

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION
IN THE FAMILY COURT AT BRIGHTON
IN THE MATTER OF THE CHILDREN ACT 1989
AND IN THE MATTER OF THE FAMILY LAW ACT 1996
AND IN THE MATTER OF THE INHERENT JURISDICTION

Date: 17th November 2018

Before :

HHJ JAKENS
Sitting as a Deputy Judge of the High Court

Between :

BRIGHTON AND HOVE CITY COUNCIL **Applicants**

-and-

THE CHIEF CONSTABLE OF SUSSEX

- and -

MQ **Respondents**

-and-

FQ

-and-

CQ, DQ AND EQ

(By their Children's Guardian Lesley Beveridge)

Mr Martin Downs instructed by Orbis Law on behalf of Brighton and Hove City Council
Ms Catriona Hodge instructed by Weightmans on behalf of the Chief Constable of Sussex
Ms Sarah Morgan QC and Mr Jay Banerji instructed by Goodman Ray on behalf of the
mother

Mr Sam Momtaz QC instructed by Fitzhugh Gates on behalf of the father

Mr Christopher Stringer instructed by SF solicitors on behalf of CQ

Mr Philip McCormack instructed by Harney and Wells on behalf of the children's
guardian

JUDGMENT

HHJ JAKENS :

1. This case is about three children: CQ, a girl now aged 17, DQ, a boy now aged 13, and EQ, a girl aged 10. All three children were wards of this Court but pursuant to an order of 12th July 2019 ceased to be wards on that date.
2. The first application in time is made by the Chief Constable of Sussex Police for a forced marriage protection order (FMPO) pursuant to S 63A of the Family Law Act 1996. The second is an application in relation to the two younger children DQ and EQ for care orders by Brighton and Hove City Council. The Chief Constable of Sussex, Giles York is represented by Ms Hodge. The Local Authority is represented by Mr Downs.
3. The mother of all the children is MQ and their father is FQ. They are represented by Ms Sarah Morgan QC and Mr Banerji, and Mr Sam Momtaz QC respectively.
4. The Guardian Lesley Beveridge is represented by Mr McCormack, and CQ has separate representation through Mr Stringer. I am very grateful to all Counsel for their excellent work in this demanding matter.
5. The children have two older siblings, BQ and AQ, a half-brother who is an independent adult and has a different mother.
6. The respondents to the application for an FMPO are the mother, the father, and the mother's brother Uncle M. He remains in a country in North Africa, and plays no part in this case. Secondly, in the care proceedings, the respondents are the parents and the two younger children. CQ is separately represented and she and the Chief Constable of Sussex are intervenors in this case. I directed that a

representative of the police attend this hearing despite the fact that in relation to the factual issues they have so far been square with the local authority.

7. The Foreign and Commonwealth Office have not been made a respondent, following a hearing on 24 April 2014 when that suggestion was declined by Williams J. The ambassador to the UK of the country in North Africa has been notified.

THIS HEARING

8. This hearing is listed to deal with the factual issues arising from the very complex recent history of this family, but the final hearing, dependent upon the outcome of this hearing, is listed before me in December.
9. I have previously determined that all three children should give evidence in this case, and following a ground rules hearing, a very detailed special measures plan was devised to enable them to give evidence in the most appropriate and supported way.
10. I have throughout borne in mind the extreme complexities of this situation for the parties. In the first place there are very significant language problems for the parents. They have been assisted by their own interpreters and the Court Interpreter deserves a mention and the Court's thanks for his assistance which I found to be exemplary. However, the parents have struggled at times and the quality of the interpreting support they have received at various stages in this case has not been consistent. Their preferred language is Arabic but both of them can manage with French. They do have some English but it is not very competent. The mother uses predictive text and the father uses Google translate.

They speak to the children in both Arabic, French and sometimes in English.

The children themselves are highly articulate and bright individuals.

11. There is a further aspect to this case which has been of note: the dichotomy between the family circumstances outside the Court room and what has been happening inside the Court room. The evidence within a fact-finding hearing is set and must be limited but in this case all present have been very conscious of things unfolding outside the parameters of this exercise. Both parents have felt unwell. There has been chit-chat between the children. DQ has been trying to communicate with his mother.
12. There have been other difficulties, for example, Uncle M, around whom some of the factual matters turn, has not given evidence or provided a statement. He has chosen not to take part in this case nor has any evidence been filed on his behalf. It is therefore a complicated task to form a fair impression of events to which he is connected.
13. Finally, there is the cultural aspect of this case. There are huge pitfalls associated with making cultural assumptions and applying stereotyping to a family whose cultural origins and heritage are North African, but where they have lived in the UK throughout the lives of all the children. I have been alive to these pitfalls throughout. I have been cautious when considering the more generalised information and guidance provided by Kim Baines from the Forced Marriage Unit at the FCO, approaching this case as I must on its own facts.
14. To be clear: the purpose of this case being brought by the local authority and the police is to ensure that children are protected if and where necessary from harm, and to see if it is possible to find a factual basis which will in turn inform

the Court and the parties in relation to what risks there may be, and if so, how best to deal with them in a way which matches the children's welfare. I state that because at times I have been concerned that the family have been worn out by the process and events of the past few months, so it is important to state that these proceedings have been brought by the authorities concerned because of the central questions surrounding the safety and welfare of CQ, DQ and EQ.

BACKGROUND

15. There is a very detailed and extensive history to this matter. I have received an extremely detailed chronology, which I treat as a working document: not all of it is agreed and the outline below is taken largely from the unagreed chronology. Disputed aspects will be discussed later in this judgment but not all are identified within this summary. The police and local authority have collaborated in formulating the relevant findings which are sought.
16. The parents deny or question many of the matters set out in the records, either on the basis that they were things fabricated by the children or misinterpreted, not fully explained, or misunderstood at the time. They deny actions and comments recorded as having been made by them. CQ and EQ also reject the original allegations against their mother and uncle which are the backbone of this fact-finding hearing, and which were the trigger for a significant police and diplomatic operation at times conducted at the very highest levels.
17. The parents are originally from a country in North Africa, and have been living in the UK for many years. The parents married in their country of origin in 1995 and the mother first came to the UK in October 1999 having first moved to Spain for a while. The father has dual nationality but the mother does not have

British Citizenship although she has indefinite leave to remain. The children were all born here and have always lived in the Brighton area. They have dual Nationality and they have all, always attended school in this country. There have been annual family holidays in North Africa throughout the children's lives.

18. The family has been known to the local authority for about 10 years. In 2008 there were reports of uncontrolled behaviour by DQ and the Chronology contained in the first statement of the Social Worker Mr Bell sets out the difficulties and concerns between then and 2015. In that year, BQ, who is believed to have some degree of learning difficulty, came to the attention of the local authority in the context of her mentioning at school a concern related to forced marriage at the end of that year, and again in June and July 2016. It was suspected that she might travel to Syria, and DQ was reported as showing interest in Syria. The family was therefore "on the radar" for culture-specific issues.
19. DQ's troubled and at times aggressive behaviour in school attracted attention. There is no need in the interests of sensitivity to repeat all that is recorded in the chronology but the school were obliged to keep him under close scrutiny. As a result there was a reference to the integrated team for families. Due to lack of cooperation and language difficulties little was achieved at that juncture.
20. In 2010, I note that the Mother reported that her brother, Uncle M was violent to her by punching her, in their country of origin, and she and the father reported to the police that Uncle M had threatened to come to the UK to do her harm as well as to harm the children.

21. In February 2018, EQ made an allegation at school that her mother had assaulted DQ, but BQ said that this was just shouting. EQ alleged that the mother had pushed him up against the wall and hit him and she hurt her arm. The mother agrees there was shouting but says that she slipped on the floor and hurt herself. She was admitted to hospital for treatment that day. My view is that there was an extremely alarming altercation between the mother and DQ that day sufficient to distress EQ very considerably. The mother viewed it as the “last straw”.
22. The significant recent events stem from 22nd March 2018, before the end of term which fell on 29th of that month. On that date CQ and DQ travelled to a country in North Africa, believing they were going for a holiday and that BQ’s engagement was to be pursued. CQ had thought she would get her driving license while she was there.
23. They were joined later by the mother, BQ and EQ on 31st March. The father remained in the UK.
24. During their period in the North African country, they moved between three family addresses, the first two of which were clearly crowded. The first place they stayed was at their aunt AA’s home.
25. On 1st April CQ visited a doctor in the country in North Africa due to heavy menstrual bleeding. At the hearing she produced a record of that visit which bears that date and a later date. This visit was understood by the father to confirm that CQ was no longer a virgin. The parents in their oral evidence were now relatively unconcerned about that, albeit DQ reports that this is totally unacceptable in his culture.

26. CQ has said that that same day, (being the first day she and her mother were together in the North African country), she had confessed to her mother that she was not a virgin. There may or may not have been a discussion about whether she was having a miscarriage, but a discussion was overheard by BQ which she initially thought involved a miscarriage although she later retracted that. The mother was without doubt upset by the information about CQ losing her virginity.
27. The mother appears to be saying that although she knew this fact before the visit to the doctor that day, nevertheless she feigned surprise at that visit about it. There are conflicting accounts about this visit, but CQ has now produced a document from the Doctor she saw that day.
28. It also appears clear that once she arrived in the country in North Africa, almost immediately, she told the children that they were going to stay there because of the behaviour of CQ and DQ. Just how long she meant to remain is a matter of contradictory evidence. The local authority say that she told them they would stay forever. The mother says it was to be until September and the father says that he was going to join the family and return with them in May. There are differing versions. Whatever the case, the prospect clearly deeply upset the children, CQ and DQ in particular and also EQ.
29. BQ's proposed engagement was called off at her request around the 6th April as she was not comfortable with the individual she had previously been engaged with for a year or so online after she met him. BQ was not aligned with CQ and DQ. There is evidence that they perceive her as aligned with the parents. CQ stated that she does what the mother says, and in my assessment this rings true.

She is certainly different to her siblings, presenting as a modest and moderate young woman who does not pose issues of concern to either parent, unlike her siblings.

30. On the 9th April, CQ notified ChildLine, via the NSPCC, that she had been told she had to get married: that her mother used to abuse her in the UK along with her brother and sister, and because her sister EQ reported her mother to social services (in February), she had forced the children to go to a country in North Africa. She made contact with the authorities via a friend in the UK and other means from 9th April 2018 on, to alert them to the fact that she was being threatened with a forced marriage, that her freedom was restricted, and that all of the children were the subject of violence and threats made by her uncle M and her mother, and that she feared for her life. She was seeking intervention and assistance.
31. The police received a report on 9th April from the NSPCC and messages from CQ were passed on to the effect that she had been forced to travel to a country in North Africa and her mother was forcing her to marry, and that she feared for her life. The case was taken on by DI Mark Richards and received very intense attention and the very highest concerns for the safety of the children.
32. On the 14th April a foster carer of a friend of CQ reported messages between her and the friend, alleging that the mother had destroyed the children's British Passports, forcing them to stay in the country in North Africa, and that DQ had been assaulted by their Uncle M who in turn threatened her with a knife. The friend was interviewed and reported the allegations made by CQ to the police,

including an injury inflicted by Uncle M on DQ. The information about the passports was untrue.

33. We now have had sight of the text exchange between CQ and DQ giving some idea of their feelings in the run-up to their planned escape.
34. Meanwhile, the father had written completely implausible letters to DQ's and EQ's schools telling them that they were not returning to school because they had suffered injuries in an explosion. This was wholly untrue. The letter to R School received on the 16th reads ***“Following a terrible accident due to a gaz butane explosive that was being during a party my children who were present had burns and fractures. Will leave to UK to [a country in North Africa] today to see the situation after I will inform you.”*** The letter to T School is in similar vein.
35. On 18th April CQ communicated with the police, including the fact that the father was planning to move to a country in North Africa and that the Uncle was behaving in a controlling way towards them at the mother's instigation, to influence them to conform to a more Muslim way of life. She spoke to the Forced Marriage Unit at the Foreign and Commonwealth Office, reporting that they were locked up and being physically abused, and advice was given. She also said that a FMPO would put the children at risk and that the father has no influence over the mother.
36. On 19th April 2018 CQ phoned the British Embassy in the main city, repeating the allegations. All the children then ran away that day from their Mother's care to the British Embassy. The mother and AQ turned up there later that day. The mother is recorded as going into the Embassy and speaking to the staff, saying

that that they were happy and they were there for a wedding. She also stated that the children's schools were aware of the situation, although it is not known whether she knew specifically about the gross lie the father had told them. She is recorded as plainly stating that she intended to stay in the country in North Africa and did not like life in the UK. Whilst she denies having said these things, she has had the opportunity to challenge these recordings but has not chosen to do so. I find that the recordings are likely to be accurate. AQ confirms that they attended in the office there.

37. In the early hours of the 20th April 2018 the British Embassy handed the children to the police in the country in North Africa who returned them to their mother. They were returned in fact to Uncle M's friend's house. The statement of Julia Longbottom, director of Consular Services, sets out the protocol relied upon for these actions - essentially that it is not within the diplomatic remit to act against applicable local laws. The children were given three options – to return to their mother, to be taken to the police or to seek the assistance of a friend. Despite their clearly expressed fears of returning to their mother, this was the outcome.
38. The authorities in the country in North Africa were informed. The mother asserts that she reported the British Embassy for kidnapping the children, which is what she apparently originally believed. She and the father make reference to the involvement of court in the country in North Africa and an order preventing the children from leaving that country. Much has been said about the lack of any documentation from those authorities in relation to this case. Despite orders being made by this Court for the parents to produce evidence about this, they have failed to do so. There is therefore no evidence as regards what the

parents assert happened because of the actions of the state in the North African country. The parents say that there is an on-going investigation there.

39. On the 19th April, the father was arrested on suspicion of kidnapping. The case against him has now been dropped by the CPS in its entirety. He was served with the FMPO and Wardship Orders which had been obtained that same day. It was difficult to get his account in a fair way because of the lack of a competent interpreter and he was only able to use a telephone interpreting service.
40. His account was that the plan was for the children to stay for one month to address problems at school. He said that CQ wanted to get her driving license there which is why she had gone there ahead of the others. He denied any plans to forcibly marry CQ. He said, as he still maintains, that the letter to the school was to avoid the fine for missing school, and he admits to me that he had repeatedly lied to the school each time he wanted to avoid the fine when they had gone on holiday to a country in North Africa. He said that the family would be back in the UK after the May half term and he was planning to join them then to travel back.
41. The Chief Constable applied for an FMPO to Keehan J that day. He warded the children and made a raft of immediately enforceable orders, pivotal to which was the requirement that the children be returned within 24 hours of service of the orders to the jurisdiction, with contingent orders and directions for that to be put into immediate effect. He made an interim FMPO in relation to all three children and consolidated the wardship and FMPO applications.
42. The next day the father attended the police station and said the children were safe with their mother. He said he would go to the country in North Africa and

travel back with the children at the end of May but that his wife wished to stay there. He was made fully aware of the requirements of the Court order.

43. I note that both the mother and father have at one time or another viewed this as a kidnapping by the British Authorities, something which, without a shadow of a doubt, it was not. The children knew where to go and went there by slipping away on a false pretext of going to buy sweets. The father still asks: *how could they know where the Embassy was?* Thus ignoring the technical skills of the children who had a variety of communication devices throughout.
44. CQ's friend rang the police to say how concerned she was because CQ had been returned by the Police in the country in North Africa to their mother. The friend forwarded messages from CQ which asserted that the mother was going to take them to the Embassy the following day and force them to give false statements retracting their allegations and that the mother was going to go to the Court in the Country in North Africa. There was also a text from CQ saying "*My mum keeps telling him (i.e the father) not to sign the letter*". The Local Authority says that this was the document the father was required to sign giving his consent for the children to return to the UK.
45. Next day when he attended the police station, the father refused to consent and sign the document authorising the return of the children to the UK unless his wife was also in agreement. He said she would be happy to speak to any judge and explain why she would not return to the UK with her children. However, later that day he asked her to return for the sake of the children. Her reply was that she did not want the family to make such a request and if they continued she would start divorce proceedings. Asked directly if he would consent, he

would not answer directly and the view was formed by the police that he was supporting the mother's actions.

46. DQ also contacted CQ's friend that day to say that they were abused.
47. On the 22nd, the father attended the police station again and confirmed that the children were fine. He said he had not asked the children if they wanted to come back in case his wife divorced him, indicative perhaps of the extent of her dominant role within the family.
48. CQ on 24th April sent Facebook messages including the allegation that their mother and uncle hit them when they found their phones, that EQ and DQ were suffering mentally and that they were locked in at his property and could move around. She says she overheard her mother tell her uncle that it was important that CQ got married fast as it would prevent her from leaving. She sent further messages indicating that the mother was telling the father not to sign and to come to the country in North Africa.
49. The matter came back to court on the 24th April before Roberts J. The father filed a statement saying that he did not know the address of the children but that they were fine and effectively indicating that he would not go against his wife's wishes as regards the children remaining in the country in North Africa.
50. At the hearing, the wardship and FMPO orders continued and the Court ordered the parents to ensure the return of the children and to provide written authority to enable that. The orders could not have been any clearer.

51. Meanwhile, the UK government was making representations to the authorities in the North African country and an independent child welfare organisation was engaged to check on them.
52. CQ then advised that any statement emanating from the children would be fake: they were being taken to write false statement retracting what they had said.
53. On the 30th, the father, who had attended court and was represented, was formally served with the orders and confirmed he understood them. He refused to agree to the court order, saying that the children were happy in the country in North Africa, and refused to sign his authorisation for their return.
54. The mother and CQ have suggested that after they were returned to their mother, things settled down and the children were happy again, even though CQ clearly continued to make complaints. DQ reports being taken out a lot by his uncle to places after this time. There is something of a lack of evidence as regards what the situation really looked like from the children's point of view between April and June when they returned.
55. Time passed. On 1st May DI Richards who was in charge of the case received an email which appeared to have been written by the mother on the family email account which is in DQ's name. It essentially asked him to leave her and the children alone and refused to "give him" her children. She states she did not write this. The next day the father was arrested and interviewed. He asserted that he had not understood the interpreter on the 30th April, and refused to answer questions about arrangements for the return of the children and his reasons for refusing to sign the authority. He denied telling DQ's school that the children would not be returning and denied knowing their address. He was

therefore charged with breaching the FMPO by failing to immediately provide written authority and make any travelling arrangements for the children to return from the country in North Africa.

56. On 4th May, the matter was returned to Court before Roberts J. AQ also attended.
57. The father filed a further statement saying that his wife wished to remain until the end of Ramadan, from 15th May to 15th June. He agreed to them staying and also accepted that he had lied to the children's schools with the letters about them being injured to avoid paying the fine for their unauthorised absence.
58. On 11th May, CQ wrote to DI Richards. She retracted. *"..we had issues at first but now have moved and we are fine we don't understand why you putting so much pressure on my dad as we are fine and was seen by social services here. They was directed by High Court to check us and see if we was well.."*. She said the children did not want to return, particularly not if they were to be put into care.
59. On 14th May, the father confirmed that the family had gone on holiday - his wife had become depressed and did not want to come back so he lied about the accident. He said they were going to return by the end of May and the children were well and happy. He said they would be enrolled in school in the country in North Africa. He said CQ would never be forcibly married. On 24th he returned and told the police that the family were there indefinitely, and were not able to come back because of unrest in the country in North Africa. He said there was a difficult, delicate situation with the authorities there.

60. CQ that day asked to return to the UK to clear her father's name on the forced marriage charge but said that the foreign minister of the country in North Africa would not let her leave. She reported that the whole family would be returning in September, and that DQ and EQ were both in school.
61. The father mentioned the High Court orders in the country in North Africa but said he did not have copies. The following day, 25th May, he signed the documents authorising the return of CQ to the UK. It had taken many days for him to decide to comply with an extremely serious order of this court and he failed to give any valid reason for not doing so in my judgment. He signed the documents for the return of the other children on 19th June 2018.
62. On 31st May the father entered a guilty plea in relation to the breach of the FMPO, by failing to sign the form on 25th May, but disputed a part of it so the matter was listed for a *Newton* hearing.
63. On 6th June, CQ returned. She went back to her home in Brighton and Hove with her father with the agreement of the local authority. She met with the Social Worker Ms Gander and the Children's Guardian and according to the social worker "she gave contradictory accounts". The social worker's impression was that she was worried about the safety of her siblings and it was unlikely that she would be able to speak freely until their return. CQ's account of events was effectively that she had gone to the country in North Africa believing it was for a holiday, but once they arrived the mother said they were staying there, and that her mother had said "I might as well marry you off" because of her non-attendance at school. They were all scared and upset by this time so they went to the Embassy to seek to return. She wanted them all to be

in the country in North Africa for Eid on 22nd August. She reported that DQ and EQ were too scared to return because they believed they would be taken into care. She also reported that DQ and EQ had been attending a very expensive international school.

64. Negotiations then began to return the mother and the two younger children at the expense of the local authority. On 8th June the mother was informed in no uncertain terms by the Social Worker what was required of her, but he received very short shrift from her the following day, effectively a refusal to be told what to do. On the 11th June, Ms Watson, a senior lawyer, wrote in French to reiterate the position. The mother accepts that she replied to Ms Watson. She asked for respect to the High Court in the country in North Africa, and Ms Watson by return asked for clarification about the court's involvement in the country in North Africa. The mother responded again making clear her position that she was the only person who would be exercising any authority in matters regarding the children. She said that she could not stand the environment and climate in the UK and would be staying for some time.
65. The following correspondence reveals the mother's determined refusal to accept any authority save her own in these circumstances, and her decision to remain in the country in North Africa. On the 19th her solicitors reported that she would not be returning before the 4th July. They were clear in that letter that the parents had agreed to relocate to the country in North Africa because of DQ's deteriorating behaviour.
66. After lengthy and difficult correspondence, the situation began to ease.

67. The children and the mother eventually returned on 25th June arriving on the 26th, and were met at St Pancras station by the police and social worker.
68. On 25th June, a draft order containing the terms of the negotiated return arrangements was approved by Williams J.
69. On 27th June, CQ visited her GP and reported that her parents were planning on forcing her into marriage although she denied any physical abuse.
70. Both she and DQ were reporting being happy to be back and feeling safe.
71. The children went back into education on their return. After their return EQ said a number of things which caused concern and attracted attention, including making some different allegations which it is not necessary to include in this judgment.
72. On 6th July the children undertook ABE interviews. No particular issue is taken in relation to those interviews and having viewed them, there are no specific faults which in my judgment undermine their quality. They suggested that their parents had told them to lie.
73. On 10th July, Holman J amended the FMPO reflecting the situation that the children were living at home. The parents agreed not to pressure the children to withdraw their allegations or otherwise give a false account.
74. All the children on 11th July told the Social Worker that they did not want to see their mother or have her back in the home. DQ reported arguments between his parents, his mother demanding her passport so she could return to the country in North Africa, and her shouting at the children.

75. The situation in the family home at this point was clearly very stressful. EQ went missing but was later found with a friend. She reported feeling emotionally damaged and said that she did not want to go back home. DQ said he would run away.
76. On 12th July in the Brighton Family Court, HHJ Farquhar made interim care orders and approved a care plan for the children to remain at home with their father, and the mother agreed to leave under an exclusion order. The local authority was granted permission to refuse her contact.
77. On 13th July EQ was re-interviewed about some of the earlier matters she had spoken about.
78. BQ made a statement to the police on 20th July. She said that the trip was both a holiday and a wake-up call for DQ and CQ to appreciate what they had in the UK. She had thought they would be coming back in April. She reported hearing CQ tell her mother that she had had a miscarriage, something she later retracted.
79. On 24th July the mother was interviewed by the police. She firmly denied any suggestion of forced marriage. In particular she denied knowing about the forced marriage order or then that it applied to her, or that the email of 1st May was from her. Her explanation was that CQ had lied because she wanted to get back to the UK. She accepted that Uncle M put the children in their place and sought to instil respect in them and although he used strong words he did not touch them. She denied pressurising the children to change their accounts. She said that when CQ returned to her care in the country in North Africa she apologised to her for lying.

80. On 7th August CQ was re-interviewed. She was asked to comment on her mother's police interview. Her bottom line was she was not willing to carry on with the court proceedings any longer.
81. The local authority continued their work with the family.
82. On 7th August, CQ was re-interviewed by the police. She denied apologising to her mother; she denied telling her mother that she was not a virgin and said that she had never had a boyfriend. She said that medically all she had had was a heavy period. She said that the mother sought to extract information about her in relation to her virginity by threatening that if she did not tell her now, her uncles were going to pin her down and they would find out. She denied having gone to see the doctor because her period then ended, but then accepted that she had gone to see if she was a virgin. She said that her mother told everyone that she was not a virgin. However, in relation to the other matters that were put to her arising from her mother's interview, CQ clammed up. She clearly wanted it all to end. The contradictions in her account were intensifying.
83. On 16th August the mother was ordered to disclose all documents in her possession or control in relation to any Court proceedings in the country in North Africa relevant to the events there. She has never done so despite continually referring to them throughout this hearing, alleging that there were orders preventing the children from leaving the country in North Africa.
84. On 21st August, CQ stated in her position statement that her allegations were not true. Her account was that she had wanted to return home. She and the others had seen a Panorama programme on YouTube on forced marriage and all her allegations about forced marriage and violence were untrue. Her stance

developed as she was seen by the police on 11th September and refused to engage, and finally her statement for these proceedings and her oral evidence amounted to a categorical retraction. Finally, in her oral evidence, she asserted that she had wanted to come back because she had a boyfriend (who was now serving a seven year prison sentence).

85. Prior to these proceedings on 29th October, DQ called the police to his home because his father told him that the mother would be staying there for two nights. The father says that this was a joke, but DQ did not take it as such. The police checked but the mother was not found to be at the house. I find that this does not have the tenor of a joke and I did not find the father's evidence on this point in any way convincing. It is likely that DQ was alarmed by this and it is no coincidence that the father raised it close in time to the hearing. I have asked myself if it was a warning to DQ not to go against his mother, but I cannot so find.

86. CQ then texted DQ: "*call social and tell them to sort out living arrangements and get the fuck out of our house with all ur stuff now beforei heg there and throw it all out.*" The mother and CQ alluded to a row between CQ and DQ in the run up to the hearing and gave that as a reason why DQ maintained his original position.

87. The accounts of what transpired in the country in North Africa pose a complicated picture of changing stories, denials and retractions. Text exchanges between CQ and DQ during the critical time just before they ran away in the country in North Africa were produced by CQ during the hearing. They have shed some partial light on matters, including the fact that they contain references

to the person identified as CQ's boyfriend at the time. CQ told me in her evidence that she did have a boyfriend which is why she wanted to come back, and that she had told her parents this. She has been contradictory about this difficult subject, which is sensitive.

THE CURRENT SITUATION

88. Since their return, the children have continued to live at home with their father and BQ in circumstances where he, the mother and their older sister challenge their original allegations. The mother remains excluded. It is suggested that the plan of the local authority will be for reunification of the family, but that has yet to be clarified.
89. DQ maintains his account and is therefore in conflict with the rest of his family.
90. CQ has demonstrated a significant reluctance to carry on with this case. I am grateful to her for agreeing, albeit with extreme reluctance, to give evidence. She presented as a bright and engaging young person. From meeting her and reading the papers, she seems to me to have had a lot of very burdensome worries, and still to have a lot of vulnerabilities, but at the same time is wanting to get on and lead a normal life and make the most of her education.
91. EQ is in receipt of therapeutic work which is apparently helpful. The reports from her school show that she has been saying a lot of things which have worried adults. When I saw her give evidence I found her to be charming and engaging, but stressed at times: she is clearly exceptionally bright and articulate. EQ is now seeing her mother in line with her wishes.

92. DQ surprised me when he gave evidence. Currently he does not see his mother and there are obviously very difficult issues for him still. He struck me as articulate and quite sensitive in the witness box, but I am aware of the nature of his behaviour at school and the impact of recent events, which indicates that he is carrying a lot of troubles.
93. In my judgment it is unlikely that the children are “fine”, something which the mother wished to impress on everyone when she was in the country in North Africa. They have gone through a very strange and disturbing period in their lives and I am in no doubt that it has had a really significant impact on all three of them. They would all like to be fine, and to be allowed to get on with their lives. They have a lot to put behind them.
94. CQ is attending college in J Town to catch up on her education. DQ and EQ are attending school and BQ is undertaking training in nursing. The father is doing his best to run the home for the children.
95. Whatever my findings, the children need to know that the Court has the greatest sympathy for them. They are vulnerable. None of what has happened this year has essentially been their fault no matter what they have done, and they are not to feel guilty or responsible for the things which have gone on. Their parents have put them in this situation. They do need to put things behind them and try to start afresh. They need to settle into a normal and healthy life where they are not troubled any longer by these events, and to get any professional help they need to do well. They are not to blame for what happened in the country in North Africa and they are not to feel responsible for the troubles within their family. If they have not always told the truth, the court is not blaming them. People lie

for different reasons, and also when they are backed into corners. It sees any untruths in the context of the situation in which they found themselves, but hopes that in future they will understand the real value of being honest and straightforward.

THE ALLEGATIONS PURSUED

96. **1. That all three children were removed from their familiar surroundings-including school-in Sussex, where they have lived all their lives, on a false understanding that they were going on holiday, when it was really the intention of their mother that they should remain in a country in North Africa. Upon the true purpose of their visit to the country in North Africa being revealed, the children were told by their mother they would never return to England causing them distress and fear.**
97. **2. The mother made no proper arrangements for where the children should live in the country in North Africa.**
98. **3. All three children were taken out of school in an unplanned way and in the case of CQ, she missed public examinations which will need to be repeated in Sussex. The children's education has been unnecessarily neglected over a period of months**
99. **4. The mother planned to marry CQ against her will in circumstances which amounted to forced marriage and/or used the threat of the same as a method of control over CQ and DQ and EQ contrary to their human rights**
100. **5. CQ and DQ and EQ were at risk of forced marriage.**

101. **6. In the country in North Africa, CQ was held down by her mother against her will to be physically examined as to her virginity; she was threatened by her mother that her uncles would hold her down to examine her as to her virginity, and subject to threats of “stitching her up” before the wedding.**
102. **7. DQ was assaulted by his Uncle M in circumstances where either this was with the connivance of his mother or she did nothing to protect him.**
103. **8. EQ was assaulted by her uncle as punishment for speaking English in circumstances where either this was with the connivance of her mother or she did nothing to protect her.**
104. **9. The children have suffered threats of physical harm from the adults in whose care they remained, namely their mother and their Uncle M. The children were held against their will in their uncle’s apartment.**
105. **10. EQ and DQ have been exposed to CQ’s distress, and the children have been exposed to the harm of each other causing further emotional distress and fear.**
106. **11. The children fled the care of their mother in a country in North Africa and sought refuge with the British Embassy but were returned to the care of their mother against their expressed wishes. Despite their distress and the mother being aware of their wishes and feelings she failed to return the children to England and Wales pursuant to the interim forced marriage protection order and order in wardship but rather subjected the children to punishment.**

107. **12. The children were instructed by their mother to lie to the authorities in the country in North Africa and coerced into signing documents they did not understand**
108. **13. The children were told by their mother and father to lie to the British authorities about the harm they had suffered when in the country in North Africa.**
109. **14. The father failed to protect the children from the factual matters listed above and or conspired to assist the mother.**
110. **15. The father lied to the schools, social services.**
111. **16. The father failed to take active steps to protect CQ and DQ and EQ when it was made known to him that CQ was at risk of forced marriage at the time the forced marriage protection order and wardship proceedings were issued, and for some time after that.**
112. **17. CQ has suffered significant physical sexual and emotional harm and neglect as a result of the factual matters set out above and is at risk of the same**
113. **18. DQ and EQ have suffered significant physical and emotional harm and neglect as a result of the factual matters set out above and are at risk of the same**

THE LAW

114. The local authority and the police must prove their cases. The standard of proof is the balance of probabilities under both applications.

115. The application for the forced marriage protection order is governed by S 63A of the Family Law Act 1996¹.
116. The Court's powers are contained in that Act² as are the contents of orders made under the Act. To force a marriage is also a criminal offence but that is not my province.
117. As the children were warded, the jurisdiction in relation to any steps or orders born of that status had to be taken in the High Court. However, the current proceedings, have been heard by myself sitting at Tier 3, but with authority to sit as a Deputy High Court Judge in this matter.
118. In the application for care orders, the court must be satisfied that the final threshold criteria are met to the requisite standard, and the applicable law is to

¹ 63A that act that act Forced marriage protection orders

(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.

(3)In ascertaining that person's well-being, the court must, in particular, have such regard to the person's wishes and feelings (so far as they are reasonably ascertainable) as the court considers appropriate in the light of the person's age and understanding.

(4)For the purposes of this Part a person ("A") is forced into a marriage if another person ("B") forces A to enter into a marriage (whether with B or another person) without A's free and full consent.

(5)For the purposes of subsection (4) it does not matter whether the conduct of B which forces A to enter into a marriage is directed against A, B or another person.

(6)In this Part—

- "force" includes coerce by threats or other psychological means (and related expressions are to be read accordingly); and
- "forced marriage protection order" means an order under this section.

be found in S1 and S 1(3) of the Children Act 1989. The welfare of DQ and EQ is paramount.

119. The fact-finding exercise goes to the threshold criteria. Certain matters are accepted by the parents but further thought needs to be given to that aspect although I find that the threshold is crossed. I intend to prepare a short supplemental judgment setting out my conclusions but for the sake of time it is not included in this draft judgment.
120. At the final hearing when deciding what orders to make, the court must undertake an holistic analysis of the welfare of each subject child and balance out the realistic options before deciding whether to make the orders sought, and must include consideration of any care plan. Any orders must take into account the imperatives of the Human Rights Act 1998, article 8, and any interference with the right to family life engaged must be necessary and proportionate and the court must be sure to undertake a proportionality analysis.
121. In terms of the evidence, the court is being invited to draw inferences. Simply put, a Court, in the absence of direct evidence to support a fact or contention may draw an inference from other established facts to arrive at a reasoned conclusion in relation to the inference upon which a party seeks a determination. In other words, looking at all the evidence which may support an inference, the court must ask if it can reasonably conclude that something did or did not occur.
122. It is highly relevant here to give myself a *Lucas* direction, given the quantity of lies and retractions the court has been faced with and the need to apply the necessary forensic caution to the layers of lies and contradictions which this case has revealed. In particular it is important to remember the motives which

lead to lying. In this case the complex web of differing accounts, embroidered on to so many individual background profiles make the question of evaluating the veracity of the parents and children challenging. This is even more so where there are considerable holes in the fabric. I have been careful to consider each witness separately, including taking into account their ages, cultural considerations, their ascertainable motives and overall credibility.

123. I have been referred to a number of authorities as guidance towards the correct approach to this fact-finding exercise, inter-alia the following:-

- i) **Re B [2008] UKHL 35**
- ii) **Re A (Fact finding: Disputed Findings) [2011] 1 FLR 1817 @ para 26**
- iii) **R v Lucas [1989] QB 720; A v SM and Another [2013] 3 FCR 58 Re M (Children) [2013] EWCA Civ 388 H-C (Children) [2016] EWCA Civ 136**
- iv) **Gestmin SGPS v Credit Suisse (UK) Ltd & Anor [2013] EWHC 3560 (Comm) 15/11/2013**
- v) **Lancashire County Council v C, M and F (Children; Fact Finding Hearing) [2014] EWFC**
- vi) **Re T [2004] 2 FLR 838**
- vii) **Lancashire CC v R [2003] 3064 (Fam)**
- viii) **In the Matter of X (Children) (No3) [2015] EWHC 3651**
- ix) **Re J and Re A (A Child) (No2) [2011] EWCA Civ 12; [2011] 1 FCR 141 para 26**

x) **Re W (Fact Finding: Hearsay Evidence) [2014] 2 FLR 703**

A CONCLUDED OVERVIEW OF THE NARRATIVE

124. I have reached an overview of the narrative in this case from a detailed analysis of the evidence. It underpins my approach to the findings sought.

- i) In the UK before the mother and the children went to the country in North Africa, there were significant troubles in the family. DQ had had significant issues for some time, including issues about his identity, and his behaviour at school had been extremely troubling. CQ was bunking off college where she was taking her GCSEs with significant frequency and appears to have almost disengaged from education. She now says that she was in a sexual relationship which she was concealing from her parents and had had a number of pregnancy scares. On her account her boyfriend is an unidentified criminal who has now been incarcerated for seven years.
- ii) When she arrived in the country in North Africa, the mother's disciplinary intent was immediately engaged. Her intention to stay in the country in North Africa was made known, and it included a strong agenda to discipline CQ and DQ for their poor behaviour. She was confronted with CQ's admission in relation to her virginity which triggered a significant disciplinarian reaction.
- iii) Matters swiftly escalated for the children when they realised that they were being detained in the country in North Africa and were on the receiving end of punitive adult behaviour, and could not get back to the

UK. The mother's brother involved himself closely in the situation and the mother relied on him to instil respect and reform in the children, and his authoritarianism was engaged.

- iv) The children's flight was a serious attempt to get away from their mother and Uncle M and back to the UK because of the way they had been treated. The reasons for their flight are likely to have been that they had been frightened and upset by their mother's and uncle's behaviour and events in the country in North Africa and they both felt a strong need to get back to the safety and freedom of the UK. In CQ's case there may also have been the call of her boyfriend.
- v) The mother did not want to return to the UK. It is difficult to ascertain her real intentions, if any, about a date for a return, from the conflicting accounts, but over-all it appears that she was unhappy about the prospect of returning at all, and did not see that she had any reason to do so. She was not going to be told what to do. Her objective was at the very least to impose conformity on CQ and DQ and force them to realise the error of their ways, but also to get away from the UK.
- vi) The father was complicit in supporting the mother detaining the children in the country in North Africa and his deliberate lies to the schools and his obstructive reaction to the orders of the Court here have been downplayed by him. It is likely that he acquiesced to the mother, but he had his own role in these events which is examined below.
- vii) BQ is a compliant young woman who has not presented the parents with the same discipline issues as CQ and DQ. She appears to be a sensible

and unsophisticated young woman who is clearly aligned with her parents.

- viii) EQ is a bright child with a rather old head on young shoulders. She has had to bear the burden of these intrigues in which she has become inevitably embroiled, which is a sad situation, and her confusion is clear. It is lucky that she has been able to speak about matters to her counsellor and friends. It is axiomatic that she has been pressured one way or the other either to lie or to retract and the impact on her childhood of her family members' extreme actions, which have played themselves out in her school setting, is a matter which will concern me. She is clearly adored but she has not been protected from the troubles of this year.
- ix) The events of this year, and these proceedings, have been destabilising and hugely difficult for the whole family. There is a great contrast between the mother and the father. She assumed the role of disciplinarian and has treated CQ and DQ in an inappropriate and authoritarian way. The father is not perceived by the children in the same light as they see the mother. He has a more benign approach, but acquiesced to her actions to the detriment of the children. The parents' understanding of the significance of these matters is not as clear as I would have expected, given the quality of their legal advice, and there are clearly cultural differences at play which will continue to require understanding.
- x) There are and will be on-going tensions for all the children who are in a cultural and social divide between the North African side of their heritage and their day-to-day British lives.

THE EVIDENCE

125. I have read the bundles and viewed the ABE interviews. Transcripts of part of the evidence have been obtained.
126. There is expert evidence in the form of a cognitive assessment of the father by Dr Yazdani and a psychiatric assessment of the mother by Dr Royston neither of whom have been called.
127. Dr Yazdani suggests that the father tends to wish to present himself in a positive light and glosses over any difficulties in respect to his background or current family issues. My impression of him reflects this observation. I note that at paragraph 4.4 he told Dr Yazdani that all of this had come about *“because of the children’s displeasure at having been subjected to a certain level of chastisement (although he denied it had been physical in nature) and much stricter boundaries while on holiday with their mother in [a country in North Africa]”*. Her report is very helpful and highlights some of the deeper implications of language and concepts alive in this case. She has alluded to parenting practices in the country in North Africa and research which shows that they tend to be authoritarian. She points to a cross-cultural gulf between certain concepts such as “harm”.
128. The mother is the subject of two psychiatric reports by Dr Robin Royston. He identifies a history of anxiety and depression stemming from a failed hip replacement operation, for which the mother received counselling. There was no evidence of any psychiatric disorder when she was seen. Where her husband has described her as having fragile mental health during the time she was in a country in North Africa, she described it as being “stressed out”.

129. She maintained her denials in interview with him.
130. Within the evidence there is a “Declaration of Honour” dated 23rd August 2018 by BA, the mother’s brother. He is supportive of the mother’s case. He has not been called and therefore what weight can be attached to his evidence, if any, will be a matter for me.
131. Key to much of the case are the accounts of the children and the shifting sands which these represent. Also key is the difficulty in getting to the truth of matters such as this where lies have been told and where motives are strong. The ages and background of the children are also factors, as are the cultural imperatives and outlooks which cannot be simply taken for granted. It has not been difficult to expose lies and discrepancies and indeed, some of those lies have been accepted. The difficulty lies more directly in the individual motives for lying and the smoke created which obscures some important underlying aspects of the case.

MY ASSESSMENT OF THE WITNESS EVIDENCE

132. I heard the oral evidence of the children. The parents and their interpreters were able to watch in a room in another Court and the children gave their evidence in Court here in Brighton.
133. I begin with CQ. She appeared delicate, but quite adamant in her account in which she maintained her retraction with considerable determination. It is very clear to me that CQ has strong reasons for wanting all of this to go away. She wants things to go back to normal and everyone to be back home.

134. In her oral evidence CQ said some things which I want to pull out. When she was asked about telling the Embassy staff in the country in North Africa that a return to their mother would have been the worst option, She said "... *that's why we were scared to confront our mum because we ran away on the basis of nothing*". That flew in the face of much of the other evidence, not least the compelling account of DQ of CQ's distress.
135. She blamed the fact that DQ had stuck to his account on an argument they had had two days before and said that he is a very stubborn boy. She said: "*it's so easy to lie...*" something which I find applies to CQ. The mother seemed to know about this and believe that CQ had told DQ that because of what they had done she was suffering, but I cannot verify that.
136. I cannot follow her retraction as reliable. My assessment of CQ is that she has decided that she wants everything to go back to normal and the easiest way to do that is to wipe what happened out by categorising it as a lie. That suits her aim of reuniting the family and relieves her of the responsibility of having made such serious allegations. The burden on her has been compounded because of the fact that she appears to have been running a clandestine relationship which she was having to conceal from her parents at the time she was in the country in North Africa. However, her reason for wanting to come back because she had a boyfriend here is only part of the picture behind her decision to try to get back, in my judgment. I have viewed her initial interview with the police, which is broadly consistent with that of DQ and EQ and is probative. I have also considered the fact that she has obviously embellished her accounts at times: it was not true that her passport was taken, for example, nor that she had been very

badly beaten up by her family, nor that all her clothes had been destroyed. I have doubts whether a knife was used to threaten DQ – neither he nor EQ can confirm this. These matters were things she had told her friend, rather than the police. Other matters remain unresolvable. Embellishment of her original account is understandable as she was so keen to get away and clearly scared. However, it does not negate the underlying account. CQ's evidence now is unreliable.

137. Coincidentally, on the day she gave her oral evidence, 31st October, she told me that she had managed to retrieve texts from her telephone between herself and DQ which they had exchanged during the visit to the country in North Africa about the plot to get themselves back to England, which she said would prove that he was “in on it” – in other words, that she and DQ had been complicit in a plot to get out of the country in North Africa, to get themselves back to the UK, which was based on making spurious allegations to get them out of there. She further expanded in a second written statement, which was provided after she gave her evidence to exhibit and explain the text messages she retrieved on the 31st October. However, in court she told me about more messages than were ultimately retrieved and exhibited, spanning the whole time they were in the North African country. She has not explained why only two days' worth of texts were produced. DQ has accepted the texts as being between himself and CQ.

138. DQ struggled in the witness box. He clearly found the experience of giving evidence very upsetting. He appeared to me to be a sensitive and complex young man in the grip of a complicated adolescence. At times he appeared mature and at times very astute, at other times vulnerable and younger than his age.

139. He was clear and definite in his assertions. I have to view his evidence in the context of the recent events of 29th October when he called the police because he thought his mother was going to be there. That indicated that he has ongoing issues against his mother. There was the question of a row with CQ which occurred before the hearing. In addition, he told me very clearly that his father had shown him a piece of paper with bullet points suggesting that he should change his story to match that of his sisters. I accept that: there was no guile to it.
140. DQ's evidence ran contrary to that of his sister. He broadly maintained his position that he had set out in his initial interview with the police on 6th July: that things had happened as he had described in terms of the reasons why they had needed to leave. When he gave his evidence, he did not know about the texts recovered from his sister's phone later that day. The suggestion to him was that he had maintained his account now rather than fall in line with CQ and EQ, because and CQ had very recently had a row and so he decided to go against her.
141. He recalled that the mother had told them that they were going to be staying "forever" in the country in North Africa. He kept firmly to this. He kept firmly to his account of hearing his mother talking to Uncle M about marrying off CQ, which was because his mother had found out that she had lost her virginity. He said it was "an idea". Interestingly he also spontaneously remembered that BQ had been scared about a forced marriage. He was clear that his mother had punished him by hitting him because of his behaviour before they left for the country in North Africa.

142. In relation to being hit by Uncle M, he put this before they went to the Embassy. He could not remember if he had told his father about this, but he did recall that CQ and he spoke together about the fact that their father would not have accepted this treatment from Uncle M.
143. I was largely convinced on hearing DQ that his evidence was authentic. He was unpolished and he was able to be clear about things that he could not remember as well as things he could remember. His description of CQ's reactions to an argument that he and CQ had with their mother about staying was compelling. *"She was sitting there crying her eyes out and saying "I don't care any more, I don't care any more" and like threatening her with her life and stuff like that".* This had authenticity. DQ had not said this before and it struck me as a true recollection. CQ gives a different account that the children did not make their feelings clear, but I accept DQ's evidence.
144. He denied having watched the programme on forced marriage with CQ, though she had said that they had all watched it together. He disagreed that CQ had embellished her story; he said that she had not discussed her changed account with him.
145. He did not know if CQ had been threatened with a knife by Uncle M.
146. He indicated that the mother had agreed to return to the UK if they would say to the authorities that there had been no forced marriage
147. Significantly, he told me that about a month ago, his father had shown him a piece of paper in the car and said *"You need to start saying what your siblings*

are saying". He said that he had also said: *"Oh it's going to be OK now. Your mum can return back home, and you've just got to say a few things"*.

148. For the record, I asked the Guardian to speak to him about the texts between himself and CQ. In effect, he said that what he had said was true. He acknowledged the texts as having passed between them.
149. DQ's evidence has been pivotal. I have considered the reasons he may have for lying to the court, for example his clash with his mother and his recent calling of the police to make sure she did not come to the home. CQ would not give the details of the row she said she had had with him, but I find it implausible that he would have stuck to his version of events because of that. Where his evidence differs from that of CQ and EQ I prefer it. He has been broadly consistent from the outset and that adds value in my judgment to his veracity.
150. His account of being hit by Uncle M is supported in the texts he and CQ were exchanging: *"he shouldn't of touched me"*.
151. EQ had the support of an intermediary in evidence, Ms Finnimore from Triangle. EQ changed her account in evidence. Her position is that what she first told the police was untrue. She had also told the police officer that she had been told to tell Social Services that she had been lying.
152. On the 30th October, when she was due to give evidence, having previously decided that she would not view her ABE interview beforehand, and it having been established that (a) she knew that CQ had changed her account and (b) she had been shown a "letter" (her final statement) by CQ, EQ agreed to watch her ABE interview at Court. This she did with the intermediary, and when there was

something she now disagreed with, she asked for the recording to be paused and the intermediary wrote down her corrections.

153. I found EQ to be an astute, highly articulate child. Her evidence needs to be viewed in the light of the fact that she is a child who has been through particularly heightened and difficult events and also that she has a recorded history of making strong statements which do not appear to have any foundation. I note the things which she has been saying at school, many of which do not appear to have been in any way true. She appears to have developed a propensity to report things which are divorced from reality following her return, which seem to be loosely related to events she may have heard about.
154. I express my great sympathy for this little girl who has been so embroiled in the family drama where she is an innocent participant. Her struggle was all too plain when she gave her evidence.
155. The corrections are as follows:-
- i) Where there is a reference to an allegation that EQ's mother said that the children would have to stay in the country in North Africa forever, her correction was as follows:- *That her mother never said that. She said that DQ was not being very good at school and he was not behaving very well, and so her mother said that you guys will have to stay here for period of time.*
 - ii) In relation to a reference that Uncle M slapped EQ in the face, EQ's correction was: *that's a lie, he didn't slap me.*

- iii) In relation to the reference in the interview to EQ not knowing what forced marriage was and whether the allegations were true or not, her correction was that: *It wasn't true and she knew it wasn't true at the time of the interview.*
 - iv) In relation to a reference to Uncle M in the interview, she asked for the tape to be paused and said: *I know that part, that was a lie too.*
 - v) Further in relation to Uncle M she said: *He didn't do anything to my brother either.*
 - vi) In relation to a discussion about Uncle M hitting her and shouting at DQ her correction was: *that that part is also a lie.*
 - vii) Where there is a reference to her saying that Uncle M pushed DQ to the wall and started punching him, her correction was: *That is also a lie.*
 - viii) Where there is a conversation about a private tutor in the country in North Africa her corrections was: *There was never a private tutor in the country in North Africa.* I note that this contradicts the mother's own evidence that she got a tutor in.
 - ix) Where there is a reference about her mother hitting the children, her correction was: *our mum never hit us.*
156. Once Mr Downs came onto her corrections, EQ asked for a break and word came that she was not prepared to answer any more questions about them. She was clearly struggling at this point. She was not pressed further on this but she confirmed to Ms Morgan that she had now changed her account having spoken

to CQ, *“because we were changing basically a lie to the truth”... “There was no point in lying any more”*.

157. Her evidence has to be viewed with great caution. Since the events of the summer, she has been living in the same home as her father and siblings. She sought to give me the impression that there was little talk about these events between her and her family, but the home environment is likely to have been forensically porous. It would be unreal if there had not been any talk about these events.
158. I am satisfied that pressure one way or another, of one kind or another, has been applied to EQ. She told me that CQ had told her to change the story she gave to the police, and this was to change a lie to the truth. She denied she had spoken to her mother or father about what had happened in the country in North Africa.
159. I am persuaded that that original account given on 6th July was coherent and unembroidered. She gave a compelling account not only of what had transpired but also of her own feelings and reactions to the situation which has added credibility in my judgment. Her recall of events including being taken and put into a separate room and being asked questions, of being slapped on her cheek by her uncle, and of going to the Embassy all have consistency. She is vaguer in relation to having been hit by her mother but she maintains this was the case.
160. She reported CQ as saying that she was going to tell the Embassy that their mother wanted to force her into marriage, but could not say if that was true or whether she was just saying it.

161. BQ gave her evidence. She is a 21-year-old young woman who in my judgment was at some pains to distance herself from the cauldron of emotional events which is her family. She accepted that she was very close to her mother.
162. I cannot fully rely on her testimony to any great extent. She was an unhappy witness and her loyalty to her mother was very clear from what she told me. BQ, no doubt, adopts the conservative approach. From the evidence, there appear to have been times when BQ has been set to watch over DQ and EQ by her mother, effectively to spy on them and report to her. That is revealed in various messages which have been exhibited. The children did not include her in their plans, probably because they perceived her as aligned with their mother, as revealed by the text messages,
163. She told me that she knew that Uncle M had “punched” her mother in contrast to her mother’s account that he had slapped her.
164. She told me that she had been a witness to the event in February this year when the police were contacted by EQ because the mother had hit DQ. She said it was just shouting. She said: “*Mum and dad both know that smacking in this country is illegal*”. She agreed that there was quite a lot of tension in the house.
165. I accept that BQ’s account of her own proposed engagement being called off at her request was true. Her parents accepted her decision. The distinction between BQ and CQ of course that she is most evidently a compliant young woman treading her own safe path. Her relationship with this young person was known to her family so I assume that he was acceptable given the arrangements for an engagement which were in train. However, I was less convinced in relation to

her failure to verify the concerns she had expressed to the school in 2012 about forced marriage.

166. She has clearly sided with her parents. She was helpful in that respect as she painted a more moderate picture of them than is otherwise available. She clearly does not experience issues with their parenting like her siblings.
167. As for the mother, I have taken as broad a view of her as possible. The father was clear about her stubbornness and the children clear that he had no influence over her. Her tendency was to challenge many of the questions put to her with another question as a denial. For example, when it was put to her that she had said at the Embassy that the schools were aware and that she meant to stay in the country in North Africa with the children because she did not like life in the UK, she replied: "*To whom did I say all that?*" She has been provided with all the evidence in French and has had a great deal of time to engage with the details contained in the case. She did explain to me that there were hundreds of pages and she may have forgotten things, which I accept, but I noted her significant avoidance in relation to some very significant matters, such as whether she had said she would divorce her husband. I was surprised by her avoidant reaction to questions, and I found it to amount to evasiveness.
168. I was, however, inclined to believe that she had reported the matter to the authorities in the North African country, but her account that they "didn't write anything down" even though there was an investigation is implausible. A coherent explanation is outstanding for her failure to obey the Court's directions.

169. Having met her, she appeared to me to be a very firm and dominant person, with significant cultural imperatives and strong ties to the country in North Africa. I am satisfied that while there, she was making it clear that she did not like the UK environment and climate, and it is clear that once she arrived, she felt that it suited her better to be in the country in North Africa. That is understandable: her family is there, her sister and brothers remain close knit and she is very much part of her family there, where no doubt she feels happy and at home.
170. She agreed that her brother Uncle M assaulted her in 2010 but minimised this by saying that it was in fact a slap not a punch. She also told me that she had resolved this with him. She explained that he used to take the children out, which coincides with their evidence.
171. When she was challenged about the allegation about forced marriage she told me: *“I am not a mad woman to marry my daughter at the age of 17” “I would never break my daughter”*.
172. However, her plan to discipline CQ and DQ by keeping them in the country in North Africa is in contrast to that assertion.
173. I find that despite her denial she was wholly responsible for the content of the email sent to DI Richards on 1st May. Her attempt to distance herself from the correspondence to the “DQ” email address used by the family, given its content, was blatantly unreliable, and her blaming the children for that correspondence “because they do strange things” implausible.
174. She denied ever having problems with EQ. This cannot be correct against the matters recorded. She denied that she knew about the FMPO, despite having

told the police this on 24th July. I find she was aware of it before that time and did not tell the truth about her understanding of this order. She blamed the interpreter, but I am satisfied that it is likely that she knew as of 19th April or soon afterwards that the court had made orders for the return of the children. Her attempt to detach from a proper knowledge of the order was not credible. My conclusion is that she defiantly chose to remain in the country in North Africa, she did not accept the jurisdiction of this court and was determined to do only what she saw fit. I am not able to accept that there were any orders in the country in North Africa preventing her returning.

175. She denied any pre-existing plan to punish the children, despite the letter her solicitor subsequently wrote and BQ's account that the trip was a wake-up call. She said: "*it was only when we went there and their behaviour got worse that's when I told them*". I do not accept this. Nor do I accept her account that they thought "*it is only mum having a laugh*" when she told them they would not be going back.
176. Centrally, in relation to the allegations of forced marriage, the mother's denial was given straight. She told me that it was not something she had ever thought of. She said, somewhat contrary to otherwise persuasive submissions on her behalf, that she was not ashamed – and that it was in the old days that people disapproved of sex outside marriage, but not now. She dismissed the allegation as nonsense. She had never threatened the children and if all of these things had happened, she said, she would never have returned.
177. As regards her relationship with CQ she appears to have reconciled with her and accepted that she had a boyfriend. She told me that CQ asks her "*Oh mum what*

have I done?" She has denied telling the children to change their stories. However, I fear that the weight of other evidence means that I am not persuaded by her evidence on that point. Such actions on her part were clearly anticipated by CQ.

178. Her suggestion to me is that DQ lies to get his own back on his parents and is stubborn. For example, she told me that he called the police on the 29th October because his father would not let him get out to stay with a friend. This does chime with DQ's desire to get the mother into trouble in the country in North Africa, but I cannot verify it as it was not put to DQ or the father.
179. Overall, there are real difficulties with the mother's credibility. She did not wholly convince me of the truth of her account and making all allowances, she came across as dogmatic, unable to confront the adverse details of the case against her with a reasonable explanation. However, in relation to her attitude towards her children, she was very keen to be believed. It may be that in the aftermath of these events she has reflected and adopted a more liberal outlook towards DQ and CQ, but I am not satisfied that, at the time, things were as light and untroubled as she has tried to make me believe. In advancing her version of events she has seriously minimised what occurred.
180. The father's evidence also presented a number of difficulties. I accept that there were times when communication difficulties got in the way of his account to the police being as accurate as possible. Like the mother, his view that the children are "fine" does not reflect their situation or the dramas which have occurred. Like the mother, he repeatedly minimised the seriousness of the events in question, and he was unconvincing.

181. His evidence has inconsistencies, particularly in relation to the proposed return date for the children. It serves little purpose to unpick them all, save to say that it means that he is not wholly reliable. I find that he tended to give whatever answer suited him to the police at the time for the non-return of the children such as the fact that there was unrest in the country in North Africa or that his wife would divorce him if he was proactive, which renders his accounts unconvincing. He was disconnected from the detail of the evidence possibly because of language and cultural matters but also somewhat wilfully in my judgment. My impression is that he was at times nebulous and at times evasive and reluctant to give a straight answer. His lies to the school have not assisted his credibility as they clearly demonstrate a lack of regard for the truth, no matter what his intention. His response to the court orders also demonstrated a lack of regard for the orders of a powerful and authoritative court concerned primarily with the welfare of children.
182. His evidence as regards what had befallen the children was difficult to accept. He asked why it was he that should have been concerned. It appears that he has distanced himself from the evidence of the children's reasons for seeking to get out of the country in North Africa, or that it was their actions which took them to the Embassy. He could not even accept that they had been able to find it. I found this to be a very unconvincing reaction.
183. He explained that the forced marriage allegation was a story made up by the children. When asked if he told them to change their story his reply was: "*It was nothing to do with us. If I told them to change their story that would mean their story was true*". He has clearly chosen to disbelieve the children.

184. Ultimately, he was unhelpful. At times I was concerned at his lack of understanding. For example, in relation to the breach of the FMPO he asked: *why would I go to prison?* I was concerned by this lack of understanding.
185. He appears to me to be more indulgent than the mother. He believes the best of his children. My impression is that he is naïve about them and their lives but that is not a criticism.
186. He was evasive in relation to the record about BQ's fears of being forcibly married. He minimised the question of EQ's report of an incident in February to the police in relation to the mother assaulting DQ.
187. All in all, FQ was at some disadvantage in this case because he was not present during the events in the country in North Africa. It is easy to be critical but I do not believe that he has been concerned to assist the Court as best he could in this case.

RETRACTIONS

188. I preface my view of the retractions with reference to the evidence of CQ in her first police interview on 6th July. She said of her parents: *"They're going to sit me down and ask me what happened, what did I say what did they say, what did I say it's like now when you're going to interview EQ, it's like EQ's not going to tell you everything, and no matter how many...like you try to get out of her, because of how she's been spoken to at home by my parents. Like don't say this, don't say that, you can't say this. Like they've instructed her what to say, so you're not going to.. like you might get everything out of EQ, but I really doubt it, like DQ will tell you everything. They were like you have to say that*

nothing happened, that we were just angry because you were told you were never coming back to England, so we made up this whole massive story. That's what they told her to say, so she might not say everything. But with DQ, like, DQ doesn't care, DQ will say everything. But they've been like sitting her and proper trying to... like it's not even like my dad, it's my mum". I found that piece of evidence to be spontaneous and to demonstrate real concern on CQ's part for the worry that EQ would be pressurised by her parents and for the potential for EQ to be told what to say.

189. In my judgment that is not supportive of CQ setting up a cover story. It is spontaneous, shows concern for EQ, and it has the ring of truth. I am satisfied that CQ has felt much pressure in this case, and that she has decided to retreat from her initial allegations. It is likely that she did embellish parts of the story, but I do not blame her for doing so- the imperative to get away was extremely strong.
190. In order to try to get at which parts of her evidence were embellished, I have chosen in particular to approach with caution those parts of the narrative which were not supported by DQ or EQ.
191. The mother has set up a narrative that CQ is a born liar: she described her as suffering from an "illness called lies". Sadly, it is likely that to some extent, in order to live her life away from her parents' scrutiny, CQ has been obliged to be deceptive.
192. DQ was clear in his interview that when CQ was going to return to the UK the mother was not supportive and told her: "*You have to promise me that you have*

to say nothing happened, like none of this happened and that you have to say that we all lied and this, and then CQ was like yeah...”

193. I cannot accept CQ’s explanation that she made the content of her interview up “on the spot”. She had been communicating events to the police in the UK which were broadly in line with her interview since she went to the British Embassy.
194. CQ has tied herself into knots at times, which is indicative of the difficulty inherent in maintaining consistency where an untrue version has to be advanced. However, she has lined up with her mother very strongly and the submission that this is to resolve the conflict with her parents has merit. It reflects her wish for the family to be safely and swiftly reunited and therefore she has had very pressing motives to change her allegations.
195. I have noted the changes she made to her account and their timings, and looked at possible motives. When she initially told DI Richards that she had made things up it was in the context of protecting her father, whilst she was in close proximity to her mother and probably under her influence.
196. On her return she maintained the allegations for the most part and I put some real weight on the closeness in time to events. Having returned, if the allegations were false, CQ did not need to maintain them any longer. She had of course set a ball rolling but earlier she had not found it difficult to retract. Back in the UK she found herself with her family, mother and father together. It was in that set of circumstances that she gave her first, and in my view largely accurate, account in controlled circumstances. Further, she maintained the allegation of forced marriage when she visited her GP. She had no reason to do so if it was not true.

197. My impression is that once she had given her first interview, the reality of the unfolding situation began to dawn and frankly the easiest way to disengage was to retract. Her first interview was on 6th July, her second on 7th August. Time had passed.
198. In her second interview in August, CQ's few statements were very contradictory and have subsequently been contradicted. For example she denied telling her mother she was not a virgin, and that she never had a boyfriend. That cancels out a great deal of the original evidence, including that of the mother, of BQ and of DQ. She has subsequently reinstated the fact that she had a boyfriend in her oral evidence and in agreeing that there was reference to him in the texts with DQ. She does repeat the allegation that her mother threatened to take her to the doctor the next day and her uncles were going to pin her down.
199. Her first total retraction was in her position statement of 21st August. She declined to speak to the police again on 11th September and her final statement is a full retraction.
200. Just as she took EQ with her at the outset, so she was able to convince her to retract and take the easy way out.
201. I do not by any means find that all of CQ's statements and assertions are reliable, as she has exaggerated, However, wishing as I do to appear supportive of her in such difficult circumstances, there is a strong thread of evidence beyond speculation which inclines me to the view that at least in part, her total retraction and explanations for it are not true.

SUBMSSIONS

202. I have been greatly assisted by the extensive submissions of all parties.

THE ACTIONS OF THE BRITISH EMBASSY

203. The Guardian has invited me to consider dealing with the actions of the British Embassy in the main City in the North African country on a “lesson learnt” basis. That is not something I should do without giving the FCO a fair opportunity to respond. The statement of Julia Longbottom clearly sets out the diplomatic criteria which were applied at the time. Any directions to seek their attendance must be sought swiftly.

MY FINDINGS

204. I preface this by reference to the weight I have given to the first interviews with the children, albeit in the light of the subsequent evidence. The reason I found the initial interviews so compelling is that they were well conducted but there is an internal consistency in what was being recounted by each child that goes against the proposition that they had fabricated most of their accounts. Had these been largely fabricated accounts in my judgment there would not be such consistency in relation to some of the key allegations.

205. **1. That all three children were removed from their familiar surroundings- including school in the Sussex, where they have lived all their lives, on a false understanding that they were going on holiday, when it was really the intention of their mother that they should remain in the country in North Africa. Upon the true purpose of their visit to the country in North Africa being revealed, the children were told by their mother they would never return to England causing them distress and fear.**

206. I find that it is likely that there was an existing intention on the part of the mother to use the time in the country in North Africa to discipline the children. At the point of departure, the behaviour of DQ and CQ was such that it was not acceptable to her. In addition there is good reason to find that the father shared this intention: on 19th June the mother's solicitors wrote to say that "*the parents agreed to relocate the children to the country in North Africa because of DQ's deteriorating behaviour in school*".
207. There are conflicting reasons given for the trip. There is a clear thread which indicates that the purpose was one of reform, particularly in DQ's case.
208. The trip had various elements to it: DQ and CQ did think it was a holiday and they would be coming back for the next school term. The question of BQ's engagement was going to feature as well, and when it was decided that they were going, CQ also realised that she had an opportunity to get her driving license in the country in North Africa. She and DQ went willingly, and it appears that they did not realise that there was going to be trouble in store for them.
209. I note that CQ has also given the reason as EQ's February disclosures to social services. That was on 9th April. Whilst that may have occurred to CQ afterwards, it adds another degree of complexity, because it implies that the mother was also getting away from the authorities. The mother herself called this occurrence "the last straw". If so, it was good reason for not returning to the UK, and indicative of an incident serious enough to be categorised in that way.
210. What is supportive of this finding is the immediacy with which the mother announced her intentions. I find that on her arrival she made it clear to the children that they were staying and that it was forever.

211. Starting with the children's initial accounts, CQ on 9th April wrote to ChildLine: **"my mum said I can't go back to my education in the UK or anything I have to stay here and have to get married... we are all stuck here"** She told the police that when her mother arrived she said: **"You guys are never going back to England ever again"**.
212. In his interview of 6th July DQ told the police: **"she was like you're going to stay here for the rest of your life and like no-one's gonna help you because there's no government here that can come and like take you back to England or something like that"**.
213. EQ told the police in her interview on 6th July **"..when we were there my mum was like oh you guys are staying here forever"**
214. The mother denies this. She agrees that she wanted to punish the children for their poor discipline, but she told the police that she said to them that they would be staying until September when the school restarts. It maybe that she softened and eventually mentioned September, but I am satisfied that at the outset, she was in a punitive frame of mind, and she told them it would be forever. That is in line with BQ's evidence of an intended "wake up call".
215. The initial accounts by the children that their mother had said that they were going to stay forever are compelling in my judgment. I find that it is likely that she said this to them, and they believed it. CQ suggested the reference in the text messages with DQ to "not living here" refers to the fact that the mother had said that they would be staying until September. CQ has now advanced the mother's version of events but I prefer her original evidence. The initial reaction and statements of the children are founded on their communal assertion that she

had told them that it was forever, which chimes with the punitive approach she was taking. I do not accept CQ's oral evidence that the mother told them that "*she just might want to stay a bit longer in [the country in North Africa]*". That reflects the mother's case but does not conform to much of what CQ originally evidenced.

216. The subsequent messages from the mother to Ms Watson are revealing as to her view that she had an absolute right to stay where she was with the children and was not inclined to return. I also find that the email of 1st May 2018 which the mother denies having sent is highly likely to have been generated either by her or at her behest. "*I am from [a country in North Africa], my children are from [a country in North African] so is my husband please can you leave me alone and my children I wanted to stay in [the country in North Africa] with my childrenthey are fine here in [the country in North Africa] please just leave us alone everyone is fine here in [the country in North Africa]*"

217. Linking in the role of the father as regards the intended time for staying, CQ reported the fact that the mother had told him not to sign the consent to their return. That was a specific matter, true in my assessment. In my judgment that is telling, as is his evidence when he said that the mother is a "very strong-willed woman". He clearly accepted her actions, he clearly supported her in her efforts to remain and he was inconsistent in his accounts as to why the family were there and what the plans were to return.

218. EQ said that he wanted them to come back at the end of May, and her mother, who is "the boss" disagreed, and just "*wanted to keep us there forever*". That was compelling.

219. I find that the children were genuinely distressed by the threat and prospect of remaining in the country in North Africa. They were familiar with the country in North Africa from years of holidaying there, and indeed it looks to me as though while they were waiting to return, they did not have a particularly bad time there. However, in reality their lives were rooted in the UK. The prospect of not being allowed to return was clearly very real and upsetting for them. The text messages between DQ and CQ are also helpful as a window onto their feelings about their mother's behaviour. They were even pleased that EQ might go into care on return because "*she wouldn't have to do the madness we did*". They agreed about the mother: "*She has ruined our lives*". In my judgment, even for teenagers, that infers a great deal more than just drama and annoyance at missing out. It is a significant statement about their mother's conduct.
220. What they had believed to be a holiday had turned into a punishment. At the very least the punishment was designed to instil in them the need to reform their behaviour, and I am in little doubt that they viewed their mother as punitive and the extended stay as contrary to their wishes to get back to the UK and carry on with their day-to-day lives. They were aggrieved at missing out on things back in the UK, as EQ indicated. However, it is likely that their motivation for seeking assistance was far more substantial than teenage rebellion or misbehaviour.
221. **2. The mother made no proper arrangements for where the children should live in the country in North Africa**
222. I am invited to draw inferences from interviews and statements from the parents. They do not accept the allegation, saying that there were arrangements for them

to stay with the mother's brother, her sister and her friend. This has been a usual kind of arrangement when they have travelled every year to the country in North Africa and stayed with relatives who all live in the main City there.

223. This is not a finding I am prepared to make. It serves no purpose. I am satisfied that the family often visited the country in North Africa and would stay with family members who would put them up. The fact that there was no settled accommodation for the family is not indicative of an intention to stay permanently, there is no evidence that the mother was house-hunting. Conditions in the first two addresses were, on one view, excessively cramped. The children were obviously unhappy with the fact that there was nothing to do in such confined domestic arrangements where they were restricted.

224. **3. All three children were taken out of school in an unplanned way and in the case of CQ, she missed public examinations which will need to be repeated in Sussex. The children's education has been unnecessarily neglected over a period of months.**

225. I so find.

226. The father accepts that CQ and DQ missed the end of the Easter/Spring term and the beginning of the summer term, and says that he asked CQ about missing school, but she said there was nothing important during that time. He says that he now knows that in fact between September 2017 and March 2018 she was not going to college regularly in any event. The mother recognises that they missed school, but says she arranged for them to have lessons in the country in North Africa. The children's accounts about what these arrangements were do

not tally, but there appears to have been a tutor coming in to help with English, rather than their attending school.

227. I further find that the parents have treated the children's education in an extremely cavalier and irresponsible way. This is ironic given the obvious value they place on a good education and the opportunities it offers. The summer term is a critical time for exams and moving on smoothly to the next academic year. In DQ's case, there was clearly a significant need for him to get back and be supported in his education which had been suffering seriously. In CQ's case, she had failed to engage in her education at college. She missed vital exams for her future progress. EQ missed out on months of education. The continuity all the children required was lost. Where there are set curricula, missing such periods is very detrimental and all the children will have had to catch up. The mother appears to have found someone to do some English with the children. The mother lied about the children actually attending school in the country in North Africa. I am satisfied that they did not.

228. The father's frankly mendacious approach to the school, admitting that he lied every year to avoid a fine for taking them out in school time, was concerning. He reported the children as having burns and fractures, having been in an explosion. Even allowing for the foibles of Google translate, it is likely that he knew what he was saying. That meant that they would have been automatically under pressure to lie to the school on their return if they were asked about their health. The father appeared to give no thought to the seriousness of his actions and I find that he minimised what he had done with no obvious concern about the implications for his children.

229. I note these matters because they are relevant to the future parenting of the children in terms of their educational needs. The parents clearly set store by the advantages of a good education which is to their credit, but taking such punitive steps to instil better behaviour and give them a wake-up call was in my judgment inappropriate and incompatible with their educational trajectory.

230. **4. The mother planned to marry M against her will in circumstances which amounted to forced marriage and/or used the threat of the same as a method of control over CQ and DQ and EQ contrary to their human rights**

231. I am invited to draw inferences from interviews and statements from the parents.

232. My finding is that the mother threatened to marry CQ off.

233. The mother firmly denies this allegation. She states that she does not believe in forcibly marrying the children and that it is illegal in the country in North Africa. Her case is that CQ made this all up because she wanted to go back to England and influenced her younger siblings to share the lie.

234. The truth in relation to this finding has been obscured by multi-layered and numerous discrepancies, retractions, embellishment and denials. Nevertheless, there is some consistency beneath all this.

235. Firstly, in my judgment, there is insufficient evidence to suggest that the mother “planned” to marry CQ against her will. Further, any pointers to an identified person are extremely tenuous.

236. However, there is sufficient, in my view, to find that the allegation that the mother threatened to marry CQ off is made out. There is insufficient evidence

to find that there was ever a firm plan. DQ described it as an “idea”, but there is nothing concrete to support the mother doing more than talking about it.

237. Further, there were strong elements in play when the mother arrived in the country in North Africa. I find she was undoubtedly in a punitive frame of mind, and that it is likely that CQ’s revelation of her sexual activity was shocking to her. It is clear that the mother reacted strongly to CQ’s revelation. BQ was clear about the scenes that ensued.

238. It is also to be remembered that she was now back in her own culture, which would undoubtedly have given significance to such a revelation. In her oral evidence the mother underplayed the significance of this for her at the time, in my judgment. There is clear evidence of how upset she was and how dramatically she behaved.

239. I do not accept CQ’s retraction statement in which she says that the idea of the allegation was inspired by researching ChildLine and by following a YouTube link to a Panorama programme on forced marriage, though she may well have seen that material. I find it likely that in this case there was a different cause for her allegations, and that it went beyond simply making up an allegation wishing to get back to the UK because they had been told that they were staying on. The fear of being married off was clearly in the mix.

240. The seriousness of the allegation would not have been lost on CQ, in my judgment. She is quite sophisticated and streetwise.

241. I accept Mr Downs’ submission that the threat of marriage was a “tool in her effort to control the children”, at least CQ. The combination of circumstances

when the mother arrived in the country in North Africa and discovered CQ's situation is powerful. This mother had had enough. If the incident in February had been "the last straw", this must have been an even worse matter for her to have to deal with.

242. It is significant that both DQ and CQ alleged that they had heard a conversation between the mother and Uncle M about marrying her off. I am satisfied on the evidence that the children perceived him as the mother's agent: (*"she will call [Uncle M] when they (the BRI) come" "Init because I said they have to get us out ASAP no conversation nothing because our uncle will come" . "yh because he will start to throw hands"*.) They thought he would get arrested or shot. That was serious talk.

243. This contemporaneous text conversation also goes against CQ's retraction where she says: *"I appreciate that a question will be raised about the allegations of physical abuse made against my uncle and my mum. The story was embellished to hammer home the need to get us out of [the country in North Africa], however none of it was true"*.

244. Secondly, DQ says in the recently discovered text messages: *"He shouldn't have touched me"*. *"He will throw hands"*. Despite CQ's attempt to explain what "to throw hands" means in SMS language, it is well within judicial knowledge that the term means to throw punches, to be physically violent.

245. It has been challenging to identify his role in this scenario, but there is independent evidence of his personality as recorded and perceived by others which in my view is credible and should carry some weight. Firstly, the mother agrees that he slapped her and although she tried to convince me they had made

peace, it is significant that he was abusive to his sister. In fact, it was so significant that the father and mother reported this and his threats to the police in this country, and appear to have been genuine in their concerns about him. Both of them downplayed this unconvincingly in their oral evidence.

246. CQ reported on the 18th April her concerns that the uncle was getting angry that she was not conforming to Muslim life, refusing to wear a headscarf and continuing to wear make-up. Her mother was given the chance to discipline the children otherwise he would take over. CQ repeated the uncle's position in her first interview: *"You guys aren't like proper Muslims and if you disrespect my sister I'm going to disrespect..."* like my mum, the sister, *"Then I'm going to hit you guys" ...*
247. CQ in the light of her retraction and her rejection of DQ's account that his uncle hit him has every good reason to avoid telling the truth about this, but DQ was very clear in his evidence that Uncle M hit him, as were all the children in their first interview. EQ, in my view, gave a compelling account when she said that he hit her for speaking English.
248. This leads to the question of his role in the family and the alleged discussion about forced marriage. It is likely that the mother turned to her brother in these circumstances. CQ and DQ thought in their text messages that their mother would turn to him if the BRI came.
249. He was clearly very closely involved in what was happening. It is the case that he took the children out quite a lot particular towards the last part of the stay. I find that he played an important part in events, and that either the mother relied upon him to instil some discipline into the children or that he took it upon

himself to do so. I find it likely that he assumed his role as head of the family, seeking to enforce discipline and compliance, and further, that it is likely that he and the mother discussed the possibility of marrying CQ off because of what she had done. It is significant that CQ and DQ say they overheard a phone conversation where this was discussed. I accept this account. The mother denies this so I cannot say whether she spoke about it to appease Uncle M in some way, whether it was her own idea, or whether it was just said for effect in the punitive context or whether there is some other explanation.

250. DQ in interview states: “ *We heard my mother speak on the phone to my uncle and she told him that I don’t really want CQ anymore in the house with me so I’m gonna marry her to anyone that’s offering and get rid of her*”. He expanded: “*I mean we’d sort of thought that my mother would do this like forced marriage.... She’s abused us in the past it’s like it’s not something new..*” and goes on to make further allegations against the mother of physical violence.
251. CQ alleged that her mother was threatening to marry her to ChildLine on 9th April. On the 19th she texted to her friend: “ *I heard my mum say to my uncle this morning its important I get married fash (fast) as it will prevent me leaving..*”
252. On 20th April she texted to say that “*it was next year but now it’s this year,... I think it’s going to be as soon as possible that’s why they have to bring us home*”
253. Later, in her first interview stated that “ *.. and then we kept hearing her like talking to my uncle, like saying that “Oh I just want to marry CQ like I just want to get rid of her, I might just marry her, and then we got scared and we contacted Child Line*”. That chimes with DQ’s account. I note she gives her reason for

contacting ChildLine as being because she was scared, and not because she was looking for information about forced marriage which is in her retraction.

254. She said she had told ChildLine because *“I was like scared I was going to be married, and then because I was hearing that, when we were at my uncle’s house, he had two sons, and I was hearing that I was going to get married off to one of them, like the youngest, that was like, I think he was 21 or something, and the girl that live there she’s 17 and she got married off last year, to like a 36 years old man so I was scared”*. I am satisfied that there was talk around the possibility of a marriage that CQ was aware of. I cannot say that there is evidence of an identified groom, but it points to the existence of the theme being articulated. The theme was of “marrying her off”. There is no evidence either way as to whether this was to be by way of forcing CQ to be married against her will or arranging a marriage for her.

255. EQ did not know in interview if “the forced marriage thing” was true or not. She also to an extent supports the argument that CQ was saying that she was going to tell them that her mother wanted to force her into marriage and her brother said, *“well were there any agreements”* which suggests that she had a narrative that this might have been made up by CQ and DQ. She said, *“I don’t know if my sister was actually saying it or if there was actually, if it was actually true”*.

256. I therefore find that marrying CQ off is likely to have been a threat made as part of the mother’s punitive reaction towards CQ and something which CQ and DQ heard her discuss with Uncle M. It arose whilst the mother was away from

the influence of the father, and in close proximity to what may have been the cultural pressures and expectations of her own family.

257. Such a threat being made is profoundly harmful. It contains a threat of coercion, life-long dominance and control and rape, at its worst. The prospect taken at its highest for the subject is uniquely terrifying. An arranged marriage is different, but it appears that CQ took the threat to be of forced marriage as that is the terminology she used.
258. CQ's evidence that she wanted to go back to the UK because she had a boyfriend is not incompatible but does not cancel out the fact of a threat to marry her off. It is possible that for CQ both reasons were at play.
259. I felt that DQ's evidence about what he had heard was reliable.
260. For those reasons the finding that the mother threatened to marry CQ is made out.
261. There is no substantial evidence that the mother directly used the threat of forced marriage as a method of control over either DQ or EQ, save that DQ at least was exposed to the situation this threat created. I have noted that EQ since her return made comments about this which indicates the impact of these events on her but it is not clear that she was exposed to threats by her mother, but likely that she was aware of what was in the air as regards CQ even though it appears that at the time she was not sure about the forced marriage.
262. As I find that DQ was aware of the threat towards CQ, so that must have been alarming, but there is no evidence of any such threat towards himself or EQ. I have asked myself whether a finding of a threat of marriage made in a specific

context towards CQ is sufficient to draw a safe inference that they are likely to be the subject of a similar threat or of forced marriage as a means of control.

263. The evidence in relation to BQ fearing that she might be forced to marry is troubling but inconclusive, and she appears to have become unduly worried at the time. It cannot be said to support a finding that the parents have a culture of forced marriage.
264. I view this threat in the context in which it was made by the mother. It was reactive. It is difficult to infer a wider application of forced marriage as a means of control, but on the basis that I find that such a threat was made once, the most I can infer is that it is possible that such a threat might reoccur if a situation demanded.
265. Further, by way of observation only in respect of this finding, the counter-factual evidence as regards whether these parents were operating with forced marriage as part of a “toolkit of control” is strong. They themselves married by choice, and I accept that. BQ was not compelled to go through with her engagement. The father has expressed the view that he would not force his daughters to marry. So does the mother, but she is now away from factors which were much stronger when she was in the country in North Africa in the bosom of her family and culture.
266. It is impossible on the evidence to know whether the mother had the means or the intention to force CQ to marry in the country in North Africa. Certainly, at 18, she was below the legal age in the country in North Africa to marry.

267. That does not mean that the mother could not have planned a marriage, but there is evidence to suggest that the father would not have gone along with that.
268. Where there is a threat, it is difficult to identify intention in the absence of evidence. A threat does not automatically bear a risk. I cannot evaluate whether there was an actual risk to CQ and if so how real that risk was. The harm stems from the terrible threat.
269. I am concerned by the father's reaction to the FMPO. He allowed what on the face of it was a deeply concerning situation to continue. He was in communication with the family although I really cannot say what information he was getting from the country in North Africa other than the mother's version of events, which appeared to lead him to think that the children were fine. I cannot invent an explanation for the children failing to contact him to come to their aid and get them out of the country in North Africa but I can infer that they did not think he would go against their mother.
270. **5. CQ DQ and EQ were at risk of forced marriage.**
271. There is no evidence to support the finding that there was ever a plan or intention or threat to marry off DQ or EQ. It appears that Uncle M has taken a disciplinarian role towards both DQ and EQ, but I cannot extend that further in support of such a finding. It begs the question of the safety of his future involvement in the lives of the children but I have not heard from him. I do not know if he or other family members are able to force a marriage. If the mother and her brother continued to collude over disciplining and reforming the children in future there may be a risk, but I cannot speculate.

272. The most I can infer is that the mother threatened CQ with marrying her off, and if that threat were to be extended to DQ and EQ, it is not clear how it could be effected, but it would still be harmful as a threat.
273. **6. In the country in North Africa, CQ was held down by her mother against her will to be physically examined as to her virginity; she was threatened by her mother that her uncles would hold her down to examine her as to her virginity, and subject to threats of “stitching her up” before the wedding.**
274. I cannot find on the evidence that CQ was held down by her mother against her will to be physically examined as to her virginity. She went to the doctor and the visit appears to have been an appropriate and orthodox medical examination for heavy menstrual bleeding. The fact CQ had been sexually active was discussed and her mother feigned previous ignorance, but I make nothing of that. She lied, but probably for cultural reasons, something which perhaps illustrates the cultural imperatives at play in this specific scenario.
275. I treat the retracted allegation that her mother threatened her that her uncles would hold her down to examine her as to her virginity and threatened to stitch her up before the wedding with some caution. It is not a feature of the evidence of DQ and EQ.
276. The visit to the doctor does not appear to have been a virginity examination. I have seen CQ’s account of it, which is not supportive of her mother holding her down. She had said in interview “my mum was like grabbing my hands and pinning me down” and that the purpose was to check if she was a virgin. This account is contradictory and likely to be unreliable. She asserts that the mother

took her there under the pretext of her weight but when they got there she also said that she was going to check if she was a virgin.

277. In CQ's interview on 6th July she expands on her mother's reaction to the news that she had lost her virginity. CQ states in contradiction to other evidence that she was confronted by her mother about it but she denied it, so her mother "*was like, well I'll go and get a doctor to check*" and *I was like well obviously not, And she was like, well we'll go and get four of your uncles to pin you down and we can get a doctor to check, if you're going to refuse. And then I just started crying and then later on she like knew I lost it, because then I just said it, because I was scared for my uncles to come, and then she was just saying like "the only solution now is for you to get married"*. CQ maintained that this was said.

278. BQ's evidence supports the view that the mother was totally shocked, and she described her as just coming into their room and sitting down staring. She said that CQ was crying and everyone was upset and this went on for the rest of the day. I have considered the question of the shame that the mother may have felt in relation to all of this. She did not plead shame in her oral evidence in fact she brushed the virginity issue off as being shocking but not very important, however viewed in the cultural context of the country in North Africa, this view may have more validity. In turn that adds to the credibility of CQ's allegations.

279. CQ reports the exchange which followed and goes on "*she was just like Oh like now you've lost your virginity like you have to get married and stuff and I was like I don't want to and she was like well there's no other way and then she was just saying like she was talking to this woman and this woman was like oh you*

can sew her up and the I don't even know what that meant, but she was like You can sew her up and then so when she gets married it looks like she's a virgin well she's obviously not".... "because she (the woman) apparently knew someone that could do it."

280. CQ has undoubtedly embellished and exaggerated. However, there is a resonance in what she reported as regards the threat that her mother would get her uncles to hold her down. She maintained it through two interviews. I do not know what her uncles would say about this suggestion.
281. The conversation is located in the bathroom, meaning that it is possible that neither EQ nor DQ were aware of it.
282. This was a mother who was very upset at the time. The children talk elsewhere about her reactions to them, and her lashing out. For example, the row in February was so fierce that EQ told her school. I am satisfied that the mother loses control and has been very angry and abusive towards DQ in particular. I find she was acquiescent towards Uncle M when he is said to have hit DQ, and her support of him punishing him. Whilst I cannot say if she intended to carry through having CQ held down, I nevertheless find that it is likely that she said it to CQ in the context of her revelation and in the context of the punitive mood of that time.
283. I am less convinced by CQ saying her mother threatened her that she would be stitched up. She does say that she didn't know what it meant at the time. She had time before her interview to study forced marriage on line. It may be that the mother articulated something like this in her angry outburst, but the evidence

is not very clear, coming from a conversation she is reported to have heard between the mother and a visitor to the flat they were staying in.

284. The content of her messages to her friend are in my view in part likely to be dramatised for effect and need to be approached with the necessary caution. I find that it is likely that her mother as part of her reaction to the situation used an angry threat that CQ could be pinned down. That is consistent with the threat of forced marriage. However, I am concerned that the allegation that she would be stitched up is an embellishment and it is unsafe in my judgment to make a finding on that part of the evidence.

285. **7. DQ was assaulted by his Uncle M in circumstances where either this was with the connivance of his mother or she did nothing to protect him.**

286. I accept the forensic difficulty of not having Uncle M's account but there is a preponderance of corroborative evidence in support of a finding, not least in the texts between CQ and DQ in the country in North Africa referring to him touching DQ and "throwing hands".

287. It is difficult to establish how often this occurred. DQ in interview said "*he sometimes hit me*" The context of it is that: "*my uncle kept on taking me out and was like you need to leave your siblings alone and was like you need to act like a man, then he will sometimes hit me and be like swearing at me...I didn't enjoy also like being abused by him*". There is only one allegation which is supported by other evidence.

288. DQ's experience of being abused in this way by Uncle M chimes with the narrative of a punitive approach he took upon himself.

289. I find it is likely that Uncle M hit DQ. I found his oral account credible, in particular, about the time that he hit him when the other children said that they were present. He set this as being when the family were out walking in a specifically named place. He sets the mother there and said that she was smirking and walking away. CQ complements this with her account that the mother was “right there” and later expressed the fact that she was happy that Uncle M had hit DQ. She also expanded on the circumstances: she described walking over to her mother who “...was like “*Don’t say anything, otherwise he’s going to hit you*””. She said this twice.
290. CQ and EQ support this allegation of assault in their interviews.
291. DQ has also been clear that his mother would hit him, though he is not specific about this.
292. On 24th April, CQ also alleged that her mother and Uncle M hit them when their phones were found. CQ only says this once. I take the cautious approach to what I assess as two thin pieces of evidence. EQ has said that the mother hit them “rarely”.
293. Being hit as he was further explains DQ’s willingness to get out of the country in North Africa. I find that this was not challenged by the mother who readily acquiesced to this gross interference with her son’s wellbeing.
294. In support, there is ample evidence to bolster the contention that Uncle M took the children’s situation into his own hands. CQ in her first interview told the police that he said: “*Oh now you guys are here like I’m in charge of you guys,*

and stuff". She also told the police that after that he beat DQ up and he slapped EQ around the face.

295. EQ's first account supports this allegation, though by her second interview in July she had "forgotten" what happened to DQ. She said in her first interview "*I don't know what happened but then he like pushed my brother to like in the wall and started punching him, I don't really know why. I don't really know what happened, you have to ask my brother that and then when he heard me speaking English to my sister he like hit me round the face because he was like This is a country in North Africa, don't speak English and stuff*". While she says she does not really know what happened, she clearly had at the very least been told or heard about an incident.

296. **8. EQ was assaulted by her uncle as punishment for speaking English in circumstances where either this was with the connivance of her mother or she did nothing to protect her.**

297. I find it likely that Uncle M smacked EQ for speaking English based on her account. In her first interview she was very clear about the circumstances and in her second interview she was not reluctant to repeat that he had hit her cheek for speaking English. She had been able to point to her cheek where she said she had been slapped.

298. The mother does not appear to have done anything to stop him treating EQ in this way at the time. Given her clearly emotional and genuine love for EQ, this is concerning.

299. **9. The children have suffered threats of physical harm from the adults in whose care they remained, namely their mother and their Uncle M. The children were held against their will in their uncle's apartment.**
300. CQ's initial report was that they had been locked in an apartment and had no freedom of movement. On 19th April, she specifically reported that they had been locked into their uncle's property and that the uncle was still in the house. This was accompanied by her report that they had been told that they were moving in two weeks to an unknown address in the main City .
301. EQ reported that the children spent all day indoors with nothing to do. The mother denies this and it is not supported by BQ who described a holiday type scenario with excursions. I am satisfied that the children were not allowed to go out on their own and were confined to the apartments where they were staying except when they went out accompanied. I am satisfied that on the 19th CQ believed that they were locked in and that is why they could not get to the British Embassy that day. CQ and DQ were in a country in North Africa against their will once they realised that they would not be returning as they had anticipated.
302. The children ran away. Their actions had all the hallmarks of an "escape". They did not seek their father's help. This was a desperate plan. They had to give a reason for going out before they left.
303. They were being held against their will in the country in North Africa and by extension, in their uncle's apartment.
304. In addition, the children were being detained in the country in North Africa for the purpose of reforming the behaviour of DQ and CQ. I have described the role

of Uncle M and have found that he was violent to DQ and EQ, though not to CQ. However, he had made his authoritarian role clear to her.

305. DQ said that his mother used the threat of bringing them back to the country in North Africa if they did not behave. I am satisfied that when they were there the mother shouted at them. CQ describes her as being “really aggressive” before taking them to their uncles who told them he was in charge. The evidence in relation to her hitting them while they were there is thin.

306. **10. EQ and DQ have been exposed to CQ’s distress, and the children have been exposed to the harm of each other causing further emotional distress and fear.**

307. CQ reported that EQ and DQ were suffering mentally. It is quite obvious that the drama of the situation, with a determined and scared CQ in the driving seat, would have been very real and probably frightening for EQ, and very real and urgent for DQ who was also the subject of physical abuse and involved in the events surrounding CQ. These events are likely to have had a real impact on their sense of security and emotional welfare.

308. On 1st April there was a scene going on in the house with CQ at its centre, crying for the best part of the day. The mother is described by BQ as just sitting there, presumably in a state of shock. In the close quarters in which they found themselves all of this is likely to have been absorbed by DQ and EQ.

309. I have several times referred to the current reality for this family, with the conflicts which are apparent: the parents accusing the children of lying, CQ and EQ making retractions, and DQ sticking to his story. There are glimpses of other

tensions such as DQ reporting his mother's presence to the police. EQ is clearly affected, and this comes out in things she has said. It would be fair to say that there appears to be a lot beneath the surface of this family, and I await the updating evidence with great interest in the hope that some of the issues which have surfaced can be fairly evidenced in a welfare context.

310. **11. The children fled the care of their mother in the country in North Africa and sought refuge with the British Embassy but were returned to the care of their mother against their expressed wishes. Despite their distress and the mother being aware of their wishes and feelings she failed to return the children to England and Wales pursuant to the interim forced marriage protection order and order in wardship but rather subjected the children to punishment.**

311. This finding is clearly made out. I have no evidence that there was any order in place in the country in North Africa preventing the children's return. I have no explanation from the mother or father as to why this is. They were ordered to produce the evidence that they had about it. There is repeated reference to it by them, to the High Court in the country in North Africa, to a judge and to orders, at the very least suggestive that there was some form of official intervention. The mother refers to having launched a case against the British Embassy for retaining the children and the father believed that they had been kidnapped by the British Embassy. She appears to have initially believed that they had been picked up when they were out by the British Authorities, but that is clearly not the case. There are possibilities: either there was no such action taken, or there was, and either there is no documentation, which is highly unlikely, or there is,

and the parents have knowledge of and access to the documentation but do not want this court to see it for reasons of their own. I was struck by the parents' rather defiant evidence on this point. The mother said that the local authority could get the evidence if they wanted it, and there were treaties about it. The father echoes this. I am not satisfied that there was any obstacle created by the legal system of the country in North Africa to the immediate return of the children. If I am subsequently proved wrong about this, it is difficult to understand why the children eventually returned seemingly without any difficulty from the country in North Africa's authorities. The identifiable obstacle was the father's contempt of this court by refusing to sign his permission for the children to return. I find that he refused and procrastinated at the mother's behest. I note the evidence of 22nd March, where he stated that if he signed the authority his wife would divorce him. I find that he said that, despite his attempt to gloss over it. He was indicating that his wife was in control and that he was not prepared to go against her decision to remain

312. **12. The children were instructed by their mother to lie to the authorities in the country in North Africa and coerced into signing documents they did not understand**

313. In the context of this case, this is an important finding if true, because it illustrates the lengths to which the mother was prepared to go to ensure that the children's accounts were nullified.

314. On the 19th April, CQ texted that she was going to be taken to the British Embassy to give fake statements to say that everything she and DQ and EQ said was not true and that her dad (who by now had been arrested) should be set free.

She was insisting that the police needed to be told that and that when their statements were faxed over to the police in England they would not be true. She alleged that her mother was forcing them to change their original statements.

315. Later in that exchange CQ writes: *“Hi basically I managed to convince my mum to not go to change our statements so hopefully the trial goes all well and we get permission to come home.”* That is unusual. I cannot find an explanation for this.

316. However, on 25th April CQ texted to ask that the negotiator *“call the police office and say whatever letter or statement they get that is claimed to be from me DQ or EQ are fake fake. They are taking us to write them now”*.

317. CQ’s account is given with some particularity in her first ABE interview. She recalls being taken to a police station, and her mother telling the children in the car to say that *“it’s not true, that everything is not true, and that we’re fine. And just stuff like that.”*

318. DQ in his interview recalled being told to sign something, *“we weren’t really told what we were signing we were only told briefly that we were misbehaving in England and that like all we said was a lie and then like I didn’t want to sign it so CQ and we both went on separate days and CQ didn’t want to sign it... when I didn’t want to sign it they like put me in a room, they didn’t lock it but they didn’t let me out and this man kept on persuading me saying like you have to do this, you have to do this or your life is gonna goand so that I had to sign it in the end because we were there for so long, for like six hours or maybe more. Then I signed it used my fingerprint and signature and then back to where I was when my uncle kicked me out”*

319. I include this in full because of the detail DQ gives. He says he used his fingerprint to sign the document. He gives an account of being pressurised. I have asked myself if these documents they say they were being forced to sign form part of papers in the alleged proceedings in the country in North Africa but as they have not been produced, there is no way of knowing. If such documents do come to light it would be valuable to see if there are retraction statements in them.
320. I find that there is reliable and compelling evidence in support of this finding sought. I find that the mother caused CQ and DQ to be put under pressure to retract their allegations made to the British Embassy and were taken to sign documents they did not understand.
321. **13. The children were told by their mother and father to lie to the British authorities about the harm they had suffered when in the country in North Africa.**
322. This is made out.
323. On 11th May, there is an email from CQ to DI Richards. It appears to be a plea in support of their father, underpinned by a statement that the allegations were not true. There appears to be an agenda: that they will not come back if they are going to be put into the care system, and they want their father to be exonerated. She does accept that “we had issues at first” without expanding. This retracting communication clearly had purpose. There is no evidence that she was told to lie about this, but it is clear that this carefully constructed communication contained a specific dual purpose which was unlikely to have been achieved if the original allegations were true.

324. DQ told the police in his interview that their mother pressurised CQ *“to say that nothing had happened if she went back and have to say that we all lied...and then CQ was like yeah...”*
325. It is also significant that CQ appears to have fallen quite ill in the latter part of the stay and DQ identifies her as becoming more supportive of CQ. That is significant if true, as it may explain why the retraction was necessary for CQ to retain the support of her mother who had softened.
326. When she returned on 6th June, CQ retracted her allegations to the social worker and Guardian who visited her. However, that did not last because once she was in the setting of her ABE interview, she returned to her original version of events.
327. In his oral evidence DQ spontaneously gave evidence that his father had shown him a piece of paper before the hearing and suggested that he change his story to match that of CQ and EQ. This was in my assessment not an invention on his part. I understand that he has issue with both parents, but there was a spontaneity about this piece of evidence which was impressive. It means that DQ was being asked to lie to the Court.
328. More generally, as regards the children being pressurised to give a false version of events and retract, DQ alleged that in relation to the forced marriage his mother told him to lie and not to tell the British Police about it. Although both parents have denied pressurising the children to change their allegations, it is highly likely that CQ and EQ have felt the need to do so and indeed have done so, and that DQ has come under pressure. CQ recently told him to leave, so it has come from all sides.

329. **14. The father failed to protect the children from the factual matters listed above and or conspired to assist the mother.**

330. The father was not in the country in North Africa. However there is evidence that he and the mother were in agreement about the purpose of the trip to punish DQ and CQ. In my judgment both parents minimised the amount of communication between them during this period.

331. The impression the father wanted to give was that the mother was in control and that he could not do much to influence her. This is supported by evidence emanating from the children.

332. However, the net effect of his actions was to demonstrate that he was supportive of the mother's actions. He refused to sign for the children's return. I note his reported dislike of Uncle M, and the fact that he reported him to the police for his behaviour towards the mother and his threats to the family. That was protective. Nevertheless, there is no evidence that he was worried about Uncle M more recently.

333. I infer that the children did not tell him what was going on because their perception of him was that he would go along with the mother and they did not want him to get into trouble.

334. There is some lack of evidence as to what he was being told at the time, other than that the mother told him not to sign for the children's return which I find happened. That refusal to sign and his apparent acquiescence to the mother's authority to do as she wished against the background of the allegations was a failure to protect the children.

335. I find that he knew about the Court orders at least in general terms when he was arrested on 19th April, although there may have been initial language differences. He told the police on that day that he sent the children to the country in North Africa because there were “too many problems with the police in the UK”, which appears to me to be supportive of an idea that they would be better off there.
336. I am satisfied that on 22nd April he told the police his wife would divorce him if his family (who he said had already gone to speak to the mother) continued to make any such requests. The police viewed his stance as a tactic designed to keep him out of trouble. They also took the view that he had downplayed his involvement, one I endorse fully having heard him in evidence.
337. He accepted the breach of the orders by not signing for the children’s return.
338. **15. The father lied to the schools, social services and the police to support the mother.**
339. This finding is made out.
340. **16. The father failed to take active steps to protect CQ and DQ and EQ when it was made known to him that CQ was at risk of forced marriage at the time the forced marriage protection order and wardship proceedings were issued, and for some time after that.**
341. This finding is made out. The order was made on the basis that the concern at the time was the risk of a forced marriage.

342. **17. CQ has suffered significant physical sexual and emotional harm and neglect as a result of the factual matters set out above and is at risk of the same**

343. It is likely that CQ was upset and afraid as a result of the threats made to her, and as a result of her mother's plan to keep the children in the North African country longer than they had expected when they set out. It is axiomatic that her education was neglected. It is also likely that she suffered significant emotional distress, sufficient to drive her to take extraordinary measures to get back to the UK. Seeking refuge at the embassy was not just wilful or impulsive. The whole experience must have been disruptive and frightening. There is no evidence that she suffered physical or sexual harm, though sexual and cultural issues are likely to be tied up with the emotional load upon her. Her mother's actions do in my judgment amount to emotional neglect in that she was punitive towards her. I am careful to identify that one set of behaviours and values which may prevail in the setting of a North African country do not necessarily prevail in the UK. CQ was brought up entirely in the UK, and has lived a life with usual freedoms including the ability to choose a boyfriend for herself. Therefore, the mother's behaviour towards her in the country in North Africa must have had a significant impact. There is no previous history of her parents treating her in such a harmful way before now.

344. I conclude that there have been multifactorial potential causes of harm to CQ in this case:- the harm arising from being kept against her wishes in the country in North Africa, the emotional strain of making disclosures and then retracting them, the emotional burden of having a clandestine boyfriend in the UK and

fearing that her family would not approve, the burden of taking her siblings along with her, the issues around her family relationships including with DQ, the harm from revealing intimate and sensitive medical and gynaecological information. It is no wonder that CQ has wanted it all to go away.

345. As for the risk in future, CQ is living within her family. It is, I find, a troubled and secretive family. The adults lie, manipulate and both appear to minimise these events and seek to brush them off. She appears to be living a normal life with her father, with plenty of freedom, and she is going to college to get her education back on track, but there are clearly issues with her mother. In my judgment there is a risk to her of pressure from her family, whether it be pressure to conform which may put her at risk of living a double life, or to threats of punishment, or pressure to keep silent, or to lie. It is difficult to quantify the risk.

346. **18. DQ and EQ have suffered significant physical and emotional harm and neglect as a result of the factual matters set out above and are at risk of the same**

347. I find that DQ and EQ were hit by Uncle M, and that their mother has physically chastised DQ in the past. The parents' evidence has given me a great deal to consider. They had had to face some very difficult behaviours by CQ and DQ, and my impression is that this has been overwhelming and confusing for them at times. Despite the findings, they clearly love the children very much, EQ in particular having a special place in their hearts.

348. The mother is stubborn and emotional and has been capable of heavy-handed and inappropriate parenting. The father is far more laid back but he is less

domineering than the mother. Their insight at the moment appears to be limited but that may be as a result of these defended proceedings. He has, in my judgment, found himself caught in a situation caused by the mother's behaviour which has not been much to his liking at times and has been under pressure from her to go along with what she wants. He does not see harm where others would. He was not protective when the children were in the country in North Africa.

349. There is absolutely no doubt that the children have all suffered significant harm from these events in a number of different ways:- emotionally and physically in the case of EQ and DQ at the very least, stemming from the parents' actions and reactions as set out above.

350. It is difficult to predict future risks in this case. There is a lot to be resolved in terms of parenting and creating an understanding and acceptance in the parents of what is safe and appropriate. In my judgment both of them appear to have been operating at a distance from the needs and the realities of their youngest three children. In BQ's case, because she does not present any particular challenges, the poor and harmful parenting which has occurred has not been so evident, but with the younger three, the parents' evident difficulties to act in a child-focussed way, honestly and protectively during this family crisis has been fully exposed, and the family will need support to begin to reverse and address some of the damage done.

HHJ JAKENS

