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Case No: FD16P00282

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 25th September 2019

Before :

The Rt Hon Sir Andrew McFarlane
President of the Family Division

Re A (Children)

Barbara Connolly QC, Anita Guha (instructed by **Dawson Cornwall solicitors**) for the **Applicant**
Teertha Gupta QC, Cliona Papazian (instructed by **Bretherton solicitors**) for the **First Respondent**
John Tughan QC, Jacqueline Renton (instructed by **Freemans solicitors**) for the **Second to Fourth Respondents**
Christopher Poole (instructed by **Cafcass**) for the **Fifth Respondent**
Emily Mitchell (instructed by **Osbornes solicitors**) and **Rose Harvey-Sullivan** (direct access) for the
Intervenors

Hearing dates: 8th July to 19th July 2019

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

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THE RIGHT HONOURABLE SIR ANDREW MCFARLANE

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

Sir Andrew McFarlane P:

1. This judgment is given at the conclusion of a fact-finding hearing within wardship proceedings that commenced in May 2016. A finding of fact hearing was originally conducted before Keehan J in July 2018. The outcome of that process was the subject of appeal and, on 1 February 2019, the appeal was allowed with the result that all of the findings made by Keehan J were set aside and there was a direction for the matter to be reheard. I have now conducted that rehearing over the course of 9 days in July 2019.
2. The children who are at the centre of the proceedings are a girl, A, who is now 17 years, a second girl, B, who is now aged 15 years, a boy, W, who is 13 years and, finally, a second boy, S, who is 11 years.
3. The children's parents ['the father' and 'the mother'], who originate from Pakistan, were married in Pakistan in March 2001. It was an arranged marriage and the couple did not previously know each other. By that time the father was living in England. Pending receipt of a visa to enter the UK, the mother moved to live with the paternal family in Pakistan. In May 2002 the mother entered the UK and moved to the paternal family home in Rotherham. By that time, she was some months pregnant with her first child, A.

The issues:

4. The overall context of these proceedings is that the mother has not seen any of the four children since February 2016 when they travelled with F from Pakistan to England. Her application before the court therefore seeks orders designed to re-establish contact, at least with the younger three children, and for her to be rehabilitated into their lives as their mother.
5. In relation to the factual dispute, in short, the entire history of life in this small family unit is in issue. The narrative given by the mother and that given by the father could not be more diametrically opposed; they disagree on almost every point that is raised. Whilst it is agreed that some specific events occurred on particular dates or at particular stages, for example trips to Pakistan or the children staying with various relatives, the accounts given of what took place on each of these occasions are wholly disputed.
6. Against that background, it is necessary for the court to avoid being drawn into determining every single disputed issue going back over more than 18 years. All parties agreed upon the need for a proportionate approach to the fact-finding exercise, with a firm eye being kept upon what might, or might not, be relevant to determining the ultimate welfare issues in the case.
7. I do not propose to take time at this stage of this judgment in setting out a detailed chronology before turning to the evidence. Rather, I will deal with each of the key factual issues in turn as they arise in chronological order. It is therefore only necessary to identify the three overarching factual disputes, to which each of the more specific disputed events relates.

8. The first overarching issue is whether or not the mother, regularly, and, at times, two of her sisters, acted in a cruel and abusive manner towards the children. The children say that this was so. Latterly they complained about these matters to their father and he now believes them, although he saw no evidence of this himself at the time. The children's account may be supported by a 9 second video clip taken by a paternal uncle in January 2007, the existence of which is said only to have been disclosed to the father in December 2017. The mother and the aunts firmly deny that any abusive behaviour occurred.
9. The second overarching issue is the manner in which the mother was treated by the paternal family throughout the marriage. On the mother's account, her life was entirely controlled and dominated by the father and his family, particularly his mother. She describes being miserable and feeling wholly subordinated by the paternal family at all times.
10. In May 2012 the parents and the children went to Pakistan. Thereafter, on the mother's account, she was excluded from the family home and from the life of the children. She claims to have had to live in a woman's refuge for a period of 3 ½ years. Her contact with the children was limited to visits to them at their school. In all other respects she says that she was prevented by the father and his family from having any relationship with her children.
11. The father's account is wholly different. Whilst he agrees that the mother left the paternal family home in Pakistan, where the children were living, he says that this was an entirely voluntary act by the mother who simply abandoned the children and walked out of their lives. The children also give the same account of the mother's absence from their lives. Their belief that she abandoned them is a source of immense anger to them and has led them to speak to her and about her in recent times in the most negative of terms.
12. Arising out of this second overarching issue is the third, namely the assertion made by the mother that she went to Pakistan in May 2012 immediately following the death of her mother, so that the family could attend the funeral or other family gatherings following that sad event. She believed that she, the father and the children would all return to England after a month in Pakistan. She asserts that from that time the father kept her passport with the result that she could not return to England. Her immigration status was founded upon having 'indefinite leave to remain' ['ILR'] which she acquired in 2003. ILR expires if the holder is out of the UK for more than 2 years. Thus, the mother's ILR expired in May 2014.
13. Although the mother was able to obtain a fresh Pakistani passport for herself in July 2014, without current ILR she was unable to follow the children back to England when the father brought them here in February 2016. It is the mother's case that she was therefore 'stranded' in Pakistan and geographically separated from the children by the father's deliberate actions.
14. The father wholly denies these assertions. Despite, on his case, the mother's unilateral decision to separate from the family, he did all that he could to arrange a visa for her to enter the UK.

The legal context:

15. The legal context within which this fact-finding exercise must be conducted is well known. Any fact alleged will only be established as proved on the balance of probability, namely that the court concludes that it is more likely than not to be true.
16. Secondly, the onus or burden of proof with respect to each allegation is upon the party that makes it.
17. Although these two related principles are trite law, in a case where the accounts given by each party are so entirely opposed on every point, it is all the more important to keep both the burden and standard of proof to the fore of any analysis.
18. Although many of the key players in these events have given oral evidence at this hearing, some have not. I have read their statements, whether made to the police or directly to the court. Evidence in this form is admissible, but the court must be careful when attributing weight to what is said in statements where the relevant witness has not attended for examination and cross examination before the court.

The hearing:

19. In addition to the parents, each of the three eldest children were joined as parties to the proceedings, giving direct instruction to their own solicitor, junior and leading counsel. A, the eldest, gave oral evidence and was cross examined, as she had done at the previous hearing last year before Keehan J. Her younger siblings, B and W submitted witness statements and attended court on the day that oral judgment was to be given simply to meet me as the judge; they did not wish to give oral evidence and were not called.
20. The two maternal aunts, KB and KA, who are implicated in allegations made by the children, have acted as interveners and were represented by junior counsel, who acted on a pro bono basis and to whom the court is most grateful.
21. The youngest child, S, is a party and acts through his children's guardian, Mr John Power, who has instructed solicitors and counsel.
22. The court had the benefit of transcripts of the oral evidence that had been given before Keehan J last year.

This judgment

23. This judgment is extremely long. This is so, in part, because the court has been required to consider the life in this small family over the course of two decades. As virtually every relevant asserted fact is challenged head-on by either the father or the mother, it has been necessary to set out their respective accounts, and those of the other witnesses in more detail than might normally be required. I have, however, also given a very full account of the evidence because I hope that either now or in due time each of the children will read the judgment and see the detailed account that it contains.
24. When I met the children on 31 July 2019, I explained to them that I had been required to act as a detective in sifting through the evidence in order to come to my conclusions. As I explained to them, I have decided that, wholly contrary to the belief

that they have, their mother did not abandon them when she left the family in Pakistan; she was forced out by their father and his family and then kept away. I consider that I owe it to the children, both now and in the years to come, for them to have a detailed account of the evidence that the court received and an explanation of why I have decided the facts as I have done.

The general approach:

25. The task of the court in a case such as this, where the allegations and counter-allegations are diametrically opposed on every point, is not straight forward. Often, in other cases, there is some common ground from which to work and the court can start from that comparatively firm territory before considering the deviations in evidence that flow from there. Here, as between the parents, apart from congruity as to some dates and events, there is very little or no common ground.
26. The court has therefore had to look for evidence from other sources, outside that of the main protagonists, that may either corroborate or refute what is said. In doing so, it is, however, necessary to be cautious not to place more weight on such incidental or corroborative material than it can properly bear.
27. When determining whether or not an event, or a course of behaviour, is 'probable', the court is justified in standing back and applying a 'reality check' to what is being asserted by one side or the other.
28. It should be recorded that I have not found the assessment of the credibility of either the mother or the father to be a straight forward task. Each has, for almost the entirety of the hearing, both in and out of the witness box, adopted a wholly impassive demeanour. Any flashes of emotion have been few, but nonetheless notable; otherwise their affect has been neutral.
29. Each of the parties and intervenors who gave evidence, with the exception of A, did so through interpreters. Although I consider that we have been blessed by having a team of interpreters who have adopted high professional standards and who have been clear in communicating the words used by the witnesses, inevitably the need for translation, and, indeed, the different culture from which all of the family members come, means that the court is exposed to their evidence through a number of filters. This again makes the task of assessing credibility and demeanour more difficult.
30. In the end, as will be demonstrated, I have come to my conclusions as to the truth or otherwise of the key allegations by looking at the big picture, that is the three overarching issues that I have described, from the vantage point of the relatively few micro-episodes around which there is at least some reliable corroborative evidence. In addition, where the 'reality check' that I have conducted in relation to the overall account given by each parent accords with the insight gained from my conclusions as to these various isolated areas of more solid evidential ground, so that the two fit together, this has reinforced my overall conclusions. In doing so I have endeavoured to look at the whole 'evidential jigsaw'.
31. In the circumstances, rather than forming a clear view as to the credibility of each parent before conducting my analysis, as it is sometimes possible to do, I have only been able to reach a conclusion that the mother or the father is, or is not, a credible

witness after concluding that their account is or is not proved by other means. As will be apparent, it has been possible to achieve a more solid view of the credibility of some of the other witnesses.

Overall conclusion

32. Most unfortunately, it was not possible to give full judgment orally on 31st July as had been planned. All four children had travelled from Yorkshire to London to meet the judge and to hear an account of the central findings. It was clearly essential to honour that commitment, which I did. Following that, I gave a similar account of my findings to the parties and their representatives. What follows in this more detailed judgment is an account of the evidence, my analysis of it and a more detailed account of my findings.
33. As the parties and the children are, therefore, fully aware of my findings, it is convenient to explain here the process of analysis in more detail than would usually be the case in a judgment in which the judge gives an unfolding account of the evidence.
34. In assessing the overall evidential jigsaw, judges, as well as working through the material in a chronological manner, stand back at the end of that process to see if any firm conclusions made along the way have an impact on other matters which, by themselves, were less than clear on first consideration. That has been the position in this case. I was able to reach firm and clear conclusions on two aspects, namely the mother's passport in Pakistan and the treatment of B in the Aunt KB's home in Oldham. From the vantage point of having made those conclusions, it was then possible to go back and reassess other areas of dispute by deploying, by that stage, my conclusions on the credibility of each of the parents and on the overall behaviour of the father and his family towards the mother.
35. My overall conclusion is that the mother's account of the major issues, and to a reasonable extent the more minor detail, is proved. I have come to that conclusion, in the manner that I have now explained. In particular, I have found the evidence about the mother's passport after the family went to Pakistan in 2012 to be compelling. In terms of 'solid ground', the hard facts established by the dates on which the mother:
 - a) applied for and was granted a new Pakistan passport;
 - b) applied for entry to the UK; and
 - c) instructed UK lawyers

are wholly compatible with her account, yet, conversely, simply do not fit with the account that is given by the father and, now, believed by the children.

36. This key finding not only means that the father deliberately established a situation so that the mother was stranded in Pakistan, but also, and more significantly for the wider case, that he consistently acted to exclude the mother from the lives of the children after May 2012. That key finding also has a very significant negative impact upon the father's overall credibility.

37. The second firm finding that I have felt able to make relates to B's treatment in the maternal family during her stay in Oldham with Aunt KB. For reasons that I will explain, I have found the father's account of these matters to be untrue and lacking in any foundation. This also means that A is mistaken in her memory of this event 9 years ago when she was aged 8 years old.
38. Whilst it is helpful to record these two firm findings early in this judgment, I will give a full explanation of them at the appropriate chronological stage of my account of the evidence and other findings which now follows.
39. Before doing so, I should stress that these findings are my findings. Save for reading Keehan J's judgment given a year ago when the case first came to me some months ago, I have deliberately not reverted to that earlier judgment during this hearing or in the course of preparation of this judgment.

The Early Years

40. After she had arrived in England, the mother was granted Indefinite Leave to Remain ['ILR'] by the Home Office. As the title suggests, this leave is open ended, it does, however, have a shelf-life in that if an individual with ILR is abroad and outside the UK for a continuous period of two years the ILR automatically terminates and, if the individual wishes to return to the UK thereafter, a fresh application must be made.
41. In April 2003 the family travelled to Pakistan with the intention of staying there for some two years. They lived in the paternal home in Faisalabad. B was born there. The mother alleges that the birth of a second girl was unwelcome to the father and his family and that, when B was only one month old, she claims that the paternal family ejected her and the girls from their home. The mother gave more detail by describing a day when B was about a month old when her mother-in-law came into her room and the father came to pull her out of bed. The father, she says, told her to call her brothers to take her home because she had given birth to a daughter. She claims that she went to stay with her family for a few months before returning to the paternal family home.
42. It was put to her that the father was always proud of both his sons and his daughters. She said that her eviction was not so much down to the father as to his mother. Her mother-in-law ruled the household and did not welcome any of her sons having a good relationship with their wives.
43. The father's account is wholly different. He asserts that a cousin of his went to Pakistan and told mother's family that the father had failed to obtain ILR for the mother. This caused the mother's mother and mother's brother to be angry and they came to father's house and took the mother away.
44. It is simply not possible for me, on the evidence before the court, to resolve who did precisely what during this incident which is now over 16 ago.

45. In early 2005, the father and A returned to England to the home of the paternal grandparents. In April 2005, shortly before her IRL was due to expire, the mother also came back to England. B joined them here soon thereafter once a visa had been obtained for her. The family all lived in the paternal family home in Rotherham, into which, in 2005, the third child, W, was born.

The Video Clip:

46. The video clip runs for 9 seconds during which a woman is shown hitting a young child about the body and shoulders with a slipper. The woman is shouting in a language other than English at the child and the child is crying and extremely upset. No one has offered an interpretation of what the woman is saying.
47. Expert analysis, which was not available at the hearing before Keehan J, but which was adduced to this court, has identified that the film was taken at 15.26 on Thursday 25th January 2007. It was taken on a phone owned by one of the father's younger brothers, AH. It was subsequently transferred some years later, along with all of the data on that phone, to a new phone from which it has now been harvested.
48. If, as is suggested, it is a film of A being hit, she would have been 4½ years in Jan 2007.
49. At the original hearing the clip was only available in an unenhanced format running at real time. We now have an enhanced version which can viewed either at real time or at 50% speed. Even in the enhanced version, it is possible only to make out the rough shapes and features of the two individuals, together with the basic layout and furniture of the room. Short and indistinct though it may be, it makes for hard and uncomfortable viewing. It is a depiction of cruel and abusive parenting and goes well beyond what might be regarded as reasonable chastisement.
50. AH grew up in the family home in Rotherham and lived either with or next door to the father, mother and children for effectively all the time that they were in England. AH's evidence is that he saw the mother hit A on two occasions. The first was in 2006 and the second, which is shown in the video was, he now accepts, in January 2007.
51. On the first occasion, they were in the kitchen. A was not eating and the mother slapped her on the head; the slap was not hard. AH told the father about the incident. The father asked the mother, who denied it with the result that the father did not believe AH and told him not to make things up.
52. AH went on to say that on the second occasion that he saw hitting he decided to film it in order to show the father. He agreed with Mrs Connolly QC for the mother that his whole purpose in taking the film was to show it to the father.
53. In the event, he says that he did not show the film to the father. He spoke to the mother and showed it to her. He says that she promised not to hit the children again. He believed her and, so as not to cause problems between the parents, he did not tell the father about the incident at the time.
54. Significantly, AH was clear that after January 2007 he never saw the mother hit any of the children again. This evidence is also important because no other adult witness

living in this busy family home describes any occasion when this mother struck any of her children.

55. AH described A as being a strong personality who did not like to be told what to do. AH told the court that every time that he saw A after January 2007, he asked her if her mother had hit her again. A would say that the mother shouted at her but that she had not been hit.
56. In relation to the circumstances on the day that the video was taken AH's account has changed significantly. In his witness statement dated 12 March 2018 he said that the day was in 2008 around November-December, meaning that A would have been 6 years old rather than 4; a significant difference in age. He went on to say:
- “I would sometimes visit my brother's children next door in the mornings and would sometimes drop my nieces off into school, particularly if the weather was poor. On one occasion I remember entering the house and walking into the living room to see [Mother] getting A ready for school. A was refusing to wear the clothes her mother had laid out for her. [Mother] then became agitated and slapped A”
- He went on to say that after the incident was over “I then drove both A and B to school”.
57. At the July 2018 hearing AH added more detail around the video with quotations from what the mother and A were saying about the clothing for school.
58. AH now accepts that the film was shot after 3pm in the afternoon 18 months earlier. In cross examination he accepted that he had been wrong about the year, the time of year and the time of day, yet he had told the court in 2018 that he remembered the event very clearly. I regard these changes in AH's evidence as significant both in terms of analysis as to the video itself, but more generally in the context of AH's credibility as a reliable historian.
59. Despite the need for him to abandon his entire account of the circumstances in which the film was made, AH's basic case is that, irrespective of the date and timing, the person in the video is clearly the mother and that anyone who knows her would recognise her voice.
60. A further difficulty in accepting AH's account in relation to the film, is the fact, as he asserts it to be, that, despite having the clip and at all times knowing that he had it, he did not tell anyone about it until the end of 2017 after the mother had returned to the UK from Pakistan. He did not, for example, tell the father about it in April 2010 when the mother and the children left the father for the first significant period. He did not mention it when the father, on the father's case, believed that A and B had, separately, been physically abused in the care of the two maternal aunts. He did not mention it during the many years after the mother had, on the father's case, abandoned the children in Pakistan. His account of not mentioning it simply because he never saw any repeat of smacking, is very hard to accept, when, on the father's case, he was concerned about the mother and aunts' treatment of the children in many other respects.

61. Although obviously on AH's account the mother knew of the existence the film at the time that it was taken. The first person to reveal its existence within the court proceedings was the father at a hearing in December 2017. The father states that he had no knowledge of the video until AH told him about it and showed it to him in November/December 2017. Prior to that time, he had not believed the children when they had complained to him of being hit by their mother. Having seen the film clip he is convinced that it is of the mother and A. He is consumed with regret for having not believed his children on earlier occasions.
62. In her evidence, the mother described the arrangements in the downstairs sitting room which she claims was the regular bedroom for herself and the four children. She identified the sofa bed shown in still photographs produced for this hearing, which has iron ends, as being the bed that was always in that room. She claims that this is not the type of bed shown in the video which clearly has a bedhead at one end.
63. The mother denies ever beating any of children and broke down when saying this.
64. She was unaware of the video until it was produced in the previous court proceedings. She denies that the clip shows either herself or A; there is, she said, no similarity between the child on the film and A.
65. In the previous hearing the mother had claimed that the woman in the video was the father's sister-in-law, R. She is now clear that this was wrong. Previously she had only seen the film once on a mobile phone at a time when she was very upset. She now regretted having claimed that it was R.
66. The mother was asked to explain why AH would wait 10 years before producing the video. Her answer was that it is not a film of her and if it was of her then why didn't AH produce it in 2010. He has only produced it now and claimed that it was the mother in order to influence the proceedings, she said.
67. In keeping with many other aspects of the case where the parent's accounts are 100% at odds, the father denies that mother and the children ever slept in the downstairs living room. He described how the individual beds in the room have changed, he thought in 2010, but he was equally clear that there has never been a bed in position in front of the doors to the garden [as it is shown to be in the video]. Prior to 2008, the garden doors had been sliding doors, but were changed to hinged doors at that time.
68. The father is clear that it is the mother in the video as he can clearly recognise her voice. He is 100% certain that it is her and she must know that it is her. He was very firm at this point. He was also clear, however, that he never saw the mother behave in this manner, although the context shown in the film, namely arguments with the children did occur.
69. Prior to the day before the start of this hearing, A did not know of the existence of the video. On the direction of the court, A was told about it by her legal team and she viewed it in counsel's chambers on the afternoon before she gave her oral evidence. She watched it once in real time speed. She is clear that it is a film of her mother hitting her. She has no recollection of an incident such as the one that is shown. She said that she knew it was her mother by her voice. The setting, she said, was in the

back room by the garden to the house in Rotherham. A said that she recalled the bed there and the window.

70. In cross examination, A was shown photographs of the back room with a sofa bed. A confirmed that that was indeed the bed in that room. A is very clear that the doors in the room were sliding doors, although she accepted that the photographs clearly show that they were, at the time the pictures were taken, hinged doors that opened outwards. The photographs all show the four children and it must be the case that A lived in the house when, contrary to her recollection, there were hinged window/doors in this room.
71. The video is plainly an important piece of evidence that requires careful analysis. To find that it is in fact a depiction of the mother assaulting A, I need to be satisfied on the balance of probability that that is the case.
72. There are a number of difficulties in accepting that this is a film of the back room in which the mother and the children lived. The bed in the video is not the same as the bed shown in photos which A confirms was the bed in that room. The bed in the film is shown across the window when all are agreed that it was never in that position in this room. The bed is of a different design from the one shown in the photographs, which has a metal frame, and which all agree is the bed that was there at the time. The windows are sliding windows, whereas all of the available photographs show that the windows in this room were hinged.
73. In my analysis, a very important feature of the evidence is that there is no other evidence that comes close to describing this mother behaving in a similar way on any other occasion. This family were living in very cramped conditions with a large number of family members occupying one house. Such was the level of occupation that, a few months after the date of the film, the family bought the next-door property so that some of them could live there.
74. On all accounts the mother was very largely confined to the premises and did not have a life outside the house. Yet, there is no other account of her assaulting the children other than the two occasions described by AH. The father, on the contrary, describes a happy home with the only problem being that A and W would be difficult and confront their mother if she required them to do something that they did not want to do, but he does not describe any occasion when she slapped or hit them throughout the years that they lived together. In short what is shown in the film, does not fit with what he says was the case.
75. Further, despite watching the clip many times, the silhouette of the woman is so indistinct that it is not possible to identify her as the mother. Although AH, the father and A all say that they recognise her voice, I am unable to make such a judgment. Each of those three witnesses is by now heavily invested in the film showing the mother. AH has given wholly inaccurate, yet firm, testimony at the earlier hearing as to the circumstances of the filming. As a result of my finding as to the overall motivation of the father and his family in excluding the mother from 2012 onwards, and his overall credibility, I am unable to put any reliance upon his and AH's assertion that the voice is that of the mother.

76. So far as A is concerned, I am satisfied that she firmly believes that the voice is that of her mother. But, despite respecting her position on this, which I readily do, I must bear in mind that she has only seen this 9 second clip on one occasion. She watched it immediately after she had been told of its existence. She watched it in the unfamiliar circumstances of her QC's chambers in London on the eve before she was to give evidence in this court. She was, I was told, very upset by the experience and could not face seeing the film a second time. She has no recollection of any incident such as the one shown in the film; and this is the case despite now having seen it. Despite my acceptance that A does indeed believe that the film shows her mother, I am not, for the reasons that I have given, able to place sufficient weight on her belief in circumstances where so much else relating to this film and its setting simply does not fit.
77. I am therefore unable to conclude, on the balance of probability, that this film is a film of the mother assaulting A.
78. Plainly a finding that the video is not proved, on the balance of probability, to depict the mother and A does not establish as a fact that it is not the mother and A; my finding may therefore be wrong. If that is so, then, for the reasons that I have already given and will now go on to give in more detail, I am very satisfied to a high level of proof that such an event was a 'one off' and cannot have been typical of the way in which this mother behaved towards her children. There is no evidence, even from AH who is the only adult witness on this point, that he witnessed more than two occasions of unreasonable chastisement.

Life more generally in the paternal family in Rotherham

79. Early in 2008, the fourth and final child, S, was born. Around that time the paternal family purchased the house immediately next door to their house. The mother claims that the father and two of his brothers moved to live there. Be that as it may, it is clear that this house, and then the two houses, were the home to this family of six, the paternal grandparents and a number of other relatives.
80. The paternal family had owned and operated a local takeaway food business for a number of years. During the period that the family lived in England, the father normally worked for 6 nights each week in the business alongside his younger brother AH who was actually the manager.
81. The mother's case is that she comes from a close and loving family. She is the youngest of a large sibling group. During the hearing an example of the closeness of the maternal family came during the evidence of one of the mother's older sisters, KB. KB, who also spoke of the family's closeness, became visibly upset when counsel in passing mentioned the recent death of one of her brothers. Despite this closeness, KB and her sister, KA, only visited the mother on one occasion and that was shortly after A's birth soon after the mother's arrival in the UK in 2003. The mother explained that KB and KA had not visited between 2003 and 2010 because the father's family would not permit them to do so.
82. Given the apparent closeness of the maternal family, which is also demonstrated by the contact that the three sisters had with each other after 2010 and by their

involvement in these proceedings, the fact that KB and KA did not visit during this seven-year period is striking.

83. More generally, the mother describes being completely isolated within the paternal family. When the family visited Pakistan in 2003 she says that she was not even permitted to telephone her parents to say that she was in the country. She had no money of her own and was totally under the control of the father and his family at all times.

84. In a long answer during her evidence in chief she said:

“all members of the father’s family would swear at me calling me a ‘bitch’ and a ‘bastard’ and worse. This was after I was married. They used that language around the children. Because they had brought me from Pakistan, because they had paid for me to come, although there was a marriage, I was treated just like a servant to them. If I refused to do anything, they hit me. It was the paternal grandmother who ruled the house”.

The resonance between this evidence and that of the father’s older brother RA, to which I will turn in due course, is clear.

85. During cross examination on behalf of the father, the mother again listed the aspects of normal life which were not permitted to her by the father and his family while she was in England, these included not learning English, not having a job, not having a bank account and not learning to drive. The paternal family sought to control her whole life, including what she wore. She said ‘I was not given any rights’.

86. During this part of her oral evidence the mother spoke with firmness and confidence.

87. In his oral evidence the father said that ‘We were living happily in our family with our children’. He denied that his mother had said anything about the mother in front of the children and the mother was good with his parents and had a good relationship with them. They still, he said, speak about the good things that she did.

88. The father said, in terms, that “we never had any problems or any difficulties or arguments as husband and wife at all.” The only issue was that sometimes the children were stubborn, and the father would advise the mother not to be stubborn in return. This was, he said, the way things were right up to April 2010 when the mother left for the first time.

89. In cross examination on behalf of the mother he repeated that there had never been any arguments between them. He said ‘even if she did anything, I just kept quiet as I did not want to cause upset. I used always to try to keep her happy and do whatever she wanted.’

90. It was put to the father that his family had been abusive to the mother. He said that nothing like that had happened and that it was a total lie. His parents had only done things to help his wife and it was very upsetting to hear all these things said about his mother, who is a very simple woman. At this point F became visibly upset.

The ‘rat poison’ incident

91. At this stage during an overall account of life in the early years of this family, it is necessary to refer to an incident during which the mother claimed to have taken rat poison.
92. The mother describes the incident as taking place when A was around 7 months old. The paternal family were critical of the mother's work doing household chores and this resulted in the father slapping and pushing her violently. She fled up to the father's bedroom where she saw a sachet of rat poison which in desperation she ate. She says in her statement:
- “I was extremely upset and desperate to get out of my situation. I was completely isolated and suffered abuse on a daily basis.”
- She describes collapsing after taking the poison and the father took her to hospital where she stayed for a few days.
93. The father accepts that there was an incident when the mother claims to have taken some poison, he accepts that she said ‘rat poison’ and he denies that there was any rat poison in the house. He recalls taking her to hospital on this occasion. He denies that he was ever violent to her or that she was required to undertake chores over and above looking after him and the children. The father also recalls the context which was that his aunt's daughter-in-law complained that the mother had ordered a lot of milk for A. He told the mother about this and that led to her becoming angry and swearing about his family. The father was asked if he accepted that his wife must have been very upset to do this; his reply was that she was ‘alright at the hospital’.
94. Unfortunately, there are no medical records available in relation to this event.
95. The fact that such an incident occurred is confirmed by RA's evidence, during which he said that he was aware that it was being said that she had taken some poison, but not aware that it was ‘rat poison’. He told me that the mother did not say that she was very unhappy and this incident does not necessarily mean that she was unhappy.
96. Pausing there, in a case where virtually every factual assertion is wholly disputed, the common ground that exists around this incident is important. There must be a high degree of certainty that there was indeed an occasion when the mother claimed to have deliberately taken something toxic and this led the father to take her to hospital. Whether it was or was not rat poison is of limited importance, given the agreement between both parents that she claimed that it was ‘rat poison’. This incident is at odds with the father's overall case that there were no problems in the marriage or in the wider family living in Rotherham during these years. For a mother of a young child to claim to have taken poison and for her husband to take this claim sufficiently seriously to take her to hospital is a strong indication that all was not well with her mental and emotional health at this time.

Returning to an account of home life more generally

97. A's evidence about this period is that the relationship between her parents would be ‘ok one minute and then the next my mother would start shouting and fighting’. In cross examination she accepted that her father would also shout at her mother. A confirmed that the two adjacent households were busy with family members in and

out of the two houses on a regular basis. A told the court that, save for some rare occasions, she could not recall ever being happy when with her mother.

98. In cross examination she was asked if her mother was unhappy at any time and replied 'I don't know, she had everything that she wanted; she just wanted to destroy our lives'. Asked to explain, she said 'leaving us was destroying our lives'.
99. It is of note that A's evidence is in contrast to that of her father which is that the family was happy and there were no problems.
100. The maternal aunt, KB, described the maternal family as being a close family, in which M was the youngest sibling. I have already noted that KB became visibly upset when counsel in passing inadvertently mentioned the recent death of one of KB's brothers. The degree to which this passing reference caused upset for KB, was a demonstration of the close relationship that she had with, at least, one sibling.
101. Despite the apparent closeness of the maternal family, and despite the fact that KB and KA did not live too far away, it is of note that these two ladies did not visit the mother in the paternal family home other than on one occasion soon after she arrived in UK following the birth of A in 2003. She said that they had not visited prior to 2010 because the paternal family would not permit them to do so.
102. RS is the son of KB and the nephew of the mother. He is just 10 years younger than the mother. He describes her in the time before her marriage, when she was living in Pakistan, as being a very bubbly, youthful and outgoing person; always willing to play with him and have fun. When he saw her in Rotherham in 2005, after her marriage, he found a complete contrast. The mother was, he said, 'very very reserved, timid and quiet; she looked lost'.
103. As will become apparent, I regarded RS as an impressive witness. He is aged 31. He is a solicitor. He is himself a father. He gave clear precise answers to questions. His overall presentation was clean-cut, wholesome and open. He displayed intelligence and he was both measured and sensible in his answers.
104. In the brief period during which he was describing M in her younger days I observed that she was beaming with delight. This was the only occasion during the entire 9-day court hearing that I observed any strong emotion in her demeanour, save for the few occasions when she was clearly crying. For a brief moment I saw something of the younger personality that RS was describing, and her reaction indicated that what he was saying about her younger self was true.
105. RS's account of a total change in M's personality after the marriage is, therefore, in my view important. It plainly supports the mother's account.
106. RS's account of the mother being a shadow of former self was put to the father. He denied that RS had visited, and he asserted that the mother was not shy or timid. She remained, he said, the same bubbly and youthful person that she had been when they married.
107. AH (the source of the video clip) is now 31 and would have been 18 or 19 in 2007. He has always lived either in the home that was occupied by the mother, father and the

children or next door. He is not married, he did not go to university and he has always worked in the family takeaway business which, since 2008/9, he has run. For the bulk of the period during which the family lived in Rotherham it was AH and F who ran the business, which would be open from 6pm to around 3.00am. At the weekends a third person, normally their father, also worked there.

108. As a result, AH and F spent very many hours together working at the takeaway over a period of years. AH was clear in his evidence (and I have listened to an audio recording of his testimony) that during the whole period between 2002 and 2012 ‘everything was fine in the marriage’ and he was never aware of any problems.
109. RA is one of F’s older brothers. RA is now resident in Pakistan, but he was part of the family in UK until 2009. I formed the view that RA, who is a practising barrister in Pakistan, was an intelligent man, well familiar with the court process and, when giving his answers, he was very much on the ball. He was a daily visitor to this family’s home in Rotherham. He told me: ‘I saw nothing wrong in their relationship; they were a normal family’.
110. During cross examination RA gave a more detailed, and in my view very telling, description of the family dynamics. He said:

“Marriage in Pakistan is a marriage between two families. It was not a precondition of her marriage that she should stay in the UK. She went to Pakistan and we decided that she should stay there. Our father decided what the mother should do. It was not an issue.”

After he had given that evidence I read my note back to him and he agreed that that was what he had said.

111. In the July 2018 hearing RA said the following [T422] when describing a meeting that he and his relatives attended with representatives of the maternal family:

“Look, you know, this is a silly thing to do; you have given your daughter to us and now it is up to us either to keep her in Pakistan or we live in Pakistan or we go to England, how long we are going to England and how long we are going to stay in Pakistan. This is none of the business of anyone.”

112. The mother’s case, which accords with the approach described by RA, is that she was very much under the control of her husband and his family.
113. Having reviewed the evidence in relation to this aspect of the case in some detail, it is clear that the father’s account of there being no problems for his wife in this home is not credible. It does not accord with the ordinary experience in any family. More specifically, it does not accord with A’s recollection or the fact, as fact it is, that the mother chose, on one occasion, to claim that she had taken rat poison and required hospital treatment. The mother’s account of being wholly under the control of the father’s family gained significant support from RA’s description of the family dynamics to the effect that it was for the elders in his family to determine where the mother should be and that it was none of the business of anyone else.

15th April to August 2010

114. The date of the 15th April 2010 is significant as all are agreed that on that occasion one of the mother's nephews, ZA, visited the family home. An argument ensued which led to a physical altercation between the nephew, the paternal grandfather and the father. The police were called. Events concluded with the mother leaving the family home with S the youngest child, returning later supported by police officers, to collect the other 3 children and moving to stay with her sister, KB, in Oldham.
115. Both parents agree that the mother's nephew, ZA, had, from time to time, visited the family home over the years and that on each occasion he would raise matters that were of concern to the maternal family about the circumstances in which the mother was living. A particular bone of contention was that the mother was not being given access to the child benefit or other benefits. The court has not heard evidence from ZA.
116. Quite what did or did not take place during the altercation on the 15th April has not been the subject of detailed evidence and, indeed, to resolve these factual issues is unlikely to be of relevance to the children's future welfare. The real significance of the event is that it occurred and resulted in the mother and children leaving the family home. This fact and the agreement that ZA regularly visited to complain about the mother's circumstances are wholly at odds with the father and AH's evidence that there was no problem during these years.
117. In early 2010 AH went to Pakistan for a wedding. When he came back at the end of April the mother and the children had already moved out. AH said that he never asked the father about this. It was a grown-up matter for the grown-ups to discuss and not for him. There was no contact with the children after they had left, but AH never asked why this was (despite, as he accepted, the fact that he had lived with them for 8 years up to that point). Mrs Connolly asked AH 'weren't you interested in knowing how the four children were?'. After a long and thoughtful pause AH eventually answered 'yes'.
118. He agreed that he continued to work 6 days per week with the father alone in the takeaway but, he said, he never asked him about the children. He said that that was not the way they were.
119. Throughout this part of his evidence AH appeared very guarded in the answers that he gave. AH was asked why he had not told his brother about the existence of the video in or after April 2010. He said: "The argument was between the elders and did not relate to the children. I just did not tell him. [The father] was upset and I did not wish to upset him any more".
120. For part of the time that they were away from the family home, the mother and children stayed at the home of her sister KB in Oldham. Once during this period the father telephoned and it is said that during the telephone call W asked the father to come and take him back home.
121. A gave evidence before her father. She told the court that when her father had phoned on the occasion in question she had spoken to him 'for 1 or 2 minutes'. She then gave the phone to W who told their father 'I want to see you can you come and pick us up'. KB then took phone wire out of the wall. A said that she saw Aunt KB kick W out of the house with no clothes on. KB said 'if you are going to go to your dad then give us

our clothes back'. A said that her mother grabbed W by the neck and brought him back into house.

122. W will have been aged 4 years at this time. In his witness statement for this hearing, W said:

"... my dad called the house to speak to us. I remember speaking to him on the phone. My aunt K was unhappy because I was speaking to my dad and unplugged the phone. Then she kicked me out of the house. It was night time. I did not have a T-shirt on or any top on. I remember that I was crying. My mum was there but she did not do anything to stop it. ... I think that I was outside for about 15 or 20 minutes. When I was allowed back into the house, I remember that my sisters were crying and we had ice cream. My mum was standing in the hallway."

123. W then describes another incident when staying with KA in Peterborough. He describes his father coming and W recalls asking to go back to Rotherham with him. He then describes being sent up to his room and locked in by his mother for what he believes was two days during which he was not given anything to eat. Neither the father nor A speak about an incident such as this and it was not pressed in cross examination of KA or the mother.

124. W also recalls being locked in a storage room in the Peterborough house.

125. In her witness statement for this hearing, B, who will have been aged 6 years, describes the telephone incident:

"I remember W was kicked out of the house in Oldham because he wanted to speak to my dad. K was there with her daughters. I felt scared but as I was little I could not say anything."

126. The father's original account in his statements and in oral evidence in 2018 was that he only spoke to W and did not speak to A. In oral evidence before me he changed his account to say that he had spoken to A. He gave evidence the day after A had said that she had spoken to him for the first time in witness box. He told me that the written statement was wrong and that the error did not come to his mind until he had heard A's evidence

127. AH's oral evidence was interesting, but far from satisfactory, on the issue of the telephone call. Initially he said that he could not recall if he was present when the father phoned. Mrs Connolly then asked him if the call was cut off. AH's evidence at this stage was punctuated with long silences, but eventually he said that the father did speak to the children in Oldham on the phone at least once. He then said, 'he told me that he spoke to W and the call went off'. When asked by the court why he had not given that answer when first asked, he explained that he 'was trying to remember'. AH's demeanour in the witness box at this point was extremely guarded and was punctuated with frequent glances across the courtroom to the father.

128. KB's account is straight forward in that she simply denies that the father ever telephoned the house and she therefore denies the incident. The mother gives a similar account.

129. In May 2010, the mother and children moved to rented accommodation in Peterborough next door to a relative ['N'] and next door but one to one of the mother's sisters, KA. The three houses were in a row and in the rear the garden fences had been removed to create a common area shared by all three homes.
130. In relation to this period A complains that KA made her clean windows and carpets and Hoover twice per week. She said that "I do not know why she did this as it was not her house". A accepted that her mother did cleaning as well. A was aged 8 years old at this time. She said that the children were fed in Auntie N's house. She says that they were only given one chapati each day for 3 months throughout their stay.
131. A also alleges that KA pushed her into a cupboard under the stairs in the mother's house and locked the door. The mother was in the house and saw the event. A was challenged in cross examination that this did not happen. The challenge led to A breaking down and crying for the only time in the witness box. She said 'I hate [KA] now'.
132. The father said he heard about this incident near to the time in 2010. He said that he had asked the mother about it, but she said that it did not happen and he accepted her reply. It is not clear from whom the father says he heard about the incident in 2010, as he also said that A only told him about it in December 2017. The father was clear that A did not tell him in 2010. He said, 'I did not ask her at the time because I did not think that they were the type of things to talk about'. His previous statement was then put to him [C88 para 18] in which he had said: 'In August 2010 ... I met A who complained that she had been tied up, locked in a cupboard and mistreated'. The father then changed his account to say that A did tell him about the cupboard in 2010.
133. A's account, however, is she did not tell her father until they were back in the UK in 2016 and he said 'why didn't you tell me before'. A said that she had not told him because if her parents were to split up she thought that she would have to go to live with her mother. A maintained this account in her oral evidence, in contrast to the father's account which, as I have described, changed during oral evidence and is inconsistent with A's account.
134. KA roundly denied making A clean the mother's house. She said that she had never made her children do cleaning and the mother's children were like her own. She said that it was not normal to ask children to do household chores. She denied that A had only had one chapati per day to eat. The mother had cooked food for the children and she had money. Some days the children would eat in the other houses. There was, she said, no problem with food.
135. KA said that A had not been upset in her home; on the contrary she had been very happy and got on well with her children. KA was very upset at the suggestion that A had been locked in a cupboard or that W had been locked in a room. She said, 'these were my sister's children and I loved them'.
136. The mother gave a long and impressive list of the foods that the children would eat at her home during this time. She firmly denied the allegation that W had been shut out on the street without his clothes saying 'do you think that any loving mother would allow that to happen to her son'.

137. At the end of July 2010, the mother went to Pakistan with the two younger children, W and S, as her father was very ill at that time. A stayed with KA in Peterborough and B went to stay with Aunt KB in Oldham.
138. In August, the maternal grandfather died in Pakistan and, as a mark of respect, the father visited KA's home to join in family prayers. He claims that he was so concerned about the state in which he found A there, that, at her request, he brought her back to the paternal home in Rotherham that day.
139. The father said: "when I saw A she was very weak and very upset". By 'weak' he explained that he meant very nervous and upset. He did not say that she was thin or ill, but A seemed to him as if she had been kidnapped. He said that he was so concerned that the following day he went to Oldham to see B.

B in Oldham in August 2010

140. The following day, the father and A travelled to Oldham to see B in KB's home. The father's case in his court statements was that he found B to be so scared of him that she would not speak to him. He left without her.
141. A's original account was that when she and her father arrived B was out for quite a long time. When B returned, she was asked if she wanted to go home with the father, but B said that she wanted to 'stay'. A says that she noticed red marks on B's wrists. A said that after that she left with her father.
142. The father said that B did not tell him about 'Chinese burns' on her wrists and that A had just said that she saw red marks on B's arms. He did not see marks on her arms. He said that he did not see much of B as the two cousins just grabbed B and took her upstairs. The father thought that B was scared but he left the house and went home with A. He took no action in the following days or weeks with respect to any concern he had over B in Oldham.
143. In cross examination, however, the father accepted that he did not in fact just leave the house. The visit occurred during Ramadan and he accepted that he had stayed and he had broken the fast with KB's family. It was put to the father that B was asked if she wanted to go with him or stay and she said 'stay'. His reply was that 'nothing like this was discussed'. That reply is wholly at odds with A's account and, indeed, the account of the maternal family witnesses.
144. A key point in the evidence turns around whether or not B was asked if she wanted to stay in Oldham. The maternal family say that she was and that she opted to 'stay'. Importantly, A expressly confirms that this was so. The father, on the other hand, says that 'nothing like this was discussed'. His account is, again, hard to understand given that he had expressly gone to Oldham to see if B, as A had done the previous day, wanted or needed to come home with him.
145. The father was asked why, if he was so concerned by what he saw of A and B in those two days, did he not believe them when they said that they had been abused. The father replied, "I did not believe them because by then we had got back together and this was in the past".

146. In her witness statement for this hearing, B said:

“I remember my dad came to collect me from K’s home in Oldham. A was there with him and my uncle AH. When my dad came to the house, my two cousins S and S would not let me go to my dad. They took me upstairs and gave me Chinese burns. They told me that I could not see my dad because my dad was bad. I knew that my dad was downstairs but I could not see him because of what my cousins had said as they scared me. S and S said that they would hit my dad with their high heels.”

147. B’s account is obviously important. She was aged 6½ years at the time. Her account, and this is not criticism of her, differs from all the others in that no other witness speaks of AH being present. Also, in contrast to A, she does not recall speaking to her father and saying that she wanted to ‘stay’ in Oldham. In addition, given that we now know that her father and A were in the house for a considerable time while the whole family broke fast, B, who wrote her statement before this information became known and so she could not be asked about it, does not explain her account of that part of the narrative: was she kept upstairs while the rest of the family ate their meal, if so, by whom?

148. KB denied that her daughters had been cruel or mean to A. With respect to B she said ‘she was very good; she was so cute that everyone loved her; she was very cute and very pretty. All the kids loved her a lot.’ She described B as laughing and happy when she said that she wanted to ‘stay’ in her home. The father had spent time with B and they spoke to each other.

149. B and KB’s two daughters came home before the family broke fast. Because there were so many, KB said that they had the meal in two rooms; men in one and women in the other. It was before the meal that B had opted to ‘stay’ rather than go with her father. B was sitting with A and the women for the meal. KB denied the assertion made on A’s behalf that the whole family ate together; she had a clear recollection of the number of chairs available and how the women were round the table and the men were in the front room.

150. During her evidence KB produced a keyring fob with a photo of B on a playground slide which she said had been taken during B’s stay during a visit to the Trafford centre. She said that since that time her daughters had kept the ring because they loved B so much.

151. More generally, KB said of the father that he was ‘bad’ in his relationship with the mother but not so with the children. This response appeared to be a very fair answer which, like much of KB’s evidence, was measured and thoughtful.

152. KB’s account about the meal was new information and given spontaneously. It had the ring of truth about it. Her account that B was asked and said ‘stay’ accords with A’s account. The father’s account that he was so concerned about B that he left the house and B was never asked if she wanted to stay does not fit with KB and A’s account and it does not fit with the fact, as the father now agrees, that he stayed for a meal with the family. Also, despite his stated concerns about B, the father did nothing in the following days or weeks to protect his daughter. It was not until some weeks later that the mother returned to UK and there was a negotiated reconciliation. The

father agrees that he did not raise KB and her family's care of B with the mother at that time. The father's account is, therefore, hard to accept. If a father was really so concerned about the circumstances of his 6-year-old daughter, would he stay for a meal with the family and then take absolutely no action thereafter to rescue or protect his child?

153. Further, on A's account, as put, the whole family ate together and B was not there, with the presumption that B did not eat. If that is so, then it is decidedly odd that the father has never complained that B was not given food with the other family members in addition to his other complaints. Either B was there at the meal and he will have had the opportunity to see her there, or she was kept apart from the rest of the family during the meal; if the latter is the case it is hard to understand why he has not even now complained about this.
154. I regarded KB as a good witness. KB's ability to produce a keepsake photo of B during her stay was impressive and wholly at odds with the account of B being abused by KB's daughters during her stay.
155. Moving on in relation to this incident, I have already indicated the favourable view that I have formed as to the credibility of RS as a witness. He was living in his parents' home during the time that B came to stay and he was there on the occasion that the father came to see B.
156. He described B as having a close relationship with his sisters, who would often take B to the Trafford shopping centre. He said that his sisters were 'wonderful to her; like a younger sister'. He said that she was given special treatment, which I took to mean spoiled, 'because of her situation'.
157. When the father's account of his visit to the house to see B was put to RS he was very plain in his answer which was that this was 'nonsense'. Regarding the allegation that his sisters had given B 'Chinese burns' he said that he 'wouldn't even allow this to happen'.
158. I regard RS's evidence on this key episode to be important. It was of note that neither Mr Gupta QC, for the father, nor Mr Tughan QC for the three children chose to cross examine RS on this part of his evidence.
159. AH was asked what he had been told by the father or A after they had returned from Oldham. He was plain that neither of them ever said anything about what happened in Oldham. He continued to work 6 days per week with the father, but was not told anything about Peterborough or Oldham.
160. Later during cross examination AH changed his evidence saying: "The father was upset because he did not get to see B. He looked worried, but he did not say what he was worried about." He then gave an account of A going upstairs and seeing marks on B and that B was upset and frightened. He said that whilst he knew this in 2010, he did not discuss it with the father. As at other times, AH's evidence on this topic was entirely inconsistent and lacking in credibility.
161. Drawing matters together with regard to the father's visit to see B in Oldham, for the reasons that I have already given, which are very much reinforced by the strong

testimony of RS, I am clear to a high degree of proof that there is no credible evidence that B was ill-treated during her stay in KB's home in Oldham. I also conclude that the father gives an unreliable and untrue account of this event.

September 2010 to May 2012

162. On the mother's return to the UK in September 2010 a reconciliation between the parents was negotiated between the 'elders' on each side of the family and the mother moved back with the children into the paternal family home in Rotherham. Although the mother's case is that a number of more favourable ground rules were negotiated in her favour as part of the reconciliation agreement, her evidence is that in reality nothing changed in terms of the family dynamics or the manner in which she was treated.
163. In evidence the mother said that she had agreed to reconcile because the father and his family promised on the Koran that they will keep her 'nicely' and buy a separate house for the family. Because of her respect for elders and because she realised that the children needed both a mother and a father, she went back to him. It was, she said, difficult for a woman in her culture to be separated from her husband.
164. During cross examination the mother volunteered an account of an incident relating to this period which had not previously been described. The father was at home and she asked if she and the children could go to the park. She told me that the father had to ask his mother and then came back and said 'lets go'. The park was a car drive from the home. The father dropped the mother and the children off and said he had to go to buy supplies for the takeaway. That was at around 2pm. He did not come back. The mother and the children were in the park until sunset. They stood alone under a tree. The mother was in tears when giving this account. Eventually the father returned when it was dusk and brought them home. Back in the house, the mother asserts that the paternal grandmother said 'now you have seen the park you will not want to go there again'.
165. The mother was cross examined on this on behalf of the father. She explained that when in Peterborough they had enjoyed going to the park 2 or 3 times per week and they had asked to go on this one occasion. The father's account of this was that nothing like that ever happened. There was a park a car-drive away, but the family never went there. They did go to another park which was nearer regularly at weekends.
166. Incidental though it may be, I found that the mother's account of this episode was striking and very clear. There is no allegation of violence. It is however an account of a cruel and controlling event. The mother's demeanour when giving this account was congruent with what she was saying. Ironically, the fact that it had not been pleaded previously, and had just come out during her testimony added to its overall credibility as simply just one more example from this mother's life in the paternal family. The father's acceptance that there was a park a car-drive away was to a degree confirmative of the mother's account, but, as with every other aspect of the case, his evidence was otherwise 100% at odds with hers on this point.
167. Again, at the end of her cross examination, the mother volunteered an account of another episode for the first time. She explained that the father never gave any time to

the children and that even on the school sports day he did not attend. He told her not to go to sports day and she did not. On that day W won a race and the mother heard that W had been looking round for his parents who were not there which greatly upset her.

168. Once again, this account, of a relatively small event, was telling and fits with the overall picture given by the mother. It is hard to understand that it has been manufactured for deployment in the proceedings. If it had been, it is not a very serious incident and would, on its own, carry little weight. If it was made up for the court case, one would have expected it to be trailed in the statements or brought out early on, but in fact it is the last entry in my note of the mother's evidence when she was simply replying to some general questions from me.
169. During his evidence and during cross examination the father was firm in stating that when they reconciled in 2010 he did not promise that M could keep her own passport.
170. On 4 July 2011 records show that the mother was issued with a replacement Pakistani passport on the expiration of her previous passport. Pakistani passports run for five years. Thus, the mother's Pakistani passport was due to be valid until July 2016.

May 2012 to April 2016: Pakistan

171. On 1 May 2012 the maternal grandmother died in Pakistan. Both parents and all four children immediately departed to Pakistan. There is a fundamental dispute between the parents over the proposed length of this visit. The mother's case is that it was intended to be for about one month to cover the period of the funeral. The father's case is that it was intended to be an open-ended and potentially indefinite visit.
172. The mother's account regarding her 2011 passport is that she handed it over to the father so that he could purchase the flight tickets in 2012 and that she never saw it again. It was not given to a member of her own family; if it had been then she would not have stayed in Pakistan for as long as she did.
173. The father agrees that the passport was handed over to him so that he could buy the ticket and, he says, the mother did not ask for it back.
174. The father states that one of the reasons for coming to Pakistan was for S's health as the doctors had said that he would do better in a hot country. The father agreed, however, that the mother did say that she would prefer to be in England and that she did not agree that S's health required him to be in Pakistan.
175. This rare congruence between the parents' evidence indicates that there probably was, at least, a lack of clarity or unanimity of intent as to the likely length of stay in Pakistan. If this is so, then it is clear that it was the father's intention that ruled the day as the family did not return to the UK for some years after May 2012.
176. A gave evidence that around this time she was hit on her back by her mother who used a child's cricket bat to do so. This happened on only one occasion and she did not sustain any injury. She said that she was hit because she had sworn at her mother. She told me that she regularly swore at her mother who would become angry. Whilst

it is not possible to make any finding about this incident, it is of note that A, who was aged 10 years, felt able to swear freely at her mother in the family home.

177. It is the mother's case that once in Pakistan, in August 2012, she was evicted from the paternal family home and that she left with B and S. It is common ground that she left, and that a further reconciliation was negotiated by family elders before the mother moved back in November 2012. A crucial feature of the case is that the father claims that it was a term of the reconciliation that the mother's passport, which he still had in his possession, was handed over to her relatives. The mother claims that her passport was not handed over and was retained by the father.
178. The father therefore agrees that he had the mother's passport from May 2012 until November 2012. In November 2012 the father describes two men and two women being involved on the occasion when the mother was brought back to him. On that occasion he says that her passport was taken from him and he never saw it again. He was firm in cross examination that he did give the passport up as this was a condition of reconciliation.
179. It is common ground that the mother again left the paternal family home in March 2013, this time leaving the children there. She claims that she lived with one of her brothers and his wife for some months, but that this arrangement was not at all acceptable to her sister in law.
180. In June 2013 the paternal grandmother travelled to Pakistan to help with the care of the children. The mother was not able to see the children at their home but was able to see them from time to time at their school.
181. It is also common ground that in about March 2014 a lady called PA attended the paternal family home after she had been requested to do so by KB in the hope that she might assist the mother. PA has been the proprietor of a women's refuge in Mirpur for 20 years and was apparently known to the maternal family. PA, who gave oral evidence from Pakistan, is clear that the father showed the mother's passport to her and that he gave assurances that he intended to take the family back to the UK in the coming months.
182. Approximately 10-14 days following PA's visit, the mother claims that she was evicted once again from the paternal family home. She claims that she was attacked and told she would not be able to return to UK as her ILR was about to expire and she had no passport. The father denies this incident.
183. The mother stayed with her brother for a few days before moving to the refuge run by PA after asking her for assistance.
184. The departure of the mother from the family at this point is an event which is of primary importance to the children, whose highly negative view of their mother is largely based on their belief that she voluntarily left them and thereby abandoned them at this time.
185. In her evidence A said: "we begged her not to go, but she still left; she left because she did not like us".

186. There are very few documents to corroborate either the existence of the refuge or M's alleged stay there. PA explained that she was totally illiterate and relied upon others in relation to documentation. She undertook to send further documents to the court, which she did. However, these additional documents do not take matters much further.
187. The father's case is that the mother never stayed in the refuge but was accommodated by members of her family, or was back with him and the children, during the 3 years that the mother claims that she lived at the refuge.
188. It is however agreed that PA did visit the paternal family home and that agreement, at least, establishes that PA was at the time at some level engaged with this couple and concerned as to the mother's well-being.
189. PA was cross examined about the running of the refuge. She explained that she was not so concerned about money. Some people pay and others do not she said, 'it is no problem'. PA said that she had never asked the mother or her family for money in relation to mother's stay and no money had been paid.
190. The video link to Pakistan was not of high quality and unfortunately it ended prematurely, but by then Mr Gupta had completed the bulk of his questioning.
191. It is difficult for the court to assess the overall credibility of PA's evidence. The difficulties arise from the lack of documents, the language barrier and the poor video link. Whilst she is not a witness on whom a great deal of weight could be placed because of these factors, it is difficult to understand her involvement in the case if her evidence is not basically sound. The fact that she travelled all the way from Mirpur to Faisalabad [a distance of 290 km] to see the mother in the paternal home requires an explanation. Given her involvement in making that visit the prospect that she continued to be involved has some basis or context. It is also difficult to understand why she would put herself through the process of giving evidence in these proceedings, for the second time, if her account were not basically sound. She plainly did not welcome being a witness.
192. Another small insight into the paternal family's attitude to the mother in the time that she was absent from the home in Pakistan came in the evidence of the father's brother RA who said that sometimes if the children misbehaved, he would tease them about their mother leaving them. He would say "I will send you back to your mother or she will come back here to look after you". This was telling information which certainly fits with the paternal family having a negative view of the mother, at least by that time.
193. It is common ground that the mother visited the children at their school every month or so as she was not allowed to see them at the paternal home. Eventually the school said that she could not see them on the premises and so she would meet them in the street outside.
194. A described that her mother saw the children at school. A said that the mother "told us that she had been kicked out; but we did not believe her. We begged her not to come to school, but she still came. We made it clear that we did not want to see her. She

cried at school because she just wanted to get attention. She was only coming to school to get attention”.

195. In terms of trying to discern what was going on at this time, the contact visits at school, which are accepted by all witnesses to have taken place, support the mother’s account. Rather than abandoning her children, she was very keen to see them and put up with the less than ideal circumstances around the school in order to do so. It does not fit with a mother who had voluntarily left the paternal home and would have been welcome back there at any time (as the father’s case would have it). It does fit with a mother who was unwelcome and unable to see her children in that home. It is also of note that at that very early stage, A is clear that the mother was complaining of having been kicked out.
196. In May 2014 the mother’s ILR to remain expired as she had been away from the UK for a continuous period of two years. She asserts that at this time she went to the British High Commission to enquire about a new visa, but she was told that she needed the father’s sponsorship to proceed.
197. In his evidence in chief the father said that he believed that the plan of the mother and her family was that they were going to let the mother’s UK visa expire so that she could start a new life in Pakistan without him. He said that all the mother needed to do to keep her ILR valid was to return to the UK for around a month. But she did not do this. I asked him if he understood why the mother failed to do this and his reply was ‘I do not know, but maybe she did it to ruin my life’. He explained that his wife did whatever her brothers told her, and they told her things in order to separate the mother from the children.
198. It is convenient at this point to draw the information about the mother’s passport together. From records that have now been produced it is clear that, despite the fact that her original passport was valid until July 2016, the mother applied for and obtained a replacement Pakistan passport in July 2014 (that is just 2 months after her UK ILR expired).
199. As a matter of logic, if the mother had her original passport in her control or possession there was no need for her to apply for a replacement passport. The fact that she obtained a new passport really only makes sense if her account relating to the passport is correct and the father did not give up her passport in November 2012.
200. A UK immigration record shows that on 25th September 2014 the mother’s application for entry clearance to the UK was refused on the basis that she did not have proof of her exit from the UK in May 2012. This demonstrates that at some stage prior to September 2014 (presumably after May 2014), she had made that application.
201. In December 2014 records of Dawson Cornwell, who are the mother’s solicitors in these proceedings, show that they were contacted for the first time by a Pakistani lawyer acting on the mother’s instructions. A draft statement was prepared on behalf of the mother and sent to Pakistan; it was signed by her on 20 January 2015 [E91].
202. In March 2015, the mother’s appeal against the visa refusal failed.

203. In December 2015 it is agreed that both parents attended the passport office in Faisalabad. On doing so the father discovered that the mother had had a replacement passport issued to her in July 2014. Her evidence is that the father insisted that she should hand the new passport over to him immediately, but she refused and returned to PA's refuge.
204. On the 3 February 2016 the father returned with all four children to England. He claims that this was with the mother's prior knowledge and consent. He says that on the day of departure the mother made breakfast for the children and stayed in the paternal family home and that she had then locked up the house before going to stay with her brother. The mother's case is entirely to the contrary; she claims that she had no advance knowledge of the planned departure.
205. On the 23 May 2016, the mother's English solicitors issued wardship proceedings on her behalf in the English High Court. The mother's address given in the application is that of the refuge run by PA. The father claims that the issue of proceedings was simply a tactic by the mother to by-pass the immigration process.
206. At this time the father claims that he offered to arrange telephone contact between the children and their mother, but she did not take it up. However, the court papers show that the mother filed a statement in July 2016 saying that she had asked for telephone contact but this was not forthcoming.
207. The mother eventually succeeded in gaining entry clearance and arrived back in the UK on 17 October 2017. Prior to that time, the father, through his lawyers, had assured the court that he would do anything to arrange indirect contact. However, at the first hearing following the mother's return, he asserted that there should be no direct contact and he sought to reduce indirect contact to weekends only.

What the children have said

208. On 1 December 2017 Mr Power, the children's guardian in these proceedings, met the four children in order to learn of their wishes and feelings. The older three filled in a CAFCASS wishes and feelings document. What they said is striking. I will set out just one or two extracts from each:

A:

"I don't want to meet my mom because I hate her and her family. ...When we were in Pakistan for the first time she left us for 6 months because her sister told her to ...she should have been there for us because it was our first time there; after 6 months she came back. ... [when she came back] she was saying give my passport to her sister, my dad said do you care about your children or passport"

"She left us again because my dad was coming to England. I was crying to her that can't go but she said 'no' so for her [illegible] she left us and our grandma looked after us."

W:

“I do not like my mum she is evil and her family is evil. She use to hit me. Her sister locked me up in the [cellar] and she kicked me out of the house. In Peterborough my mum locked me up in a room for 2 days and she did not give me anything to eat. I love my dad, he is the best dad in the world.”

B:

“I want to stay with my dad not my mom because I don’t like her. She used to hit us. ... We went to Pakistan and she used to leave us for no reason ... she never used to ring or nothing.”

209. In a witness statement prepared for this hearing, W said:

“My mum used to hit me and my brother and sisters all the time when we lived in England and also in Pakistan. This happened when my dad went to work. ...I did not tell my dad about this because I was worried that it would get me into more trouble with my mum. My mum told me that if I told my dad, she would hit me harder and I was worried that my dad would get upset and that if they split up my mum would take me back to Oldham or Peterborough.”

[In Pakistan after he used a swear word to his mother] “She started hitting me with a stick. ... My mum hit me on my shoulders and my knees. There were marks which stayed for a while but no blood. I was screaming and crying because it hurt a lot.”

“When we came back to England in 2016, we decided to tell my dad about some of the bad things that had happened.”

210. In her witness statement, B said:

“My mother used to hit us when we were in England, sometimes with her hand and sometimes with the slipper. This was not every day. This could be for any reason. Sometimes we were naughty or noisy but other times it was because she was angry with us.”

211. In addition to these direct statements from the children, I have read transcripts of indirect Skype contact that they have undertaken with their mother since she has been back in England. The language used by the children is most striking in the degree to which they use highly abusive and degrading swear words to describe their mother.

Conclusions:

1. Home Life

212. I have already made a number of preliminary conclusions, which I will not repeat.

213. Standing back, the mother’s account of the manner in which she was treated by the father and his family has cogency and fits far more satisfactorily with other evidence.

This contrasts with the father's account which does not. The mother is part of a close family, yet as soon as she came to England her contact with them was almost minimal in terms of them visiting her home.

214. RS gave striking evidence, which I accept, of the wholesale change in personality of the mother from the bubbly and happy woman that he knew in Pakistan and the woman that he saw when he encountered her in England.
215. The father's account of family life as that of an entirely happy family with a good wife who got on well with his parents simply does not fit with events that he himself agrees occurred, for example the 'rat poison' incident and the fact that her nephew would come around regularly to complain about the mother's treatment. Neither does the father's account fit with A's evidence of regular 'shouting and fighting' between her parents.
216. I find that the mother's account is essentially credible. It contains congruent detail and was given in clear terms. The spontaneous examples given about the day trip to the park and the school sports-day where, in my view, very telling. They were very credible examples of this mother's everyday life throughout the years that followed her marriage.
217. As I shall go on to find with respect to the mother's passport in Pakistan, the father and his family sought to control the mother's life and her movements at that time. That approach is entirely in accord with what she says about this earlier period. The father's unsustainable denials about the passport are of a piece with his denials of any difficulty in family life over the previous decade.
218. RA, the father's brother, was, in my view, a powerful witness in support of the mother's case. He was clear and remained clear after I had confirmed his testimony with him, that it was for the father's family to decide whether the mother should be in England or Pakistan and that 'our father decided what the mother should do; it was not an issue.' This was not, he said, the business of anyone else.
219. AH, on the other hand, gave evidence which was not credible in that he described there being absolutely no problems and that his brother never mentioned any difficulty to him during the very, very many hours that they spent together.
220. I find the allegation that M has physically abused the children on a regular basis the most difficult aspect of the case. I therefore propose to return to this after I have reviewed other aspects of case, although logically it more readily fits into this stage of the narrative.

2. Separation in April 2010

221. Plainly there was an event at the home around the visit of the mother's nephew which clearly resulted in a separation with the mother returning on three occasions, with police, to collect the children and their belongings. This was a major event. Its occurrence supports the finding that I have already made about the quality of the mother's life in the family home and demonstrates that, far from this being a happy family, all was not well between the mother and father.

222. Again, AH's evidence on this aspect was wholly unsatisfactory. He had grown up over many years with these four children. He came back from Pakistan within a couple of weeks of their removal from the home, yet, on his case, he never asked where they were or why no one on his side of the family were seeing them. He continued to work 6 days per week with the father, yet, he says, neither he nor the father ever mentioned the topic of the children's removal from the home. I find it impossible to accept that this is the truth.
223. On the question of the telephone call where it is said that W was cut off from speaking to his father, the evidence is confused and crucially in the father's case it has changed. Previously he has never said that he had spoken to A, yet after A had, for the first time, said that this was the case in her evidence, the father changed his account so that his conversation with A now became the major part of the telephone call. Once again, AH was unsatisfactory on this topic. In addition to being very guarded, he too changed his evidence from not being fully aware of any phone call, then not being able to recall if he was present, to finally giving a detailed account of W being cut off.
224. Both KB and M deny the incident. The issue turns on the balance of probability. I formed a positive view of the credibility of KB, as I have explained and will explain further. Conversely, as I have described, the evidence in support of a positive finding is inconsistent, has changed and is confused.
225. All three children describe this incident and the subsequent ejection of W from the house. Only A has given evidence and the account of the other children has not therefore been tested in cross examination. For reasons that I will come to, it is clear that A has very firmly bought into a narrative in which her mother and the aunts, and in this it is the aunts in particular, are 'hate' figures. This may well indicate that what she says about them is true, but it may also indicate a clouding of her recollection so that what she says fits this strikingly negative view of her maternal family. The truth of A's account is not therefore sufficiently credible to support a positive finding on this discrete issue.
226. I read the statements made by B and W on this issue with care. W, who of the two is the only one to refer to the phone being unplugged, was only aged 4 years at the time. B was older at age 6. Both children give a consistent account of W being ejected from the house; he, in a way which may not be in keeping with his very young years, is able to time how long he was outside and he recalls, incongruently, that it ended with them all having ice cream.
227. There is plainly evidence that could support a finding against the mother and aunt on this issue, but, for the reasons that I have now given, the evidence is less than satisfactory or consistent. The issue falls to be determined on the balance of probability and, in the circumstances, and on balance, I find that there is insufficient evidence to support a positive finding that W was cut off in making a call or that he was subsequently ejected from the house. I am also, for similar reasons, unable to find the other specific allegations made against KA and KB proved.

3. Peterborough and KA

228. I formed a very positive view of KA as a fair and sensible witness. Both she and the mother described a large and convivial family group occupying three adjoining

houses with a shared garden. The children passed freely from house to house. The mother was supported both financially and emotionally by being back in her own family which, as I have found, was a close one.

229. It is at this time that A asserts that she was made to clean windows, carpets and Hoover twice per week by KA and that the children were only fed at Auntie N's house and only given one chapati per day. With respect to A, and I do not welcome having to express this view, I simply cannot accept what she says on these points. Firstly, it is hard to accept her account at face value. At the time she was aged 7 or 8 years. What value, in terms of a job being done well, would there be in getting such a young child to clean windows and carpets or even to Hoover. Further, it is difficult to understand why KA would insist on this being done in the mother's house, particularly as A says that her mother also did the cleaning.
230. More particularly, on the question of food, a diet of one chapati per day from May to August would have left any child in a highly emaciated and obviously unhealthy state, yet when the father saw and collected A in the August, he does not say that there was anything wrong with her physical health. Neither KB nor RS, who saw A the following day after her removal from Peterborough, say that there was anything amiss with her physical state or that she behaved in any unusual way at the communal meal.
231. Alongside these internal difficulties with A's evidence, I feel confident in relying upon the mother's account of this period of ordinary home life with her children away from the paternal family. This was, as I see it, the only time that she had an extended period of caring for her children. She enjoyed looking after them and her description of cooking and caring for them was given in a convincing manner. Her evidence and that of KA, coupled with the difficulties that I have in accepting A's account in any event, lead me to conclude firmly that A's allegations about this period are not proved.

4. August 2010:

232. Evidentially, the day when the father and A went to Oldham to see B is important. It is an event about which the court now has a good deal of evidence and it has been possible to make relatively clear findings. As set out at paragraph 161, I have concluded to a high degree of proof that there is no credible evidence that B was ill-treated during her stay at KB's home in Oldham and that the father's account of this incident is unreliable and untrue.

5. September 2010 to May 2012

233. There is comparatively little detailed evidence about the period between the reconciliation in September 2010 and the family's departure to Pakistan in May 2012. However, in the light of the conclusions that I have already described with respect to the earlier period, and indeed the clear conclusion to which I have come and will shortly describe concerning the father stranding the mother in Pakistan after May 2012, there is no reason to doubt her overall account of life in the family home during this period of 18 months. Indeed, as I have already observed, her description of the episodes concerning the visit to the park and the school sports-day have the ring of truth about them.

6. May 2012 to April 2016: Pakistan

234. The key issue in the period May 2012 and April 2016 relates to the mother's passport. I have already summarised the evidence in relation to the passport and it is now possible to set out clear findings.
235. The passport on which the mother travelled to Pakistan was issued in July 2011 and was valid until July 2016. This passport was in the father's possession, on his own admission and on the evidence of the mother, from May 2012 until November 2012 when he claims he was required to hand it over to the maternal family. Did he do that, or did he retain it, as the mother claims, thereby removing her ability to leave Pakistan and return to the UK before her indefinite leave to remain expired in May 2014?
236. The following evidence points firmly towards concluding that the mother's account is the truth and that neither she nor her family had control of her 2011 passport at any time after May 2012:
- a) PA's account of the father showing her the mother's passport during her visit to the paternal family home in March 2014. I have found that PA's account, whilst having deficits, is basically sound and it is difficult to understand why she would manufacture this evidence;
 - b) The mother applied for and obtained a replacement passport in July 2014. If she already had possession of her original passport, which had two more years to run, why would she obtain a replacement? This hard factual evidence points strongly, in my view, to the conclusion that neither the mother nor her family had control of the original passport at this time;
 - c) The records show that the mother had made an application for UK entry clearance which was refused on 25th September 2014. We do not have a date for the application, but it must have been in mid-2014 and probably after she had obtained her replacement passport. Again, if she had had the original passport in her possession and wanted to have the right to re-enter the UK in 2014, the obvious step to take would have been to return to England before the ILR expired in May 2014. The fact that she did not do so (despite as her application for a visa shows, clearly wanting to do so) and the fact that she had to wait until after the issue of the replacement passport, again strongly point to the conclusion that she did not have possession of the original passport prior to May 2014.
237. Conversely, the father's account that the mother had her passport and could have returned to the UK to ensure the validity of her ILR but did not do so because she wanted to ruin him simply does not make any sense.
238. More generally, the other clearly established facts in relation to this period arise from the records of the mother's English solicitors who were first contacted on her behalf in December 2014 and who issued these wardship proceedings in May 2016, just three months after the father and children returned to England. Again, these actions are not the actions of a mother who has abandoned her children or a mother who does

not want to return to England to be with them. This hard evidence is again entirely consistent with and strongly supportive of the mother's account.

239. On this analysis, the evidence relating to the passport and the mother's instruction to her English solicitors all points one way. This undisputed material simply does not fit with the father's account that at all times after November 2012 the mother had her own passport and was a free agent to return to England and keep her ILR alive.
240. I therefore find that the father had and kept the mother's 2011 passport in his control and possession from May 2012 onwards. His account to the contrary is a lie. The only tenable explanation for these actions is that he was set on a deliberate course aimed at preventing the mother being able to return to England so that, as was the case in February 2016, if he decided to bring the children back here she would be stranded in Pakistan.
241. The father's lie on this most important aspect of this family's history is a lie about a black and white issue around which there can be no doubt, faded memory or difference of opinion. My finding that he has lied about this issue is a finding that the court is entitled to rely upon in assessing his overall credibility. It is a finding that fits entirely with the more general conclusions to which I have already come as to the mother's treatment by the father and his family.
242. The other central issue arising from the period in Pakistan from 2012 to 2016 is whether the mother abandoned the children, as they believe she did, or was excluded from the family home by the father and his family as she asserts. On this issue, the evidence again points firmly in favour of the mother's account.
243. Analysis of what was taking place during this period must be considered in the light of the findings that I have now made about the earlier times. Throughout the marriage, as I have held and as RA told me, the mother's life has been totally controlled by the paternal family. There is no ground for contemplating that this situation changed once she was back in Pakistan in the paternal home from May 2012.
244. That conclusion is supported by the fact that the father agrees that when they came to Pakistan in May 2012 the mother only intended for the family to stay for a month or so around the time of the funeral. She was, on his own account, overruled.
245. On balance, and on the basis that I have found both the mother and PA to be essentially credible witnesses, when the mother moved out of the family home she went to live in a refuge for abused women for a period of years (after a short and unsatisfactory stay with her brother). During this time she kept up contact with her children by visiting them at their school, rather than at the family home. Neither of these two elements in the overall factual jigsaw fit with a mother who has voluntarily walked out of her children's lives and abandoned them. Why would a mother go to live in a refuge, yet still travel to see her children in such restricted circumstances unless she was forced to leave but desperately wanted to see them.
246. It is very plain that these four children, to differing degrees according to their age, were profoundly affected by the departure of their mother from their lives. They have subsequently bought into a narrative which puts the entire blame for this upon her so that they believe that she abandoned them and only came to see them to get attention

for herself. I am entirely satisfied that this account of the mother's actions is wrong. She was forced out of the family home, and thereafter kept out by the actions of the father and his family. Her contact to the children was heavily restricted by the father and his family who would not let her see the children in their home.

247. It is possible to go further and express the view, rather than a firm finding, that it may not be a coincidence the father's departure to England with the children in February 2016 occurred only a matter of weeks after he learned that the mother had obtained a replacement passport. He was not questioned about his reasons for choosing to come back to England at that point, but it is possible to contemplate that knowledge the mother now had a passport caused him to take action to establish the children back in England without her.

7. Physical abuse by mother?

248. As I have already indicated, I have found it difficult to determine whether the allegation that the mother regularly administered excessive and abusive beatings to the children is proved. The three older children have described such behaviour as a regular part of their lives, and have given examples of some specific occasions. AH describes two occasions and states that the short video clip is a film of the second occasion.
249. Part of the difficulty in forming a view is that, if the children are correct that this behaviour was a regular part of their lives, it is very difficult to understand why no one else in this busy home saw any sign of it at all over a period of 10 years. The father, who, as I have found has acted very negatively towards the mother, does not give any evidence in support of this accusation. Even AH, who was living in the household and who says that after the second occasion he was alert to the issue and regularly asked A if she had been hit by her mother, saw no sign of any repeat after January 2007.
250. Looking at the overall context, the mother was, as I have found, living in very stressful circumstances. She was unhappy and was being mistreated by the paternal family who were, on her account, wholly in control of her life. She had four young children to look after. The children at times, as all children do, tested the boundaries by playing up. In those circumstances one might expect a parent to act in the way that is alleged, and I take that into account.
251. I also take very much into account what the children have said, which is that their mother did hit them regularly.
252. Doing the best that I can, I am not satisfied that the mother beat the children in a way or to an extent that was abusive. I am not satisfied that the video clip is a film of the mother and A. I cannot explain the existence of the clip on AH's phone, but I found AH to be a wholly unsatisfactory witness and I am unable to rely upon his honesty in this regard. I do, however, find that the children are right in recalling that at times their mother did smack them. This was not excessive and not often. It was not noticed by anyone else in the house. Her actions fell short of amounting to child abuse, she did not cause the children to suffer any significant harm.

253. The findings that I have made against the father, whilst they do not include any finding of physical assault or cruelty, are nevertheless of a high order of seriousness. They are findings of very significant child abuse. He has controlled and manipulated the lives of his wife and children so that she, the children's mother, has been totally excluded from contact with them for a large proportion of their childhood and they now have a very negative view of her, believing that she abandoned them.
254. These are the findings that I have made. They will now form the factual basis upon which the court will, in due course, consider what steps can be taken to reintroduce the mother into the lives of her children.