

# HAGUE Mothers

Living abroad with your children?

Needing to relocate to escape domestic violence, coercive control or economic abuse?

Then please read on...



Regardless of whether or not you are married, regardless of the length of the relationship, regardless of the behaviour of your child's father, there are legal restrictions in place to prevent you taking your child out of the country without the father's permission.

These vary depending upon where you live, but it could be a criminal offence. In any event, a court is likely to order that your child be returned to the country where the father is resident.

## How come?

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

The Convention, signed by over 100 countries, 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 from the 'taking' parent. The reason for the abduction is not relevant.

These assumptions 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 courts and the state. The vast majority of those mothers are fleeing domestic abuse


and/or coercive control. Almost invariably, the courts decide that the child must return.

## What are your options?

### **1. If you have already taken your children across international borders without permission:**

It is highly likely that the child's father will bring a Hague petition against you - supported by the Central Authority of the country he is resident in. If he does so, you will be accused of abduction and may face criminal charges. In some cases this has resulted in the mother being imprisoned. At the very least, the charge will go against you in any custody case which follows.

Once the petition is served, the Hague Convention requires courts to order the child's return as quickly as possible. This requirement does not allow for an in-depth consideration of the circumstances. There are some very limited defences you can raise, the main one being that returning the child would cause them a 'grave risk of harm or intolerable situation'. It is difficult to prove this defence, however, so you need to move quickly to prepare your case and collate any evidence of abuse or coercive control.



There are a number of survivor-led charities who provide advice.

Some sources of information and support are listed in the next section. In addition, if you are in the US, the Hague Domestic Violence Project at the American Bar Association provides resources and a mentoring service to lawyers who are acting on behalf of mothers fleeing domestic violence across international borders:

[www.americanbar.org/groups/domestic\\_violence/our-projects/hague-dvproject](http://www.americanbar.org/groups/domestic_violence/our-projects/hague-dvproject)

## 2. If you are considering taking your children across international borders without the father's permission

If it is safe to do so, contact your local domestic violence organisation and get their advice about how best to collect evidence of the abuse you are suffering since this might provide a defence against a return order. They may be able to link you up with pro bono lawyers with Hague experience who can advise you of the (limited) defences allowed by the Convention.

Global ARRK in the UK have a range of information guides and resources and can signpost you to specialist lawyers if required, both within and beyond the UK: [www.globalarrk.org](http://www.globalarrk.org)

There are a number of survivor-led charities who provide advice and information to Hague mothers.

### Survivor-led charities:

- Hague Collective (USA): [www.haguecollective.org](http://www.haguecollective.org)
- Hague Convention Mothers (UK): [www.hagueconventionmothers.org](http://www.hagueconventionmothers.org)
- Her Hague Story (Australia): [www.herhaguestory.com](http://www.herhaguestory.com)
- New Zealand Hague Collective: [info@haguecollective.co.nz](mailto:info@haguecollective.co.nz)

There is also one legal option available to you: to remain where you are and apply to the local courts for a relocation order which will allow you and your children to leave. However, a relocation application can take several years to process, is often unsuccessful, and, if you and your children are already vulnerable, your safety and wellbeing are likely to be further undermined during that period.

## 3. And, if you are thinking of moving abroad with your family...

Global ARRK have some excellent advice about measures you can put in place before going abroad. They aren't fail-safe, but they will be of help if you find yourself in a Hague court. And just having those conversations can be helpful in making the decision about whether or not to go:

[www.globalarrk.org/for-parents/know-before-you-go](http://www.globalarrk.org/for-parents/know-before-you-go)



Hague Mothers is a FiliA Legacy Project: an international campaign which aims to end the injustices caused by the Convention, specifically in relation to mothers fleeing domestic violence and coercive control.

[www.hague-mothers.org.uk](http://www.hague-mothers.org.uk)

Please feel free to contact us for further information:  
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