

**IN THE FAMILY COURT SITTING AT BARNET**

Case No: ZW20C00468

Date: 11<sup>th</sup> January 2022

**Before :**

**HIS HONOUR JUDGE OLIVER JONES**

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**Between :**

**LONDON BOROUGH OF ENFIELD**

**Applicant**

**- and -**

**(1) M**

**(2) F**

**(3 & 4) K & L**

**(By their Children's Guardian, Jasmin Wedderburn)**

**Respondents**

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**Sarah McMeechan** (instructed by **London Borough of Enfield**) for the **Applicant**

**Kemi Ojutiku** (instructed by **Faradays Solicitors**) for the **First Respondent mother**

**Ami Bartholomew** (instructed by **Duncan Lewis Solicitors**) for the **Second Respondent father**

**Georgia Mitropoulos** (instructed by **Eskinazi & Co Solicitors**) for the **Third and Fourth Respondent children**

Hearing dates: 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, January 2022

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**APPROVED JUDGMENT**

**His Honour Judge Oliver Jones:**

1. These are care proceedings brought by the London Borough of Enfield, represented by Ms Sarah McMeechan of Counsel. The proceedings relate to two children, who for the purposes of anonymity I shall refer to as K, a girl who is now 15 years old and L, a boy who is now 9 years old. Both children are represented through their Children's Guardian Jasmin Wedderburn by Ms Georgia Mitropoulos of Counsel.
2. I shall refer to the children's mother as M, she is represented by her Counsel, Mrs Kemi Ojutiku. The children's father I shall refer to as F, and he is represented by his Counsel, Ms Ami Bartholomew.
3. I conducted a fact-finding hearing in June and July 2021 and my judgment dated 8<sup>th</sup> July 2021 should be read alongside this judgment. I do not repeat the background or the contents of that judgment save that I summarise the following findings of fact made at that hearing:
  - That K when aged 13 years old underwent some form of engagement or betrothal at her parents' home in the UK which the parents were aware of.
  - That on or around 20<sup>th</sup> or 21<sup>st</sup> June 2020, K, while in country A with her mother and her younger brother L, participated in a customary marriage ceremony in which she was forced to marry a man Q who was in his twenties and was a family relative.
  - That K was physically assaulted by Q because she refused to engage in sexual activities with him.
  - That M told K that Q was in the UK and that arrangements would be made for K to live with him and be his wife.

- That K suffered significant emotional and physical harm and was likely to suffer significant sexual harm.
  - That M failed to protect K from this harm.
  - That by the relevant date, F was fully aware of what took place in country A and subsequently he colluded with the mother which meant that he had failed to act protectively and as a result K was exposed to the likelihood of further emotional, physical and sexual harm.
4. In the course of the fact-finding judgment I was critical of the agencies and professionals involved in the investigations relating to the forced marriage allegations. I have been assured by this local authority and by a representative of the Metropolitan Police that my criticisms have been taken on board and substantial efforts are being made to learn from the problems in the case, including mandatory training on the investigation of forced marriage allegations for social workers.

## **Issues**

5. The case was listed as a final hearing for the court to determine what should happen with the children. The local authority seeks a final care order in relation to K with a plan that she should remain in foster care, although her current foster placement is expected to come to an end in the next few months and a new long-term foster placement is being sought sufficiently close to K's school and hopefully where the carer speaks the family's language.
6. In relation to L, the local authority proposes no order be made, so that L will remain at home with his parents, but that the local authority will continue to treat him as a child in need.
7. The local authority seeks the continuation of Forced Marriage Protection Orders in relation to K and L until they each reach 18 years old. There has been considerable discussion about the terms of the orders being sought and the local authority has indicated that it agrees to return to the parents their passports and L's passport so long as the parents will give an undertaking to inform the local authority in advance of any trip abroad with L. The

children's guardian takes issue with the proposal to return L's passport to his parents and I am asked to determine that.

8. The parents initially sought the return of K to their care. I heard evidence from three expert witnesses over two days. There was a break of a few days over the weekend and also I was not sitting on this case on Monday of this week. During this time, I invited the local authority to set out in greater detail its plans for the children in the light of the Children's Guardian's analysis and the recommendations from the experts.
9. When the case was due to resume, I was informed that the parents have taken the brave and difficult decision that they are no longer challenging the local authority's plan in relation to K. I gave further time to the parties to enable them to discuss and seek agreement about other issues including contact plans and the details relating to the Forced Marriage Protection Orders.
10. I adjourned the case until today in the hope that matters could be agreed and that any outstanding issues could be dealt with by way of submissions. I am very grateful to the advocates, the interpreters and the parties for the hard work they have put into the case over the last few days. The result is that there has been a considerable amount of agreement about the plans. The parents do not take issue with any aspect of the care plan for K, or the plan for L. Importantly the parents have indicated that they will support K's placement.
11. I am very pleased by the parents' approach. I do not doubt that they love K and wish to care for her. However, they have reached a position which I consider is child-focussed and puts K's needs first. It is also hugely beneficial for K that she can be informed that her parents support her foster placement. It is likely to be a great relief for K, if her parents can tell her that they are giving her permission to be with her foster carer and to be happy there.

## **Law**

12. The welfare of K and L is my paramount consideration.

13. I have particular regard to the welfare checklist under s.1(3) of the Children Act 1989:

- (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
- (b) his physical, emotional and educational needs;
- (c) the likely effect on him of any change in his circumstances;
- (d) his age, sex, background and any characteristics of his which the court considers relevant;
- (e) any harm which he has suffered or is at risk of suffering;
- (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
- (g) the range of powers available to the court under this Act in the proceedings in question.

14. I have reminded myself of the no order principle under s.1(5) of the Children Act 1989 - where a court is considering whether or not to make one or more orders under this Act with respect to a child, it shall not make the order or any of the orders unless it considers that doing so would be better for the child than making no order at all.

15. I have taken into consideration the provision of Re B-S and reminded myself that the court must undertake a holistic global evaluation of all the reasonable options, considering the advantages and disadvantages of each and the court should not take a linear approach to considering the options. I am also mindful of the need to factor in the support available under each of the options, both from family and from professionals and services.

16. I have kept in mind that the separation of a child from their parents is an interference with their Article 8 right to private and family life and can only be justified where it is proportionate and necessary to do so.

17. I have considered the provisions of the Family Law Act 1996 and in particular s.42A relating to 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 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

18. I have been addressed about the issue of the return of L's passport and I have considered the Court of Appeal case of Re K (Forced Marriage: Passport Order) [2020] EWCA Civ 190 in which the President provided the following "route-map to judgment":

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

...

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

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

*to the potential for forced marriage.*

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

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

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

*55. In assessing the length of time that any provision within a FMPO is in force, the court should bear in mind that the circumstances within any family, and relating to any individual within such a family, may change. It is unlikely in all but the most serious and clear cases that the court will be able to see far enough into the future to make an open-ended order which will remain in force unless and until it is varied or terminated by a subsequent application. In other cases, the court should look as far as it can in assessing risk but no further. The court should first consider whether a finite order adequately meets the risk, with the consequence (if it does) that the applicant for the order will have to seek a further order at the end of the term if further protection is*

*then needed. A date should be fixed on which the order, or a specific provision within it, is reviewed by the court.”*

19. In relation to the making of a passport order:

*“67. Whilst the breadth and flexibility of the court’s jurisdiction applies to the making of a passport order just as it may apply to any other element within a FMPO, I agree with Ms Fottrell’s submission that the authorities establish that an open-ended passport order or travel ban should only be imposed in the most exceptional of cases and where the court can look sufficiently far into the future to be satisfied that highly restrictive orders of that nature will be required indefinitely. In all other cases, the court should impose a time limit when making such orders. The time limit will vary from case-to-case and, like all other elements, be a bespoke provision imposing a restriction only in so far as that is justified on the facts as found. Unless the court can see with clarity that there will be no need for any continuing order after a particular date, for example when it is clear that the circumstances will change so that the risk is removed, the appropriate course will be for the court to list the matter for further review a short time before the passport and/or travel ban will otherwise expire.”*

20. I have also been referred to the cases of Re P (Discharge of Passport Order) [2020] EWHC 3009 (Fam) and of Re W and Re Z (EU Settled Status for Looked After Children) [2021] EWHC 783 (Fam).

21. I take into account that the burden of proof falls on the local authority and it must prove its case to the civil standard of proof, namely the balance of probabilities.



## Updating background

22. K has been in foster carer since she was removed pursuant to police protection powers on 10<sup>th</sup> November 2020. She absconded the following day and returned home. She moved to a second foster placement on 11<sup>th</sup> November 2020.
23. On 13<sup>th</sup> November 2020, K was made subject of an Interim Care Order which remains in place. On the same date, the court made Forced Marriage Protection Orders in relation to K and L.
24. On 15<sup>th</sup> November 2020 K absconded again, once more being found at the family home. She was placed with a third foster placement that evening, significantly that was with a carer who speaks the same language as the family.
25. In November 2020 the foster carer reported that K had been inappropriate towards her 19-year old son in the foster placement, being flirtatious towards him. Matters came to a head because he was refusing to return home due to K's behaviour and K moved to her fourth foster placement on 2<sup>nd</sup> December 2020. She has settled well in that foster placement where she has been for more than a year and she reports she likes her carer. Unfortunately, it was confirmed in December 2021 that the foster carer's ability to provide care for K has changed and a new placement will need to be found by the end of February 2022. Currently no suitable long-term placement has yet been identified.
26. There have been more recent concerns about K's behaviour. The professionals' meeting minutes dated 10<sup>th</sup> September 2021 contain reports of what is described as sexualised behaviour by K. Those incidents are also set out in the foster carer's logs.
27. In December 2020, K referred to having a boyfriend for 3 years whom she loves very much and a few days later referred to her boyfriend wanting to sleep with her. There are a number of observations of K communicating with boys on her phone and through social media – in August 2021 the foster carer identified that K was communicating with 43 males on social media and no females. In June 2021, K was observed trying to get the attention of males when they go swimming and was describes as walking up and down in front of them trying to attract their attention.

28. In the early summer of 2021, it was reported that K had approached a girl and asked her to come to the foster carer's house for sex.
29. On 18<sup>th</sup> August 2021, K had entered a jacuzzi with a girl who according to the foster carer looked in her early 20's. This was despite the foster carer specifically saying K was not allowed as the gym's rules did not allow anyone under 16 to use that facility. The foster carer describes in her fostering log that she was later informed by the girl who appeared to be upset, scared, emotional and embarrassed that K had touched her inappropriately on her breasts, hands, legs and stomach area. The girl had described K as "dangerous".
30. L has remained at home with an Interim Supervision Order in place since 13<sup>th</sup> November 2020. His attendance at school during this period has improved.

## **Evidence**

31. I have read a bundle of nearly 900 pages of material. In addition, I have been provided with a further bundle of about 250 pages containing foster carer logs and contact recordings. I have also received an addendum report from Dr James, the child and adolescent psychiatrist dated 4<sup>th</sup> January 2022 as well as the Children's Guardian's substantial case analysis dated 5<sup>th</sup> January 2022. In addition, in the course of the hearing the local authority set out further details in relation to its proposed care plans. The local authority has in a very short space of time been able to prepare and circulate a detailed and focussed document of plans for the children that runs to some 13 pages. I am very grateful to the local authority for the effort it has made in the short time available.
32. I heard from Ms Kumari, an independent social worker who conducted a risk assessment of the parents. Her report is dated 25<sup>th</sup> October 2021. Her recommendation is that K should not be returned to the care of her parents because of their lack of insight into how their actions have harmed K.

33. In her oral evidence, Ms Kumari struck me as a sensible and capable witness. She is experienced in the field of forced marriage, albeit she accepted this is the first case she has had from this family's specific community. I was impressed with her considered and careful approach to the cultural aspects of the case. She did not hold herself out as an expert in their culture and explained that she had not tried to research into their specific community for fear of making assumptions, instead she relied on what the family told her about their own culture. She pointed out that M and F had given quite different descriptions of what is acceptable within their community.
34. She expressed particular concern about reports of K's sexualised behaviour. She identified that if such an incident occurred while in M's care, M's lack of English would have meant that she would not have understood what had gone on – the allegation about K's behaviour was made at the swimming pool to the foster carer in English.
35. Ms Kumari was unshaken in cross-examination. I found her to be a reliable witness and accepted her evidence.
36. I heard next from Dr Anthony James. He is an experienced child and adolescent psychiatrist. He was professional, thoughtful, considered and gave sensible evidence. He was open-minded and not quick to condemn or rule things out, but ultimately, he was not persuaded that K can return home in circumstances where her parents remain in denial of the findings. For Dr James, this approach meant that the parents are not able to provide effective support to K to help her to come to terms with her experience.
37. Dr James explained that the reality is that the parents' ongoing denials mean that K's experiences will have to be suppressed, which is likely to be harmful to her, and her sexual development in the long term, if not immediately.
38. He was very concerned about K's sexualised behaviour which he described as criminal. He was cross-examined about an error in the professionals' meeting minutes that stated that the court's findings included a finding of sexual harm to K, but he was clear that he had read my judgment and had not put weight on that incorrect summary. He told me that K had been displaying behaviours that are consistent with a girl who has been sexually traumatised or prematurely engaged in or exposed to sexual activity. He said that K's

sexualised behaviour indicates the premature exposure of a developmentally unprepared person. He explained that her indiscriminate sexualised behaviour towards males and females are consistent with a young girl who has suffered premature sexualisation and this could be trauma.

39. Dr James explained that the important aspect of working with young people who have been prematurely sexualised or experiencing sexual trauma, is that those who are looking after them need to acknowledge what has happened. Where that is not available the outcomes are poorer and the difficulties are increased. He told me the worst scenario is where a parent fails to acknowledge what has happened, which leaves a child confused and that confusion can often cause a secondary trauma. He accepted that he could not identify what was the specific cause of K's premature sexualisation.

40. I found him to be reliable and accepted Dr James' evidence.

41. I heard from Catherine Devereaux-Evans, an experienced ISW who had conducted a parenting assessment of the parents dated 26<sup>th</sup> April 2021. She was mindful that she has not had any recent involvement in the case. She identified positives and strengths about the parents but was aware of the weaknesses too. She recognised and spoke very warmly about the affectionate interactions she observed between the children and their parents and also between the two children. However, she remained concerned about the parents' ability to set consistent and effective boundaries. She described her observation at contact where K was very disinhibited when addressing her wish to return home, and M had been unable to divert her, which meant that L was exposed to a problematic and worrying situation until the social worker had to step in.

42. Ms Devereux-Evans was clear that to be able to build towards rehabilitation, there has to be acknowledgement by the parents of the findings. She was carefully cross-examined but remained unshaken. I found her to be a reliable witness and accepted her evidence.

## Analysis

43. It has been always K's clear wish to return home. She has maintained that strong desire throughout the proceedings, ever since she first learned that she was not going home when she first made the allegation about the forced marriage. K has written to the court saying words to the effect that, "if you do not return me to my family, I will kill myself, I am very serious."
44. In the Guardian's case analysis, she reports that K said she was lying about everything and wants to go home. When the Guardian explained that the Judge agreed with some of the allegations, K was silent and did not challenge her. K has repeated her threats to the Guardian that she will do something silly, and explained she is going to kill herself as she wants to be back with her parents. She also said she will run away as she misses her parents who are not bad people. Later she promised she would not run away and said she would not kill herself but will do everything to go to her parents. She described being happy in her current foster care placement.
45. L wishes to remain in the care of his parents. He has also expressed how much he missed his sister and wishes to be with her.
46. Educationally K is very behind. She has been cognitively assessed by Dr Woolfson dated 8<sup>th</sup> February 2021, which identified that K's cognitive abilities place her at the lower end of the range typically found in pupils who attend mainstream school. K has had very limited education. She did not attend school in this country for the first 18 months here. Subsequently her attendance was sporadic and she had lengthy periods of non-attendance.
47. Emotionally K is struggling. She is very loyal to her parents who she loves and has found it hard being apart from. She in her fourth foster placement although she eventually settled with her current foster carer. Unfortunately, that placement is not capable of being her long-term placement and so she will have to cope with another change of placement. However, because she has been able to settle with her current placement, it is hoped that she may be able to do so again in with her new carer.

48. Physically K is a well child. She needs to live in a home where her needs are met and she is kept safe from the threat of being forced into marriage or to live as someone's wife. K continues to maintain denials that anything has happened to her, contrary to my findings. She needs to be in a supportive placement where she will be free to discuss her experiences, when she feels ready, without fear of causing upset, anger or repercussions.
49. L has a better record for attendance at school than his sister and in the course of proceedings improvement has been noted. He is missing his sister and has been exposed to the disruption of her removal from the family. At times he has witnessed his sister and his mother expressing great distress about their circumstances, including voicing threats to self-harm or commit suicide. L is very close to his sister and professionals have observed touching moments of spontaneous affection between them. They are both missing out by living apart. L has the typical needs of a boy of his age.
50. I have made findings in relation to the children's experiences and I do not need to repeat those again. However, there is one aspect that I do wish to clarify. At the finding of fact hearing, I was asked to make a finding that K had been sexually abused as a result of her marriage to Q. I declined to make such a finding because the evidence before the court at the time was insufficient to establish it.
51. Since the finding of fact hearing, the information about K's sexualised behaviour has come to light. I invited the parties' views at an early stage of this hearing about whether I should re-open my findings about sexual abuse. No party sought to persuade me to do so. I do not consider it is necessary or proportionate to reopen the findings at this stage, particularly in the light of the parents' change of position. However, I do think it is appropriate on the basis of the evidence that I have heard to make it clear that I accept Dr James' evidence that K has displayed sexualised behaviour that is consistent with having been sexually traumatised and/or prematurely exposed to sexualisation. I do not seek to determine specifically what caused that trauma and sexualisation but I make this determination in the hope that it will assist the therapeutic process with K.
52. As to how capable the parents are of meeting the children's needs, the experts are unanimous that in the light of the parents' ongoing denials and their lack of acceptance of responsibility for what happened to K, they are not in a position to provide her with the sort

of supportive home environment where she can recover from her experiences. I accept that view. In my judgment, without that acknowledgement there is nothing for professionals to work with and it would not be in K's interests to commence a process of rehabilitation.

53. I am aware that the police investigations are ongoing and I do not know how they will proceed. I do not know whether that has had some impact on the parents' responses to my findings. I have not been told that the parents' responses to my findings have changed. However, I hope that the parents' change of position at this final hearing is the start of a process of acceptance and the beginning of the development of some insight into the impact that their actions have had on K.

54. In relation to L, the considerations are different. He has been doing well in his parents' loving care and while he was present and witnessed his sisters' engagement and her marriage, there is no evidence that he was exposed to the abuse that K suffered from Q. There remains in relation to L a risk that he may be the subject of a forced marriage. The fact that he is a boy does not protect him from that risk. The parents ongoing denials in the face of my findings mean that it is not possible to quantify the extent of the risk of forced marriage that they pose to L. However, I have to be proportionate about the impact on L of any state intervention, which would have to be in his best interests and proportionate.

55. I am satisfied that the parents are capable of meeting L's needs. His needs are not as acute as his sister because he does not have her cognitive deficits and because he has not suffered similar abuse.

56. I recognise that K fervently wishes to return home and has at times expressed that she would run away or kill herself if she does not. I also recognise the weaknesses inherent in the care system. A child in foster care can be subject to placement breakdown. They would be living outside their natural family and away from the people they love. They may not speak their mother tongue in the foster carer's home. They may feel embarrassed or ashamed to be living with people who are not their family. They will have to deal with regular social work and other visits from professionals. The identity of the allocated social worker may change, and sometimes those changes are very frequent. There are many disadvantages to being placed in foster care.

57. I also need to consider the impact of any Forced Marriage Protection Orders. The terms of such an order for K are agreed and for L are mostly agreed – save for the provisions relating to L’s passport. I have determined the underlying facts in relation to the betrothal and the marriage of K. On the basis of those findings, I am satisfied that there is a need to protect both K and L. In relation to K, the risks are that she may be forced to live with the man she was married to or forced into another marriage. For L, the risk is that he will be forced into marriage. In relation to this family, the findings I have made established that they are capable of forcing their child into marriage. The cultural context is that they are from a cultural group where notwithstanding its illegality in this country and in their home country, they are from a group that nonetheless does practice underage marriage. The parents’ ongoing and complete denials of my findings, as well as the poor impression I formed of their veracity at the finding of fact hearing, mean that the risk arising from the findings cannot be successfully assessed and the court can place little weight on any assurances the parents seek to give.
58. I am satisfied that the facts found in this case establish a real and immediate risk that K and L may suffer inhumane or degrading treatment sufficient to cross the threshold of Article 3 of the ECHR.
59. When I balance the risk of harm arising to K and L, their right to family and private life under Article 8, and the respect for their autonomy I am satisfied that the right order is for both K and L to be protected by a Forced Marriage Protection Order lasting until they each reach the age of 18 years old. I consider that to be sufficient protection in this case.
60. I am going to vary the orders to allow the parents’ passports to be returned to them. While I recognise that this will increase the risk that they could seek to remove one or both children abroad for the purposes of marriage, I have to balance that against the draconian effects of retaining their passport. The parents’ status in this country and their ability to access services such as healthcare as well as their ability to obtain work will be significantly curtailed by the retention of their passports. In the circumstances, I am not satisfied that is proportionate given that K will be remaining in foster care.
61. In relation to L’s passport, the children’s guardian submits that while retaining the passport will be inconvenient, it is a proportionate safeguard to protect L from being removed from



the country for the purpose of marriage. The local authority and the parents agree that L's passport can be returned to the parents, on the basis that the parents enter into an undertaking that they will inform the local authority some weeks in advance of any proposed trip to take L abroad.

62. There are other complicating factors, such as the fact that L's passport now needs to be renewed. It will need to be used to make further applications in relation to L's status in this country. It may also be needed as an identity document to access services, such as healthcare or changing schools.
63. I am also reminded that the parties agree that in relation to L, there is no need for any public law orders in this case. That said, there is no reason why a Forced Marriage Protection Order cannot exist entirely free-standing from any care proceedings and I note that the local authority's plan for L involves continuing to work with the family.
64. When I consider the proportionality of the local authority retaining L's passport, I am satisfied that it is a necessary step to ensure that he is kept safe from forced marriage. As I have already indicated, the parents' ongoing denials of my findings mean that the risk that arises from my findings cannot be effectively assessed. These parents have already put K through a betrothal to one man and subsequently a marriage to a different man. While I am satisfied that it is in L's best interests to remain in the care of his parents, I do so in the knowledge that he is at risk of forced marriage. In these circumstances, the additional safeguard that the local authority will retain L's passport is a necessary and proportionate requirement to keep him safe. I am not satisfied that an undertaking will be sufficient. While it will have the potential of being enforced afterwards and could put the parents' liberty at risk, that would only be the case if they returned to this country afterwards. It would not be sufficient to protect L from any harm that may arise if he were taken abroad and forced into marriage and I have already indicated the reasons why I am unable to rely on the parents' assurances. I am also mindful of L's age. He is young and so this order will be in place for some years. However, at the point when he reaches the age K was when she was betrothed, K will have probably left the care system. What that means is that the families' ties to this country will potentially have been reduced at the same point when he is most at risk from forced marriage.

65. When I consider all the circumstances in the case, I am satisfied that it is in K's best interests that I should make a care order in favour of the London Borough of Enfield. I do so because in the light of K's experiences I am not satisfied that her parents are able to meet her needs, in particular her need for support and therapy relating to her sexualised behaviour. I am also not satisfied that her parents can be trusted to keep her safe from forced marriage.
66. In relation to L, I make no order in the care proceedings because I consider that the impact on L of doing so would be more harmful than the risk he is being protected from. I consider it is sufficient to make a Forced Marriage Protection Order, including retaining his passport which I consider to be a justified and necessary safeguard in the circumstances of this case.
67. I have considered the local authority's plans for contact which are not opposed and I approve them. I am grateful for the hard work and thought in recent days that has gone into the plans for both children and I approve them. I will require the local authority to submit finalised care plans for both children that include all the updates that have been identified in the course of the hearing.
68. I am also invited by the parents to make parental responsibility orders for both children in favour of their father. The mother fully agrees with this. No party seeks to persuade me that I should not. In the circumstances I am satisfied that it is in the best interests of both K and L that their father who has been a consistent and involved figure throughout their lives should hold parental responsibility for them and I make the Parental Responsibility Orders sought.
69. May I thank the advocates for their hard work and the care they have brought to this case. I am grateful also to the interpreters who have worked assiduously throughout the case. I also wish to record my appreciation to the Embassy staff who have attended court and assisted greatly when requested. Lastly, I would like to record my appreciation of the way the parents have conducted themselves throughout these hearings. I recognise that these proceedings must have been extremely difficult for them and I am grateful for the dignified and respectful way they have behaved.
70. I know the children have asked to meet me but because the case has been shortened that has not happened yet. No doubt the children's solicitor and guardian will be in touch about

whether the children still wish to do so. They would both be very welcome and a slot has been held in my diary for such a meeting. I am sorry to hear that last night L has been unwell and I wish him a swift recovery.

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