive manner, she has painted a picture of a perfectly happy family when manifestly that has not been the case.
102. In my judgment the Mother has chosen not to tell the truth to the court because of three factors – her hostility to social workers and the court interfering with her family, her deep desire to have her children returned to her, and her submission to the wishes of The Father and expectations within her community. Telling the truth would, she believes, harm her case to have her children returned. B knows the truth about the family but she is particularly hostile to the involvement of social workers and the court, and is proudly protective of her family. G wishes to support the Mother– he has been her ally in difficult times. I am sure he has more information that he could have given the court but he will only go so far. He realised that he had given too much away in his conversations with Ms Rattu and so has rowed back in a misguided attempt to protect and support the Mother.
103. I have found that the Father adheres to Pashtunwali codes of values and beliefs and I am satisfied that the Mother does so also. However she does so in submission to her husband and her community, as someone who is herself restricted by those values and beliefs. She has no other frame of reference. She has been wholly dependent on her husband. Her adherence is not through active choice but is a product of her conditioning and dependence. Nevertheless, by submitting to her husband so fully, and by submitting to the code of behaviour by which he and others in the community have lived, she has been a party to excessive control and abuse of her children, and she has used physical force herself to enforce her children's compliance with expected codes of behaviour. The Mother may not even know that the control exercised by her and her husband over their children has been extreme. For her, forcing A to marry someone of her husband's choice, preventing her daughters from attending university or seeing friends as they chose, may not have been controlling at all, but an expected parental behaviour. However, once social services and the court have become involved in her family she both knows that she should not reveal what has been going on behind closed doors, and resents their interference in her private family affairs.
104. Having found that in their different ways, both parents adhered to Pashtunwali codes of values and beliefs, I sound a note of caution. It does not follow that they thereby believe that revenge must involve serious violence or murder. I accept that for some within the same culture, revengeful killing is seen as a means of upholding honour.

Abusive control within the family does not necessarily translate into murder of those who are perceived as bringing dishonour to the family. Each family deserves to be considered in their own terms, not given a label and then judged by the standards of others to whom that label might also apply.

105. I turn to A's murder. I am mindful that it was the defendant, H, who raised the question of A's murder being a so-called honour killing, not the prosecution. He did so in order to implicate some other member of the family in her murder. The jury's verdict means that they were certain so they were sure that H murdered her. As the Judge observed in his sentencing remarks, his motive was not known. I have heard speculation, but no evidence beyond that received at the Crown Court to establish (i) that anyone else was involved in the murder, or (ii) what H's motive was for the murder. I am mindful that the standard of proof is different in this court than in the Crown Court, but findings have to be made on the basis of evidence. H might have murdered A having been encouraged or aided to do so by another member of the family. He might have murdered her as revenge for her having brought perceived dishonour to the family, but there is no evidence on which that finding could properly be made. These possibilities have been raised, but there is no evidence on which I could properly make such findings.
106. Another possibility, raised by G, is that H murdered A in temper because she would not tell him where J was living. Again, there is insufficient evidence on which I could make such a finding. Some evidence from the criminal trial, such as the recordings of raised voices outside the family property might point to a loss of temper, but some of the other evidence points away from such a conclusion – for example the degree of pre-meditation described by the Judge and the fact that G was not disturbed – but I accept as a possibility that H killed A in a fit of temper and not as part of any planned revenge or punishment for bringing dishonour on the family.
107. In its Threshold Document the Local Authority has set out five reasons why A was “murdered by a family member”. They include her refusal to enter into a forced marriage in Year X, her decision to inform the police of the intended forced marriage and of abusive control within the family home, her decision not to return to the family home, and her lifestyle choices after October Year X. I also note that The Father had only recently applied to discharge the FMPO's prior to A's murder. Could there have been some connection between those two events?
108. I proceed on the basis that H murdered A. I have considered each of these possible reasons for his actions but have concluded that it would be too speculative to find that any of them are established on the balance of probabilities. I have also considered whether it could be said that H murdered A by reason of one or more of these five factors in the alternative. I have asked myself: if not one or more of these reasons, what was the reason for the murder? Having given the most anxious consideration to these questions I have concluded that the disciplined application of the burden and standard of proof means that I cannot reach any conclusions as to the reasons why H murdered A. He was known to be a violent man and he might well have killed A in a fit of temper unconnected with any of the matters put forward by the Local Authority. There was a thorough police investigation led by a very experienced officer very familiar with the concept of honour based abuse and violence. There was a full criminal trial before an experienced judge. H has not given any reason for why he killed A. There might be a connection between A's actions in Year X, or her lifestyle,

and his murder of her, but the evidence does not establish to the requisite standard that there was.

109. I have found that A genuinely feared being forced into marriage in Pakistan, and that B and C shared similar, genuine fears when they expressed them to authorities in Year X. That is not the same as a finding that the parents did in fact seek to force A, B, and C into marriage. I have returned to this earlier part of the chronology at this stage of the judgment because it is particularly important to consider all the evidence – the allegations, the retractions, the ostracisation, and the murder, before reaching conclusions about the parents’ conduct in Year X. What does all the evidence now available establish about the parents’ plans, if any, in relation to their three elder daughters becoming married?
110. Again, I have to be mindful to avoid speculation. There is no evidence of any firm marriage arrangements. However, there was a history within the wider family of marriage to first cousins, of deceit and subterfuge in relation to arranging marriages, and of family rifts and ostracisation in the event that an intended arrangement did not materialise or family expectations were thwarted. The parents’ response to A was consistent with her having frustrated their plans to marry her to a man of their choice. The sale of the house and furniture, the renewal of the children’s passports, the lack of openness in informing A of plans for the family, and her evidence of discussions within the family, provide evidence that there were plans to take the family abroad. L’s evidence establishes to my satisfaction that there was at least discussion within the wider family in Pakistan of a marriage for A being planned to take place there.
111. On the balance of probabilities I find that the Father and the Mother were both planning to marry A off to a first cousin in Pakistan in Year X, without her consenting to that marriage. I am not satisfied, to the requisite standard, that there were plans to force B and C into marriage at that time, but I do find that those sisters were and remain at risk of being forced into marriage. D is also at risk as she now approaches her teenage years. The risk remains because although The Father has disappeared and may well not be in England, there has been no transparency from the Mother or others about where he is and what he is doing. I am not at all persuaded that he is no longer an influence within the immediate family, over his wife, and over his children. Forced Marriage Protection Orders are still required.
112. The control over their children, in particular the teenage girls, exercised by the parents within the family is consistent with them holding very strong views about the need to conform to certain codes of behaviour which feature as part of the Pashtun culture. The Father’s intolerance of any divergence by his children from his expectations of their conduct, and the severe consequences meted out for not complying with his directions, his dealings with other members of the wider family. The parental treatment of their children up to their allegations in Year X and the ostracisation of A is consistent with the parents adopting the code of values known as Pashtunwali. However, it does not follow that the parents were prepared for A to be murdered because of her defiance of her parents or because she brought shame upon the family.
113. Although there is no evidence on which I can properly find that the Father and the Mother were involved in A’s murder, and I have not been able to determine what was H’s motive for her murder, I have little doubt that B, C, and D will be conscious that A’s defied her parents, was ostracised, and was later murdered. Evidence before me

including Dr Khurram's evidence and the observations regarding B's attitude to professionals, points to a complex picture of the beliefs of the remaining siblings. As to the three sisters, B, C, and D, even though they may not know why A was murdered, they will know that their parents disowned her. They will be aware that there are significant consequences to anyone within the family who fails to comply with expected codes of behaviour, or who might defy parental expectations in relation to marriage. I am sure that what happened to A will have served to make her sisters more compliant to their parents' expectations. They would naturally be scared to resist their parents' wishes.

114. The young boys are not at risk of forced marriage. E is only vaguely aware of A having been ostracised and has been given a false account of why she left the family home. F was not born at the time of the events in Year X and will be unaffected, at present, by any knowledge of those events. Dr Khurram warns that the children are at different stages of their understanding and response to A's death. I would add that they are at different stages of their understanding and response to the events in Year X-21 also. This would be the position whether or not their parents were responsible for the murder or for the events in Year X-21.
115. Stepping back and considering the evidence as a whole, I have carefully considered the Schedule of Findings sought. My findings are:

"1. As at 1 July Year Y that being the date on which the local authority took protective measures C, D, E, and F had suffered and/or were likely to suffer significant harm attributable to the care given to them, or likely to be given to them, by their parents such care not being that which a reasonable parent would be expected to give.

2. In satisfaction of the threshold criteria under Section 31 of the Children Act 1989, the court has made the following findings: -

3. Since 7 September Year X B, C, and D have been the subjects of Forced Marriage Protection Orders.

4. In [date specified] Year X, the Mother and Father sought to force A into marriage with members of the extended family who live in Pakistan. Due to this, B, C, and D remain at risk of forced marriage and, therefore, at continuing risk of significant harm.

5. The Mother, Father and members of the extended paternal family adhere to Pashtun cultural norms and follow Pashtunwali codes of values and beliefs.

6. Due to A's actions in refusing to enter into marriage in Year X, to inform the police as to her parents' intentions to force B and C into marriage, her decision to inform the police as to the patterns of excessively controlling and restrictive behaviour within the family home including emotional and physical abuse

of herself and her siblings, and her decision not to return to the family home at the conclusion of the care proceedings in April 2021 were perceived by the Mother, Father, and some extended family members to have brought shame and dishonour on the family. In consequence of the above, it was reasonably foreseeable that A was at risk of serious and significant harm by reason of the same.

7. The Mother and Father were unwilling to protect A from the risk of such harm.

8. The Mother and Father ostracised A because she had defied them and reported their abuse and her fear of them forcing her into marriage to the authorities. They perceived this as being contrary to the codes of values and beliefs by which they lived, which were in accordance with Pashtun cultural norms and Pashtunwali, and that A's defiance of those codes was considered to be shameful to the family.

9. Further, the other children of the family were forbidden from having contact with A in consequence of her actions as outlined above and the perception held by the Mother, Father, and extended family members that she had brought dishonour and shame on the family.

10. Further, whether in consequence of their strict adherence to Pashtun cultural norms and Pashtunwali codes of values and beliefs or otherwise, the Mother and Father strictly regulated all aspects of A's life for instance:

- i) She was not permitted to attend school;
- ii) She was restricted in what she was permitted to eat;
- iii) She was restricted in what she was permitted to wear;

11. Further, the Mother and Father exercised excessive control in respect of B in that she informed the police in Year X that:

- i) Due to her gender, she would not be permitted to attend university;
- ii) She was not permitted beyond the gate to the property without a friend;
- iii) She was expected to undertake cooking and cleaning;
- iv) She was not permitted to read books, watch TV or go outside.

12 The Mother and Father;

- i) Were unable and/or unwilling to prevent the other parent from strictly regulating the children's lives as outlined above;
- ii) Failed to protect the A from such harmful ill-treatment;
- iii) Failed to protect the other children of the family from exposure to such harmful ill-treatment;
- iv) Exposed the children to risk of harm arising from their experiencing the same harmful ill-treatment.

13. Accordingly, the Mother and Father embarked on a course of conduct/pattern of behaviour which resulted in differential treatment of women and girls which regulated their everyday behaviour to the extent that the same amounted to significant harm.

14. Up to [date specified] Year X, the failure on the part of female children to comply with the above resulted in risk of significant harm including physical harm due to the parental desire to enforce the codes of values and beliefs by which they lived, which were in accordance with Pashtun cultural norms and Pashtunwali.

15. Additionally, in Year X, A, B and C made allegations of physical abuse of each other at the hands of the Mother and Father. Such physical abuse related to:

- i) The Father hitting B on more than one occasion;
- ii) The Father grabbing A by her hair;
- iii) The Father hitting A across her face;
- iv) The Father hitting C;
- v) The Mother hitting C;
- vi) The Mother hitting E.

16. Such allegations were true and accurate accounts of events within the family home.

17. The children's subsequent retractions of the allegations were due to the influence of the family and the desire of the children to return home.

18. The Mother, Father, and extended family continue to adhere to Pashtun cultural norms and Pashtunwali codes of values and beliefs.

POST-THRESHOLD FINDINGS

19. The Mother has not been honest with the Court or professionals and has chosen to hide the truth about past abuse in the family home prior to A's allegations in [date specified] Year X, the intention to marry her off in Pakistan, her ostracisation, and the Father's disappearance. Her dishonesty was due to her wish to hide evidence from the Court which she believes will be harmful to her attempt to secure the return of the children to her care, and her distrust of professionals who she believes are unjustifiably interfering with her private family life.

20. In order to try to support the Mother, G has also held back evidence from the court about A's ostracisation and about the culture of the extended family and within the family home when the Father was there."

116. In so finding I also find that the Mother has not been honest with the Court or professionals and has chosen to hide the truth about past abuse in the family home prior to A's allegations in Year X, the intention to marry her off in Pakistan, her ostracisation, and the Father's disappearance. Her dishonesty was due to her wish to hide evidence from the Court which she believes will be harmful to her attempt to secure the return of the children to her care, and her distrust of professionals who she believes are unjustifiably interfering with her private family life. I find that in order to try to support the Mother, G has also held back evidence from the court about A's ostracisation and about the culture of the extended family and within the family home when The Father was there.
117. However, my findings do not relate to any abuse within the family home after the children were returned to their parents' care in late Year X. I make no findings that the subject children have suffered significant harm, including physical harm since then. The key welfare question is what is the risk of harm to the children for the future, in the light of the findings made and the absence of any finding linking the parents or the adoption of an honour based code within the family or extended family with A's murder. On the one hand the parents planned a forced marriage for A and engaged in excessive control including the use of physical harm on the children to enforce codes of behaviour. I have found that A was ostracised by her parents when she reported those matters and that there remains a risk of forced marriage for the other girls within the family. On the other hand, there is no evidence of any abuse within the home continuing after the children were returned to their parents' care nearly three years ago and the children say that they want to return to the family home. Perhaps the children have been cowed into silence, but there has been ample opportunity for them to reveal mistreatment and they have not done so. The evidence does not permit me to find that the parents were involved in A's murder or that hers was an honour-based killing associated with her allegations against her parents.

Preliminary Welfare Considerations

118. In *Re R* [2018] EWCA Civ 198 McFarlane LJ said at [62]:

“In family proceedings, the outcome of a fact-finding hearing will normally be a narrative account of what the court has determined (on the balance of probabilities) has happened in the lives of a number of people and, often, over a significant period of time. The primary purpose of the family process is to determine, as best that may be done, what has gone on in the past, so that that knowledge may inform the ultimate welfare evaluation where the court will choose which option is best for a child with the court's eyes open to such risks as the factual determination may have established.”

It is often said that past behaviour is the best predictor of future behaviour, but sometimes the consequences of past behaviour cause people and circumstances to change. Unfortunately change can take time and delay is generally adverse to the best interests of children who are the subject of family proceedings. These children have already been the subjects of interim care orders for well over a year. Nevertheless, these are complex proceedings and the decisions to be made are not clearcut, will have very serious implications, and demand proper consideration.

119. I have made serious findings against the Mother and the Father. The Father has disappeared and so the family home will be different from the one from which the children were removed in Year Y. As regards the possibility of the children returning to the family home, subject to managing the risk to the children from the Father returning or influencing the Mother and the children from a distance, the focus must be on The Mother's ability to promote the children's welfare and to protect them from harm. The Mother appears to have a good bond with her children when observed at the many contact sessions that have taken place over the last 15 months. She herself has been subjugated and the Father is no longer living with her. He was the controlling force within the family and so his absence is a material change which has to be taken into account. However, it is not known where he is or whether he will seek to return. The Mother has not been frank about his disappearance. She is very vulnerable and may be unable to look after the children without assistance. Regrettably, she has not been honest with the court and it is difficult to have confidence that she will engage with professionals in the future, let alone provide the sort of therapeutic parenting that Dr Khurram advises the subject children require. The influence of B is also a concern in that she appears to adopt the parenting role in place of her mother, and shows signs of copying controlling behaviours she has experienced.
120. E and F are not vulnerable to the risk of being forced to marry, certainly not presently. They would not be subject to excessive control over their education and future employment. By very reason of the unequal treatment of girls and boys within the family, they would not be at the same risk of harm if they were returned to their

mother's care. However, consideration of their welfare involves an assessment of the harmful impact on them of being raised in a culture within the family that treats girls so differently from boys, in which forced marriage is at least contemplated, in which a sister can be ostracised for defying her parents, and in which excessive control has been exercised. And if the boys were returned to their mother's care but their sisters were not, what impact would that have upon each of the children?

121. Certain protective measures can and should be taken in relation to the subject children were they to be returned to the Mother's care. I have indicated that FMPO's should continue for C and D in any event. The court could order that the children's passports be retained and provided to the children to travel abroad only with strict protective controls in place. Injunctive orders could be made to prevent the Father from returning to the home or having any unsupervised contact with the children. With measures such as these, and continuing monitoring by and support from the Local Authority, it might be possible to find that the children, or at least the boys, can be returned safely to their mother's care.
122. It has been agreed that further assessment of G as a carer is warranted. This will take some time to conclude which allows for time for the Mother to reflect on my findings, to open up and to accept professional support. Time is limited and unless there are signs of change on her part soon, then the court will be unable to make the decisions she wants within a timescale that is compatible with the children's best interests.
123. Given the ages of F and E, long term foster placement is unlikely to be in their best interests. Adoption is also unlikely to be the appropriate option for F as has been proposed.
124. Accordingly, my preliminary view is that the following realistic options remain open and the priority should be to explore them due expedition:
 - i) That the four subject children are returned home to the care of their mother with strong protective and support measures in place.
 - ii) That the two boys are returned home to the care of their mother but the girls remain in foster care or are placed with G. Again, protective measures and support will need to be in place and the ramifications of separating the children considered.
 - iii) That the two boys are placed in the care of G with the girls remaining in foster care, with the same provisos as at (ii).
 - iv) That all four children are placed with G, with protective measures and support.

I will of course consider further submissions and evidence in relation to these and other options. I am aware that the Guardian has invited the court to rule out return of any of the children to the Mother's care. The findings I have made do not allow me to do so for the reasons I have given.

125. I urge the Mother and G to reflect on the findings made and to consider providing more information to professionals and the court, in particular about the Father's disappearance. If the Mother in particular can demonstrate that she will engage with

professionals and be more open and honest about her family, if she can agree to protective measures, accept support and begin to understand the impact on her children of the events of the past few years, then I do not rule out that some or all of the subject children could be returned to her care. She will need a great deal of support to take these steps. She is a vulnerable person. Likewise, G needs to demonstrate full openness about the family and about how A was treated by the family in order to earn trust that he can provide a safe home for some or all of the children.

126. In the interim the subject children will remain in their foster placements. I am very conscious of the very long time these proceedings have already lasted. It is important that frequent contact is maintained, including sibling contact and including with B. I hope that she too will reflect on this judgment and begin to accept support and engage constructively with professionals. My view is that the level of concern about pressure being put on the children has led to excessive restrictions on them, in particular on C, and that practical solutions must be found to enable her to live a less restricted life pending the final resolution of these proceedings.

PART TWO - WELFARE

127. This Part follows the welfare hearing in 2024. I refer to the findings of fact set out above. The findings I made gave rise to the need for a clear focus on the welfare of the children and, in particular, on the risks to which they would be exposed were they to return home.
128. In my judgment at Part One I recognised the Mother’s vulnerabilities as a witness but found her to be very evasive and that her evidence was not credible in many important respects. Indeed I found that she had “consistently misled the court”. I found that B and G had supported her in doing so. I have said that the Mother had “chosen not to tell the truth to the court because of three factors – her hostility to social workers and the court interfering with her family, her deep desire to have her children returned to her, and her submission to the wishes of the Father and expectations within her community.” I indicated that, notwithstanding the findings made, there was an opportunity for the Mother to reflect and to be more open. I wanted her to know that she would not be penalised for being open and that if she wanted her children to be returned to her care she would in fact help her own case by being honest and open. At the end of my judgment I urged her to reflect and to provide more information to professionals and the court.
129. The Mother has been represented by solicitors and Leading and Junior Counsel throughout. I am satisfied that she will have been fully aware of these parts of Part One of my judgment. Upon handing down Part One I gave directions for further assessments by independent social workers for the Mother and G so that the court would have up to date information and recommendations in the light of the findings made. These further assessments were commissioned by their own lawyers (G has only subsequently become a litigant in person) and the experts chosen with the advice of those lawyers. This judgment follows the final hearing. I have received further

written evidence including from Naomi Shann, Independent Childcare Consultant, who carried out the further parenting assessment of the Mother dated 13 March 2024, and Hajra Yaseen, Independent Social Worker, who carried out a Comprehensive Risk and Parenting Assessment Report in relation to G. I heard oral evidence from both independent witnesses. I remind myself of the expert evidence I received at the earlier hearing from expert witnesses, Ms Rattu and Dr Khurram. I have received written and oral evidence in relation to welfare decisions from Ms S, key social worker, the Mother, G, the Intervenor, and the Guardian.

130. The Local Authority has now withdrawn its application for a placement order in respect of F. The Local Authority applies for care orders in respect of each child with final care plans for C and D to be placed together in long term foster care in their current placement, and for E and F to be placed together in long term foster care with their current placement, which is a different placement from their sisters' placement. The foster placement for C and D is culturally matched. The foster placement for E and F is not culturally matched – their foster carers are not Muslim and are white. The Local Authority's plans for placement in foster care are supported by the Guardian.
131. The Local Authority proposes eight supervised family time sessions a year, including two at Eid, for the children to spend time with the Mother. Currently the children see their mother three times a week so this would mark a very significant reduction in family time involving the Mother. A reduction plan has been prepared. B currently attends those sessions and G attends some of them. It is proposed that in the future B she should attend the eight sessions per year with her mother, and G should attend two of the sessions each year. In addition there is sibling only contact, which B does not attend, taking place at least once a month which is arranged and supported by the foster carers. The Guardian has proposed monthly sibling contact should continue but that, in addition to the Local Authority's proposed eight periods of supervised family time, there should be further sibling contact involving B, C, and D, which should take place once every two months, such contact to be reviewed on advice from any therapist(s) involved with the children.
132. The Mother, B, and G oppose those plans and seek the return of the children to the Mother's care, alternatively placement of the children together in the care of G. C supports her mother, B, and G in that respect. If care orders are made (other than a care order with the children returning home) then they would propose that contact should be much more extensive than the Local Authority have planned. B has applied for the discharge of the Forced Marriage Protection Order ("FMPO") that remains in place for her. FMPOs remain in force for C and D.

Evidence

133. The Mother again gave evidence through an interpreter. Unfortunately a change of interpreter had to be directed. The court interpreter spoke a different dialect from the Mother and this caused him some difficulty. The Mother's own interpreter was sworn in and I am grateful for her assistance. I am satisfied that, despite the difficulties the first interpreter had, the Mother understood the questions put and I received a good enough interpretation of the Mother's evidence. It was not suggested otherwise. The

Mother wore a veil when giving her evidence and I did not ask her to remove it. She seemed to me to speak fluently and to answer questions without any noticeable delay.

134. The Mother's evidence at this final hearing (Part Two) was similar to her oral evidence at the finding of fact hearing – she denies without exception all the allegations made against her and her husband. The court's findings were wrong. They had enjoyed a good family life before A had told lies in Year X. There were no risks to the children were they to be returned to her care. She told me in oral evidence that the Father had divorced her in the eyes of her religion and culture but she had not secured a legal divorce.
135. The Mother said that there had been no contact of any kind between her and her husband since he had divorced her and left but that on separating from her he had handed to her £25,000 in cash of which, some 15 months later, she now had £7,000 left. She had used it for food, electricity and other expenses. She said that she had not mentioned this money to anyone before she showed £9,000 to Ms Shann during her assessment this year. She thought it would be a security risk to tell anyone. The first mention of the sum of £25,000 was during her oral evidence in court. She said that the cash had come from the sale of the family's house (which had raised £70,000). She did not know where the Father had kept the cash before he handed £25,000 to her. There is no evidence that he had banked the proceeds of the sale of the house. It would seem, on the Mother's evidence, that he kept the balance of £45,000 for himself. After her evidence she produced a current bank card and a very recent bank statement showing an account in her name with a payment into it of child benefit, and a payment out of £5. She told me that at G's suggestion, a few weeks ago she had made enquiries of the Father's whereabouts in Pakistan, contacting her father and brother who live there. No members of the family in Pakistan had had any contact with him. It seems that she had not made any previous enquiries and has shown no evidence of being concerned about him despite the fact that on her evidence he has completely disappeared.
136. G was frank in his final statement and oral evidence: the Mother and the Father have done nothing wrong. There is no risk to the children from return home. Ms S has been "extreme" in the imposition of restrictions on contact and her conduct has been racist in his view. The Local Authority's case is based on speculation and suspicion. In apparent reference to the court he has said that the "quality of the findings are [sic.] very low". He told me that he had had no dealings with the Father or the Mother and their children for 20 years until he stepped forward to take in A in Year X. He had not then witnessed anything but happiness in the home when he had visited the Father, the Mother, B and the four children with whom I am concerned. He did not think there were any grounds for concerns about the children's welfare if they were to be returned to the Mother's care, or, failing that, put into his care. He states that he has a great relationship with all the children.
137. Ms S gave evidence with assurance and consistency. She struck me as a very professional social worker who has strived to build a rapport with the children but who has found the Mother, B, and G hard to work with. She has remained of the view that the family is a source of unacceptable risk to the children and that contact of any kind needs to be very carefully managed in order to avoid the children coming under pressure. I can see why members of the family might think she is rather hard on them but this has been borne of significant concerns about pressure being put on the

children by members of the family. She was unbending in her evidence and she demonstrated a desire to stick to rules and procedures. She was so anxious to impress upon the court the extent of the risk of harm to the children that she struggled to articulate the possible disadvantages of long term foster care or the advantages to the children of returning to their mother's care, or of maintaining more frequent contact with the Mother and B than is set out in the Local Authority's plans.

138. Despite her sometimes brisk professionalism, I was struck by Ms S's focus on the children. Ms S has spent longer with the children than any other professional in this case, and has, I accept, formed good relationships with them. She said that, notwithstanding what C has said in her statements and during assessments, she seems to be settled in her foster placement and is often manifestly happy there. She said that when she has discussed the plan for the children to remain in their current placements and for significant reductions in family contact, the children have not been obviously upset, but rather that they accepted the proposals without adverse comment and went on with their discussions or activities as before.
139. In her report, Ms Shann describes her approach to the parenting assessment of The Mother as follows:

“In order to complete this assessment, I have used the ParentAssess Framework (2016) which has been developed for parents who have a learning disability and additional needs. It is based on the DOH Assessment Framework 2000 and complies with the Good Practice Guidance 2021 and uses various visual tools and methods to help the parent understand and engage with the assessment process.

I have used a variety of techniques with the family including picture cards, and exploring situations from the child's perspective I have completed parent/child observations. I have spoken to key individuals in the parent's support network.”

140. Ms Shann's report is thorough. I can do no better than to use her own words and so I shall quote from her report at some length. She summarises her findings and recommendations as follows:

“8. The reflective space offered to the Mother within this assessment process provided an opportunity to discuss, explore, re-visit issues. It is acknowledged that for the Mother the stakes are high, she dearly loves her children and seeks reunification. From the outset of the assessment, it was explained to the Mother that she needed to be transparent. What the Mother needed to bring to the assessment process was a willingness to reflect honestly about her own experiences and those of her children. Unfortunately, the Mother has consistently refused to enter into meaningful discussions. She has been guarded and untruthful even on seemingly minor issues.

9. The Mother has sought to deflect and minimise issues. She is clear that the Judge has “imagined” that there are concerns. She is frustrated by the continued separation from her children but appears to have no grasp as to why professionals are worried. The Mother asserts that the Judge has “made up” and “invented” issues which he has no right to do. The Mother remains fixated that she was “exonerated” in the Year X proceedings and that should stand.

10. Throughout this assessment, I found myself increasingly troubled by the Mother’s narrative and the projection of blame to others including her murdered daughter A. In the Mother’s mind A displayed behavioural difficulties which caused problems for the family in Year X. The Mother is incredulous about professionals’ resurrection of the concerns in the previous proceedings, and the recent finding that “the Father and the Mother were both planning to marry A off to a first cousin in Pakistan in Year X, without her consenting to that marriage”. She wholly rejects this fact and similarly that there have been any concerns within the wider family around forced marriage.

...

12. The Mother’s ability to think independently from members of the wider family and to make pragmatic choices to ensure the children’s safety, is not evidenced. I am concerned about her lack of attention to A following the Year X proceedings. Within this assessment the Mother explained that she had not had any contact with her daughter for couple of years prior to her death. In previous evidence to the Court the Mother stated that “the door was always open” when challenged that A was ostracised. Subsequently the family narrative changed with B asserting that her parents did have contact with A and that the whole family would gather for special occasions.

13. Whilst the Mother has stated that she is now divorced from the Father and has had no contact with him since their divorce early 2023 I am concerned about his ongoing influence on the Mother. Women’s Aid explains that “Coercive control creates invisible chains and a sense of fear that pervades all elements of a victim’s life. It works to limit their human rights by depriving them of their liberty and reducing their ability for action. Experts like Evan Stark liken coercive control to being taken hostage. As he says: “the victim becomes captive in an unreal world created by the abuser, entrapped in a world of confusion, contradiction and fear.”

14. The Mother appears unable or unwilling to talk about the Father in any depth and he is described in wholly positive terms. She blames the breakdown of their relationship on social

workers. I am concerned that she remains under control from The Father and/or his extended family. The Mother is not an independent woman. She has no ability to make choices for herself, other than what food she might choose to cook. Even basics such as having a bank account and claiming benefits are inaccessible for the Mother.

15. After an untruthful description of financial freedoms, the Mother eventually conceded that she survives on monies from the Father. He left her with thousands of pounds prior to his disappearance and during the assessment the Mother produced a bag with £9000. This is reportedly her only monies. It is unclear who now receives child benefit for the children, but the Mother no longer has a bank card. She has no record of any bills, and her estimates of expenditure are simply unrealistic. It is my view that other person/s are in fact controlling the family finances. The Mother remains vulnerable because at some point her cash will run out. She does not speak English, cannot read or write in any language, never travels alone. Accessing welfare benefits will be difficult for the Mother to navigate.

...

17. It is stated by the Mother and the family that the Father is now living in Pakistan but that no-one has had any contact with him. This is un-verified, and he could equally be living in N and simply avoiding the ongoing Court process. The allegations made against him by H whilst under criminal investigation may have something to do with his disappearance. However, H has subsequently been convicted and there is no criminal investigation ongoing in relation to the Father. I would argue that this makes it more likely the Father would return to the UK where he has always lived and re-connect with family. The Father poses an unassessed risk which cannot be mitigated because there is a lack of transparency from the family. I find it difficult to believe that the Mother does not know more of the Father's whereabouts. Even if he is in Pakistan, it should be noted that the Father is part of the Mother's extended family, they are cousins. I would have assumed that if the Father had genuinely vanished with no trace that the Mother and the family would have reported him missing to the authorities, especially considering the assertion that his mental health was badly affected by social care involvement.

18. Within this assessment I have noted that the Mother explained that she was divorced, but that on a separate occasion referred to herself as being married. This occurred during a discussion about her wearing a headscarf and niqab (niqab is a veil for the face that leaves the area around the eyes clear). The Mother clearly articulated that this was worn because she was a married woman. When challenged about this the Mother

backtracked explaining that she wears the niqab for “fashion” reasons and then stated that she did not understand the interpreter.

19. Throughout the assessment very clear and simple language has been used. A ParentAssess model has supported the Mother to engage and has addressed some barriers around her understanding. It is important to highlight that The Mother has had the same interpreter throughout the proceedings. During this assessment sessions have been specifically arranged to ensure that the Mother is supported by an interpreter who she knows and communicates effectively with. It is my view that when challenged about the validity of her answers the Mother sought to deflect.

...

23 The Mother sought to present herself as forward thinking and liberal. Yet I formed the view she was controlled and oppressed. I was unconvinced that the Mother had the capacity to promote freedoms or choice for her children.

24. The Mother has been completely rejecting of any previous parenting issues. She does not accept the Court findings ...

25. The Mother cannot comprehend how the Judge has made these findings when the children retracted previous allegations. The Mother understands things in very simple terms. She expects that professionals (and the Judge) should accept whatever is said at face value. The Mother is adamant that there were no restrictions on the children’s freedoms. They could access education, watch television, wear western clothing, and there was no requirement to assist with chores. The Mother is angry with the Judge and views the social work team as corrupt.

26. There is a clear family narrative in respect of social work involvement, and I noted with concern how the Mother’s daughter B gave an almost verbatim account of the errors made by the Judge at the finding of fact hearing and his “imagination” as her mother did during separate interviews. Like her mother B explained that it is G who explains the case to her, and she accepts his explanation without independent questioning.

27. B corroborates her mother’s account that there never was any issues within the family. She too firmly blames A for the breakdown of the family unit. B presented as angry regarding her sister’s previous behaviour. The only time B demonstrated any emotion when discussing her family was in relation to her father who is absent and allegedly in Pakistan. B is a key

person within the Mother's support network but unfortunately her inability to contemplate risk means that she cannot be seen as a protective factor.

28. Within the assessment the Mother has maintained that there are no concerns regarding her parenting capacity. Observations of supervised contact indicate that the Mother is caring and prepares meals for the children. She is also warm and genuinely enjoys her time with the children. However, the Mother finds some aspects of parenting more difficult. For example, emotionally connecting, sustaining play and interaction. She is dominated by B who takes a lead in terms of the parenting role. The Mother has found it difficult to accept advice from professionals to develop her parenting skills. Within this assessment she has reluctantly trialled ideas but is evidently indignant and seeking to pacify the assessor rather than engage in reflective learning around parenting strategies. I have seen no evidence of advanced skills to be able to emotionally support the children through multiple losses. The Mother finds it hard to maintain a meaningful dialogue with the children and there are awkward silences.

29. Without having sight of the case papers, I would have assumed B was mother to F and E. She adopts a parenting role and presents as very mistrusting of professionals openly challenging advice. I am clearly of the view that if any or all of the children were rehabilitated then B would be expected to take on an extensive parenting role.

30. Overall, I have come to the conclusion that it would be unsafe to rehabilitate any or all of the children to the care of their mother. Whilst she is presenting as a single carer, I do not believe that she is free, independent, or autonomous. The whereabouts of her husband the Father are unknown, and he remains an unassessed risk that cannot be mitigated by professional support or involvement because there is a lack of transparency from the Mother.

31. Sadly, the Mother has been unable to engage meaningfully in this assessment or to reflect genuinely on her parenting. The Mother's voice has been silenced within this Court process. In my view she is vulnerable and unable to provide good enough parenting to the children which would keep them safe from harm. The Mother is not able to protect the children's rights, choices, and freedoms due to the crushing influences of wider family and culture. She cannot safeguard the children against abuse perpetrated by others within her wider family.

32. It is apparent that at various times the Mother's voice has been silenced or is of little influence. Her absence from A's life is a stark example of this and it is apparent that at times the

Mother has kept quiet and conformed to maintain the peace with her husband and wider family. Another example of this is within the previous proceedings B disclosed how her mother would “snitch” on them to their father to safeguard her own position. There are concerns that the Mother has sought to protect herself and in doing so has neglected her child/ren. The situation is complicated because the Mother is so vulnerable herself but her ability to protect is grossly compromised. Additionally, there are concerns that the Mother would resort to controlling and abusive parenting practices if faced with stress which would be likely if any of the children challenged the boundaries or deviated from what was expected of them.

Recommendations

33. I am unable to recommend the rehabilitation of any of the children to their mother.”

141. Ms Shann was robustly cross-examined as to whether her views would apply equally to all families with heritage in the Pashtun region at the border of Afghanistan and Pakistan such that the children of all those parents who adhere to that culture would be regarded as being at risk of serious harm due to their parenting and ought to be removed from their parents’ care. She dismissed that suggestion saying that there were striking factors in this case, citing the findings of abuse and risk of forced marriage, and the ostracisation of A. She said that she tried to give the Mother space and time to at least discuss the effects of the court’s findings and of certain expectations being imposed on the children, rather than to seek to persuade her that she had to make significant changes, but the Mother was simply “not willing to go there.”
142. Mr Bickler KC took Ms Shann to task for not including B in the list of people who could give family support to the Mother if the children were returned. Ms Shann accepted that the layout of her report could have been changed but pointed to the fact that she had discussed B’s beliefs and role in detail in the report. That is so: Ms Shann has addressed at some length B’s adoption of the same narrative about A as her mother, her leading “parenting” role during contact, and her strong denials that there was anything of concern in the family dynamics prior to A’s allegations in Year X (which, of course, B supported at the time). Ms Shann has not focused on the practical care for the children that the Mother could give, supported by B, but on the risks to the children from the exercise of control and the enforcement of rules of conduct and expectations. She does not believe that any of the suggested support network, including B, could act as a protective force for the benefit of the children. She actively considered the Resolutions approach, in which she is trained and experienced, but considered that it was not appropriate to the present case: there was no sufficient support network, the Mother was not prepared to work with therapists or other professionals, and the findings of fact went to the very core of the family dynamics rather than being related to a discrete, manageable risk.

143. Ms Yaseen has also provided a comprehensive assessment and report on G. She has concluded:

“Discussions with G and his observations with the children evidenced that he did love and care for the children and they in turn reciprocated the love and attention he had shown them.

197. However, sad as it is, this assessment showed that G will not be able to offer the care the children need, and deserve, taking into consideration the trauma and turmoil they have experienced and are still experiencing. In certain circumstances, children can be placed where some risks can be managed and the care is ‘good enough’ but it is my belief that if the children are placed with G, some risks will not be manageable and the care will be less than ‘good enough’

... he lacked an in-depth knowledge of each child’s needs and how he would meet those needs, some of which, emotionally, are complex. He has not been able to address these needs previously for fear of ‘upsetting them’. The children are ‘stuck’ emotionally due to loss of each other, loss of their parents, the previous life they had (good or bad), death of their sister, loss of father and all else they knew in their ‘previous life’. They will require long term therapeutic work, bereavement support, reassurances that none of this was their fault, sadly I am not convinced G could provide this. G believes the children will be fine and he won’t need any support and the references he has provided have not all given a fair and balanced view of his abilities to offer the children the care they need.

...

201. The theme of this assessment has been the inconsistent, limited and lack of details in information G provided, which often showed gaps or confusion. Examples can be the house moves, G’s living circumstances, his relationships with [other family members] particularly the Father and H, his views re forced marriages and his understanding of what was actually going on around him within the family particularly in relation to the treatment of the females within the household.

202. Unfortunately, I remain concerned in relation to G’s honesty. He did not inform me he had worked with H following the covid period, despite repeated requests to be open and honest. In his Position Statement he stated he wanted to remain separate from the children’s parents but in this assessment, he was clear he had a moral duty to look after the Mother and B. Concerns also remain in relation to the Father in the event he returns from Pakistan; will G be vigilant and ‘strong’ enough to keep children safe from him as he was unable to have any

influence on family members previously, citing ‘no one ever listened to me’.

...

The additional concerns are that G does not accept the concerns of the Local Authority, the courts or Natasha Rattu’s Findings. The parents and the children also do not accept the concerns, how will G promote working with the officers of the department when they all have these views? Family relationships remain fractured, adults still appear ‘angry’ with one another, ill feelings and grudges are still being held – children placed with G will no doubt, even by default, become entrenched in this. This is likely to be harmful for the children as they are already in vulnerable circumstances; each child has a different view; D not really bothered if she returns home or not, E wants to remain in foster care and C wants to return home – how will these be managed by G?

Since these and the previous proceedings started, there have been several assessments of the family including G being the subject of at least four (Honour Based/Forced, Viability and Stage Two) and the current assessment. As part of this assessment, the key professionals in the lives of the children, since they became Looked After i.e., the Social Worker and the Independent Reviewing Officer, were spoken with to obtain their views, sadly their comments did not offer confidence that G would be a suitable long-term carer; they have not been privy to this report but shared the same reasoning as highlighted in this assessment.

...

Sadly, taking into consideration the concerns in this assessment, I am unable to recommend that the children are placed in the full-time care of G.”

144. Mrs Yaseen has met all of the children. She stressed that she is from the same religion and culture as the Mother. She said that she had worked with such families for many years. She told the court that it was very hard for children in such families to go against their parents. They were “groomed to be loyal” to their parents. If they move away from their parents they know they will only have a “new set of problems”: they will lose contact with their family and community, being ostracised as was A. They do not want to lose their family, they just want the abuse to stop and not to be forced into marriage. She said that C loves her parents but does not understand her own vulnerabilities.
145. The Guardian has provided a final analysis report dated 19 April 2024. She supports the Local Authority’s plans for long term foster care. She has been involved with

these children for four years. She pointed out that when, in 2021, she recommended their return home to their parents' care she did with the expectation that there would be ongoing Local Authority monitoring. The Guardian accepted that C has expressed a wish to return home but said that she understood that C was unhappy with being "in foster care" rather than with the placement itself, or the foster carers themselves. It is the status of being a looked after child that she hates. Rather like the experience of Ms S, when the Guardian has discussed with C, D, and E the prospect of remaining in foster care rather than returning home, they have been accepting and not distressed. Similarly, the suggestion that family time might be reduced, even significantly, has not produced upset or objections from those children. She was cross-examined about the lack of detailed notes of such conversations, but she said that she does not note every aspect of the conversations down. She was confident when giving her evidence about the children's reactions.

146. The Guardian has reported that:

"C continues to do well in school and she is very focused on her revision and her upcoming exams. These are important to C and she has said she does not wish to attend family time whilst her exams are on-going so that she can concentrate fully. School report they have no concerns for C and she is meeting all her educational attainments as expected."

Her judgement was that C would not "vote with her feet" and run away from foster care before she turns 18. As for D, she too states that she wishes to return home. The Guardian advises:

"D is very settled in the foster placement and will talk positively about things she has done with her foster family. She is also being given measures of independence age-appropriate whilst in her foster placement and she is developing a strong personality, her own identity, and her own hobbies."

The Guardian's judgement was that if C did run away from foster care, D would choose to stay, notwithstanding her expressed wish to return home.

147. The Guardian reports that E is very settled and doing well at school, He engages in a lot of activities. He has visited A's grave and is now able to talk about her as a sister. I remind myself that at the earlier hearing I received evidence that E believed that A had stolen money and passports from the family. He had a narrative about her that was untrue and portrayed her as something of a villain. The Guardian states that E is happy to stay with his foster carers.

148. F is "happy and thriving" in his foster placement according to the Guardian. He is too young to verbalise any wishes and feelings. It has been observed that at supervised family time he spends a lot of time with B and that the Mother is often occupied with providing food for the children which she has taken great care over in preparation for the family time sessions.

149. As well as the witness evidence I have been provided with contact records, and notes made by Ms S and the Guardian. It is clear that contact since my earlier judgment has gone well and has been positive for the children. I credit B for having made changes to the way in which she interacts with contact supervisors, although some tensions still appear to exist. I should also mention again the evidence of C's views – I should make clear that when she has provided instructions in this case and when asked directly, she has stated that she very much wants to go home and to do so as soon as possible. She says she has been miserable in foster care. She seems to be aware that at 18 she can make her own decisions and has indicated that on her 18th birthday she will choose to return home.

Legal Framework and Submissions

150. In the matter of *H-W (Children)* [Year Y] UKSC 17 the Supreme Court set out the legal framework to a care application:

[39] Most applications for a care order, and this one is an example, will require the judge to traverse three principal stages:

(i) finding the relevant primary facts;

(ii) determining whether the legal threshold for the making of a care order has been crossed (section 31(2)(a) Children Act 1989); and, if yes, then

(iii) deciding the proper order to make (the disposal or welfare stage).

40. Where a court is considering whether to make a care order which is a Part IV order, by virtue of section 1(4) a court shall have regard to the welfare checklist.”

151. The welfare checklist is set out at Children Act 1989 s1(3) and I need not repeat it here. I have made findings of relevant primary facts in my earlier judgment. I also found in that judgment that the threshold was met. I am now concerned with the third stage. The Supreme Court referred to its earlier decision in *In re B (A Child) (Care Proceedings: Threshold Criteria)* [2013] UKSC 33; [2013] 1 WLR 1911 and the need to consider requirements of proportionality and necessity, holding that a decision whether to make a care order:

“... clearly engages the article 8 rights of the parents and children. It follows that a care order can only be made, even if the statutory threshold criteria under section 31(2) are met, if such an order is necessary in a democratic society for the protection of the child(ren)'s right to grow up free from harm.

That means that the order can be made only if it is proportionate to the needs of the situation. See especially Lord Wilson at paras 32-34, Lord Neuberger of Abbotsbury at paras 73-79 and Baroness Hale of Richmond at paras 194-198. And it follows also that, as Lord Wilson put it at para 45, a judge considering a care order has an obligation not to act incompatibly with the article 8 rights involved. In truth, the obligation under article 8 ECHR, so clearly recognised in *In re B* does no more than restate the longstanding proposition of English childcare law that the aim must be to make the least interventionist possible order, but the emphasis given to the issue in *In re B* was overdue.”

The principles as to necessity and proportionality apply just as much to the present case as they would to a decision on placement for adoption. McFarlane LJ in *In re G (A Child) (Care Proceedings: Welfare Evaluation)* [2013] EWCA Civ 965; [2013] 3 FCR 293; 2013 EWCA 965 encapsulated the task for the Judge in such a case:

[50] ... the judicial task is to undertake a global, holistic evaluation of each of the options available for the child's future upbringing before deciding which of those options best meets the duty to afford paramount consideration to the child's welfare.

...

[54] What is required is a balancing exercise in which each option is evaluated to the degree of detail necessary to analyse and weigh its own internal positives and negatives and each option is then compared, side by side, against the competing option or options.”

152. In *JW (Child at Home under Care Order)* [2023] EWCA Civ 944 the President of the Family Division set out in concise terms the process to be adopted when the court is considering whether to make a care or supervision order:

“[33] In care proceedings, the protection of the child is the decisive factor when the court is deciding whether to make a care order or a supervision order. The court should first make a careful assessment of the likelihood of future harm to the child, and must then weigh that harm against the harm that would follow from the child being removed from his parents under a care order. A care order rather than a supervision order should be made only if the stronger order is necessary for the protection of the child (*Re D (Care or Supervision Order)* [1993] 2 FLR 423; *Re S (Care or Supervision Order)* [1996] 1 FLR 753; and *Re B (Care Order or Supervision Order)* [1996] 2 FLR 693).”

153. The President considered the disparity of practice across the country in relation to making care orders in respect of children being returned to their families. He said:

[65] ... There needs to be a common approach throughout England and throughout Wales. What that common approach should be has been determined through consultation and discussion by the multidisciplinary membership of the PLWG. The recommendations at paragraphs 158 to 162, and the Best Practice Guidance at paragraphs 34 to 37, of the PLWG March 2021 report, and Appendix C of the April 2023 report on supervision orders, which have already had extra-curial endorsement, I now formally endorse in a judgment of this court. They must be applied in all cases. The approach taken by the PLWG is no more than the logical development of the earlier caselaw, once account is taken of the need for proportionality and once it is understood that, following *Re DE*, there are only procedural differences between the power of removal where there is a care order or where there is none. As *Hale J/LJ* made plain, it has never been the case that a care order should be used as a means to ensure that a local authority meets the duties that it has with respect to children in need in its area, nor should it be used to influence the deployment of resources.

[66] The PLWG recommendations and guidance can be reduced to the following short points:

- a) a care order should not be used solely as a vehicle to achieve the provision of support and services after the conclusion of proceedings;
- b) a care order on the basis that the child will be living at home should only be made when there are exceptional reasons for doing so. It should be rare in the extreme that the risks of significant harm to a child are judged to be sufficient to merit the making of a care order but, nevertheless, as risks that can be managed with the child remaining in the care of parents;
- c) unless, in an exceptional case, a care order is necessary for the protection of the child, some other means of providing support and services must be used;
- d) where a child is to be placed at home, the making of a supervision order to support reunification may be proportionate;
- e) where a supervision order is being considered, the best practice guidance in the PLWG April 2023 report must be

applied. In particular the court should require the local authority to have a Supervision Support Plan in place.”

154. I received oral submissions. The Local Authority submitted that the evidence received at the hearing only served to underline their proposed orders and care plans. The Guardian supported the Local Authority with some variation in relation to proposed contact. Mr Howling KC, Mr Bickler KC and Ms Mason for The Mother, B, and C respectively, urged the court to look beyond the independent reports and consider the balance of harm which, they said, the Local Authority, Guardian, and independent assessors had got wrong. Mr Bickler KC submitted that B’s role as part of a potentially protective support network had been overlooked. A jaundiced view of the Pashtun culture and unjustified continuing suspicions that the parents had been involved in A’s murder had prevailed. Ms Mason pointed to C’s particular circumstances and the almost inevitability, as she submitted, that she will leave foster care of her own accord as soon as she realises she can do so.

Analysis and Conclusions

155. I have carefully assessed the witness evidence in this case. I was impressed by the evidence of Ms Shann and Mrs Yaseen. Both had provided comprehensive, sensitive, and carefully considered reports. They gave their oral evidence in a similar manner. I take into account their considerable experience in difficult family cases.
156. I am struck by the consistency amongst Ms Shann, Ms Yaseen, Ms Rattu in her earlier evidence to the court, Ms S, and the Guardian. Whilst they do not all address the same specific issues, there are themes that run through their evidence and which appear in my previous judgment: family disputes and divisions, violence within the family, forced marriage, deceit when dealing with authorities, silence and concealment, control, the importance of cultural expectations and codes, and ostracisation. Specifically, I previously found that the Mother had shown an unbending reluctance to open up her family to scrutiny. In other circumstances this might be justified – no-one would wish to have social workers, experts, and the court, pouring over their private lives – but in the circumstances of a murder within the family, forced marriage protection orders, a husband who has disappeared without trace, and her children under 18 being in foster care, the time had surely come for the Mother to be more open and honest, and to address professionals’ concerns. Quite clearly, she has decided not to do so but instead to deflect, to remain silent, and to deny.
157. I do not find the Mother’s evidence to me for this final hearing (Part Two) to be credible. Firstly, she flatly denies the truth of any of the findings of fact that I have made. Secondly, her account of an almost idyllic family life prior to the events of Year X is wholly incredible given what A and the other children did and said at that time. Their allegations did not spring out of nowhere. Thirdly, Ms Shann has

produced a very thorough assessment after having spent considerable time with the Mother and has concluded that the Mother was not honest with her. Fourthly, I have previously found that she has not been open and honest about the Father's disappearance and her more recent evidence only serves to add weight to that finding. She has, only now, told the court that that the Father gave her £25,000 in cash before he left. She did not mention that at the last hearing. She showed Ms Shann £9,000 in cash earlier this year. This followed discussions about finances in which, Ms Shann considered, the Mother had not been honest. She had not previously revealed that she held large amounts of cash to anyone.

158. I have taken into account the Mother's vulnerability, her lack of education, her language difficulties, her experiences as a woman in this family. However, Ms Shann went out of her way to adopt an approach that would allow someone with the Mother's disadvantages to engage and the Mother refused to engage. I do not accept that she is unable to tell professionals and the court more about what she knows and what she has witnessed. I conclude that she has chosen not to do so. Mr Howling KC raised the possibility that the Mother has an undiagnosed cognitive impairment or other condition which might limit her emotional intelligence and capacity for empathy. However, there is no evidence of such condition. The Mother has been ably represented by solicitors, experienced Junior Counsel and another KC prior to Mr Howling's involvement, and no report on her cognitive abilities has been suggested. She shows emotional warmth with the children at supervised family time sessions. She appeared to me to answer questions freely albeit through an interpreter. Ms Shann adopted the ParentAssess model which she has experience of using for parents with learning disability. I do not accept any suggestion that the Mother's failure to be frank about her family is due to an undiagnosed cognitive or other impairment.
159. G is a more sophisticated individual who has at times spoken of his family in a way that accords with some of the findings that I have made. However, he now clearly discounts those findings as wholly wrong. He is always courteous in court and he is free to disagree with the court's findings, but I do not find his assurances about the Mother and the family credible. He now speaks of the Father and the Mother as if there have never been any problems or causes for concern about their parenting. He believes that there would be no risks to the children were they to return to the Mother's care and rejects the court's concerns. I accept and share Mrs Yaseen's concerns about G's consistency and honesty. His stance has varied over time and he has responded to my earlier judgment in a way which shows that he could not protect or meet the needs of the children.
160. I recognise that nearly two years have passed since the children were removed from their parents' care in the aftermath of A's murder. The delay in making final determinations about these children's care is regrettable. In part it is due to the criminal proceedings which were concluded in early 2023. Then there was a detailed finding of fact hearing because key allegations were disputed. Finally, there have been detailed, independent assessments of the Mother and G. I am satisfied that the children's best interests have been the subject of extensive scrutiny and anxious consideration.
161. I have to consider the best interests of each child individually but I also have to consider the impact of siblings being separated.

162. The Local Authority no longer seeks an order for placement for adoption for F. The realistic options in this case for each child are (i) long term foster care; (ii) reunification with the Mother under a care order, a supervision order, or with no public law order, with or without additional protective orders such as FMPOs; (iii) placement with G under a care order or special guardianship order. It is not a “given” that C and D must be kept together, or that the same is so for E and F. It is possible that different solutions should be found for the different children.
163. There are some advantages involved in returning the children to the Mother’s care. The Mother can provide them with practical care – she can meet their needs in terms of housing, food, clothing, and other practical support. She might need some assistance with managing the household finances – on her own evidence she has been relying on a large amount of cash given to her by the Father which she has not banked. There is no evidence that any of the children suffered physical harm in their parents’ care once returned in 2021. Notes of family time sessions describe a loving bond between the children and their mother, and also with B who continues to live at home with the Mother. B and G could offer practical and emotional support to the Mother which would help her to care for the children. If returned home, the children would be living in their natural family, reunited with their siblings, being brought up in the religion and culture of their family.
164. There are disadvantages of the option of long term foster care. It would, save for family time arrangements, remove each child from the Mother and eldest surviving sister and the two pairs of child siblings from each other. It would override the wishes of the two daughters who are currently in foster care. C has expressed a strong wish to go home. D wishes to go home. C is very nearly 16 and her wishes carry significant weight. I have to take into account the possibility that she could “vote with her feet”. I have to consider the possible effect on D were C to leave the foster placement prematurely. I have to consider life for D in long term foster care after C turns 18 when she has said she will leave (if she has not done before then) leaving D on her own. Foster care placements are not guaranteed to last throughout a child’s minority. As for the two young boys, long term foster care carries with it a greater risk of changes of placement than for the older girls. F could be in foster care for over 15 years. The boys are in a placement that is not a cultural match and I must consider the impact on them of being separated not only from their family but from being surrounded by their family’s religion and culture.
165. In considering the risks to the children from a return to their mother’s care, or placement in G’s care, I emphasise that I have found that there is no evidence linking their parents with A’s murder. I have also found that there was no evidence that her murder was linked with honour based abuse within the wider family. H might have been so motivated but there is no evidence that he was. It would have been speculative to find that his motive was to punish A for having defied her family. After the children were returned to their parents’ care in 2021, there is no evidence that they suffered abuse in the family home. Even now they have not reported any ill-treatment during that period.
166. If the children, or any of them, were returned to their mother’s care, there are certain measures that could be taken to mitigate risk including:
- i) Forced marriage protection orders;

- ii) A Port Alert which would be triggered if the Father is abroad and then returned to the UK;
 - iii) An exclusion order preventing the Father from entering the family home.
 - iv) A plan for therapy and support for the family.
167. The history of events has been characterised the Mother, B, and G as being one that does not give rise to a risk to the children. Counsel for the Mother and B recognise that the position is more complex but in essence submit that there is a relatively low, and manageable level of risk involved in the children returning to family care. The argument runs as follows. First, the court was satisfied in 2021 that it was safe for the children to be returned home. Second, there is no evidence that the children came to harm at home between then and their removal under interim care orders in Year Y. Third, the court has found that there is no evidence linking the Mother and Father to A's murder. If it was safe for the children to be returned home in 2021, and there is no evidence of harm being caused by the parents thereafter, certainly not by the Mother, how can there be a significant risk to the children now?
168. In my judgement, this characterisation of the events this court has had to consider, misses some key elements of the proper assessment of risks of harm in relation to these children.
- i) I have made some serious findings against both parents. I acknowledge that they relate to events prior to the court allowing the children to return home in 2021 but my findings were based on the totality of the evidence and they have not been challenged. These findings included that the Father and the Mother planned to force A into marriage, that they subjected their children to ill-treatment and excessive control within the family home, that when A defied them she acted contrary to the codes of values and beliefs by which her parents lived and her defiance was considered by them to be shameful to the family, that they ostracised her as a consequence, that she exposed herself to the risk of harm by defying them and the codes by which they lived, and that they failed to protect her.
 - ii) I found that the whole family – including the immediate family and the wider family – is characterised by rifts and extreme behaviour and has a history of deceit when trying to make arrangements for the marriage of women within the family. I found that the Father adhered to codes of behaviour within Pashtun culture which he thought to be important and that his “conduct with other family members, his control of his daughters, his responses to being disobeyed, his conduct in ostracising A is consistent with adherence to codes of behaviour within Pashtun culture.” The Mother may herself be a victim of this family culture, or even a wider culture within parts of her community, but through conditioning or otherwise, she too has been party to exercising excessive control over the children, including by the use of physical force, and she was party to the plan to force A into marriage. She too ostracised A and still blames her for the division of her family.
 - iii) Hence, there is a pattern within the immediate and wider family which has previously and repeatedly put its younger members, in particular the younger

women at risk of harm. A's murder was the most extreme example but it was not wholly isolated. There has previously been violence, threats, and ostracisation. H has not been the sole perpetrator of harm and his incarceration does not end the risk of harm to women and children within this family, in particular any who might be regarded as disobedient. The fact that we do not know what H's motive was does not mean that there was no motive. I do not regard the fact that there was a murder within the family the motive for which is unknown, as particularly reassuring in terms of ongoing risk to the children.

- iv) The ostracisation of A was very significant for these children and has to be viewed in the context of the children's involvement in what preceded it. Their parents were having no contact with their eldest sister. B, C, and to a lesser extent D, had initially supported A. They had not wanted to go back to their parents. I have found that this was not some childish game, but that the reports they made were sincere. For them to have turned against their parents must have been a hugely significant step for them all to take for the reasons articulated to me by Mrs Yaseen and previously by Ms Rattu. I have found that the children's allegations against their parents in Year X were largely true. Under pressure the girls retracted some but not all of their allegations but A chose to live outside the immediate family and she suffered the consequence – ostracisation. I have no doubt that this would have been seen by A's sisters (her brothers were both too young at the time) as a punishment for defying her parents. In the context of a family in which there was ill-treatment of the children who were excessively controlled, it would have made a powerful impact on C, D and E, to see how A was dealt with when she defied her parents and would not return to the fold.
- v) When considering harm to the children's emotional welfare and the risk of further harm of that kind, it is important to view the dramatic events in this case from their point of view. Their sister was murdered after having defied their parents and wider family. She was murdered by a family member. Their parents blamed A for breaking up the family. They had ostracised her. I confirm that there is no evidence to link them to her murder but, from the perspective of C and D, there will be many questions with which they have grappled and will have to grapple in the future. Why are they not believed, why was A blamed, and why was she ostracised? Who can they trust? Who could they turn to if they needed help or wanted to raise concerns about a parent or elder sister? Unfortunately there are no easy answers. Adding to their emotional difficulties and the risk of future emotional harm is the fact that the Mother, B, and G do not accept the findings of the court and therefore do not accept that the children had told the truth about abuse within the home. Any child of C or D's ages would think twice before saying anything negative about their family. There is also the risk that if E and F were to grow up in the same environment, they too would become reluctant to disclose anything untoward outside the family. They will surely learn more about what happened to A and her ostracisation by her parents. They will be liable to have the same questions as their sisters.
- vi) On top of the trauma of having been removed from their parents' care in Year X, having made serious allegations themselves and then retracting them,

seeing their sister ostracised and then knowing that she had been murdered, and finding that H murdered her, the children then suffered the sudden disappearance of the Father. He left without speaking to the children. The children do not know where he is or what has happened to him. It seems remarkable that there appears to be so little anxiety amongst the adults in the family as what has happened to him if truly there has been no sight or sound of him for about a year. But to the children who have already lost their eldest sister, and had a family member jailed for her murder (C and D already know he has been convicted) the disappearance of the Father with no obvious explanation must have delivered another emotional blow. Again, there are no easy answers for them – the circumstances of and reasons for his disappearance are unclear. He could have been present at the thrice weekly contact but he has chosen to leave them. Why would a loving father abandon them in this way? Why would he abandon their mother?

- vii)** Furthermore, as I have previously found, the Mother has again not been open and honest about the circumstances of the Father's disappearance. Indeed she has only now revealed that he handed over £25,000 in cash to her at the time, something she chose not to mention at the previous hearing. I am primarily reliant of the Mother for evidence as to the circumstances of the Father's disappearance, his lack of contact with her, and the absence of information about his whereabouts, but she is not a reliable witness. The Father has been instrumental in exercising excessive control within the family, ill-treating the children, ostracising A, and then abandoning the family in early 2023. The fact that the court does not know where he is, what he is doing, or whether in truth he has contact with the Mother or others, is troubling and a further source of risk to the safety and wellbeing of the children. The Father has responded to difficulties and conflict in the past by seeking to throw members of his family out of their home, ostracising his vulnerable daughter, and disappearing from the lives of his surviving children without notice. He is prone to extreme actions and the children's welfare would be at risk were he to have influence over them. I cannot exclude the possibility that he continues to have some control over the Mother because I cannot trust her evidence that he has no direct or indirect contact with her.
- viii)** The Mother's attitude to professionals (described as being that they are the enemy) and own lack of openness and honesty are themselves risk factors for the children. Her assurances cannot be relied upon. She is, I find, unlikely to engage meaningfully with professionals. She may let them into the house as she has done consistently, but to date she has not engaged in meaningful dialogue with professionals and has not been open with the court. She will be unwilling or unable to support the children through any therapeutic process they become involved in (which it appears to be agreed C, D, and E need now). She will be unable or unwilling to report concerns about the children's welfare or safety to professionals because she is hostile to professional involvement in her family's life. Her attitude is entrenched and means that attempts to put in place protective measures including injunctive orders are unlikely to be effective.

- ix)** B would not be a protective agent for her siblings. Ms Shann and Ms S have noted how B has used the narrative of events, sometimes using very similar wording, as her mother. According to her, there are no grounds for concern about the children, the family was happy together, A led her and her sisters astray in Year X, the social workers, Ms S in particular, have imagined problems that do not exist and have ruined the family by tearing it apart without cause. G has very similar views, albeit he accepts that concerns over the children's safety were justified when A went missing and then when her body was found. I do not regard him as a potentially effective protective force for the children because he, like B, is aligned with the Mother's wholly unconvincing account of family life and the children's experiences. I have to take into account that there are no family members who understand, or are willing to admit that they understand, the harm done to the children and the risk of future harm.
- x)** Whilst E was very young at the time of the events in Year X to Year Y, and F was only born in 2021, they will have to grow up with these shocking events as part of their family history. The task of processing everything that has happened will be a difficult one for them to negotiate. For C and D that processing will have started and they need therapeutic intervention to help them. E would benefit from therapeutic intervention now also. All four children will need support either to go through therapy or otherwise to process past events, even F as he grows up. If they were returned home to the Mother's care, or were placed into G's care, they would be cared for by someone who did not accept the truth of what has happened in the past and could not provide them with the environment and support they need for them to heal emotionally and to develop as young people and then into adulthood with sound emotional and mental health.
- xi)** C and D face the additional risks associated with being in a family that has ill-treated its young women and planned forced marriage. Given the history within the family of deceit in relation to marriage arrangements and the need for forced marriage protection orders, E and F may well be at direct risk from being forced into marriages chosen by others when they are older. I accept that they are too young now to be at any risk of forced marriage, and that the risk may be less for them as young men than it is for C and D now and over the next few years. E and F also risk being exposed to a family culture in which, as I have previously found, women and girls receive differential treatment and had their everyday behaviour regulated to the extent that it amounts to significant harm.
169. Accordingly, I consider that there are significant risks to the welfare and safety of all four children were they to be returned to the care of the Mother. Indeed, if they were returned to family care, each child would be exposed again to the harmful family culture which brought about the awful events of the past few years which has caused significant harm to these children. They would be returned to a culture of excessive control. They would not be supported to process those events and to achieve sound emotional and mental health as they develop.

170. I emphasise that the findings that I have made and the concerns set out above apply to these children and this family. I do not say that some of the codes of behaviour adopted and enforced in this family are unique to it, but I am not seeking to make any wider points about other families who adhere to the Pashtun culture. Each family and each case must be judged on its own merits.
171. I have already addressed most of the matters in the welfare checklist at Children Act 1989 s1(3), but add these specific conclusions:
- i) *The ascertainable wishes and feelings of the child concerned:* C has stated very clearly that she wants to return home as soon as she is able to do so. She is nearly 16, is an intelligent and thoughtful young woman, and her wishes and feeling must carry significant weight. D has also said, albeit with less force than C, that she wishes to return home. However, the Guardian and Ms S have both told me that C and D were accepting of advice that the Local Authority's proposal was likely to be for them to remain in their foster placement. I recognise the possibility that they were simply being compliant and polite, but Ms S in particular has got to know the children very well and the evidence suggests to me that C would express an opinion if she felt the need to do so. The children all seem to be settled in their placements and to be able to enjoy themselves living there. Their wishes for family time are not as strong as the adult family members might wish. C has expressed a wish not to have family time during her examination period this Spring/Summer. When B was applying for more sibling contact time, D initially said that did not want more contact. I am mindful of the pressures on C and D and the difficulty each may have in being oppositional to their family. E appears to separate his family life from life at his foster placement and has expressed his happiness with living at each. He has appeared to accept with equanimity the prospect of an order that he remains in his foster placement long term, but he will not have the level of understanding of what that would mean that his sisters have. F enjoys family time but is also happy and settled in his foster placement. At supervised family time he often gravitates towards B.
 - ii) *The child's physical, emotional and educational needs:* none of the children have any specific physical conditions or impairments that require special consideration. They are all reasonably healthy. C is undertaking GCSEs this summer and is clearly a very conscientious and ambitious student who is likely to do well. It is an important time in her education. I have referred to the emotional needs of the children earlier in this judgment. I also refer to the expert evidence of Dr Khurram who has advised on the particular emotional vulnerabilities of each child and that they are each at a different stage in processing the traumatic events that have had such a grave impact on them. C has voiced thoughts of self-harming. Dr Khurram's analysis is troubling and underlines the impact of the dramatic events of the past few years on the children's mental and emotional health. They will each, at different times perhaps, need skilled support. F may not need support now – he is too young to be able to engage - but he may need further support, even professional support, later in his childhood. Dr Khurram advised that, "In my opinion, B living with the children could be traumatizing at present, she tends to "present" herself in a way to portray she is coping, and things are going okay, and this

may lead to dysregulation on part of C in particular as B uses religion very much as a way coping. Whereas, if she were to find out that C was self-harming she may be punitive/shaming towards her in that this is not an acceptable way of behaving as a Muslim. Thereby again increasing the chances of C becoming isolated.” The children need support, time, and space, free from interference, to heal and to develop.

- iii) *The likely effect of any change in the child’s circumstances:* the children are settled in their foster placements where they have been for nearly two years. F has spent most of his life in his placement. If the children were returned home that would be likely to be disruptive initially for all the children. C, however, has said that she wants to go home and although I treat what she has said with some caution, I accept that, provided any change in residence occurred after her current GCSEs, there would be no significant detriment to her from having to make the change itself. I do not believe that the change itself would be detrimental for D other than in the short term. The change itself might be much more problematic for E and F who are much younger and who have been in their foster placement for a much greater proportion of their short lives. I also take into account that a care order with a plan for long term foster care is no guarantee that the children will remain with the same carers throughout their childhood – disruptive change might be suffered by them if a care order is made with a plan for long term foster care. Furthermore, on the Local Authority plans, there would be a marked change in family time with a radical reduction in contact with the Mother and B in particular. I shall address the specific issue of contact later in this judgment, but the reduction in contact would be a change that will be initially difficult for all the children to deal with.
- iv) *Any harm which the child has suffered or is at risk of suffering:* the children have suffered harm as I have found in my earlier judgment. I have addressed the risks of harm in this judgment. Stepping back and considering the extent of the risk of harm, it seems to me that whilst the Guardian did not consider that there was a risk of physical harm, there does remain a risk of the use of slapping or other physical chastisement to maintain control over the children if they are returned home. There is no evidence that physical chastisement was used after the children were returned home in 2021 but the risk has not been extinguished. The greater risk is that the children would be excessively restricted, they would suffer emotional ill-treatment, they would be coerced and controlled in many aspects of their lives, and they would fear the consequences of disobedience. Furthermore they have suffered emotional harm as a result of all the traumatic events they have been through and that harm will continue unless they are fully supported to deal with that harm. The girls are, I find, at an ongoing risk of forced marriage. The unknown whereabouts of the Father do not reassure me in that respect. The boys may be at risk of forced marriage when they are older, although that risk is relatively slight. If the children were to defy the Mother or go against the expectations of the wider family on a matter of importance to her or the wider family, then there is a risk that they would suffer harmful consequences as punishment or attempts to enforce compliance. A suffered harmful consequences when she was ostracised. The children, including the boys as they develop, may well

believe that they have to comply otherwise they will suffer severe penalties for not complying.

- v) *How capable each of the child's parents or any other relevant person is of meeting their needs:* The Father has apparently disappeared. He has not been assessed for the purpose of this final hearing. He may not presently be in the children's lives but, if they were returned home, he might turn up the day after. Given the findings I have made about him and his conduct in absenting himself from the proceedings and his children, I conclude that he is not at all capable of meeting the children's needs. There is a risk that he has continuing influence which would prevent others from meeting the children's needs. The Mother can meet the children's basic needs such as food, clothing and housing. She also has a loving bond with the children. She is not guilty of unremitting cruelty to the children. I accept that she longs to look after them in the way she knows which includes providing for them and cuddling them. However, for the reasons set out above and, in particular, in Ms Shann's report, I conclude that the Mother has been a perpetrator of abuse of the children, she presents a risk of repeating such conduct because she has not learned from the past, she is not capable of protecting the children from the risk of coercion and control by others, nor is she capable of meeting the complex emotional needs that arise from the traumatic events these children have been through. Indeed, given the findings I have made and the fact that she wholly rejects them, I conclude that she remains a threat to the children's emotional welfare.
- vi) *The range of powers available to the court:* I take into account the range of powers available to the court including the powers to make FMPOs, an exclusion order and/or a Port Alert. I could approve announced and unannounced visits by social workers. However, the risks to the children would stem from the culture within this family, even in the absence of the Father. Specific injunctive or other measures would only be properly effective if those living with the children wanted them to be effective. All the evidence before me is that the Mother, B, and G, do not accept that the children would need protecting and do not accept the need for such measures.

172. I remind myself of the guidance set out above including by the Supreme Court in *In the matter of H-W*, and by McFarlane LJ in *In re G*. When weighing the specific matters in the welfare checklist and all the circumstances, I have to consider which factors carry particular weight. This case has some complexity but the central, most important feature is the dominant feature of coercion and control within this family, by which I mean the immediate family and the wider family. This is a culture that permeates just about all aspects of this family's life. It has manifested itself sometimes through physical violence, sometimes by inducement, sometimes by emotional abuse. The findings that I have made reflect this culture within the family and its harmful consequences for the children. This is not to say that there is no affection with the family. Sadly affection can sit alongside coercion and control – indeed it can be a tool of coercion and control. The effects of this core culture within the family have been devastating for the children, giving rise to the series of traumatic events I have already described. They have been damaged by those events and the

exercise of coercion and control within their family. I repeat that there is no evidence of parental involvement in A's murder but she was murdered by the H at a time when her parents had ostracised her, when she had removed herself from her home due to their plans to force her to marry and their excessive control over her. They did not protect her when she was vulnerable, and instead pushed her away. I refer again to these matters because the Mother, B, and G appear not to appreciate the impact of everything that has happened on the children, nor, in the Mother's case, her responsibility for much of what has occurred.

173. C is nearly 16 and she has expressed a strong wish to return home to her mother's care. She could "vote with her feet", in particular after she has finished her GCSEs. However, I regard it as essential for her emotional health for her to undergo therapy in a supportive environment, free from the pressures that I find she would be subjected to within a family setting. She was close to A and may be harbouring feelings of guilt as Dr Khurram has reported. Dr Khurram has highlighted concerns about C's emotional and mental health and the risk that she might be regarded as an outcast by the family by reason of her past association with A. She has been very guarded and fearful at times. She must be allowed to heal emotionally and I do not consider that she could do that whilst living with the Mother or G. I believe that she will choose to stay with her foster carers unless pressure is put upon her by the family or she puts pressure on herself to comply with what she knows the family want of her. If she remains in foster care, I do not think it would be in her best interests to lay out a pathway to return home. What she needs is space to make her own choices free from expectations which, in the context of her life experiences, come with the threat of coercion and control.
174. D will benefit from continuing to live with C but more importantly, my general conclusions apply strongly to her. She is at an age where she will begin to develop a more sophisticated understanding of what has happened within the family. She needs therapeutic intervention now and space, away from the family, to avoid emotional harm and to develop emotional health.
175. E entered foster care believing that A had stolen from his family. He had a negative narrative about her that was at odds with the truth, as I have found. He has now visited her grave and his views about her appear to be changing. He seems to be happy in his placement but is a boy happy to be in the company of his family also. I find that if he were now to be cared for within the family, his development would regress and he would be pulled back into the deceit and twisted narrative about his late sister and the family. His emotional health would be at significant risk.
176. F would face many years in foster care if I made the orders sought by the Local Authority. He is a happy and affectionate child. I am sure that it is important for his welfare that he remains living with E and that he has contact with his siblings, C and D. He is settled in foster care and appears to have a very good relationship with his carers. I fully understand the submission that returning him to his mother's care would not place him at sufficient risk of harm to justify any other order. He is too young to be at risk of forced marriage or for excessive control to be imposed on him now in relation to his behaviour. However I have to think of the permanency provisions and I have highlighted the risks involved in returning F to family care. Placing F on his own or with one or more other siblings with G is not a solution that would meet his best interests – G is not capable of providing for F's needs, as Mrs Yaseen has concluded.

Were F to be returned to his mother's care she would provide for him and nurture him, but I am sorry to conclude that he would be exposed to a significant risk of harm from the matters set out earlier in this judgment. Furthermore, if separated from E he would suffer considerable emotional harm.

177. Had there been some recognition of the wrongs done to the children and the consequences for them, it might have been possible to explore whether the Mother could safely care for them and protect their welfare. As it is, she has wholly denied any of the findings made, and discounts all the concerns about the children's safety and welfare that the court and multiple professionals have raised. I give considerable weight to her disregard for any concerns about the children's welfare arising from the events of the past few years and the findings of the court. It is not that the court is fixated with requiring "acceptance" of its findings. Rather, the findings that have been made go to the heart of the culture within this family and if there is no acknowledgement within the family of even the basis for the findings made, there is no opportunity to work on effecting change so that the best interests of the children can be protected and enhanced.
178. I accept Mrs Yaseen's assessment of G in full. He is not suitable as a carer for the children as he could not offer suitable protection and he could not meet their complex emotional needs. He does not accept any of the findings of the court and has ultimately adopted the same approach as the Mother to the involvement of social workers and the decisions of the court. No proposal for a Special Guardianship Order has been made or worked on, but in any event, it would not be an appropriate order to make in this case given Mrs Yaseen's assessment.
179. The Court of Appeal has given clear guidance that a care order is unlikely to be appropriate when children are to be returned or to remain at home save in exceptional circumstances. I do not believe that such circumstances apply in the present case. A care order should not be used as a means of providing support. A supervision order would not be adequate in this case in which much longer term support is necessary.
180. The adults in this family have put up a wall of denial and evasion which has made it impossible for this court to reach conclusions which the family would like me to reach. In my earlier judgment I said that a long term foster placement was unlikely to be in the best interests of F and E. The disadvantages to them of long term foster care are set out above. Long term foster care also brings with it significant disadvantages to C and D.
181. Long term foster care would have the advantage of protecting the children from the insidious culture of coercion and control within their family. The foster placements are, I find, nurturing for each child, The children have settled into the placements. C and D are doing well at school. F is "thriving". E appears to be happy. There is currently a degree of stability for these children which has been lacking for some time. But most importantly they are protected from the harmful control exercised within the family and the family home. Nevertheless, long term foster care would be unlikely to be regarded as serving any of the children's best interests if, as an alternative, they could be returned home with any risks of harm contained at a manageable and acceptable level.

182. A care order placing any of the children in long term foster care may only be made if it is necessary and proportionate. Having reviewed all the evidence in this case, my conclusions accord with the comprehensive, independent assessments of Ms Shann and Mrs Yaseen with which the Guardian and the Local Authority agree. I regard the risk of harm to each child from being returned to their mother's care as being unacceptably high and that there is no mitigation that could be put in place to reduce the risks to an acceptable level. The current absence of the Father is not a reassurance in this respect, particularly since the Mother has not been open about his seeming disappearance. In any event, I have found her to be personally responsible for various forms of abuse as set out in the findings of fact. G and B would not offer any protection to the children from the harm to which they would be exposed. Other protective measures such as an exclusion order would not be sufficiently effective to mitigate the harm in my opinion. Placement with G would also expose the children to an unacceptable risk of harm. That has been the conclusion of a number of professionals. I have anxiously considered whether there is a way to return the children, or any of them, to the family but I am unable to find that their best interests would be met by such an order. Consideration of the balance of harm lies firmly in favour of permanently removing the four children from family care and in favour of the children being placed in long term foster care. That is the option that is in the best interests of each child. My conclusion is that it is necessary for the safety and emotional welfare of the children, and proportionate to the risk of harm, for each of them to be removed from their parents' care and to be placed in long term foster care.
183. I have carefully considered the proposed contact arrangements. I have considered the welfare checklist. I am particularly mindful of the following factors:
- i) The children have had positive experiences of contact, with fewer issues during supervision in the past few months.
 - ii) Contact is frequent – the children spend time with the Mother and B three times a week, and there is sibling contact in addition.
 - iii) The children are already settled in their foster placements.
 - iv) For the eldest three children with whom I am concerned, therapeutic intervention is now required (C will not start any therapy until after the examinations have concluded). Whilst they are receiving therapeutic support and, I find, in advance of that therapy starting, they must be given space and time with less contact with the family to aid that process.
 - v) For long term foster placements to work in the children's best interests, they need to have time to deepen their relationships within those placements and to develop arrangements that work best for them. Contact three times a week with the Mother and B will interfere with that beneficial process.
 - vi) I am concerned, given the lack of any engagement with my findings of fact and earlier judgment, that contact with the Mother and B does tend to keep the children under the harmful influence of expectation and control. It is in their best interests to reduce that influence.

- vii)** I have regard to Dr Khurram's evidence that there are strains in the relationships between B, C, and D and that further psychological assessment of C and D is required.
 - viii)** The sibling relationships are very important to each child. I include in that the relationship with B but she has adopted a parenting role in relation to her younger siblings, as demonstrated in her contacts with them as observed by Ms Shann and others. I believe that it is in the children's best interests for their contact with B to be supervised and restricted below the current level.
 - ix)** Family time is important for E and F who are not in a culturally matched placement.
184. I have considered the Guardian's recommendations, the Local Authority's proposals, the position of the family members, and all the evidence. In my judgement it is in the best interests of the children that there is a reduction in contact, in accordance with the reduction plan, but to the following outcome which will be subject to regular review:
- i)** Family time for the children with the Mother and B once a month, to include Eid celebrations. G may join this family time three times a year. This family time will be supervised.
 - ii)** Additional supervised contact between B, C, and D six times a year.
 - iii)** Sibling contact between C, D, E, and F to be arranged by the foster carers at least once a month.
185. Once therapeutic work begins, there may have to be a gap or gaps in contact as advised by therapists and after discussion. A watchful eye should be kept on family time, including supervised time involving B, C, and D. Advice should be taken from therapists involved in the children as to the continuation and extent of family time and whether supervision continues to be required.
186. It is important to work with C on her pathway as a care leaver as she soon turns 16. However, I would caution against laying down a path to her return to family care in a way which could be seen by her as an expectation rather than a choice. All possible pathways should be explored with her but in a manner that is consistent with giving her space and time to make her own choices, that provides support for any therapeutic interventions, and so as to allow her, so far as possible, to feel free from the harmful influences of control from her family.
187. In conclusion, in respect to each child, I make the care orders sought by the local authority and approve the care plans. I shall approve contact arrangements as set out above as being in the best interests of the children.
188. There is no opposition to the FMPOs remaining in place for C and D. In my judgment they should remain in place until they are each 21 years old. The risks to them of forced marriage remain. The attention on the family and the care orders made reduce the risks but the girls are a little older and that increases the risk. Importantly, the fact that I do not know anything about The Father's whereabouts, his connections, or his current intentions is an additional risk factor that has arisen since the FMPOs were

first made. I have found that the Father and the Mother planned to force A into marriage. I have considered the Article 3 and 8 Convention rights that are engaged. The FMPOs should remain in force for the period indicated. Applications to discharge the FMPOs may be made as and when circumstances change.

189. B has asked the court to discharge the FMPO that is in place to protect her. B is an adult. She wishes to travel abroad this summer. She has chosen to live with the Mother and she rejects the findings made by the court. She is an intelligent woman with ambitions to become a doctor. She is studying hard. The Local Authority is neutral as to her application. I have concerns about removing the protection that the order affords but on balance I am now satisfied that she would resist pressure to marry against her will and would find a way to alert authorities if that were to happen. She would be able to keep herself safe without the need for an order which she does not want. She knows that she could contact the Local Authority, the police, or her school if she needed any help. B has not had an easy relationship with Ms S but I would encourage the Local Authority to give B a point of contact she could use if she needed to. The risks to B are reduced by the fact that there has been so much focus on the family. Her wish as a capacitous adult is for the order to be discharged. No other party has opposed that request. I am content to discharge the FMPO in respect of B.
190. The Family Court has been involved with this family since Year X. These proceedings will now come to an end, but it is important that the Mother, G, and B do reflect on the judgements of the independent professionals and the judgments of the court. I am grateful to them for the way they have conducted themselves during these difficult proceedings. I thank Counsel, solicitors, the Guardian and the independent social workers. I thank Ms S and the contact supervisors who have put so much effort into supporting the children and this family. I wish children well. I intend to write to each child to tell them what my decisions are, that those decisions are my responsibility, and that they are loved by their family but that I do not regard it as safe or in their best interests to return to family care. I will share those letters in draft with the Guardian and C's representatives for comments before they are finalised. She, C's solicitor, or Ms S as they may agree can then share each letter with C and each other child at a time and in circumstances that they think is best for the child. F is too young to read and understand his letter now (perhaps E is also) and I am content for it to be made available for him, perhaps by providing it to his foster carers, for him to read if he wishes at some appropriate future time. I am content for the Mother's solicitor and Counsel to be given copies of the final letters so that she can be told what has been said. I do not wish B or G to see the letters because they will be addressed to the children and should not be widely shared.