



They need to escape their abuser. **You need to know about the law that might drag them back.**

The Hague Abduction Convention:  
Information for domestic abuse (DA) professionals

**Under the Hague Abduction Convention, a mother seeking to escape domestic violence and safeguard her children by taking them across international borders without permission from the father, is at extreme risk. She can be charged with abduction, obliged to return to the abuser's country\*, and, potentially, lose custody of her children. Some mothers even end up in jail.** A Hague petition can be brought even when the mother is the primary carer, or if she has full custody rights.

### **What are the problems with the Convention?**

The Convention was originally 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 - ideally within 6 weeks - since they are assumed to be in serious danger.

However, according to official HCCH statistics, around 75% of Hague petitions are now brought against protective mothers by fathers who use the Convention to compel children, and therefore their mothers, to return to the country they have fled.

Urgent specialist intervention is needed in these cases.

### **Who is at risk?**

Basically, any mother who has taken her child or children across an international border without explicit permission from the father, could be at risk of having a Hague case brought against her.

### **Hague eligibility**

If the mother lives, or recently lived, in a country they were not born in, or if they or their partner are citizens of a country they are not living in, the Convention could apply. The father/petitioner:

- must be a biological parent, have parental rights and (generally) have been exercising these rights
- did not or is unlikely to give consent for the move, or gave permission but changed their mind
- has not been convicted of physical harm to the child (even so this may not be watertight defence)
- must usually bring a petition within 12 full months

Many mothers are unaware of the Convention, and unaware that leaving could be illegal. They may come to you for advice about leaving, or they might have already left. Some might have received a Hague petition. Others might have lost their Hague case and been forced to return to the country they fled - 'stuck' without resources or support.

### **Hague Defences**

The main defences used in cases of domestic abuse are:

- Article 13: the child is old enough to be heard and objects to returning TO THE JURISDICTION (rather than returning to the father)
- Article 13b: there is solid evidence of abuse (including police reports, witnesses and, ideally, convictions)

### **How can mothers avoid the Hague?**

There are only two legal options.

1. Mothers can stay put (a 'stuck' parent) until the child is 16 at which point the Convention no longer applies. For obvious reasons, this can be a risky option. In addition to the normal pressures of post-separation abuse, mothers living in a foreign country may also face visa issues, cultural and language barriers, discrimination, poverty, homelessness, and lack of access to state support for themselves or their child.
2. Depending on the country they are in, mothers can apply to relocate with their child to their home country. This is an expensive and often time-consuming option, with varying chances of success. Mothers must prove that the move will be in the best interests of the child. This includes having a clear plan for housing, schooling, employment and finances. Mothers must also show how they will maintain the relationship between child / children and the father.

### **How can you help?**

**If the mother is thinking of leaving the country:**

- Let them know about the Convention and the key defences, and ensure that they understand how this could affect them.

- Tell them about the relocation option and explore how they might meet the criteria.
- Help them collect evidence of abuse, ideally to include formal evidence of interventions by e.g. the police, social services, medical professionals, or domestic abuse organisations.
- Signpost them to a specialist organisation for advice (list below).

**If they have already left:** as above plus:

- It is possible to mount a 'well-settled' defence if a year passes before a Hague petition is served.
- To this end, provide support with housing, schools, and employment. Encourage them/their children to engage with their community and build their support networks.
- Help them build evidence of any improvement in the children's health, mental health, or behaviour since returning.
- Explore legal aid and/or pro bono options with them so they can respond quickly should they receive a petition.
- Help them find a DV-aware Hague lawyer.

**If they have returned with their child after losing a Hague case:**

Mothers and children are particularly vulnerable in these circumstances. There is likely to be an escalation of abuse, often made worse by visa

issues and a lack of state support. In the custody battles that tend to follow a Hague return, mothers are at significant risk of losing custody since they are already labelled as an abductor and therefore assumed to be a danger to their children. In some countries they can be jailed for having abducted their child should the father decide to bring criminal charges against them.

- Where possible, help the mother prepare for potential legal proceedings and safeguard herself against further abuse.
- Provide legal advice and explore legal aid and/or pro bono options as necessary.
- Other than providing as much formal support as possible for both mother and child, we recommend that you connect them up with other Hague mothers through a specialist organisation. Many of these organisations are survivor-led; most have mothers' groups who provide informal support and who often have extensive expertise in all things Hague.
- It can be worth exploring relocation options with the help of a specialist organisation such as GlobalARRK. Even after losing a Hague case, some mothers have been given permission to relocate to their home country with their children.

\*Although 'return orders' made by the Court only apply to children, the mother, as their primary carer and protector, will invariably return too.

## Specialist Organisations

### UK & International

- GlobalARRK: [www.globalarrk.org](http://www.globalarrk.org)
- FiLiA Hague Mothers: [www.hague-mothers.org.uk](http://www.hague-mothers.org.uk)
- Reunite: [www.reunite.org](http://www.reunite.org)

### Europe

- Revibra Europa (Europe/Brazil): [www.revibra.eu](http://www.revibra.eu)
- GAMBE (Europe/Brazil/Canada): [www.gambe.org](http://www.gambe.org)

### USA

- Sanctuary for Families / Narkis Golan Initiative: [www.sanctuaryforfamilies.org/ngi](http://www.sanctuaryforfamilies.org/ngi)
- Texas RioGrande Legal Aid: [www.trla.org](http://www.trla.org)
- Hague Collective USA: [www.haguecollective.org](http://www.haguecollective.org)

**Canada** GAMBE - see under Europe

**Brazil** Revibra - see under Europe

### Australia

- Women's Legal Services Australia: [www.wlsa.org.au](http://www.wlsa.org.au)
- Her Hague Story: [www.herhaguestory.com](http://www.herhaguestory.com)

### New Zealand

- New Zealand Hague Collective: [info@haguecollective.co.nz](mailto:info@haguecollective.co.nz)
- Backbone Collective: [www.backbone.org.nz](http://www.backbone.org.nz)

FiLiA Hague Mothers is an international campaign which aims to end the injustices caused by the Convention, specifically in relation to mothers fleeing domestic violence and coercive control. We provide advice, training, and advocacy.

Please contact us for further information:

- [www.hague-mothers.org.uk](http://www.hague-mothers.org.uk)
- [Hague@FiLiA.org.uk](mailto:Hague@FiLiA.org.uk)
- [AdminHague@FiLiA.org.uk](mailto:AdminHague@FiLiA.org.uk)

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