

Crime and Policing Bill – House of Lords Committee Stage

Joint Briefing: GlobalARRK & FiLiA Hague Mothers

About Us

GlobalARRK is a UK charity providing national and international support to ‘stuck parents’ – usually mothers – who cannot safely return to their home country with their children, most often following domestic abuse. We support 300 new families each year as well as raise awareness of the issues and advocate for a fairer system. FiLiA Hague Mothers is an international advocacy group seeking to end the injustices caused by the Hague Abduction Convention for victim-survivors of domestic abuse. We are hosted by FiLiA charity.

In addition, a wide coalition of expert individuals and organisations support this briefing and its recommendations; please refer to the covering letter for supporting organisations.

Summary

Part 7 of the proposed [Crime and Policing Bill](#) introduces a new paragraph (104) on ‘Child Abduction,’ which for the first time criminalises the *retention* of a child abroad by a parent under the Child Abduction Act 1984 (CAA 1984).

The Government [research briefing](#) indicates this provision has not been debated in Parliament.

This change risks criminalising domestic abuse survivors, who constitute the overwhelming majority of parents involved in retention cases.

The original recommendation to criminalise retention was made in 2014 by the Law Commission. The recommendation was essentially technical in nature; a simple alignment of ‘removal’ and ‘retention’ to close a perceived gap in provision. There was no consideration of the significance of domestic abuse in these proceedings, nor of the likelihood that the change could impact more severely on mothers seeking to leave an abusive situation.

Arguably, given our current knowledge of perpetrator behaviour and post-separation abuse, and the Government’s commitment to ending violence against women and children, this recommendation would not now be made.

The current proposal has been driven by lobbying from [Reunite](#) and [Both Parents Matter](#) (formerly Families Need Fathers) with no adequate scrutiny of its impact on victims of domestic abuse and has progressed quietly since early 2025.



1. Inadequate Equality Impact Assessment

The [Equality Impact Assessment](#) (EIA) concluded that men and women are 'equally responsible' for child abduction under s.1 CAA 1984 and, on this basis, asserted that no protected group would be disproportionately affected. This conclusion is demonstrably incorrect.

Evidence:

- Over 75% of Hague 'abductions' (the term includes both 'removals' and 'retentions') are by mothers ([Lowe & Stephens, 2021](#)).
- Most are returning to their country of origin ([Lowe & Stephens, 2017](#)).
- The majority are victim-survivors of domestic abuse ([Gentile, 2025](#))
- Most have no awareness that taking their child to a place of safety could constitute a wrongful act or criminal offence (GlobalARRK caseload data).

Retention cases typically involve a primary-carer mother who has travelled to her country of origin with permission - for a holiday, or to visit family. Frequently, it is only when she has returned to the safety and support of her home country, her family and friends, that the abusive and controlling nature of her relationship becomes clear, and she realises that she cannot return to ongoing abuse.

This demographic data, UK domestic abuse statistics, and research evidence into the behaviour of both perpetrators and victim-survivors of domestic abuse are all easy to access. It is therefore highly concerning that the EIA entirely fails to acknowledge the gendered nature of these cases and the clear links to domestic abuse.

More broadly, there is a well-evidenced gender-bias in our justice system which affects women's access to justice, particularly in cases involving domestic abuse (e.g. Alsalem '[Custody, violence against women, violence against children](#)' 2023; Burton & Hunter '[Everyday Business](#)' 2025). In addition, economic inequalities, lack of legal aid and the high cost of legal representation mean that many women have to self-represent in these complex and traumatic cases. This significant inequality of arms also needs to be acknowledged as a potential detriment on the basis of the protected characteristic of sex.

2. Background: Civil vs Criminal Approaches to Child Abduction

The Hague Convention 1980 is a *civil* mechanism designed to restore the child's prior residence and *status quo ante* until a decision can be made on custody issues, not to punish the taking parent. The importance of maintaining this 'neutral' stance was reiterated at the

recent HCCH Forum on Domestic Violence and the Hague Abduction Convention as a way to ensure the best interests of the child are prioritised.

However, when a left-behind parent triggers the Child Abduction Act 1984:

- The taking parent (usually the mother) may face criminal proceedings on return.
- This can result in imprisonment of up to seven years, forcing long-term separation from the child.

Documented harms

- Mothers are deterred from returning with their child, so the child is forced to live with the father. In DA cases this is the perpetrator of abuse.
- Children are separated from their primary, protective parent.
- In some cases the child must live in institutional state care despite the threshold for state care (Section 31(2) Children Act 1989) not being met.

Research shows that lifelong trauma is linked to these outcomes ([Edleson & Lindhorst 2012](#); [Freeman & Taylor 2023](#); [Brandt 2024](#)).

In addition, if the mother does return and is imprisoned, she will face future stigma which can negatively impact on custody and visitation rights, employment opportunities and economic viability, social and cultural integration or reintegration into their communities. These detriments to the mother (who is usually the primary carer) have a direct, negative impact on the child's wellbeing.

GlobalARRK's case work and data show that over half of taking, primary-carer mothers were not aware that by taking their child back to their country of origin it would be potentially breaching the law.

Impacts identified by State Parties of the 1980 Hague Abduction Convention:

The 2006 Special Commission concluded and recommended as follows:

'The Special Commission underlines that Central Authorities should inform left-behind parents of the implications of instituting criminal proceedings including their possible adverse effects on achieving the return of the child.'

https://assets.hcch.net/upload/concl28sc5_e.pdf

In addition, the HCCH Guide to Good Practice on Preventative Measures (2005) states:

'If an abductor succeeds in leaving the jurisdiction an existing criminal allegation may have an adverse effect on an application under the 1980 Convention.'

<https://assets.hcch.net/docs/873c5efa-21a0-4108-9257-422123933618.pdf>

The HCCH Guide to Good Practice on Art 13b Grave Risk of Harm (2000) states:



‘The taking parent may refuse to return because of the risk of being held criminally liable for wrongfully removing or retaining the child, and where incarceration of the taking parent may lead to a separation from that parent that may create a grave risk to the child.’ (point 67) <https://www.hcch.net/en/publications-and-studies/details4/?pid=7059>

Criminalisation of taking parents is likely to hinder the best interests of ‘abducted’ children after they are returned by the current Civil law mechanisms.

Case Study

Sofia moved to the UK from Europe two years ago and had a baby with a British man. He was very controlling, not allowing her outside of the flat and having control over the finances giving her an allowance each week. One scheduled holiday back home to Europe Sofia opened up to her mother about the abuse, her mother persuaded her to stay. She let the father know that he can visit their daughter but that he must come to Europe because she needed to recover back in her home country with support from her family and counsellor. He invoked the Hague Abduction Convention 1980 and the child was returned to the UK. Sofia also returned with the child, having to find appropriate accommodation and facing significant struggles with money.

Under this proposed Bill, the ending to the story would be very different. The father would be allowed to criminalise Sofia, and she may not have felt able to face that risk and return with the baby. If she did, she would be likely to end up in prison.

Key differences between Removal and Retention

There is a difference between removal and retention, both legally and practically, which is ignored in this proposal. Removal generally refers to a parent taking a child out of their country of habitual residence without consent — often secretly or suddenly. Retention usually follows a *permitted holiday* where the parent typically realises that returning would expose the child to harm. Most mothers only disclose abuse after reaching a safe environment, typically in their home country with support from family and professionals.

Treating these actions as equivalent, and criminal, ignores the fact that retention often reflects delayed recognition of abuse once the parent is safe. Criminalising retention penalises the very act of seeking protection.

The Bill blurs the boundary between civil and criminal law and undermines the original purpose of the Hague Convention – to return children for a decision to be taken on what is in their best interests. In doing so, it risks undermining the best interests of the child and violating the state’s duty to safeguard victim-survivors of domestic abuse. It also cuts across



current and proposed UK legislation which prioritises child safety in situations involving abuse or coercive control.

3. Why Criminalising Retention Fails to Protect Children

In summary, the proposed change would:

a. Criminalise mothers for protecting their children

Retention is most often linked to escape from coercive control, intimidation, financial abuse, and other forms of domestic abuse.

b. Expose children to forced separation

If the mother faces prosecution on return, children risk being:

- Removed from their primary carer,
- Returned to an alleged perpetrator, or
- Left without a protective adult advocating for their safety.

c. Undermine the Hague Abduction Convention 1980

The Convention was intentionally designed to be non-punitive. Criminalisation deters the return of the taking parent, encourages an adversarial approach (cited as a significant barrier to child safety in the 2025 [Everyday Business](#) report) and escalates both conflict and trauma. (see HCCH Special Commission recommendations above)

d. Contradict UK domestic abuse policy

- The Domestic Abuse Act 2021 recognises children as victims in their own right.
- The repeal of the presumption of parental involvement emphasises safety over contact.

This change in law moves the UK backwards, not forwards. Its punitive approach to redress will enable further abuse by perpetrators, with even fewer safeguards for domestic abuse victims than those offered by the Hague Abduction Convention.

While the Child Abduction Act 1984 contains a defence relating to protecting a child from harm, it is:

- not explicitly defined,
- interpreted primarily through case law, and
- dependent on extensive evidence-gathering.

Demonstrating this defence is exceptionally difficult. Criminalising retention would put already vulnerable mothers through an adversarial prosecution process they are ill-equipped to navigate.

4. International and National Context

There is a growing global consensus that domestic abuse is central to Hague Convention practice. Key developments:



- The UN Special Rapporteur on Violence Against Women and Girls has warned that ‘around three-quarters of Hague cases are against mothers and urged states not to criminalise abused women. Her 2026 UN report will be on violence against mothers, and is expected to include a consideration of the Hague Abduction Convention as a tactic utilised by perpetrators to maintain control over both mothers and their children.
- The HCCH, which created the Hague Abduction Convention, has held two international Forums (2024–25) on domestic violence and child abduction.

5. Addressing Concerns About Abusive Non-Custodial Parents

- In retention cases, the other parent has already given consent for travel.
- Where there is a flight risk, protective parents rarely grant such permission.
- Unlawful removal is already criminalised under existing law which covers clandestine removals.
- These disputes are best handled in family courts, which should be able to assess the full range of circumstances, rather than invoking the criminal law.

There is no evidence that criminalisation would enhance child safety. This change would serve to punish one parent. Our experience of supporting mothers in these cases, demographic data commissioned by HCCH, and research into the use of litigation abuse in domestic and international family courts, strongly suggests that the parent who would be punished would be the primary-carer mother, already a victim of domestic abuse and now re-victimised by the courts. The child would be a secondary victim, punished by being separated from his or her protective mother and potentially left at risk of harm.

Recommendations

1. **Commission a new Equality Impact Assessment reflecting accurate data on gender and on domestic abuse in parental abduction cases.**
2. **Do not criminalise parental retention. This is a disproportionate and harmful response to cases overwhelmingly involving domestic abuse survivors.**
3. **Amend the Child Abduction Act 1984 to introduce clear statutory protections for victims of domestic abuse.**
4. **Ensure alignment between the Crime and Policing Bill, the Domestic Abuse Act 2021, forthcoming UK legislative change, the UK’s VAWG Strategy, and international obligations to protect victims and children.**

GlobalARRK: office@globalarrk.org | FiLiA Hague Mothers: Hague@FiLiA.org.uk

