

Patron : Mrs. Regina Leung  
贊助人 : 梁唐青儀女士



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**Views on the issue of whether there is a need to criminalise  
the act of parental child abduction**

**submitted to  
Legislative Council Bills Committee on  
Child Abduction Legislation (Miscellaneous Amendments) Bill 2013**

The Against Child Abuse has been established for 34 years. We have been committed to protect children and eliminate all forms of child abuse. We have the following views considering whether parental child abduction should be criminalized:

**Effective measures should be in place and parents should be well informed**

Many countries have either civil or criminal laws to prevent parental child abduction. Legislation has its own functions, a deterring effect and educational purposes. Child abduction is a serious crime. However, parental child abduction is far more complex as both parents are supposed to be the closest persons to the child. The Hague Convention is given the force of law in Hong Kong by the Child Abduction and Custody Ordinance, to ensure the safe and prompt return of the abducted child. If the Prohibition Order is effective against the removal of a child out of Hong Kong without appropriate consent, we support the suggestion of the Law Reform Commission. If Hong Kong decides not to criminalise the act of parental child abduction, effective measures and sufficient resources must be put in place in order to protect the best interest of the child.

Parents have a responsibility to provide good care for their children even in the case of divorce as they are forever parents of their children. The Joint Parental Responsibility Scheme emphasizes the parents' responsibility rather than their rights to do whatever they wish with their children. For the benefit and welfare of the child, any parent who intends to take the child abroad should notify the other parent in advance. In case of disputes, mediation between the parents should be available. Parents should be well informed about the procedures. We support the suggestion that Immigration Officers at checkpoints be alerted to identify suspected parental child abduction cases. It can prevent the child being taken out of Hong Kong to an unknown location. A team of very well trained immigration officers, police officers, social workers and related professionals should work together to handle suspected

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parental child abduction cases promptly and collaboratively to avoid the child being traumatized in the process.

### **Children's voice should be heard**

The views of children who are very much affected in the process of their parents' divorce should be heard by different authorities or professionals who handle the case. Whether the child is voluntarily accompanying the abducting parent or whether the child is a victim of child abuse or has witnessed domestic violence should be professionally explored and handled. There should be official channels and proper procedures to listen to their voice. Older children should have a say in any arrangements being made and services should be available and made known to them. Parents should also be encouraged and facilitated to listen to their children's ambivalent and anxious feelings instead of putting undue pressure on them.

### **Provide family support for new families**

Providing support to families with newborns not only builds a solid foundation for new families, it can also prevent future separation and divorce. The outreaching Healthy Start Program should be provided for all parents with newborn infants. It is vital for couples to get well prepared for having a child. Prevention is always better than cure as it saves community resources. Providing a comprehensive parent education program is an effective strategy to create a safe home for children. Marital enrichment programs should also be systematically introduced to all newly married couples.

### **Community education should be promoted**

Children usually spend long hours at school. Teachers are their significant others who can be taught to develop sensitivity to detect their students' problems by identifying their unusual emotional and behaviour changes. Those children who are torn between their parents feel stressful caused by split loyalty, and are referred to get appropriate help. Relatives and family friends close to the broken family may serve as protectors to prevent parental child abduction by providing the divorcees channel for ventilation and helping them to assume a proper role in parenting at their difficult time. Community education should be promoted to encourage relatives, family and friends to taking up an active role to support broken families.

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### **A cross-border mechanism is needed**

Cross-border marriage and divorce are prevalent in the society. Children can easily be taken across the border by one parent and the other parent may have no way of locating the child. A cross-border mechanism to handle cross-border families and children issues should be in place.

Dr Jessica Ho

Director  
Against Child Abuse

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