

May 2022

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### Recommended Citation

Gorar, Mukaddes (2022) "Breast Ironing in the UK and Domestic Law," *Journal of International Women's Studies*: Vol. 24: Iss. 1, Article 34.

Available at: <https://vc.bridgew.edu/jiws/vol24/iss1/34>

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## Breast Ironing in the UK and Domestic Law

By Mukaddes Gorar<sup>1</sup>

### Abstract

As a result of gender-based violence (GBV), women and girls throughout the world have become the subject of violence and harmful practices which drastically interfere with their physical and sexual autonomy. Examples of these practices are female genital mutilation (FGM), forced marriage and breast ironing. Some of this violence is categorised as ‘so called’ honour-based violence (HBV) and also domestic violence (DV). Whether it is classified as HBV or DV, the result remains the same: a gendered violence with victims mostly, and in some cases exclusively, women and girls. In honour based patriarchal communities, HBV is inflicted upon women and girls to control and suppress their sexuality for the sake of familial or communal honour. However, because of internalisation of male supremacy, when inflicting HBV on their daughters, parents think they are doing it for the sake of protecting their offspring.<sup>2</sup> As a result, women and girls become victims of harmful practices. Some of these harmful practices are irreversible. As well as reducing the quality of victims’ lives, they pose a danger to their physical and psychological health.<sup>3</sup> Although female genital mutilation (FGM) is a well-known, harmful, gendered practice, there is also an emerging concern in society with breast ironing. The purpose of breast ironing is again to control both the body and sexuality of a young girl. Since female sexual activities outside marriage are perceived as tarnishing a family's name, honour based patriarchal values play a central role in this particular practice.<sup>4</sup> Breast ironing is currently a largely unknown problem with the public at large as well as with front line public service professionals, including police forces in the UK. It has taken a long time for these abuses, suffered by women and girls at the hands of their own family and community, to be recognised and to be acted upon nationally and internationally.<sup>5</sup>

*Keywords:* Breast ironing, Breast flattening, DV, GBV, HBV, Harmful practices, Patriarchy

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<sup>2</sup> M Gorar, *Honour Based Crimes and the Law* (Routledge 2021) 25–26.

<sup>3</sup> CEDAW Joint General Recommendation No 31 of the Committee on the Elimination of Discrimination against Women /General Comment No18 of the Committee on the Right of the Child on harmful practices, CEDAW/C/GC/31-CRC/C/GC/18 (14 November 2014) points 15–19; J A Tchoukou, ‘Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon’ (2014) 3(3) *Civil and Legal Sciences* 4; F Amahazion, ‘Breast ironing: A brief overview of an underreported harmful practice’ (2021) 11: 03055 *J Glob. Health* 2; A G Williams and F Finlay, ‘Breast ironing: an under-recognised form of gender-based violence’ *Adolescent Health, BMJ* (2019) 90.

<sup>4</sup> J A Tchoukou, ‘Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon’ (2014) 3(3) *Civil and Legal Sciences* 4; L Hussein, co-founder of Daughters of Eve, ‘Why Everyone Should Know about Breast Ironing’, *Cosmopolitan Magazine UK* (26 September 2015); M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

<sup>5</sup> M Gorar, *Honour Based Crimes and the Law* (Routledge 2021) 134.

## Introduction

Breast ironing, also called ‘breast flattening’<sup>6</sup>, generally involves the repetitive pounding, pressing or rubbing the developing breasts of a pubescent girl, with hard and hot objects (hot stones, hammers, spatulas, or electric irons etc) in order to attempt to stop or delay them from growing or developing, make them flatter, or in some cases make them disappear.<sup>7</sup> This process can be repeated over a period of time (sometimes a few years<sup>8</sup>) until the desired result is achieved. In some cases, it can permanently destroy the natural development of breasts. An alternative method of achieving breast ironing is to wrap the chest tightly with elastic bandages and tighten them regularly.<sup>9</sup> It is inflicted on girls at a very young age to disguise the onset of puberty.<sup>10</sup>

The purpose of breast ironing is to control the bodies of young girls as well as their sexuality.<sup>11</sup> It is perceived as a means of discouraging male sexual interference with young girls, preventing girls themselves from pursuing men and deterring girls from engaging in sexual intercourse at a young age. It is also perceived as a means of helping to reduce the risk of pregnancy.<sup>12</sup> Since sexual activity (voluntary or through the use of force in circumstances such as rape) and/or pregnancy outside marriage are perceived as staining family honour, honour based patriarchal values are strong reasons behind breast ironing practices.<sup>13</sup>

Despite the secrecy and underreported nature of such practice, according to a UN report, 58% of cases of breast ironing are performed by the mother of the victim.<sup>14</sup> This illustrates the complex nature of HBV: social norms that uphold honour values may be internalised by women, and, as a result, they perceive such practices as an intrinsic part of their culture, rather than as acts of violence.<sup>15</sup> As noted by O'Connor and Drury, the cooperation of women enables the continuity of patriarchy; thus, women must not think of themselves only as victims of patriarchal violence, but also as perpetrators.<sup>16</sup>

Breast ironing has been documented in many countries, such as Cambodia, Chad, Togo, Republic of Guinea, Côte d'Ivoire, Kenya, and Zimbabwe.<sup>17</sup> In countries where breast ironing is common, such as Cambodia, it has been estimated that up to 70% of families practise it.

<sup>6</sup>NHS North East Essex Clinical Commissioning Group, Breast Ironing <<http://www.neessexccg.nhs.uk/breast-ironing>> accessed 20 March 2019; CPS, So-Called Honour-Based Abuse and Forced Marriage, Legal Guidance (26 June 2019).

<sup>7</sup>F Amahazion, ‘Breast ironing: A brief overview of an underreported harmful practice’ (2021) 11: 03055 J Glob. Health; M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

<sup>8</sup>F Robinson, ‘Breast ironing’ BMJ (2019) 365.

<sup>9</sup>J ATchoukou, ‘Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon’ (2014) 3(3) Civil & Legal Sciences 4; R Tapscott ‘Understanding Breast “Ironing”: A Study of the Methods, Motivations, and Outcomes of Breast Flattening Practices in Cameroon’ (2012) 31 Feinstein International Center 5–6.

<sup>10</sup>United Nations Population Fund (UNFPA 2000), Rights of Women: Violence against women, Breast Ironing <<http://www.friendsofunfpa.org/netcommunity/page.aspx?pid=294>> and <<http://www.unepa.org>> accessed 22 August 2011; F Amahazion, ‘Breast ironing: A brief overview of an underreported harmful practice’ (2021) 11: 03055 J Glob. Health.

<sup>11</sup>M Gorar, *Honour Based Crimes and the Law* (Routledge 2021) 134.

<sup>12</sup>United Nations Population Fund (UNFPA 2000), Rights of Women: Violence against women, Breast Ironing <<http://www.friendsofunfpa.org/netcommunity/page.aspx?pid=294>> and <<http://www.unepa.org>> accessed 22 August 2020.

<sup>13</sup>JA Tchoukou, ‘Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon’ (2014) 3(3) Civil and Legal Sciences 4; L Hussein, co-founder of Daughters of Eve, ‘Why Everyone Should Know about Breast Ironing’, *Cosmopolitan Magazine UK* (26 September 2015); M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

<sup>14</sup>House of Commons Hansard, Breast Ironing (22 March 2016) Volume 607, Column 1547.

<sup>15</sup> M Gorar, *Honour Based Crimes and the Law* (Routledge 2021) 25.

<sup>16</sup> F O'Connor and D S Drury, *The Female Face in Patriarchy* (Michigan State University 1999) 130.

<sup>17</sup>Breast Flattening <<http://nationalfgmcentre.org.uk/breast-flattening/>> accessed 23 April 2021; F Amahazion, ‘Breast ironing: A brief overview of an underreported harmful practice’ (2021) 11: 03055 J Glob. Health.

Accordingly, in Cambodia, approximately 26% of girls and women had undergone the procedure<sup>18</sup> with no evidence indicating that breast ironing is correlated with any religion, ethnicity, economic status or education.<sup>19</sup>

With regard to health implications, breast ironing can expose girls to a number of significant risks and health problems. It is self-evident that it violates a girl's physical integrity as well as putting the victim in severe pain or discomfort since it causes swelling, tissue damage, infections, burns, scars, bruising and discoloration, deformities, cysts and abscesses on the victim's breasts. It may also lead to health problems such as permanent damage to milk ducts, dissymmetry of the breasts, cancer and the complete disappearance of one or both breasts.<sup>20</sup> Medical experts warn that breast ironing practice can interfere with breast feeding later in life. Accordingly, many victims report inverted nipples and are consequently unable to breast feed their children.<sup>21</sup> In addition, there can be a range of psychological effects. Victims of breast ironing also suffer from emotional distress, depression, loss of self-confidence and low self-esteem<sup>22</sup> as well as shame or anxiety about their bodies and, in addition, a loss of trust and confidence in relatives or caregivers after experiencing breast ironing.<sup>23</sup> It can also result in a child developing mental health issues, such as post-traumatic stress disorder, which may last into adulthood and indeed remain with her for life.<sup>24</sup>

In the Joint Recommendation issued by the Committees of the Elimination of Discrimination against Women and the Committee on the Rights of the Child, breast ironing is recognised as a harmful practice.<sup>25</sup> Just as with other harmful traditional practices, breast ironing may be considered as a violation of fundamental human rights, as set out in several universal and regional human rights instruments<sup>26</sup> such as the Universal Declaration of Human Rights (UDHR); the United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and, the Convention against Torture (CAT).

All these international, human rights instruments provide a basis for the legal status of the right to be free from all forms of violence. In addition, some of these international human rights treaties, as their titles indicate, define the norms and set the standards for the protection of a child against violence. Furthermore, in the preamble of the UN Charter, there is a provision to 'reaffirm faith in fundamental human rights and this notion has also been echoed in various other conventions, such as the European Convention on Human Rights and Fundamental

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<sup>18</sup>House of Commons Hansard, Breast Ironing (22 March 2016) Volume 607, Column 1547.

<sup>19</sup>F Amahazion, 'Breast ironing: A brief overview of an underreported harmful practice' (2021) 11: 03055 J Glob. Health.

<sup>20</sup>J A Tchoukou, 'Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon' (2014) 3(3) Civil and Legal Sciences 4.

<sup>21</sup>Breast ironing <<https://rightforeducation.org/2019/07/03/what-is-breast-ironing-and-what-are-its-consequences/>> accessed 15 June 2021; A G Williams and F Finlay, 'Breast ironing: an under-recognised form of genderbased violence' *Adolescent Health, BMJ* (2019); F Finlay, A Glover Williams, Liz Plastow, 'Breast ironing: A brief overview of the signs and risk factors' *British Journal of School Nursing* (2019) 14(7).

<sup>22</sup>J A Tchoukou, 'Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon' (2014) 3(3) Civil and Legal Sciences 4.

<sup>23</sup>F Amahazion, 'Breast ironing: A brief overview of an underreported harmful practice' (2021) 11: 03055 J Glob. Health.

<sup>24</sup>CMS, Safeguarding- breast ironing and flattening (2019) <[cmsvoc.vo.uk](http://cmsvoc.vo.uk)> accessed 16 June 2021.

<sup>25</sup> CEDAW Joint General Recommendation No 31 of the Committee on the Elimination of Discrimination against Women /General Comment No18 of the Committee on the Right of the Child on harmful practices, CEDAW/C/GC/31-CRC/C/GC/18 (14 November 2014) point 9.

<sup>26</sup>F Amahazion, 'Breast ironing: A brief overview of an underreported harmful practice' (2021) 11: 03055 J Glob. Health.

Freedoms. All the rights and freedoms listed apply to all human beings and, by implication, also apply to children.<sup>27</sup>

Torture is prohibited under international human rights instruments, and this is an absolute right which cannot be derogated by State Parties. The UDHR Article 3 states that 'no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment'. Furthermore, Article 25 provides that 'childhood is entitled to special care' and these provisions altogether 'show that the right of a girl to be free from all forms of violence is one which is protected by the UDHR'.<sup>28</sup> The Convention on the Rights of the Child, under Article 37, imposes obligations on State Parties to protect children from torture as well as from cruel, inhumane or degrading treatment and requires them to safeguard children's health under its Article 24.

The CAT echoes these concerns and defines torture under Article 1 in the following way:

...the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person ... for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Under Article 4 the CAT also provides that:

- 1) Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and an act by any person which constitutes complicity or participation in torture.
- 2) Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

International human rights instruments are addressed to State Parties and impose obligations to protect their citizens' rights and freedoms. The above definitions indicate that the act of torture has to be performed by someone acting in an official capacity (State agencies) and, therefore, it may be argued that the practice of breast ironing cannot satisfy this definition because it is inflicted by family members.<sup>29</sup> However, despite this, women's rights advocates have 'argued that violence against women, such as breast ironing, contravenes CAT when the government fails to deter such violence from taking place and does not prosecute or punish perpetrators of the violence.'<sup>30</sup> Furthermore, the CAT requires State Parties to 'take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction' which means to take measures to end and criminalize the practice of breast ironing within their jurisdiction as this act amounts to torture.<sup>31</sup>

The FGM can be considered as analogous to breast ironing and thus it is important to note the European Court of Human Rights' approach to this. The Court, in the case of Collins

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<sup>27</sup>J A Tchoukou, 'Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon' (2014) 3(3) Civil and Legal Sciences.

<sup>28</sup>ibid 6.

<sup>29</sup>ibid.

<sup>30</sup>ibid 8.

<sup>31</sup>ibid.

and Akaziebie, acknowledged that it 'is not in dispute' that inflicting FGM on a woman amounts to ill treatment contrary to Article 3 of the Convention.<sup>32</sup>

In the light of the above discussions, it can be concluded that although harmful practices like breast ironing and FGM are inflicted by family members, they may amount to ill treatment or torture under international human rights law.

### **Breast Ironing as HBV**

From an honour based patriarchal point of view, the purpose of breast ironing is to control women's sexuality. Since sexual activity outside marriage is perceived as tarnishing the family name, honour based patriarchal values are strong reasons behind breast ironing practices.<sup>33</sup> According to Bhopal, men's patriarchal power and control over women are the primary power relationship affecting all relationships between the sexes.<sup>34</sup> In order to continue to exert such power and control over women in the domestic domain, men have constituted many strict patriarchal rules, with the support of patriarchal institutions. Thus, power exertion starts within the micro-unit of a family, which is considered the root cause of the patriarchal system.<sup>35</sup> Therefore, in this system of patriarchal relationships within the family, the father or male head of the house takes on all the power and responsibilities and exerts control over all family members.<sup>36</sup> Men also set the standard expected from women for marriage i.e., an expectation of virginity and chastity.<sup>37</sup> Thus, by controlling the sexuality of women and girls, families feel they are enhancing or enabling their daughter's marriageability by preserving her chastity and virginity until marriage.

With regard to breast ironing practice, as noted by Amahazion, 'breast growth and development in girls is regarded as intricately tied to their transition into womanhood and signifies the emergence of their sexuality.'<sup>38</sup> Tchoukou adds to this by stating that breasts indicate physical and sexual maturity; hence, a girl, who is well developed, is more likely to attract sexual attention from men.<sup>39</sup> Thus, the fear experienced by families that their daughter with developed breast may become attractive and, as a result, may become a victim of sexual attack (sexual harassment or rape)<sup>40</sup> is the central issue behind the practice of breast ironing.

The effects of such an attack have devastating consequences: a family's honour and a girl's marriageability will be tarnished as it will be very undesirable for a man to marry a non-virgin woman. The marriageability of young girls is vital in honour based patriarchal communities, in which women do not have their own economic and social independence; thus, anything that diminishes their chances of marrying needs to be avoided from a patriarchal point of view. As a result of this belief and value system, certain harmful practices are inflicted on women and girls as a preventive measure.<sup>41</sup> This is also a means of helping a family to uphold its family honour in the community as, in this way, the parents make sure that the daughter complies with the expected honour norms.

<sup>32</sup> Collins and Akaziebie v Sweden Application no 23944/05 (ECtHR, 8 March 2007) 12.

<sup>33</sup>J A Tchoukou, 'Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon' (2014) 3(3) Civil and Legal Sciences 4; M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

<sup>34</sup>K Bhopal, Gender, 'Race' and Patriarchy: A Study of South Asian Women (Ashgate 1997) 50.

<sup>35</sup>S Walby, 'Theorising Patriarchy' (1989) 23(2) Sociology 214.

<sup>36</sup>M Gorar, *Honour Based Crimes and the Law* (Routledge 2021) 14.

<sup>37</sup>M Gorar, 'Female Sexual Autonomy, Virginity, and Honour-based Violence with Special Focus on the UK' Journal of International Women's Studies (2021) 22(5).

<sup>38</sup>F Amahazion, 'Breast ironing: A brief overview of an underreported harmful practice' (2021) 11: 03055 J Glob. Health 2.

<sup>39</sup>A Tchoukou, 'Introducing the Practice of Breast Ironing as a Human Rights Issue in Cameroon' (2014) 3(3) Civil and Legal Sciences 5.

<sup>40</sup>House of Commons Hansard, Breast Ironing (22 March 2016) Volume 607, Column 1546.

<sup>41</sup>M Gorar, *Honour Based Crimes and the Law* (Routledge 2021) 132.

The internalisation of patriarchal values and norms by female members of honour-based patriarchal communities is also present in breast ironing practice. As a result of such an acceptance of values and beliefs, the need to interfere with the bodies of girls and women is seen as so necessary (even seen as something good for girls and daughters) that the bodily mutilation itself is carried out by female members of the family or community (such as mothers, aunts, grandmothers).

It is well known that female members of honour based patriarchal communities often play an active role in enforcing HBV (such as in the case of honour killings) as a punishment for girls or women breaking honour codes.<sup>42</sup> It is important to note that, although men do not actively participate in practices of FGM and breast ironing,<sup>43</sup> it is men who set the standards of marriageability expected of women (such as virginity and chastity). Thus women (such as mothers) make sure they maintain the standard expected and set by men. This again illustrates the relationship between these practices and patriarchal values.<sup>44</sup>

The notion of honour is a social construct and is based on social norms. Accordingly, abusive social norms, such as those that justify violence against women and girls, can be learned through observation within a community, and such observation enables their continuity.<sup>45</sup> Social norms set up expectations in individuals to act in a certain way and such expectations may have harsh consequences if they are not followed. These sanctions can manifest themselves as GBV and/or HBV.

The effectiveness of any remedy to tackle GBV and HBV depends on its capability to change the deep-rooted behaviours and mentality held by individuals. Hence, changes to the law on their own do not provide an effective solution. Social change to tackle such violence can be made more effectively via educational programmes that are especially designed to tackle violence and promote gender equality.<sup>46</sup>

### **Brest Ironing in the UK**

Via migration, breast ironing continues to be performed within certain communities in the UK.<sup>47</sup> Statistics provided by the UK based charitable organisation Came Women and Girls Development Organisation estimate that up to 1,000 girls in the UK have been subjected to breast ironing. The organisation has also noted that there has been no systematic study of or formal data collection for this particular practice.<sup>48</sup> As a result, the number of those who have been taken abroad for breast ironing is unknown.<sup>49</sup> According to community workers in London, Yorkshire, Essex and the West Midlands, 'pre-teen girls from the diaspora of several African countries are subjected to this painful, abusive and ultimately futile practice.'<sup>50</sup>

The prevalence of breast ironing has also been noted by Berry MP in the UK Parliament in 2016 and mentioned during an adjournment debate speech on breast ironing in the House of Commons, where Berry acknowledged its existence in West African communities in Britain.<sup>51</sup>

<sup>42</sup>See honour killing cases of Shafiea Ahmed (2003) and Rukhsana Naz (1998).

<sup>43</sup>S L Monagan, 'Patriarchy: Perpetuating the Practice of Female Genital Mutilation' (2009) 37 International Research Journal of Arts and Humanities (IRJAH) 96.

<sup>44</sup>M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

<sup>45</sup>ibid.

<sup>46</sup>ibid.

<sup>47</sup>L Hussein, anti-FGM campaigner and co-founder of Daughters of Eve, cited in House of Commons Hansard, Breast Ironing (22 March 2016) Volume 607, Column 1547.

<sup>48</sup>F Robinson, 'Breast ironing' BMJ (2019) 365; I Lazareva, The Guardian, 'Revealed: 'dozens' of girls subjected to breast-ironing in UK' (26 January 2019).

<sup>49</sup>M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

<sup>50</sup>I Lazareva, The Guardian, 'Revealed: 'dozens' of girls subjected to breast-ironing in UK' (26 January 2019).

<sup>51</sup>J Berry, a Conservative MP, House of Commons Hansard, Breast Ironing (22 March 2016) Volume 607, Column 1547.

Clarke-Billings supports this by adding that girls in West African communities in Birmingham and London have been victims of breast ironing.<sup>52</sup>

Robinson notes that the practice is persistent in immigrant populations and, as well as the Conservative MP J Berry raising the matter in the UK parliament in 2016, recent campaigning by the charity Came Women and Girls Development Organisation has shown that the practice is increasing in the UK. Robinson also notes that, in the UK, the National FGM Centre, which works to improve services for families affected by FGM and is a partnership between the children's charity Barnardo's and the Local Government Association in England and Wales, included breast ironing in its remit.<sup>53</sup>

### **Breast Ironing and Domestic Law**

Breast ironing is currently a largely unknown problem to the public at large as well as to police forces. According to research, some police forces have admitted that they lack knowledge of the emerging issue of breast ironing. According to this research, 72% of police forces admitted that they had never heard of breast ironing. However, some police forces, such as West Mercia, Merseyside, Thames Valley and Hertfordshire, were said to be taking encouraging steps, but these forces accepted that generally they did not have enough information or the tools to tackle it when they came across it.<sup>54</sup> This is illustrated in the case of a mother in Birmingham who was arrested in 2011 for inflicting breast ironing on her daughter but, after arguing that it was her cultural practice, she was released by the police without any charge.<sup>55</sup> During the House of Commons debate on breast ironing, it was stated that police forces, the national policing lead and the College of Policing, together with HMIC, were working together to ensure that they were given the right guidance and further training to increase their understanding of crimes such as breast ironing.<sup>56</sup>

The UK Crown Prosecution Service (CPS) uses the term 'breast flattening'<sup>57</sup> and, in its Legal Guidance, acknowledges that perpetrators justify this practice as a way of protecting 'a girl from the appearance of puberty or being an adult woman in order to avoid any potential sexual interest, early pregnancy or sexual harassment or violence.'<sup>58</sup>

The CPS has recognised breast ironing as a type of DV and has stated that it should be prosecuted as a form of child abuse.<sup>59</sup> Furthermore, the CPS has updated its Legal Guidance on so-called Honour-Based Abuse and Forced Marriage and included breast flattening as an offence in 2019.<sup>60</sup>

Under the law in England and Wales, there is no stand-alone crime of breast ironing. When faced with it, the police need to rely on existing criminal offences. This may involve treating breast ironing as a form of cruel treatment, torture, child cruelty or grievous bodily harm. This then allows it to be considered under Children Act 1989, Sections 31(9) and 47 (as

<sup>52</sup>L Clarke-Billings, 'British Girls as Young as 10 Suffer 'Breast Ironing' Procedure to Disguise Puberty' (29/3/2016) *Newsweek* <<http://europe.newsweek.com/british-girls-young-10-suffer-brutal-breast-ironing-procedure-disguise-puberty-441723>> accessed 20 June 2016. Similarly, the Birmingham breast ironing incident is cited by J Berry, a Conservative MP, House of Commons Hansard, Breast Ironing (22 March 2016) Volume 607, Column 1547.

<sup>53</sup>F Robinson, 'Breast ironing' *BMJ* (2019) 365.

<sup>54</sup>J Berry, a Conservative MP, House of Commons Hansard, Breast Ironing (22 March 2016) Volume 607, Column 1547.

<sup>55</sup>J Gosling spoke to J Berry MP and M Nyuydzewira, a campaigner against breast ironing. 'Breast Ironing' Ritual on the Rise', *BBC* 2(8 March 2016); M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

<sup>56</sup>K Bradley, House of Commons Hansard, Breast Ironing (22 March 2016) Volume 607, Column 1547. Column 1550.

<sup>57</sup>CPS, Breast-ironing recognised as child cruelty and assault by CPS, News, Domestic abuse (19 July 2019).

<sup>58</sup>CPS, So-Called Honour-Based Abuse and Forced Marriage, Legal Guidance (26 June 2019).

<sup>59</sup>CPS, Breast-ironing recognised as child cruelty and assault by CPS, News, Domestic abuse (19 July 2019).

<sup>60</sup>CPS, So-Called Honour-Based Abuse and Forced Marriage, Legal Guidance (26 June 2019).

a 'significant harm'). The definition of 'harm' at section 31(9) was amended by the Adoption and Children Act 2002 to include, "for example, impairment suffered from seeing or hearing the ill-treatment of another".<sup>61</sup>

The CPS considers breast flattening as a form of child abuse and its legal guidance refers to it in the following way:

'Where a prosecutor is asked to consider an allegation of breast flattening the offences for consideration include child cruelty (contrary to section 1(1) Children and Young Persons Act 1933), causing or allowing a child to suffer serious harm (contrary to section 5 Domestic Violence, Crime and Victims Act 2004); and assault (contrary to sections 47, 20 or 18 of the Offences Against the Person Act 1861). Prosecutors will consider whether it can be proved, on the victims account and/or other evidence, that an assault in the form of breast flattening took place and if so, who participated (either as principal or secondary party) in the breast flattening. Medical evidence should also be obtained to establish the level of injury and therefore the appropriate charge. The fact of an injury can be established with other evidence but medical evidence should assist in understanding the true physical impact of the assault, given the physical and psychological risks.'<sup>62</sup>

The CPS has also provided guidance on a possible defence of consent in breast ironing cases:

'The evidence that the assault was committed without the consent of the child may be clear. However, in a family context it may be that the victim consented because of a shared belief in the need to undergo the practice, or because the victim agreed to what the family proposed or the family aided and abetted the flattening. Prosecutors should challenge the raising of consent as a possible defence: it is not possible to consent to an assault where the injury caused is more than transient and trifling: *R v Brown (Anthony)* [1994] 1 AC 212. This is subject to strict exceptions of which, it is submitted, breast flattening is not one. Responsible adults who aid and abet a girl, as the victim, in breast flattening should also be considered for investigation and prosecution.'

The CPS's new Legal Guidance also provides that the offence of breast ironing be considered by prosecutors to 'include child cruelty and causing or allowing a child to suffer serious harm' and either crime can attract up to ten years imprisonment.<sup>63</sup>

The CPS's Legal Guidance on breast ironing is a positive step forward at a national level in tackling such violence. However, raising awareness and the training of relevant authorities on new matters involve time-consuming processes at the expense of vulnerable victims being at risk of breast ironing. Thus, as Berry MP has argued, there is no harm in asking for a double protection, by considering the creation of a stand-alone offence for breast ironing, as well as extending the protections offered by the 2015 Act on FGM to include breast ironing.<sup>64</sup> This would give a proper legal footing for this particular offence by sending a clear

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<sup>61</sup>M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

<sup>62</sup>CPS, So-Called Honour-Based Abuse and Forced Marriage, Legal Guidance (26 June 2019).

<sup>63</sup>CPS, Breast-ironing recognised as child cruelty and assault by CPS, News, Domestic abuse (19 July 2019).

<sup>64</sup>J Berry, a Conservative MP, House of Commons Hansard, Breast Ironing, (22 March 2016) Volume 607, Column 1548; M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

message that such practices are not accepted in the UK<sup>65</sup> as well as sparking discourse and increasing awareness about such a practice.

## Conclusion

Breast ironing is an irreversible violent act inflicted on girls for honour based patriarchal reasons and is a form of gendered violence. It is often performed by female members of a family for the sake of hiding girls' puberty signs to prevent these girls from appearing as adult females and as a way of avoiding any potential sexual harassment or pregnancy.<sup>66</sup> Whatever the reason behind such practices, it is a violation of young girls' physical integrity when families and the community try to control the sexual behaviour of girls as a means of avoiding any risk of damage to familial honour.

Like other forms of GBV, breast ironing is also motivated by traditional gendered norms and patriarchal values. Female sexual control, virginity and chastity remain core issues in HBV<sup>67</sup> and also play a central role in this particular practice. A concern about girls' breast growth and development, which are regarded 'as their transition into womanhood and signify the emergence of their sexuality'<sup>68</sup>, may pose a danger to and lead to an actual and alleged attack on (as well as tarnishing) the familial honour.

FGM is well known both domestically and internationally as a harmful, gendered practice but now there is also an emerging concern with breast ironing. It has taken a long time for these harmful practices, which may amount to ill treatment or torture and which are perpetrated on and suffered by women and girls (such as forced marriage and FGM) at the hands of their own family and community, to be recognised and to be acted upon nationally and internationally.<sup>69</sup>

As noted by the CPS's new Legal Guidance, breast ironing amounts to child cruelty and assault and the defence of consent is not relevant. Amending the law will send a clear message to communities that such practices are not accepted, as well as facilitating the awareness, recognition, and prosecution of such cases. However, since the root cause of such violence is gendered social norms, the long-term permanent solution is to end gender inequality via education.<sup>70</sup>

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<sup>65</sup>M Gorar, *Honour Based Crimes and the Law* (Routledge 2021).

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