



April 2026

## Open Letter

### Crime & Policing Bill clause 104: the criminalisation of domestic abuse victim-survivors

#### Dear Member of Parliament

We are writing once again to raise sector-wide concerns regarding clause 104 of the Crime and Policing Bill which will criminalise domestic abuse victims and which is very likely to lead to the forced separation of protective mothers and their children.

**We respectfully urge you to raise these evidence-based concerns with the Director of Public Prosecutions, and to support the removal of Clause 104 at the next legislative opportunity.**

There has been no adequate scrutiny of its impact on victims of domestic abuse, in part due to the fact that the Equality Impact Assessment (EIA) was based on limited and partial data.

Clause 104 will make the 'retention' of a child by a parent after a permitted visit outside the UK a criminal offence for the first time, under the Child Abduction Act 1984. The proposal is supported by Reunite and Both Parents Matter (formerly Families Need Fathers).

Civil law remedies already exist to secure the return of children to their habitual residence in the UK. Criminalising the taking parent is unnecessary for achieving this outcome and serves only to punish, rather than protect. It will result in children being returned alone, without their protective parent, if mothers fear arrest and prosecution. Significantly, the threat of imprisonment will mean that taking parents in Hague Convention proceedings (75% of whom are mothers) will be afraid to return to the UK with their children. This will further increase the number of children who are obliged to return alone and who are separated from their primary carer mothers.

This significant change to the law was not debated in the Commons, and the accompanying Equality Impact Assessment contains a fundamental factual error. It states that men and women are 'equally responsible' for child abduction under section 1 of the Child Abduction Act 1984 and therefore concludes that no protected group would be disproportionately affected. Even on the basis of the limited data used, this conclusion is demonstrably incorrect. We note, for example, that the four parents sentenced in 2024-5 under section 1 of the Act were all mothers, and that since 2018, 33 mothers received prison sentences as opposed to 19 fathers. This is clear evidence of the legislation's gendered impact.

In addition, research into international parental child abduction reveals that over 75% of taking parents are primary-carer mothers, the majority of whom are victims of domestic abuse returning to the safety of their country of origin to access family support. Indeed, GlobalARRK service-user data indicates a much higher number – around 90% of civil law retention cases involve a ‘taking’ mother fleeing abuse. The Ministry of Justice have now agreed to revisit the EIA to include this highly-relevant evidence, but any revisions will, of course, be too late to affect the Bill’s passage.

Baroness Brinton’s tabled amendment for a domestic abuse exemption was rejected by Baroness Levitt speaking for the Government. She assured the House that domestic abuse victims would be safeguarded by a combination of an evidentiary test, a public interest test, and the need to gain consent from the Director of Public Prosecutions.

We do not doubt Baroness Levitt’s sincerity. However, evidence of gender-bias and legal abuse in the current implementation of the Child Abduction Act (and in the courts more generally) suggests otherwise. The sector-wide view remains unchanged: the criminalisation of retention will put protective mothers and their children at serious risk of harm.

We have attached a summary response to Baroness Levitt’s assurances, and to the rationale for change on which Clause 104 is based, although we have been informed that no further amendments will be accepted. Should there be alternative routes to prevent this change from becoming law, we would be grateful for your advice.

We have also attached a wider briefing and recommendations.

**We, the undersigned, urge you to raise our evidence-based concerns with the Director of Public Prosecutions, and to support the removal of Clause 104 at the next legislative opportunity. The punitive approach to redress enabled by Clause 104 will, without doubt, lead to further abuse by perpetrators, supported, albeit unintentionally, by the state.**

If you would like further information, please feel free to contact Ruth Dineen: [hague@filia.org.uk](mailto:hague@filia.org.uk) or Roz Osborne: [office@globalarrk.org](mailto:office@globalarrk.org)

**Thank you for your time and consideration.**

**Yours sincerely**

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Mediterranean Institute of Gender Studies, Cyprus  
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Feminoteka foundation, Poland  
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Women's Issues Information Centre, Lithuania  
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