



## Hague Domestic Violence Expert Paper #8

# Legal Systems as Tools of Abuse: the Hague Power and Control Wheel

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### Introduction

At the close of the 2024 International Forum on Domestic Violence and the Hague Convention on the Civil Aspects of International Child Abduction, Hague Secretary-General Christophe Bernasconi acknowledged that domestic violence is the single biggest challenge that signatory states face in implementing the Convention. The experiences of the victim-survivors we<sup>1</sup> work with suggest that the Convention has become the single biggest challenge *they* face in attempting to escape that abuse. Both their testimonies, and research undertaken over several decades in to the prevalence of domestic abuse in Hague cases, (e.g. Kaye, 1999; Lindhorst & Edleson, 2012; Schuz, 2018; Weiner, 2000; Trimmings & Momoh, 2021) demonstrates that this international treaty has become yet one more tool in the perpetrator's armoury - a highly effective form of legal abuse.

In response to these harms, a Power and Control Wheel was co-created by FiLiA Hague Mothers and its members: Haged mothers, domestic abuse experts, and legal professionals. The Hague Power and Control Wheel identifies the numerous ways in which perpetrator fathers target what is most precious to mothers; their children and their ability to care for them and keep them safe from the abusive fathers. This paper explores the theoretical underpinnings, methodological process, and content of the Hague Power and Control Wheel - a vital new tool that reveals how international law can perpetuate abuse.

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1. FiLiA Hague Mothers is a global campaign which aims to end the injustices created by The Hague Convention on the Civil Aspects of International Child Abduction, specifically for mothers and children who are victims of domestic abuse. It's women-led and women-centred and it consists of a voluntary group of lawyers, academics, domestic abuse professionals, child psychologists, human rights and children's rights activists, trauma specialists, and Hague mothers, all working to support and safeguard victim-survivors. <https://www.hague-mothers.org.uk/>

## The Hague Abduction Convention

The Hague Convention on the Civil Aspects of International Child Abduction 1980 ('the Convention') is an international treaty with 103 signatories worldwide<sup>2</sup>. Under the Convention, a child is considered abducted if they are taken across international borders by one parent without the other parent's consent. To deal with this problem, the Convention established a remedy of immediate return. This ensures maximum cooperation between contracting states to return the child promptly to their 'habitual residence' and their status quo ante. At this point, the courts in the child's habitual residence can decide what is in the best interests of a child. It is worth pointing out that, if a return order is made, it is for the child; the 'abducting' or 'taking' parent is not legally obligated to return.

The original assumption was that the taking parent would be the father, and that the 'left-behind' parent would be the primary-carer mother. However, as recent studies reveal, 75% of parents filing Hague cases today are fathers, and 94% of the mothers who take children across borders are the children's primary caregivers (Lowe & Stephens, 2023). While the Convention aims to restore children to their 'habitual residence', it fails to consider the reality that, for many children, the habitual residence is a site of danger.

Despite the Convention's commercial framing, its consequences for mothers are profoundly punitive. A return order may separate children from their primary caregiver permanently. Mothers may face jail<sup>3</sup>, lose custody<sup>4</sup>, and have their relationships with their children systematically dismantled. The Convention does not protect children. It restores power to the perpetrator, ignoring decades of evidence showing how domestic abuse operates through coercive control.

This Hague mother's<sup>5</sup> experience is not untypical:

*I am writing to you from a place of deep desperation, emotional devastation, and overwhelming fear. I fled Europe with my two children — then aged just 1 and 3 years old — to return to my home country in order to escape severe domestic violence. I did what any mother would do: I protected my children and myself from further abuse. But instead of safety and justice, I have been met with punishment and unimaginable suffering. In 2023, I lost a Hague Child Abduction case, and my two babies — still so small, so vulnerable — were forced to return to live with their abusive father. Since then, I have been trapped in a never-ending cycle of legal battles that have shattered my life and broken me as a mother. My custody was taken from me as if my act of fleeing violence was a crime. I am now allowed only 4 hours of supervised contact per month in the father's country. That is all. Four hours to be their mother. Four hours to hold them, to love them, and remind them that I still exist. The court has even stripped me of the right to speak to my children in our shared native language. I have been forced to speak only the father's language — a language that is not natural to us, not the language I raised them in. The very bond between us is being systematically dismantled by a legal system that has refused to see my pain or honour my rights — or those of my children. I am mentally, emotionally, and physically exhausted. I have been living in anguish since the day they were taken from me. Every moment is torture. My children were my whole world, and I did everything I could to protect them — and now they are being raised by the very person I tried to protect them from. I feel like I am watching them grow up through a locked window, and no one is listening to my screams.*

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2. as of January 2025

3. <https://www.hague-mothers.org.uk/wp-content/uploads/2025/02/Jewel-Lazaro-Eng.pdf>

4. <https://www.hague-mothers.org.uk/2025/02/27/a-hague-convention-case-over-eight-years-of-loss/>

5. All quotes and stories have been anonymised to protect the sender

Her story follows a familiar pattern. The victim-survivor attempts to escape abuse, initially by seeking support from NGOs or the state, and then, when that fails, by returning to what they believe will be a place of safety - their home country. The perpetrator then uses the Hague Convention to regain control. The aim of the Hague Power and Control Wheel was to collate and analyse Hague mothers' experiences, revealing the underlying patterns of power and control enabled by the Convention.

## Methodology

The Hague Power and Control Wheel was developed through a trauma-informed, participatory research process coordinated by FiLiA Hague Mothers. It is based on the original Power and Control Wheel, created by The Domestic Abuse Intervention Programs<sup>6</sup>. The original Wheel, created by Ellen Pence, was designed to explain the various ways in which abusers use manipulation, dominance, and violence to control their victims. These behaviours are interrelated and in a permanent state of ebb and flow, keeping the victim in a perpetual cycle of fear.

The methodological foundation drew inspiration from feminist participatory research, which positions participants not as subjects but as co-creators of knowledge (Maguire, 1987). Over the course of several weeks, survivor-mothers, domestic violence professionals, academics, and legal advocates from over fifteen countries contributed to a series of focus groups and interviews. These sessions prioritized lived experience and qualitative testimony as forms of expert knowledge. Transcriptions from multiple recorded meetings and individual testimonies were analyzed for thematic patterns, and insights were compared and validated through survivor peer review. The language and structure of the Wheel were also developed collaboratively, with careful attention to accessibility for both public and professional audiences.

Each segment of the Wheel corresponds to a category of coercive behavior that emerged repeatedly in testimonies and shared experiences. As a starting point, the main question all members were looking to answer was: 'How is a specific type of abuse enabled by the Convention?'. By working through this lens, we were able to avoid creating a Wheel that described general domestic abuse and instead focus on what we called 'Hague-specific abuse'. The Wheel is both an educational and advocacy tool and its main purpose is to educate professionals and empower survivors.

## Analysis

The evidence revealed that perpetrators utilise the Convention in a number of ways. First, the threat of the Convention prevents women and children from escaping their abuser, they cannot simply leave and go home to safety. Secondly, the court process itself is experienced as profoundly traumatic, and regardless of whether mothers win or lose their case, the label 'abductor' has a significant negative impact on how they are perceived, and how they perceive themselves. Thirdly, if a return order is made, mothers are in a catch-22 situation. Either they return with the child to the perpetrator's country and to an escalation of abuse and a possible custody battle; or they are unable to return with the child due to fear of what their ex-partners will do to them, due lack of housing, financial or other support, visa issues, or because they risk being imprisoned on a criminal charge of kidnapping. These mothers invariably lose custody to their abuser, and may never see their children again.

Underpinning the Wheel are '**Patriarchal International Systems and Institutions**'. This contextualisation

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6. <https://www.theduluthmodel.org/wheels/>

is intended to clarify that victim-survivors are abused not only by individual perpetrators but also by legal systems and the state. In Hague-related cases, state collusion and patriarchy underpin all forms of abuse. Participants were very aware of this phenomenon; one asserted that: *'It's more than a segment, it colors everything else.'* Others pointed to systemic and structural failures:

*Specific kinds of intimidation and all the other tactics in Hague situations rely on the fact that the state is not doing its duty to protect women.'*

*'I was traumatised by the court system, the unjust laws. Every single government sector I went to, pleading for help, failed to assist me. I left to save my life.'*

*'This is something where the state holds control of the woman through those powers.'*

*'The failure to act and aspects of the state like courts, police—all these systems—are involved.'*

Central to the Wheel is the concept of **coercive control**<sup>7</sup>. This type of abuse, when perpetrated in interpersonal relationships, is not episodic but continuous and strategic. Its explicit aim is to isolate and control the victim. Unlike previous Wheels, this segment of the Hague Power and Control Wheel identifies the state itself as a coercive actor. While coercive control is recognised in the domestic laws of some countries (e.g. UK, France, Denmark), the Hague Abduction Convention remains resolutely blind to its existence, prevalence and impact. In Hague cases, judicial decisions and compliance reproduce the dynamics of domestic abuse on an institutional scale. As one mother explained:

*'It wasn't just him anymore. It was the judge, the lawyer, the court. They were all part of it.'*

Her testimony, and that of others, underscores the fact that coercive control is not only embedded in interpersonal dynamics, but also in legal proceedings.

## Segment analysis

### Intimidation and Threats

This segment highlights how abusers use fear and manipulation to assert power, specifically through the weaponisation of the Convention. Abusers use the threat of legal consequences to instill fear and compliance in mothers. Common tactics include threats to invoke the Hague Convention, leveraging immigration vulnerabilities, and, most powerfully, warnings of permanent separation from children. As one contributor noted, *'It's that overarching threat of losing the children.'*

Mothers were aware that these were not empty threats: *'What they (abusers) use to intimidate mothers is actually true. Like when they say that "the child will be brought back to me" - that's actually true.'*

Mothers also described threats of being isolated from family, community, and legal support networks. The fear of being disbelieved or dismissed by those in authority intensifies the control perpetrators hold over mothers.

*'There's very often—I've heard it from so many mothers—the whole sort of the perpetrator saying, 'Nobody's*

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7. Coercive control refers to a systematic pattern of behavior that establishes dominance over another person through intimidation, isolation, and terror-inducing violence or threats of violence (Dichter ME, Thomas KA, Crits-Christoph P, Ogden SN, Rhodes KV. Coercive Control in Intimate Partner Violence: Relationship with Women's Experience of Violence, Use of Violence, and Danger. *Psychol Violence*. 2018;8(5):596-604. doi:10.1037/vio0000158)

*going to believe you anyway. Nobody's going to listen. Nobody wants to hear from you.' And it's true.'*

## **Emotional Abuse**

Emotional abuse under the Hague Convention appears through ongoing psychological manipulation and gaslighting both by abusers and the legal system. Women are often discredited, labeled as mentally unstable, or framed as unfit mothers, even if they have been caring for their children for years. The court process itself becomes a tool for abuse and a cause of serious trauma, a phenomenon identified as CPIT: Court and Perpetrator Induced Trauma (Dalgarno, Katz, Ayeb-Karlsson, Barnett, Motosi, Verma 2023). In one mother's words, *'The court case was so terrifying, so stressful, that I have been diagnosed with PTSD. My life became an unsupportable hell and feeling powerless and hopeless became part of my character.'*

A domestic abuse professional shared her experience of the impact of emotional abuse on her clients: *'The undermining, discrediting, the kind of making out that she's the bad parent ... "I'm going to make you look crazy, you're going to lose custody".'* This was a common experience. As another mother explained, *'The emotional abuse continues through the court, your trauma is minimised, belittled and ignored.'*

## **Isolation**

Isolation takes multiple forms in Hague cases. Survivors describe physical isolation from their home countries, legal and societal isolation through language barriers, and emotional isolation due to loss of community. One survivor shared, *'As a first step, even before the abuser has to say a word or do anything, just forcing the move in itself is isolation.'*

Some mothers self-isolate due to stigma or out of fear that, for example, seeking therapy or support will be used against them in court. Others spoke about being in foreign countries where *'you don't even know who to ask'*. Language barriers, cultural unfamiliarity, and a lack of resources create further isolation.

## **Using Children**

Abusers use children as leverage, manipulating them to gain power and control over the mothers. They might work to turn the children against their mothers, for example by saying *'she left you here on purpose, she does not want you'* or *'your mother does not let me see you anymore, she wants to kidnap you'*. As one mother said: *'Your child is used as this pawn... while being dangled in front of you.'* Despite acting in their children's best interests, mothers are frequently labeled as alienating or manipulative, not only by perpetrators but also by court and state officers, and judges.

This emotional damage extends to children as well: *'It remains with them for life. It's going to affect every relationship they have as adults.'*

## **Male Privilege**

Gender bias in the legal system enables fathers to assert their ability to be a good father without any evidence (or in the face of evidence to the contrary), while mothers must prove their caregiving credibility under intense questioning and often hostile examination. Fathers appear to be granted the benefit of the doubt, requiring little more than declarations of interest to be taken seriously, while mothers must extensively 'prove' their fitness as parents and human beings. As one participant stated, *'To me, that seems like one of the biggest things: just being believed ... You just have to show up and say, "I'm a good father now." And that's it. That's the privilege.'* Another reflected *'She's been feeding them for years, but he shows up and is a qualified parent.'*

This judicial (and societal) bias disadvantages women across the board, and particularly those from marginalized backgrounds. In addition, mental health diagnoses, or trauma responses, are frequently weaponized against mothers. The following quote is from a Hague mother who has recently received a 3 year jail sentence on kidnapping charges.

*'The trial was a farce. Her father kept a straight face as he denied ever having abused me or my daughter. His word seemed to be enough for the judge who also disregarded testimony from a child*

Other professionals and mothers shared similar experiences:

*'Women's viva voce testimony is treated as though it's not evidence.'*

*'Mothers are left to defend themselves and their children, while the man just has to say, 'I want another chance.'*

*'The father does not have to defend himself, his behaviour or the abuse.'*

### **Economic Abuse**

Hague proceedings create a severe financial imbalance between mothers and their abusers. While perpetrators may access state-funded legal aid and retain control of shared assets, mothers often self-fund the full cost of legal, translation, and psychological reports. But even before any Hague proceedings, mothers and their children face financial pressures, housing insecurity, child support evasion, and legal manoeuvring to drain financial resources. If they then have to face a Hague case, this inequity is a major barrier to justice. Many are bankrupted by the process: *'He's got the house, he's got the cars, he's got the bank accounts and savings accounts. She's in another country, very often with nothing.'*

One mother who had been obliged to return to Australia with her child explained:

*'[The Hague] forced me and my 2-year old into homelessness. The law doesn't care about what is just. It stripped us of our basic right to have a roof over our heads, favouring the rights of the father no matter what the consequences for us.'*

Another, unable to return due to visa issues, said:

*'The father has restricted contact further, and my child was told they might only see me again when grown up. Legal actions to address this require funds I don't have, and the Hague case also transferred other legal matters, including divorce, making them unaffordable for me.'*

### **Cultural and Community Identity**

Many participants felt the most strongly about this segment. Hague rulings frequently erase the cultural identities of children, especially in cross-national and cross-cultural families. Forced returns can disconnect children from maternal language, maternal relatives and family, and heritage. Some children are forced to grow up in just one country with just one culture, when they have multifaceted cultural heritage. Courts often overlook the child's right to a full cultural identity, especially in cross-cultural families. These rulings disproportionately impact immigrant and minority mothers and reflect embedded racial and national biases. Participants also emphasised: *'There's racism in judgments about which country is 'better' for children.'*

## Legal Systems Abuse

Abusers exploit legal systems to maintain control and continue coercion post-separation. This includes filing multiple motions in different jurisdictions, manipulating legal timelines, and exhausting the mother's financial and emotional resources. The summary nature of Hague proceedings, and the lack of fact-checking, works in the perpetrator's favour. Mothers spoke of their distress that past abuse, even when well-evidenced, was ignored by judges, or dismissed as irrelevant. One survivor shared:

*'You are required to write in affidavits your life history of abuse, an extremely personal and traumatic account to justify why you fled with your children. These are completely ignored. The Hague proceedings feel like it just comes down to jurisdiction.'*

## Conclusion

The Hague Power and Control Wheel encapsulates the contradictions of a treaty that claims to protect children while punishing those who try to keep them safe. It evidences the extent to which this international convention can serve as an extension of coercive control, perpetuating abuse under the guise of neutrality, comity, and justice.

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## FiLiA Hague Mothers

[FiLiA Hague Mothers](#) is a MVAWG project. Our overarching aim is to end the injustices created by The Hague Convention on the Civil Aspects of International Child Abduction, specifically for mothers and children who are victims of domestic abuse.