

# Understanding Protection and Prevention Responses to Forced Marriage in England and Wales

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# Understanding Protection and Prevention Responses to Forced Marriage in England and Wales: Briefing and recommendations

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## About the research

A forced marriage is a marriage that lacks the consent of one or both parties, which is legally recognised as a form of domestic violence that primarily affects women and girls in the UK. Forced Marriage Protections Orders (FMPOs) are civil injunctions designed to prevent forced marriages and protect the victims/survivors. Although approximately 200-250 FMPOs have been granted annually in England & Wales since 2014, little is known about their use and potential impact on the victims/survivors. The aims of this first-ever study of FMPOs is to understand the workings of FMPOs and generate recommendations for improving preventative and protective responses to forced marriages.

A mixed methods approach was utilised drawing on quantitative data on FMPO applications in England & Wales and data from five police forces on FMPOs obtained between 2014 and 2019, and qualitative data from reported judgements on FMPOs (n=37), police case files from five force areas (n=70), life-history interviews with survivors (n=11) and interviews with practitioners (n=42).

## Research findings

There is no reliable source of data on the prevalence of forced marriage; the Ministry of Justice data gives an overview of FMPOs but only disaggregates it by age (minors and adults). In relation to the police records, there is an urgent need to improve data recording practices to tag forced marriage and honour-based violence (HBV) more broadly and in relation to FMPOs in particular.

The vast majority of forced marriages took place in the context of childhood histories of neglect and abuse.

Gendered control over female sexuality through restrictions on behaviour and mobility was commonplace. The father was commonly, although not always, the primary perpetrator or controller of these gendered household regimes, and domestic abuse perpetrated against the mother commonly co-occurred with abuse against the children. In this context, mothers were often made responsible by the fathers for 'disciplining' the children and managing daughters' sexuality. In a few cases, mothers were the primary perpetrators of the abuse against their daughters.

The dominant patriarchal norms within the family and community, including gendered notions of honour and shame, created a common context for forced marriage. A relationship or association with a boy/man (real, imagined or rumoured) often triggered a forced marriage for women and girls. For men and boys, forced marriage was commonly a punishment for a wayward or westernised lifestyle, rather than a means of controlling their sexuality. Dominant norms regarding binary genders and heteronormativity led to the punishment of 'deviant' sexuality through HBV or forced marriage. In relation to disability, which affects individuals' capacity to give their consent, parents' desire to secure a carer for their disabled child may motivate such marriages. Parents' desire to strengthen transnational family relationships through ensuring that their child marries a cousin, to facilitate the migration of a relative, and/or to secure their own status through their child's marriage to a member of the community were also factors behind forced marriage. Threats of being taken outside the UK in order to be forced into a marriage were common; in a minority of cases, the victims/survivors were taken abroad for the purpose of marriage or were, in fact, married. Another specific and hitherto less documented dimension of transnational forced marriage relating to Somali victims/survivors was

institutional incarceration and violence in detention centres in Somalia.

School closures and inaccessibility of services reduced the routes to help-seeking during the pandemic, at a time when the lockdown imposed prolonged, enforced contact with multiple perpetrators of forced marriage within the home. There remains a need to be alert to the needs of those who were aged 17-18-years old during the pandemic and missed school.

Physical violence, including HBV, was common in the cases in our sample. It was the form of coercion that was most intelligible to the practitioners, particularly the police, who would seek within the victims/survivors' accounts evidence of such violence and direct threats of it, in an attempt to establish the extent to which the victims'/survivors' fear of harm was 'reasonable'. There was also a recognition of emotional or financial pressure, where this was directly applied by parents, for example, by invoking the dishonour brought upon the family or threatening to withdraw support to attend university. However, what was common but not always acknowledged as coercive was the force of gendered social expectations and the fear of community reaction/gossip which shaped family dynamics and created a coercive burden in the absence of directly articulated threats.

In the face of these coercive pressures, victims/survivors often made disclosures to their friends, boy/girlfriends, select family members and co-workers, who encouraged them to contact services, or informed the services themselves where the victims/survivors were unable to do so (due to being held against their will either in or outside the UK). For those who directly contacted the services, schools (for the under-18s) and the police were the most common point of contact, often in a moment of crisis. For those who were trapped overseas, the Forced Marriage Unit was a conduit to other services and repatriation.

Responding to forced marriage entails a complex process of engaging simultaneously with risk management, safeguarding, support service referrals and making decisions regarding FMPOs and possible prosecution. Where multi-agency working was effective, it created a space within which those subjected to forced marriage could recover a sense of agency. However, the gatekeeping performed by services facing financial constraints, higher thresholds for intervention or support and a lack of (the effective sharing of) knowledge and skills

often impeded effective, sustained multi-agency working. Specialist 'by and for' domestic violence services were often central to offering expertise and advocacy especially where statutory services were reluctant to support victims, for example those whose immigration status was insecure or could not be verified.

In most cases, the application for an FMPO was made with the consent of the subject; nevertheless, there were a few cases where the application was made based on the available evidence and an assessment of the risk, against the wishes of the person for whom protection was sought. FMPOs were most effective in preventing a forced marriage at an early stage particularly when the victim/survivor was still in the UK. FMPOs were also effective in facilitating repatriation in many (but not all) cases in the context of a threat of, or a completed forced marriage. Nevertheless, FMPOs were also associated with an increased risk of HBV and other forms of violence and abuse.

A minority of the victims/survivors chose to leave the family home either prior to or shortly after the FMPO was served and their safeguarding was co-ordinated between different agencies, commonly the police, social services and/or the domestic abuse services. However, in the majority of the cases, victims/survivors changed their mind and returned home in the days and weeks after leaving. In such contexts, violence, abuse or some form of emotional pressure seldom ceased. Where the agencies were able to provide a co-ordinated safeguarding response through conducting regular welfare checks, sharing information to monitor and manage the risk and striving to retain the confidence of the victim/survivor, they provided effective protection. However, there were cases where FMPOs and undertakings seemed to be regarded by agencies as the end of the process; meanwhile the violence escalated and the victim/survivor felt abandoned by the services, which eroded their trust.

The withdrawal of support for criminal investigation or indeed for an FMPO and/or the changing of an earlier statement, were all too common occurrences. This was particularly the case where victims/survivors were living in the family home, were subjected to pressure and misinformation about the implications of the FMPO, feared that the police or social services' involvement would bring shame upon the family or get their parents into trouble, or the parents were being investigated by the police for a criminal offence. Despite the retraction, where the services seemed to understand the complex pressures that the

victims/survivors were negotiating and made active efforts to foster trust, they elicited further disclosures if the threat escalated again. None of the 102 cases supported a criminal prosecution of the perpetrators, predominantly the subjects' parents, but almost always availed the protective powers offered by FMPOs, which indicates a respect for the wishes of the victims/survivors but may also indicate gaps in criminal justice responses to forced marriage and breaches of FMPOs.

Breaches of FMPOs most commonly occurred through ongoing harassment, coercion and continued pressure to marry and pressure on a victim/survivor to return to the family home and in some cases, physical violence, (attempted) abduction where they had already left the family home, being taken abroad by their parents for marriage or their parents refusing to return the subjects to the UK, despite the FMPO. Mostly perpetrated by parents, there were also cases where siblings (predominantly brothers) and other family members were involved in breaches.

The reported judgements documented the complex, intersecting inequality faced by disabled people who experienced forced marriage, and their struggle to present themselves as consistent, credible witnesses in court proceedings. This was also the case with young or vulnerable witnesses, who may have changed their statements under immense emotional pressure or were unable to provide clear, detailed narratives of sexual violence. While the judges seemed to understand the continuum between arranged and forced marriages, recognising coercion seemed to require evidence of a directly articulated threat or emotional pressure; the coercive pressure created by the socio-cultural norms and intersecting disadvantages created by age or disability did not always seem to be taken into account.

The medium- to longer-term outcomes for those who sought protection through FMPOs were only possible to discern in a minority of police case files and in the narratives of all of the interviewees. A majority of these victims/survivors had left their family home and had gone on to complete their studies, were engaged in paid work and had subsequently married, but the impact of the abuse they had experienced and their fractured relationships with their families cast a long shadow over their lives.

## Conclusion

Childhood contexts and the victims/survivors' location within the social relations of power based on their gender, sexuality, disability and other types of vulnerability are crucial for understanding the 'total coercive burden' that can vitiate consent to a marriage. FMPOs represent an important remedy that can prevent a forced marriage, protect potential victims and assist those who have already been forced into a marriage. However, FMPOs can also simultaneously increase the risk of HBV and other forms of abuse being committed by the parents and wider family against those seeking its protection.

Factors such as a lack of knowledge about the complex coercive pressures on the victims/survivors, fissures between the agencies, missteps in multi-agency working and the gatekeeping of services due to financial constraints often impeded the provision of effective support. Where the agencies worked together and practitioners understood the complex lived realities of the victims/survivors, the risks associated with FMPOs were minimised. Where FMPOs were accompanied by a package of support provided by the agencies, this empowered the victims/survivors and enhanced their safety. Our research found that the injunctive remedy offered by FMPOs has great potential, but there remains much work to be done in order to realise this potential fully.

## Summary of general recommendations

1. Develop training to enable professionals to better recognise the nature and forms of coercion, including indirect forms of coercion.
2. Provide regular research-informed training in order to understand any changes in patterns of coercion or emerging forms of coercion, such as institutional incarceration.
3. Develop protocols for taking statements to develop trust with victims/survivors and obtain relevant information for effective safeguarding and prosecution measures.
4. Clearly justify any decision to obtain an undertaking rather than an FMPO, in light of the lower threshold of protection this measure offers.
5. Offer safeguarding training on forced marriage risk management, multi-agency protocols, and inter-agency collaboration and collaborative case management.
6. Develop strong relationships with ‘by and for’ domestic violence services, which have specialist knowledge of forced marriage and the skills to meet the needs of its victims/survivors.
7. Strengthen professionals’ understanding of the complex contexts shaping victim retraction, thus enabling delivery of effective protection and prevention responses to forced marriage.
8. Respond to dual victim needs of protection and prosecution.
9. Develop protocols to effectively manage victim risk when obtaining and serving FMPOs and thereafter.
10. Develop mechanisms to flag up the expiry of an FMPO.
11. Improve data recording practices currently in place within the criminal justice system, such as recording age, gender and ethnicity for forced marriage victims.
12. Improve support from all relevant professionals (i.e., services, police, etc.) for vulnerable witnesses.

## Key recommendations

**To manage the possible escalation of risk upon the serving of FMPO, professionals must recognise the nature and forms of coercion, including indirect forms of coercion, such as the coercive power of social norms and spiritual belief systems.**

Our findings document various forms of coercion exerted by perpetrators, from infliction and threat of physical violence to emotional pressure, such as threatening to withdraw financial support for university study or support for a visa application to stay in the UK. These forms of explicit force seem to be well recognised by practitioners. However, more subtle forms of coercion that vitiated consent—for example, invoking gendered social norms and notions of honour and shame, or harnessing the coercive power of spiritual belief systems such as black magic or juju—were not always recognised effectively. Where victims expressed that they felt they had no choice or space to say ‘no’ to a marriage, criminal justice practitioners often sought to interrogate whether there had been any *explicit* force or pressure (‘did your parents say you have to marry him’; ‘did you say no’, ‘why didn’t you say no’). This binary approach to coercion and consent, which focuses on victims’ and perpetrators’ explicit words and actions, may not capture the total ‘burden of coercion’. This includes contexts created through gendered social expectations and norms (e.g., the inevitability of the marriage, heteronormativity, code of honour/shame) that may prevent even the perception that one can say ‘no’ to a marriage one does not want. Therefore, understanding these different forms of coercion and the totality of coercive burden will enable effective decision-making on the threshold for FMPOs and safeguarding interventions that reflect the lived reality of the person to be protected. Judges must develop a stronger grasp of the range of coercive pressures in a family context that often result in conflicting testimonies and retractions of previous statements.

**Provide regular research-informed training in order to understand any changes in patterns of coercion or emerging forms of coercion, such as institutional incarceration.**

Our findings document a hitherto less known form of coercion, whereby a young person is taken abroad by their parents and incarcerated in an institution to break down their resistance to a forced marriage. We have documented such incarceration of Somali victims/survivors in ‘cultural rehabilitation centres’ in Somalia/Somaliland, but these institutions are also known to exist in other East African contexts. Following incarceration, victims/survivors are subjected to physical violence, psychological abuse, and deprivation of food and medication. Once incarcerated, the young person was deprived of any opportunity to contact sources of support in the UK or locally; local support for such practices also inhibited any effective help-seeking. Such incarceration, which is akin to torture, may also lead to severe long-term mental health consequences. Better understanding of these forms of coercion will enable informed risk assessments and pro-active safeguarding measures where this risk is ascertained.

**Develop protocols for taking statements to develop trust with victims/survivors and obtain relevant information for effective safeguarding and prosecution measures.**

Victim statements play an important role in the protection and/or prevention process by documenting the nature of the risk and shaping the implementation of effective safeguarding mechanisms, including FMPOs and any criminal prosecutions. Our findings indicate that initial statements often omitted important contextual information and potential red flags. However, following proactive measures by the police and legal professionals to build trust and expert questioning based on a knowledge and understanding of the dynamics of forced marriage victims/survivors were able to provide these details. In the absence of corroborative evidence, it is particularly crucial for victims to have experienced, well-trained professionals taking their first statement. If victims have never talked about their experiences of coercion and abuse related to forced marriage, it is especially important to allow them to discuss their statement with specialist FM/HBV police officer before they give evidence in court. It is thus vital for the police, legal professionals and related support agencies not to rush the process of taking an initial statement from a victim. Further, when making statements for criminal or civil proceedings, victims must be able to choose their interpreter based on that individual’s gender and their competence in the complainant’s first language.

Victims whose first language is not English must be given the chance to review their own initial statements, preferably with a trusted interpreter, at an appropriate time (i.e., when the victim is not in crisis).

**The threshold for undertaking vs forced marriage protection orders must be clarified, and undertakings must clearly justified and proscribed where there is risk or threat of violence or need for enhanced victim protection.**

Our research findings showed that it was not clear what the threshold was for implementing an undertaking—a promise made by a defendant or their legal representation to do, or not do, certain things—rather than an FMPO. However, undertakings feature a loophole that undermines their usefulness in forced marriage cases, especially those where there is heightened risk of serious violence. When an FMPO is breached, police can arrest the person who has breached the terms of an order without needing the court to attach a power of arrest to the order or the victim to apply to the Family Court (or to the High Court) for an arrest warrant. Undertakings have no such mechanism if they are breached. The recently released multi-agency guidelines for forced marriage (HM Government 2023) suggest that an undertaking is not appropriate where there is any use or threat of violence or a need for the enhanced protection available through an FMPO rather than an undertaking. Relevant cases in our study support this recommendation because undertakings were accepted in cases where there were ongoing threats of or actual violence and did not seem especially effective. The victim’s views on the application are an important factor—i.e., their views on whether to pursue an undertaking or an FMPO—but decision-making should not be made solely on this view; the public interest consideration may require that an FMPO application is made.

**Safeguarding training must be offered on forced marriage risk management, multi-agency protocols, and inter-agency collaboration and collaborative case management.**



This research shows that for minors, disclosure to schools commonly led to further referrals and safeguarding initiatives by the police and/or social services. The role of teachers in facilitating disclosure and help-seeking is therefore crucial—the majority of individuals who face a forced marriage are under 18, which means that in a context of family control over their mobility, schools may be their only accessible source of support. In such cases in our sample, police presence was instrumental in enabling young people to leave the school so that they could give a statement in a safe space and, where necessary, children's services could work with the school and police to ascertain risk and plan safeguarding measures. The police also need to work with domestic violence services to protect adults who may not have ongoing care and support needs and who therefore fall outside the ambit of social services. Professionals need to recognize the very complex and contradictory pressures that victims/survivors are confronted with as they seek safety from a forced marriage and weigh up the costs of securing that safety. This will enable professionals to regard FMPOs as a step in ongoing and continuing safeguarding responses to forced marriage; if they are regarded as the end of the process, victims/survivors can be left at risk of HBV and further violence and abuse.

**Develop strong relationships with 'by and for' domestic violence services, which have specialist knowledge of forced marriage and the skills to meet the needs of its victims/survivors.**

The recognition that domestic violence, forced marriage, HBV, sexual offences, and family and child abuse in the context of family violence frequently co-exist, together with recognising the harmful effects of exposure to such intersecting forms of family violence on children, requires an urgent need for improved collaboration between police, statutory safeguarding services and specialist VAWG services. The police and other criminal justice bodies therefore need to work with specialist 'by and for' services to determine the right service and response. This involves the agencies in the criminal justice system (CJS) seeking support from these organisations to ensure that victim statements are being appropriately taken and expert evidence is being gathered for FMPO applications. However, the CJS agencies must also recognise that these 'by and for' services have limited resources—this means that ongoing and meaningful cooperation must be

predicated on continued and secure funding, thus allowing these services to continue meeting victim/survivor needs in the most suitable and appropriate ways. An intersectional approach is key and 'by and for' services are best placed to provide this approach to safety that offers genuine empowerment to end *all* forms of oppression and violence against *all* survivors.

**Strengthen professionals' understanding of the complex contexts shaping victim retraction, thus enabling them to retain trust and deliver effective protection and prevention responses to forced marriage.**

Victim retraction and withdrawal of support and inconsistent and changing statements were common in the cases we studied, to the extent that they almost represented the norm—however, these are not an indicator of a lack of credibility. The inconsistent accounts of victims/survivors to the police, social services and courts almost always stand in sharp contrast to the consistent statements by perpetrators, whose (false) accounts remain stable. Victim retraction needs to be seen for what it is: a response to the complex nature of coercion in the case of forced marriage, where the coercive pressures may continue but the affective ties with family and community may seem impossible to walk away from. Our findings indicate that victims/survivors are often trying to tread a fine line between retaining their place in the family and staying safe, which means they may use services in different and sometimes contradictory ways. Victims'/survivors' survival strategies may entail using services at particular moments of crisis and stepping away or pushing back when other needs (repairing relations with parents) become more pressing. Understanding these pressures will empower victims, re-orient the power imbalance between them and the perpetrators, and expand their 'space for action' (Kelly 2003).

**Respond to dual victim needs of protection and prosecution.**

Police and legal professionals must gather evidence with the dual aims of protecting the victim via an FMPO and imposing criminal justice sanctions on the perpetrator(s). CJS professionals must continue to consider victim

preferences, the evidence available, the prospect of conviction and the public interest when deciding whether to prosecute. However, they should also be prepared to respond accordingly, even if the victim's preferences change quite late in the process. CJS professionals need to rethink the assumption that 'report to court' is the only indicator of successful policing, as victim protection is a crucial aspect of policing—and from the perspective of victims/survivors, it may often be the key aim of reporting. However, CJS professionals must monitor the reasons for victim/survivor decisions not to prosecute. This will allow them to analyse any differences in attrition rates to determine if these rates vary depending on the type of VAWG perpetrated. To enhance victim protection, further training must be offered to judges and legal personnel in the following areas: understanding trauma and disability and their impact on testimonies and witness behaviour; understanding how to dismantle prevalent socio-cultural myths and stereotypes about the role of culture and tradition in specific forms of violence and abuse; and reviewing the model of consent versus coercion to explore whether 'affirmative consent' would be a more suitable standard in civil courts given that the burden of proof is lower in these proceedings.

**Develop protocols to effectively manage victim risk when obtaining and serving FMPOs, and thereafter.**

FMPOs should never be served without the relevant professionals actively engaging with the person to be protected and without safeguarding measures in place, so that the risk to the victim can be understood and managed. In the cases in our study, FMPOs were commonly served in the context of ongoing engagement with the person to be protected—however, there were also a few examples of FMPOs being posted or served without the knowledge of the person to be protected. Our findings demonstrate that while FMPOs can prevent or delay a forced marriage and protect victims from some forms of violence and abuse intended to break down their resistance to such a marriage, they can also increase other forms of abuse, including HBV. We also documented various ways in which the conditions attached to FMPOs were breached by perpetrators, including through abduction, physical violence, threats, emotional pressure, pressure aimed at making a victim/survivor who had left home return, engagement and indeed marriage. The serving of FMPOs should therefore be treated as the starting point of a new protection process

rather than the end point of protective responses to forced marriage. This means it is crucial for police and prosecutors to work with specialist 'by and for' VAWG agencies to support victims and manage the complex risks they face; this, in turn, will build victim confidence in the role of both the civil and criminal justice systems in tackling forced marriage. Forced marriage cases cannot be dealt with uniformly—rather, they must be addressed on a case-by-case basis. This means that cases must be reported across multiple agencies, which allows staff to exercise their professional judgement about the presence of a significant risk of harm within the terms of the FMPO legislation.

**Develop mechanisms to flag up the expiry of an FMPO.**

When an FMPO is served, the pressure to marry may recede or be suspended but may not always end. Indeed, our research revealed several cases where the threat of a forced marriage resumed upon the expiry of an FMPO. Yet there are currently no mechanisms for flagging this expiry, which places victims at increased risk precisely because of the end of the protective measure. Measures need to be put in place to flag the expiry of an FMPO, upon which the police and/or child protection services must conduct a welfare visit, particularly in the case of a young person whose FMPO expires when they turn 18. This mechanism will enable monitoring of whether the risk has ended/abated; if it has not, action can be taken accordingly, including providing information to the victim on making another application for an FMPO and on support available. The length, breadth and elements of an FMPO must also be robustly monitored—this requires the police and/or by child protection services to keep abreast of the victim's circumstances (i.e., to monitor any relevant changes). This would involve making regular welfare contact (in person or via phone, etc.) with the victim.

**Improve data recording practices currently in place within the CJS, such as recording key information (e.g., age, gender and ethnicity) for forced marriage victims.**



Our research documents significant gaps in recording practices by the police and within Ministry of Justice data on FMPO applications. This paperwork featured inconsistent recording of demographic information about victims of forced marriage, particularly their ethnicity, age and any disability. Consistent and robust recording of demographic information will enable better monitoring of the different populations that are affected by forced marriage and allow the police to identify underreporting and any changes in reporting trends. Ensuring the availability of this information in the MoJ data on FMPO applications will highlight any gaps between reporting rates to the police and FMPO applications and help future design of proactive outreach measures to address them—for example, measures that target particular age groups or ethnicities.

**Improve support from all relevant professionals (i.e., services, police, etc.) for vulnerable witnesses.**

The needs and experiences of vulnerable witnesses must be taken into account in court processes and decision-making in a way that serves their interests and does not unduly disadvantage them. Greater support should be provided to all witnesses to ensure that they understand the kinds of evidence required in court and what sort of information will increase their perceived credibility (e.g., giving prompt reports to the police and identifying the specific dates and times of events). To ensure good practice, it is integral for criminal justice professionals to create space to speak with vulnerable victims on their own and to take instructions without other family members being present. Issues of evidence-building and victims' credibility are critical to both the process and outcomes of FMPOs in cases where other forms of intersectional abuse are also present. These kinds of complex cases require greater insight, experience and understanding of the specific issues affecting Black and minoritised victims on the part of all the legal professionals involved.

Access to justice and equal recognition before the law is essential to preserving and advancing the rights of people with disabilities, and special measures must be taken to support these individuals and enable them to voice their experiences in ways that legal professionals are more likely to view as credible. More work is also needed to support LGBTQI+ victims, who may lose the vital support of their local LGBTQI+ communities if they are forced to relocate and who may also face the additional disadvantage of homophobia, biphobia or transphobia in their new area.

## About the authors

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