



Domestic Violence and the 1980 Hague Convention: Myths and Realities

To understand the impacts of domestic violence (DV) on parents and children, we must first understand coercive control as the overarching tactic of family violence. Coercive control is a pattern of behaviour (and can include physical and sexual violence as mechanisms of control) that seeks to entrap another person through fear, intimidation, isolation, control which together lead to entrapment - the erosion of autonomy. It sits at the heart of cases of domestic and family violence and is particularly relevant when considering how family law and international conventions, such as the 1980 Hague Convention, respond to families fleeing violence.

Myth 1: There can be a 'little bit of DV' and it's not serious

All domestic violence is serious. Even if there is no or little physical violence, the psychological, emotional, and social impacts are profound on both victims and children.

Coercive control is cumulative - it builds over time - systematically eroding a person's confidence, safety, and decision-making capacity, whereby abuse is embedded in the fabric of the victim's everyday lives and parenting practices. What might appear as "minor" or "situational" incidents are often part of a much larger pattern of entrapment and fear. Minimising these behaviours normalises abuse and places victims and children at increased risk of harm.

Myth 2: A one-off action (e.g., a punch in the face) is not serious DV

DV is not defined by frequency. It is defined by intent, impact, and fear. A single violent act can be both traumatic and life-threatening. It also occurs within a broader context of coercive control. Focusing solely on physical acts risks ignoring the other strategies used to control the victim and child victim. Many victims experience years of manipulation, surveillance, and degradation before any physical assault occurs. Some perpetrators do not need to use physical violence as they have achieved control and entrapment of the victim without using physical violence. The incident-based approach to domestic violence gives rise to the entirely unrealistic assumption that between incidents of physical violence, 'normal' family life carries on and victims have decisional autonomy. These beliefs, as Professor Evan Stark explains, 'are demonstrably false in the millions of cases where abuse is unrelenting, volitional space closed, or decisional autonomy is significantly compromised'.

Myth 3: Coercive control is not seriously harmful

Coercive control and stalking are strong risk factors for homicide and/or suicide. Focusing solely on physical violence misses the most dangerous cases - those marked by control, fear, and isolation. The significant harm from coercive control is increasingly being recognised internationally. This has led to several jurisdictions criminalising coercive control (for example, Scotland, England and Wales, Ireland, and several Australian states). The NSW Domestic Violence Death Review Team (2020) found coercive control was present in 99% of intimate partner homicides they reviewed (111 out of 112 cases). Their 2022 report found that in more than a quarter (27.3%) of intimate partner homicides, no physical violence had been previously reported, rising to more than half (54.2%) in homicide-suicides.

Myth 4: Domestic violence is a “private matter”

Framing DV as a private issue enables perpetrators and silences victims. Family violence is a public health and human rights issue, not a private dispute. In the UK, the cost to the state of DV is £85 billion a year. International conventions, including the Hague Convention, must recognise that domestic violence intersects with child safety, migration, and access to justice. Survivors fleeing violence are not “abducting” children - they are protecting them from harm.

Myth 5: In DV situations, the parties should be able to ‘sort it out between themselves’

Expecting survivors to negotiate directly with their abuser ignores the power imbalance at the core of coercive control. Mediation or shared decision-making may retraumatise survivors and place them in ongoing danger. Systems must ensure that any engagement between parties is safe, trauma-informed, and recognises the coercive control used by abusers, including the use of the legal system itself as a tool of continued control.

Myth 6: It’s just a ‘high conflict’ or ‘turbulent’ relationship rather than DV

“High conflict” is often a mislabel for abuse. True conflict implies equal power and agency. In DV, one person holds power over another through fear and control. Labelling coercive control as mutual conflict minimises the abuse, undermines victim credibility, and can lead to dangerous custody and relocation decisions under the Hague Convention. The distinction between “conflict” and “control” is not semantic, it’s life-saving.

Myth 7: Children are not affected by DV

Children are not “witnesses” to DV – they are victims in their own right. Exposure to coercive control affects every domain of a child’s development: their sense of safety, attachment, brain development, and future wellbeing. Many children live in a constant state of hypervigilance, adapting their behaviour to survive in unpredictable environments. An increasing body of research reveals that the most devastating harms to children may arise out of living in coercively controlling household regimes. The trauma does not end when the parent leaves - it continues through ongoing contact, custody disputes, or forced returns under the Hague Convention.

Myth 8: Abusers can be good parents

A person who uses coercive control is not a “good parent.” Their behaviour is an intentional choice which undermines the other parent’s relationship with the child, manipulates the child’s emotions, and creates instability. Parenting cannot be separated from patterns of control and abuse. Numerous studies have found a direct link between DV towards a parent and violence towards the children, perpetrated by the abusive parent. To uphold a child’s right to safety, systems must assess parenting capacity within the context of violence, not in isolation from it. As the Court of Appeal of England and Wales said in the seminal case of *Re L, V, M, H* (2000), ‘domestic violence involves a serious and significant failure in parenting’.

Myth 9: A child’s safety and wellbeing is independent of their primary carer’s safety and wellbeing

A child’s wellbeing is deeply intertwined with their primary caregiver’s safety. When a survivor parent is unsafe, the child is unsafe. Returning a survivor to a violent partner or environment exposes both to ongoing risk. The UN Convention on the Rights of the Child (Article 19) affirms every child’s right to be free from all forms of violence. This includes ensuring the parent who protects them can live free from coercion and fear. A supportive relationship with a caring adult, particularly the non-abusive parent, has been found to be the key protective factor for children, so supporting resident parents who are victim/survivors of domestic violence can be critical for children’s own survival.

Myth 10: Domestic violence stops when the parents separate

Coercive and controlling behaviour by the perpetrator during the relationship is the main predictive factor for post-separation domestic violence. It needs to be recognised, therefore, that return orders can expose adult and child victims to continued and worse domestic violence. Numerous statistics and research studies across a broad range of methodologies and populations reveal that domestic violence can start, continue and increase in severity on and after separation. Women are at greater risk of intimate partner homicide on or after separation, which is one of the key factors leading to the killing of women in intimate relationships.

Myth 11: Victims in child custody proceedings fabricate allegations of domestic violence

The available evidence indicates that false allegations by mothers are very rare. Information disclosed by the UK Metropolitan Police (2022) revealed that in the four-year period from 2018 to 2021 inclusive, less than 0.01% of offences of DV with female victims were flagged as false.

A report by the Crown Prosecution Service in England and Wales found that in the 17-month review period there were 111,891 prosecutions for domestic violence but only six prosecutions for making false allegations of domestic violence (Crown Prosecution Service, 2013). Australia's National Domestic and Family Violence Bench Book instructs judges that "false denials of true allegations are more common" than false allegations of family violence (Australian Government, Attorney-General's Department, 2023, Para 4.1).

Conclusion

Misunderstanding the nature and impact of coercive control leads to poor decisions within legal frameworks, including under the 1980 Hague Convention. When myths drive practice, survivors are retraumatised, and children are returned to harm.

To ensure justice and uphold human rights, we must:

- Recognise **coercive control** as the overarching dynamic of family violence.
- Ensure **domestic violence is fully considered** in Hague Convention return applications.
- Prioritise **child safety and primary caregiver safety** as inseparable.
- Reform processes to **prevent retraumatisation** and **ensure survivor voices** are heard.

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