

The 1980 Hague Abduction Convention Briefing for domestic violence & social work professionals

Your actions could save a mother and her children from further abuse.

A mother who seeks to escape domestic violence and safeguard her children by fleeing across international borders puts herself at extreme risk of being charged with abduction, obliged to return to the abuser's country*, and subsequently of losing custody of her children. (*Although 'return orders' made by the Court only apply to children, the mother, as their primary carer and protector, will invariably return too.)

Q. How come?

A. The 1980 Hague Abduction Convention – a good law gone bad.

The Convention was intended to deal with fathers who abduct their children across international borders without the mother's permission. Its focus is on returning the child as quickly as possible since they are assumed to be in serious danger. The reason for the abduction is not relevant. Over 100 countries are signed up, including the UK.

The assumptions that underpin the treaty – that the person taking the child is an abductor; that they are a danger to the child; that the absolute priority is to return the child to the country they were taken from - have created an opportunity for continuing control that abusive fathers have been quick to take advantage of. As a result, over 75% of Hague petitions are now brought *against* mothers by fathers – with support from the international courts and the state. The vast majority of those mothers are fleeing domestic abuse and/or coercive control.

Q. Why do you need to know?

A. You can help protect them.

Hague Convention cases are not numerous BUT...

- Mothers and their children are at extraordinary risk in these circumstances – above and beyond the dangers and difficulties faced by most DV victims in the UK.
- Often mothers are unaware of the existence of the Hague Convention until they find themselves facing a court hearing – usually with no time to prepare a defence and a paucity of lawyers who understand the complexities involved.
- Urgent specialist intervention is needed in these cases. Courts pride themselves on ensuring the rapid return of the child to the 'left behind' parent, rather than on an in-depth consideration of the circumstances.
Time is of the essence.