

Written evidence submitted by Both Parents Matter (CPB84)

Crime and Policing Bill – clause 76, “Child Abduction”

24 April 2025

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Summary

1. This submission is provided by the charity Both Parents Matter in support of amending the Child Abduction Act 1984 as proposed by Clause 76 of the Bill.
2. Our position is informed by experiences of those served by the charity affected by child abduction and related issues, giving us detailed insights into specific cases.
3. Child abduction is a serious act that severely and significantly harms children and can be considered as a form of child abuse. It devastates families, often permanently severing bonds between children (siblings) and left-behind parents, grandparents and wider family. Treating it solely as a civil law matter is inappropriate and often ineffective in ensuring the return of children to their home in the UK. However, the offence defined by the existing criminal Child Abduction Act 1984 applies with insufficient reliability to be effective. There is no merit in the distinction between situations where the existing Act does or does not apply. A loophole that is well-known to the abducting parent who has planned and/or premeditated the abduction has rendered the Act largely ineffective. The proposal of Clause 76 to address the loophole is extremely welcome, to create an effective deterrent that would reduce the occurrence of child abduction.
4. When parents disagree regarding the possible international relocation of a child from the UK to another jurisdiction, this is properly addressed by permission or “leave” to remove proceedings in the family court. Currently, a parent dissatisfied with the outcome will sometimes resort to simply removing the child without the consent of the other parent or the Court – i.e. child abduction – often under the guise of a short

trip to see family or a holiday break, as the risk of adverse repercussions for the abducting parent may correctly be perceived to be low. The act of child abduction is hugely damaging. It also makes a mockery of the often complex, holistic court deliberations that have reached a conclusion in the child's best interests in family court decisions to refuse permission to relocate and put in place appropriate and shared child arrangements in the UK between both parents and the subject children.

5. Our position is illustrated with reference to specific examples of cases we have knowledge of through our charity's International Abduction and Child Contact Group.

Who we are

6. Both Parents Matter¹ is a charity founded in 1974 with the aim of promoting co-parenting arrangements and wider family engagement following the breakdown of relationships between parents. Our records indicate we have supported families in the cases of roughly 120,000 children since our founding.
7. The charity does not engage lawyers directly, but has a longstanding record of working to support families during their involvement with the UK family court system. Since its founding, Both Parents Matter has also represented those families' experiences in constructive communication with the legal and policy communities. This document has been written with the support and contributions of the criminal barrister Lewis Power KC and the family barrister Teertha Gupta KC.
8. At our Annual General Meeting in 2022, Both Parents Matter resolved to form a special interest International Abduction and Child Contact Group focused on difficulties with a cross-border dimension, as these seem to have become increasingly prevalent amongst those served by the charity.
9. Our Chair of Trustees, Paul O'Callaghan, attended all early meetings of the Group in its first six months and has maintained close direct involvement throughout, alongside our Chief Executive, Sam Morfey, and Trustee, Frances Carr. The Group is chaired by Joel Lindop, a volunteer, who is himself a left-behind parent following the abduction of his own children.
10. The International Abduction and Child Contact Group first met in January 2023, bringing together those already known to the charity with international cases. The Group has met at least once per month ever since. It has grown with time, bringing together more parents and families affected by difficulties with an international dimension, including abduction cases, risk of abduction, and leave to remove

¹ <https://www.bothparentsmatter.org.uk/>

proceedings. Over 50 families have been involved with the Group, including a cluster of 15 cases of abduction from the UK to Poland, and 5 cases of abduction from the UK to the Turkish Republic of Northern Cyprus. Our detailed examples in the appendix are drawn from these two clusters. While our Group represents a small fraction of all UK-origin child abduction cases, the nature of the support we provide means that we have detailed knowledge and deep understanding of issues within the cases we have encountered.

11. The action of the Group has comprised (a) sharing of practical advice, (b) offering mutual moral support and (c) coordinated engagement with authorities and policymakers, both within the UK and internationally.
12. Positive practical outcomes within the Group have arisen mainly in the leave to remove sphere and advice towards mitigation of abduction risk, where family members obtaining support have achieved stable, supportive arrangements for their children.
13. Regrettably, our experience is that the overwhelming majority of abduction cases we have encountered remain unresolved. Even after on paper a legal resolution has been obtained in civil courts, that may not translate into reunion in reality, with left-behind parents and wider family seemingly permanently estranged from the abducted children. Those accessing the Group in abduction cases have nevertheless reported experiencing a benefit from connecting with others who have been bereaved in similar situations.
14. Early on, Group members coordinated their engagement with their constituency MPs, leading to a Westminster Hall debate concerning 'Support for parents affected by international child abduction' on 22 March 2023.² We encourage Committee members to review the minutes of that debate. In light of the profound challenges we observe in reuniting abducted children with their left-behind family members through the systems as they function today, we have formed the view that our activities cannot be limited to supporting families in the system today, but we must contribute to essential improvements in the legal frameworks and systems surrounding international child abduction for the better protection of other children and families who may be affected in future.
15. This evidence submission represents the official view of the Both Parents Matter charity, which is the shared view of the individuals named in paragraph 9.

² <https://hansard.parliament.uk/Commons/2023-03-22/debates/46D069C8-D175-4B93-BD7A-971BBF3F4BDE/InternationalChildAbduction>

Our position regarding Clause 76 of the Crime and Policing Bill

16. Both Parents Matter supports the proposal. It represents an invaluable improvement in the law, that may reduce by hundreds the number of children abducted out of the UK each year, also reducing the numbers of devastated families they leave behind. These children are often brought up in far worse emotional, psychological and practical circumstances abroad by the abducting parent, whose aim has been to act unilaterally and to the exclusion of the left-behind parent. It is an extreme example of “parental alienating behaviour” as can be found in all the legal “domestic” cases on that subject.
17. Clause 76 of the Bill proposes to amend the Child Abduction Act 1984 to close a loophole that has made the existing Act difficult to work with, meaning it has been applied in practice to only a small fraction of the abduction cases it should address.
18. Plainly the intention with the original Act in 1984 was that the abduction of a child from the UK to another country, in the absence of legal consent, should be a criminal offence. The letter of the existing Act has the effect of distinguishing, without any intentional reason, between “wrongful removal”, where it can be proven permanent unlawful removal was intended and/or premeditated at the point of crossing the border, as against “wrongful retention”, where the action may have been technically legal at the point of crossing the border, but the subsequent decision to keep the child outside UK permanently was committed without legal consent. We understand this was in effect a drafting oversight or error, the consequence of which is monumental in many cases.
19. The amendment of the Act, so that wrongful removal and wrongful retention be treated as a criminal offence on an equal basis, is long overdue. From our knowledge of parental child abduction cases in our Group, we regard it as the only just position, removing a distinction that bore no relation to any difference in the harm caused by the offence nor to the criminal intent inherent in its being perpetrated.
20. Indeed, the effect of the existing Act has been to place focus on the lawfulness or otherwise of the action at the point of crossing the border, which results in focus on technicalities around travel arrangements that miss the point, being unconnected with the harm done to the child. The harm, whether or not the removal itself was wrongful, is mainly caused by the permanent unlawful retention of a child outside the UK, resulting in diminishing and often complete severance of relationships with the left-behind parent and other UK ties, causing permanent developmental and emotional damage. It has been deeply unfortunate that the drafting of the existing law failed to criminalise those cases that come to be classified as wrongful retention. This makes it very difficult for the Police even to investigate all but the most straightforward of cases,

which, coupled with the historic reticence in investigating “family disputes”, often results in inaction.

21. Based on cases of which we have detailed knowledge, the current loophole produces such severe confusion that, even in cases that appear to be clear-cut wrongful removal, where the family court may have found that wrongful removal has indeed taken place, the police and CPS are unlikely to assess they have a high chance of successful prosecution. Technical and evidential arguments against a determination of wrongful removal (as opposed to the bare fact of wrongful retention) are difficult to eliminate beyond reasonable doubt. Consequently, charges are rarely brought, even in those cases where it would appear that the existing Act ought to apply.
22. The simple fact is that foreign authorities often respect Police inquiries and arrest warrants far more than civil orders of the Family Courts and, when the former are discontinued because of the aforesaid “loophole”, so are any attempts of the foreign country to repatriate the child. This is true in 1980 Hague Convention countries, where the procedure can be slow, costly and statistically ineffective compared to the English/Welsh system (see paragraph 35), and especially so where the child has been taken to a non-Hague country. The reach of the “long arm of the law” is far more effective when its grip has been sanctioned by criminal legislation rather than civil legislation.
23. We note the proposal would implement a recommendation made by the Law Commission in 2014, the merit of which may therefore be already widely appreciated.
24. We believe it is likely that the criminal offence defined by the amended Act would serve as a much stronger deterrent to those who might otherwise be tempted to perpetrate child abduction absent any criminal sanction.
25. We believe a stronger deterrent could reduce by hundreds the number of children abducted from the UK each year. The most complete dataset of abduction cases we know of is that held by Reunite, which shows more than 500 children are abducted from the UK each year.³ To reduce the rate of child abduction from the UK would be a profound social good.

³ When quantifying the issue of international child abduction, we are aware the support Group in our charity offers a set of examples within a wider issue. We are also aware that the Royal Courts of Justice tabulates numbers of 1980 Hague Convention applications, again presenting a fraction of the overall issue. Reunite’s dataset is more complete, although inevitably it too omits unreported cases.

26. We also believe it is likely that, in cases where abduction still occurs, there may be an improvement in rates of return. Criminal law procedures that can produce the return of the abducted child to their home in the UK would apply more often.

Our reasons

27. We will explain our reasons, which follow from our knowledge of child abduction cases owing to experiences shared within our charity's International Abduction and Child Contact Group. In the appendix we record some instructive examples.
28. First and foremost, it is important to emphasise that left-behind parents in our experience overwhelmingly are focused on the best interests of their children, who they dearly love, and abduction complaints are made out of concern for those children's immediate wellbeing, broader development and happiness. In most cases, left-behind parents are joined by left-behind grandparents and other family, who are also concerned for the children. Often abducted children are introduced to new step-parents or partners (some of whom are unfit, abusive or harmful) and are raised by them without any knowledge let alone input from their left-behind parent.
29. In our experience, abduction is almost always a step towards the forcible elimination by the abducting parent of all contact with the left-behind family in the UK. In the immediate aftermath of abduction, in-person contact for the children is eliminated from the outset. Contact is typically demoted to occasional phone calls during the life of civil law proceedings related to abduction in the following months. Once civil law proceedings have concluded, regardless of the outcome, the calls typically cease to be allowed. In some cases, the abducting parent may appear to permit postal delivery of gifts and letters. In other cases, even the post is explicitly refused, returned to sender.
30. A procedure exists whereby a parent who wishes to relocate out of the UK, without the other parent's consent, may apply to the court for permission termed 'leave to remove'. Many of our group members have experience of leave to remove proceedings. The process is far from perfect, but it typically constitutes a relatively thorough examination of the full range of factors affecting children's welfare in the current and proposed settings, including indirect effects associated with the impact of relocation on the condition of their parents, as that in turn affects the children.
31. Over the past two decades, Both Parents Matter has observed improvements in leave to remove practices, leading us to a position of greater confidence in this area within the family courts. Members and associates of Both Parents Matter engage wherever possible with feedback exercises undertaken by relevant bodies, such as Cafcass, to contribute constructively to emerging best practice around leave to remove.

32. In cases where the parents do not agree on the country in which the child should live, we see no reason for allowing alternative legal routes for relocation out of the UK to develop, apart from the leave to remove procedure. Indeed, were other parallel procedures to emerge, this would undermine and detract from efforts to make the leave to remove procedure the best it can be, serving children's best interests to the highest possible level.
33. However, roughly half of the abduction cases we have been involved with followed prior leave to remove proceedings. The parent who wished to relocate had not obtained the answer they sought from leave to remove proceedings, so afterwards, sometimes immediately or sometimes following a delay, that parent opted to take the law into their own hands by abducting the children without legal consent.
34. Leave to remove proceedings are typically thorough investigations considering all aspects of the child's situation. Existing practices are well developed and continue to improve. It makes a mockery of British justice and the integrity of leave to remove proceedings if abduction remains a grey area that is treated inconsistently. Too often a parent dissatisfied with the decision in a UK family court will hop to another jurisdiction to try for a result they may prefer or that may be more sympathetic to them, often facing no consequence for this behaviour and its traumatic impacts on the children and left-behind parent. Our experience is that, in most cases, this action is classified as 'wrongful retention' rather than 'wrongful removal', so it falls outside the existing Child Abduction Act 1984. However, for the integrity of UK family courts, it is important that abduction out of the UK must not be tolerated, irrespective of the designation of a case as wrongful retention or wrongful removal. The proposed amendment of the Child Abduction Act 1984 would achieve this.
35. The criminal law treatment of abduction in cases with their origin in the UK is important as a deterrent in part because of the inherent inconsistency of treatment of abduction in other jurisdictions. It would be wrong to argue that the 1980 Hague Convention (HC80) in civil law provides a sufficient remedy for abduction. Some countries, including notably the UK, apply HC80 rigorously, proceedings are often concluded swiftly and most abducted children are returned to their country of origin. Many other jurisdictions that are signatories to HC80 have poor records. Poland makes return orders in roughly 50% of cases but very few cases proceed to successful enforcement. We have been involved with 15 families affected by abduction to Poland. Examples are provided in the appendix. None of our Poland cases has seen the enforcement of a judicially ordered return. Other cases involve jurisdictions where HC80 does not apply and there is no other arrangement. We include an example from our group concerning the Turkish Republic of Northern Cyprus.

36. It is appropriate that the Child Abduction Act 1984 set out criminal aspects for the treatment of abduction from the UK. However, there is no basis in reason for the distinction that has emerged in legal practice between wrongful removal and wrongful retention. Our examples show that cases of wrongful retention and wrongful removal cause the same grave harm and trauma to affected families.
37. Moreover, examples from our Group provide empirical evidence illustrating the uncertainty the police and prosecutors display on the ground, when applying the Child Abduction Act 1984 for successful prosecution has resulted in a situation where the most clear-cut cases of wrongful removal often also fail to be pursued. The criminal aspect of the law in entirety lacks force.
38. The weakness of the current law is well known both to those affected by abduction and to those contemplating perpetrating abduction. Consequently, we have seen evidence of groups on social media advising would-be abducting parents on how to ensure the criminal aspect of the law does not apply to them. In the context of a serious offence that causes considerable harm, this situation is entirely wrong.
39. Prevention is better than cure. The pain and lifelong damage inflicted on children as well as on left-behind family members is devastating. Establishing a strong and effective deterrent in criminal law would therefore be hugely valuable, so that in future child abduction from the UK happens less often.
40. We will finally comment on voluntary return. It is sometimes argued that the application of criminal law serves as a deterrent to the potential remedy of voluntary return. Within the cases we have seen in our group, we have never observed voluntary return, regardless of the criminal status of any case. The deterrent we believe demands focus is strengthening the deterrent against perpetration of abduction in the first place.

Conclusion

41. For the above reasons we support the proposal to amend the Child Abduction Act 1984 by removing the distinction between the treatment of wrongful removal and wrongful retention, thereby strengthening the deterrent against child abduction and ensuring the return of abducted children to this country.
42. We invite those wishing to understand our reasons in greater depth to review the examples from specific cases within our International Abduction and Child Support Group that we provide as an appendix.

25 April 2025

Appendix: Examples from our service users

43. Within each anonymised example we use consistent labels.

- i. LBP: (a) The person who would become the left-behind parent, or (b) the person at risk of being left-behind, in cases where abduction was ultimately avoided.
- ii. OP: (a) The other parent, who in some cases perpetrated abduction by taking the child from the jurisdiction without the necessary legal consent, or (b) the other parent whose actions suggest they contemplated relocation of the child without legal consent, in cases where abduction was ultimately avoided.

44. We present abduction examples from clusters relating to Poland and the Turkish Republic of Northern Cyprus. Patterns in these clusters represent more than coincidence, highlighting the need for the Child Abduction Act 1984 to be tightened.

45. The examples have been selected owing to features of note as follows:

- i. Example A is a case where LBP and OP disagreed regarding child arrangements, with OP seeking to remove the child from the UK. Leave to remove proceedings refused the relocation and child arrangements were ordered that have worked well. In these circumstances, abduction would be deeply disruptive and in opposition to the child's best interests.
- ii. Example B is a case in which, similarly to Example A, leave to remove and child arrangements proceedings determined an appropriate resolution in support of the children's best interests. However, OP immediately reacted by abducting the children and entirely excluding LBP from their lives. Civil orders for return have not been enforced by the authorities. LBP has put huge effort into contacting the children despite these obstacles, largely without success. Example B is a case of wrongful retention, so the existing Child Abduction Act 1984 has not applied.
- iii. Example C is a case similar to Example B, but the abduction occurred years after the conclusion of proceedings in England, including the refusal of OP's application for leave to remove. OP has been successful in eliminating LBP's relationship with their son. The court in Poland has ordered the child's return, but enforcement has to date been ineffective. Again, this is wrongful retention, so has been found by the police not to be an offence.
- iv. Example D is a case where OP applied twice for leave to remove, twice refused by the family court. Long-running litigation in England established arrangements that seemed settled for several years, in which the children

thrived. OP committed abduction by wrongful removal owing to a breach of conditions for travel. However, complex barriers have prevented the children's return and OP has eliminated their relationship with LBP. Unusually, a report is available from a recent assessment by court psychologists in Poland, directly evidencing the damage done to the children. Although the family court in England has found this to be a case of wrongful removal, the police and CPS declined to press charges for an offence under the existing Act, citing technicalities regarding proving wrongful removal beyond reasonable doubt.

- v. Example E is perhaps the most clear-cut wrongful removal case that we have come across. Notably, written evidence shows numerous individuals participated in planning the abduction of the child in full knowledge of an order prohibiting travel. However, the police have shown no interest, which we can understand only in the wider context of an offence that is viewed as extremely difficult to prosecute, given the lack of clarity in the existing Child Abduction Act 1984, almost irrespective of the facts and available evidence in each case.
- vi. Example F is a case in which wrongful removal was eventually found to have been committed, but only after multiple police forces had been involved in conducting parallel investigations. One of the forces found no offence had been committed. In what we find is a rare occurrence, the other force found an offence had taken place and the CPS agreed. The charges have resulted in practical actions that may aid the resolution of the case.
- vii. Example G is a case of abduction to the Turkish Republic of Northern Cyprus. It was a case of wrongful retention, so an offence was not committed under the existing Act. However, investigation in this case produced evidence of coordination by numerous abducting parents, including a "ringleader" providing advice. While we do not know if any related cases have resulted in criminal charges, the coordination of unlawful permanent removal of children demonstrates the desperate need to reform the Act to address the loophole that has allowed this pattern to become established.

Example A – jurisdiction settled through leave to remove proceedings

- 46. LBP and OP both lived in Manchester. They married in July 2014. Their son was born in May 2015. Sadly, they separated in December 2015 and then divorced.
- 47. OP made various allegations about LBP that the family court dismissed. It ordered child arrangements such that the son lived with OP and had at least two nights' staying contact with LBP every week.

48. The arrangements broadly worked, although LBP made an application to vary in August 2022 as OP had never voluntarily enabled a full-week holiday. In those proceedings OP communicated a plan to relocate permanently with the boy to Ireland, resulting in a court recital that this would require a leave to remove application. That application was made by OP in December 2022.
49. LBP contacted Both Parents Matter and attended the Group throughout this process. Contact for the son with both of his parents was never interrupted for more than one week. Through our meetings, we heard from LBP about the stress, anxiety and cost associated with the legal process. Several other group members had experience of leave to remove proceedings, so they were able to reassure LBP and provide basic practical advice.
50. The leave to remove proceedings concluded in August 2023 with refusal of relocation and a shared care order that has preserved the child's access to both parents. It appears that LBP and OP have settled into the court-ordered arrangements.
51. LBP wrote to the charity on 2 April 2025, "I remain indebted to you and your group for the support I received and advice that I have no doubt helped me to remain in a loving relationship with my son."
52. The situation allowing the child to grow with both parents is working well. Leave to remove proceedings were constructive. If circumstances were to change, further leave to remove proceedings would be possible. On the other hand, plainly if OP felt the arrangements were unsatisfactory, it would be destructive for OP unilaterally to abduct the child.

Example B – wrongful retention following conclusion of leave to remove proceedings

53. LBP and OP separated in November 2019 with sons aged nine and seven.
54. The family court ordered regular contact for the children with both parents within two months of the separation. Allegations by OP against LBP were found to be groundless.
55. Later in 2020 OP applied for leave to remove. Proceedings concluded in June 2021 refusing leave to remove and putting in place shared care arrangements on a roughly 50/50 basis with both parents.
56. In July 2021 OP removed the children to Poland without notice.

57. As soon as LBP discovered the relocation a report of child abduction was made to the police and 1980 Hague Convention proceedings were initiated.
58. 1980 Hague Convention proceedings in the Polish court were successful on paper, with a return order made by the court of first instance in November 2021 and a final return order confirmed by the court of second instance in January 2022.
59. However, the police determined that the abduction was a case of wrongful retention, OP having had the legal right to remove the children for a short period to Poland (but not permanently to remain there) so a “no further action” letter was issued.
60. LBP sought to enforce the return order with the assistance of the Polish authorities. However, Poland has an extremely poor record regarding enforcement of such orders. LBP first travelled to Poland for enforcement action in August 2022 and a further three attempts have taken place, most recently in November 2023.
61. This case is included within ongoing proceedings launched by the European Commission with reference INFR(2021)2001 concerning infringements by Poland of its obligations under child abduction law.
62. Meanwhile OP barred the children from all forms of communication with LBP.
63. LBP, with whom the children had lived throughout their lives prior to the abduction, managed to re-establish limited contact with the children in 2023 only by means of identifying the messaging service associated with an online gaming platform that the boys use, through which they could be identified. It is an extremely limited form of contact. However, it is more contact than exists in most of our examples.

Example C – wrongful retention years after conclusion of leave to remove proceedings

64. LBP and OP met in 2017. Their son was born in 2018. LBP and OP separated in 2019 owing to LBP leaving the joint home to escape a situation describes by LBP as “psychological abuse”.
65. OP sought to exclude LBP from the child’s life. LBP applied to the family court for child arrangements. Within the same proceedings OP applied for leave to remove.
66. An order was made in December 2019 for contact for the boy with LBP every Wednesday and on alternate weekends. OP’s leave to remove application was refused.

67. In July 2023 OP removed the child to Poland without notice, never to return, blocking all contact.
68. LBP reported child abduction to the police in August 2023 and made an application for the child's return under the 1980 Hague Convention.
69. The court application was refused by the court of first instance in April 2024, but in September 2024 the court of second instance changed the decision to order the return. However, reflecting Poland's dire reputation regarding enforcement, there have in the following eight months so far been no actions towards returning the child.
70. Meanwhile, in the UK, the police responded that the Child Abduction Act 1984 does not apply. For a number of months an investigating officer conducted some information gathering. The final police communicated in October 2024 concluded this "case presents to be one of wrongful retention." The matter did not reach the CPS.
71. Early in this experience, LBP asked an officer of the charity in 2023 when this would "start to feel better, because the stress and the sadness are unbearable." Unfortunately, our officer was unable to offer consolation, except that our Charity offers the opportunity for affected individuals to communicate with others who can relate to their situations.

Example D – wrongful removal after repeated refusals of leave to remove

72. During their marriage, OP coercively controlled LBP, regularly threatening to take the children away and disappear if instructions were not followed completely.
73. In 2014 OP made allegations against LBP, resulting in LBP's removal by means of arrest by the police. The allegations were found to be groundless. Those allegations were the first of many made and subsequently dismissed.
74. The history of this case was documented in a judgment of Mr Justice MacDonald reported in December 2024, <https://caselaw.nationalarchives.gov.uk/ewfc/2024/356>.
75. The couple litigated for five years in England. Two leave to remove applications by OP were refused. LBP avoided any gap longer than a month in contact with the children. Arrangements ordered in 2018 established shared care on a 50/50 basis.
76. The arrangements worked well. The children and the family were observed by authorities such as the school to be "thriving".

77. OP removed the children to Poland without notice in April 2021. This breached strict requirements of the court order, so appeared to be an offence under the Child Abduction Act 1984.
78. LBP immediately reported the abduction to the police and applied for the children's return under the 1980 Hague Convention. The family court in England also considered the matter and made a declaration of wrongful removal in May 2021.
79. The police seemed to take the case seriously, it being a case of wrongful removal.
80. 1980 Hague Convention proceedings initially appeared successful, obtaining a return order from the court of first instance. However, in October 2021 the court of second instance refused the return. A post on social media by Poland's Deputy Justice Minister suggested direct intervention by politicians in that court.
81. Owing to the existence of English proceedings concerning the children and their country of residence that predated Brexit, an application was made for their return under European Union law connected with the EU Withdrawal Agreement. Various conflicting orders have been made regarding that application in different Polish courts. As of April 2025, the matter continues to be considered by Poland's Supreme Court.
82. This is another case referred to within the European Commission's proceedings INFR(2021)2001 against the government of Poland.
83. Meanwhile OP eliminated contact all forms of contact after the abduction. Delivery of letters sent by post is refused. Polish court psychologists were involved in September 2024 and determined that OP was harming the children "remaining in conflict ... parental alienation ... lack of full insight into their emotional needs".
84. Nevertheless, in October 2024, after years of delay, the CPS issued a letter declaring that no further action would be taken. LBP asked for the decision to be reviewed. In December 2024 the CPS issued a final decision letter stating that, although the family court had found this case to be a wrongful removal, the CPS prosecutor determined that OP would have a defence because covid rules in place in 2021 meant any requirement for notice of travel would be confusing and difficult to comply with.

Example E – wrongful removal in breach of order prohibiting travel

85. LBP and OP met in England in May 2021. They formed a relationship and subsequently became engaged. Both were foreign nationals with the right to remain permanently in the UK.

86. In 2022 they had a pregnancy, but sadly the relationship deteriorated around the same time.
87. Their daughter was born in November 2022. There is no clear date when the relationship ended. However, by the end of 2022 it was at an end and OP was seeking to exclude LBP from their daughter's life.
88. LBP applied to the family court for assistance. The family court ordered contact and made an order prohibiting either party taking the girl out of the UK. The order also prohibited any agency issuing passports for the child. The order was served on the Egyptian and Polish embassies.
89. We know in detail what happened then because written documents have been presented before subsequent courts and recorded in official court minutes. OP visited the Polish Consulate in London where staff demonstrated they were aware of the order prohibiting travel. OP asked for assistance to travel to Poland. In breach of the order, consular staff issued a Polish passport for the child and purchased travel tickets for OP with the child.
90. LBP quickly reported child abduction to the police and made an application under the 1980 Hague Convention for the child's return.
91. The Polish courts were sympathetic to allegations made by OP, without evidence, that LBP was a "radical Muslim" subscribing to harmful cultural practices such as female genital mutilation, so the courts of first and second instance refused the return application on grounds of the grave risk of harm associated with a return to the UK. The racially motivated slurs against LBP are shocking from a British perspective.
92. In the UK the police noted that OP had certainly taken the child out of the UK and certainly breached a court order in doing so, which means an offence was committed under the Child Abduction Act 1984. However, the case has never been passed to the CPS. An officer of the Charity has also spoken with the police on behalf of LBP, but we have been unable to obtain an explanation as to why this case has not been passed to the CPS.
93. There appears to be no further recourse for LBP to obtain assistance towards making contact with the child from authorities in either country. OP has severed contact entirely. At this stage LBP is distraught and seeking to process the advice that LBP has no option but to build a life without the child, with no ability to influence any possible future reunion.

Example F- abduction followed eventually by positive charging decision

85. LBP and OP cohabited. Their daughter was born in 2012 in Suffolk and LBP was the primary carer.
86. LBP and OP separated in 2016. Following separation OP obstructed LBP's relationship with their daughter.
86. LBP believed there was a risk of abduction to Poland, so applied to the court for prohibition of travel in 2016. The application was refused.
87. In 2017 LBP applied made a child arrangements application, as basic arrangements could not be agreed. The same proceedings considered an application from OP for leave to remove.
88. Within the UK court proceedings, OP made various abuse allegations against LBP, which the court found to be groundless.
89. The final order in 2018 refused OP's application for leave to remove and established a 50/50 arrangement for the girl's time with her parents. A report within the proceedings noted OP's desire to sever the relationship between LBP and their daughter.
90. Following the order, OP took their daughter to an unknown address for a period of two months, apparently initially within the UK, and obstructed the court-ordered arrangements.
91. During the summer of 2018, LBP received a text message from OP stating that their daughter was not in the UK and would not be returning.
92. The English family court was notified and issued a return order in August 2018, which OP ignored.
93. Following the abduction, OP has entirely severed LBP's relationship with their daughter.
94. The abduction was reported to Essex Police in August 2018. Essex and Suffolk Police undertook investigations in parallel, in what was effectively an administrative mistake, that would become significant in this case.

95. Essex Police found no crime had been committed as OP could take the child out of the UK for 28 days without the consent of LBP.
96. However, Suffolk Police found OP had given up her accommodation in England and had notified the school that their daughter would not return in September 2018. Therefore Suffolk Police concluded this was a provable case of premeditated permanent removal of the girl without legal consent, falling under the offence defined by the existing Child Abduction Act 1984.
97. The CPS agreed with Suffolk Police. A positive charging decision was reached. A European Arrest Warrant was issued. An Interpol red notice was issued regarding OP's wanted status and the girl was placed on Interpol's missing persons list. These steps could have resolved the situation, had OP travelled outside Poland.
98. LBP also applied for their daughter's return under the 1980 Hague Convention. Although OP repeated past allegations within those proceedings, the court of first instance in Poland ordered the return in February 2019. OP went into hiding to prevent enforcement of interim contact and appealed the order, but that appeal was refused. OP's appeal was elevated to Poland's Supreme Court. That further appeal was refused in December 2020.
99. Despite the court orders for return, the Polish authorities did not practically enforce the orders in the face of resistance from OP.
100. With the aim of increasing efforts on enforcement of the child's return, LBP made a further application in 2020 under European Union law for enforcement in Poland of the return order made in England. The application was successful in court.
101. Nevertheless, the Polish authorities have not to date enforced the girl's return to England.
102. This is another case referred to within the European Commission's proceedings INFR(2021)2001 against the government of Poland. LBP has also made an application to the European Court of Human Rights.

Example G – abduction to the Turkish Republic of Northern Cyprus

103. LBP and OP formed a relationship in 2015. LBP sought to end the relationship owing to controlling behaviours from OP. The relationship finally ended in 2017.

104. However, the end of the relationship coincided with a pregnancy. Disagreements following the birth of a son resulted in family court proceedings in 2018.
105. Within those proceedings OP made various allegations about LBP that were found to be groundless. The court ordered that the boy would live with OP and have significant contact with LBP.
106. Across 2019 and 2020 OP largely frustrated the court-ordered contact arrangements. LBP sought enforcement of the court-ordered contact arrangements. Broader safeguarding concerns were also raised regarding OP's parenting.
107. Subsequent evidence shows that, around this time, OP began obtaining advice through social media regarding how to abduct children from the UK to other countries.
108. In 2021 OP travelled to the Turkish Republic of Northern Cyprus. By exploiting travel rules in connection with the pandemic, OP was able to travel without breaching court-ordered conditions of travel.
109. LBP only discovered OP had taken their son to the Turkish Republic of Northern Cyprus based on the surprising background on Microsoft Teams when OP joined English family court hearings remotely.
110. Emergency proceedings in the English family court ordered the boy's return and established sole custody with LBP.
111. The 1980 Hague Convention does not apply to the Turkish Republic of Northern Cyprus and no other civil law means exists for applying to that territory for the return of an abducted child.
112. LBP also reported the abduction to the police. The police determined it to be a case of wrongful retention, so no offence was deemed to have been committed, although notably the investigation established a network of parents was providing advice for abduction from the UK, including one individual noted as a "ringleader".
113. We do not know if any related cases were subject to criminal prosecution.
114. LBP applied for contact through the local court successfully and has established contact. Therefore, in this case OP's actions have not entirely severed that relationship, although the entire situation appears to stem from OP's original refusal to comply with court orders for contact for LBP with their son while in England.