
research article

Protecting children from coercive control: a case for denying return under the Hague Abduction Convention

Jeffrey L. Edleson ^{ID}, jedleson@berkeley.edu
University of California, Berkeley, USA

Emma Katz ^{ID}, emma.katz@edgehill.ac.uk
Edge Hill University, UK

Domestic abuse definitions have broadened from physical violence to include coercive control, a pattern of behavior that includes threats, stalking, psychological abuse, economic abuse, sexual coercion, isolation and denying autonomy. This shift parallels rising international parental child abduction cases, especially mothers and children escaping abuse. The 1980 Hague Convention on international child abduction mandates rapid cross-border child return yet allows exceptions when return creates grave harm or intolerable conditions for the child. We argue courts should refuse return orders upon finding evidence of coercive control, since such abusive behavior fundamentally endangers children's psychological and physical wellbeing and exposes them to intolerable situations.

Keywords child maltreatment • coercive control • Hague Abduction Convention • international child abduction

Key messages

- Definitions of domestic abuse now includes coercive control, stalking, and psychological harm.
- The 1980 Hague Convention mandates child returns but allows for 'grave harm' exceptions.
- Coercive control creates intolerable situations that endanger a child's wellbeing.
- Courts should refuse return orders if evidence of coercive control is found.

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Imagine two parents living in different countries after a separation. One parent takes their child across borders without getting permission from the other parent – this challenging scenario is exactly what the 1980 Hague Convention on the Civil Aspects of International Child Abduction was created to address. The Convention ([Hague Conference on Private International Law, 1980](#)) is a treaty that helps courts around the globe figure out what to do in these complex situations. Its main purpose is to create a clear process for potentially returning children to the country from which

they were taken. Over 100 countries are now parties to the Convention and the number of Hague petitions served has steadily increased globally. In 2021, 2,771 children were involved in 2,180 Hague petitions for return issued around the world. Seventy-five percent of the taking parents were mothers and 94 percent of these mothers were the primary or joint primary caregiver to their children (Lowe and Stephens, 2023). The highest number of Hague petitions for return of children were filed in the United States, England and Wales, but petitions were filed worldwide from North and South America, to Europe, Africa, Russia, the Far East, Australia and New Zealand (Lowe and Stephens, 2023).

The authors of the Convention considered situations in which children should not be returned and created several exceptions to returning children. In 1980, despite a growing women's movement that was developing women's refuges, the drafters of the Convention apparently did not consider domestic abuse as an exception to return (Alvares, 2024). The Convention's authors did include Article 13(1)(b), incorporating a crucial exception to return that essentially acts as a safety valve – it recognizes that while returning a child to their home country might seem like the right thing to do in principle, there are times when return is not in the true interests of protecting a child (Pérez-Vera, 1981).

The second sentence in the opening paragraph of the Convention states that signatories are '[f]irmly convinced that the interest of children are of paramount importance in matters relating to their custody' (p 1). Later, under Article 13(1)(b), courts have the power to keep a child in their current country if 'there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation' (p 3). To understand the significance of this provision and other exceptions to return, imagine them as protective shields. For example, even if all other factors point toward returning the child, Article 13(1)(b) allows courts to prioritize the child's safety and wellbeing, as the opening paragraph of the Convention seeks.

When the Hague Convention was first drafted, legal experts approached its exceptions to return with extreme caution. Elisa Pérez-Vera, a distinguished Spanish jurist who served as the Convention's official rapporteur, was particularly influential in shaping this restrictive interpretation. In her comprehensive Explanatory Report (Pérez-Vera, 1981), she warned that a broad application of the Convention's exceptions – particularly Article 13(1)(b) – could fundamentally undermine the entire legal framework.

Pérez-Vera's concern was rooted in the belief that if countries routinely used the exceptions to block child returns, the Convention's primary purpose would collapse. Her precise language emphasized that these exceptions should be 'interpreted in a restrictive fashion' (1981: 434), essentially creating a high legal threshold for their application. More famously, judges have expressed a concern that permitting retention by the taking parent may drive 'a coach and four' horses through the Convention, thus making it ineffective (Reddaway and Keating, 1997). Pérez-Vera's (1981) influential report effectively guided courts to view the exceptions as rare events rather than commonplace ones.

As a result, international jurists have traditionally interpreted the Convention's exceptions very narrowly (Lindhorst and Edleson, 2012). Courts typically require substantial, compelling evidence that a child's return would create severe risks, a standard deliberately designed to make exception-based refusals difficult to obtain.

Jurists have most often found that physical harm but not psychological harm to the child meets this exception to return (see [Vesneski et al, 2011](#); [Lindhorst and Edleson, 2012](#); [Edleson et al, 2023](#)). This approach reflects the Convention's core philosophy: prioritizing the return of children to a location where child custody determinations may be made ([Silberman, 2006](#)).

In the decades following the Convention's creation and Pérez-Vera's report, society's understanding of domestic abuse has evolved dramatically, accompanied by expanded legislation and intervention programmes. This evolution has prompted experts to reassess what constitutes exposure to a 'grave risk of harm' and 'an intolerable situation' under the Convention's framework ([Weiner, 2021](#)). The Hague's Permanent Bureau has also, in recent years, begun to more closely examine how domestic abuse should be treated under the Convention's Article 13(1)(b) exception (see [Hague Conference on Private International Law, 2011](#); 2020; 2024; [Freeman and Private International Law, 2017](#)).

This article examines the shifting landscape through a lens of coercive control – a pattern of behavior where, in most cases, a male partner systematically diminishes a mother's or child's autonomy and erodes their freedom through threats, stalking, psychological and emotional abuse, economic abuse, isolation, using systems (for example, the legal system) and, in some cases, through physical and sexual violence ([Lehmann et al, 2012](#); [Gutowski and Goodman, 2023](#)).

By analyzing how modern definitions of domestic abuse have grown to encompass these extremely harmful behaviors, we can better understand their profound impact on children's and mothers' wellbeing. Our analysis will demonstrate that coercive control, whether aimed at the child directly, or the child's mother, can create precisely the type of grave risk or intolerable situation that Article 13(1)(b) was designed to prevent. Building on this foundation, we advance the position that courts should interpret Article 13(1)(b) to justify denying a child's return when there is sufficient evidence that a left-behind father has engaged in coercive controlling behaviors against a child or mother.

Evolving definitions of domestic abuse

The understanding of domestic abuse as a social problem has undergone significant transformation since it first gained recognition. In its earliest legal formulation, domestic abuse was, in many jurisdictions, narrowly defined as incidents of physical violence occurring specifically between married spouses, most often by a husband against a wife. Limited definitions excluded many victims, as they failed to recognize abuse in other types of intimate relationships, such as co-habiting couples and dating or same-sex relationships outside of marriage.

As society's awareness grew, legislatures progressively broadened their legal frameworks to acknowledge abuse across a spectrum of intimate relationships, both formal and informal. The definition of abusive behavior itself also expanded. While physical violence against women remained a central concern, lawmakers began to recognize that abuse often manifests through other harmful behaviors, particularly threats of violence. Subsequently, understandings of domestic abuse grew to encompass harassment and stalking as forms of abuse, reflecting a deeper appreciation for how abusive men exercise control over their female and child victims ([Roberts, 2005](#); [Cox and Speziale, 2009](#)).

Our understanding of domestic abuse has undergone further profound transformations, largely driven by pioneering research that reveals abuse as a sophisticated system of control rather than a series of isolated violent incidents. Researchers such as [Evan Stark \(2007; 2023a; 2023b\)](#), [Mary Ann Dutton and Lisa Goodman \(2005\)](#), and [Emma Katz \(2016; 2022\)](#) have been instrumental in shifting this paradigm, illuminating the complex mechanisms of coercive control through which abusive men maintain power.

The gendered nature of coercive control

[Stark \(2012\)](#) argues that coercive control is embedded in long-standing gender inequalities and male privilege. He states that coercive control is committed when

primarily male offenders exploit persistent sexual inequalities in the economy and in how roles and responsibilities are designated in the home and community to establish a formal regime of domination/subordination behind which they can protect and extend their privileged access to money, sex, leisure time, domestic service, and other benefits. ([Stark, 2012: 206](#))

[Crossman and Hardesty \(2018\)](#) elaborate further that domestic abuse includes ‘a pervasive pattern of coercive control tactics, such as isolation and intimidation, used to create a foundation for one partner to exert and maintain power over another partner’ ([2018: 196](#)). This approach recognizes that physical violence is often just one element in a broader strategy of gender privilege, psychological manipulation and control. Imagine abuse not as occasional eruptions of violence, but as a constructed system of oppression that can include, among other perverse tactics, emotional manipulation, financial control, isolation from support networks and systematic intimidation – including using court actions to intimidate female partners.

The gendered nature of coercive control can be seen in conviction statistics for controlling and coercive behavior in England and Wales, where 97 percent of people convicted are male ([Women’s Aid, 2021](#)). That women are the vast majority of coercive control victims also clearly emerged in results from the annual Crime Survey for England and Wales (CSEW). [Myhill’s \(2015\)](#) analysis of the CSEW data found that 843 or almost a quarter (24 percent) of reported domestic abuse could be classified as coercive control. Of those reporting coercive control, 93 percent were women.

Coercive control may or may not include the male abuser using physical violence. [Nevala’s \(2017\)](#) analysis of data from a 28-country European Union survey found that it is common for women to experience ‘high intensity control’ but no physical violence from a male partner. The varied examples of high intensity control included isolation and economic abuse (preventing the woman from seeing friends or working outside the home), actual or threatened harms to her children, and threats to take away the woman’s children ([Nevala, 2017](#)). Results indicated that 45 percent of the women who were experiencing high intensity control from their current male partners were *not* being physically attacked by that partner while the other 55 percent of women experiencing high intensity control *were* also being physically attacked by their male partners.

A coercive control framework suggests that what motivates highly controlling male partners is their drive to maintain power and domination over their partner.

Some men may perceive severe threats and coercion to be sufficient to maintain their domination, whereas others may calculate that physical violence must be used alongside non-violent tactics to maintain power (Crossman et al, 2016; Katz, 2022; Stark, 2023a). It is therefore important that the 45 percent of victims experiencing high intensity control without the perpetrator resorting to physical violence tactics are not dismissed and are recognized as victims of what is still severe abuse.

Coercive control included in domestic abuse legislation

This evolving understanding of domestic abuse has catalyzed significant legal reforms across multiple jurisdictions. The Council of Europe's 2011 Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) covers 46 nations and defines domestic violence as including psychological abuse (Council of Europe, 2021). In that same year, the Hague's Permanent Bureau published a reflection paper that discussed how definitions were changing to include the concept of coercive control (Hague Conference on Private International Law, 2011).

England and Wales emerged as a global pioneer in 2015 by criminalizing coercive control – a groundbreaking step that transformed domestic abuse from purely an incident of physical violence to a more comprehensive phenomenon based on an abusive course of conduct (UK Home Office, 2015; Stark and Hester, 2019). Other nations, provinces and states quickly followed suit, recognizing the profound psychological harm inherent in these control mechanisms. These included Scotland and Ireland as well as states in Australia and the United States.

Canada also provides a compelling example of this legal evolution. In 2021, the country revised its Divorce Act to explicitly include coercive control within its definition of family violence (Nonomura and Baker, 2022). In the United States, the Department of Justice's Office of Violence Against Women has similarly expanded its framework, acknowledging that domestic abuse encompasses much more than physical violence (Office on Violence Against Women, nd). By 2021, at least ten US states enacted legislation on coercive control, with most including it as a form of domestic abuse (National Conference of State Legislatures, 2022).

These legal and scholarly developments represent more than terminological shifts – they reflect a deeper and more accurate understanding of how power operates in abusive relationships. By recognizing coercive control, we move from viewing abuse as isolated violent incidents to understanding it as a systematic pattern of behavior designed to strip away women's and children's autonomy and sense of self.

The impact of coercive control on children

Katz's (2016; 2022) writings on coercive control challenge our traditional focus on discrete violent incidents. She argues that defining abuse with this narrow lens 'disregards the fact that coercive control perpetrators use many other abusive tactics besides violence – including emotional/psychological abuse, monitoring and microregulation, isolation, and economic abuse ... victim/survivors of coercive control are therefore being constantly abused, even if there has not been an incident of violence for months, or ever' (Katz, 2022: 2). This insight fundamentally

reshapes our understanding of the risks and harms that women and children face in abusive situations.

Katz (2022) further suggests the concept of ‘credible threat’ is a psychological mechanism through which abusive men maintain control. This threat plays out when an abusive man establishes his capacity for punishment, resulting in mothers and children modifying their behavior to avoid triggering known consequences. This capacity manifests in various ways: for instance, intrusive phone calls to track whereabouts, calculated displays of rage including property destruction or pet abuse, and arbitrary restrictions on activities.

Children's awareness of coercive control

Callaghan and colleagues (2018) also provide revealing insights on the harms that coercive control causes in children from their qualitative study of 21 British children. These children demonstrated awareness of both overt physical violence and subtle patterns of control within their families. One child’s observation that ‘if you touched the newspaper before he read it you were grounded’ (2018: 1560) illustrates how seemingly minor household rules become instruments of control. Their research further revealed that ‘children described the effect of psychological abuse and control in terms of constrained use of space, constrained self-expression, as well as explaining how their relationships were managed’ (Callaghan et al, 2018: 1564). The psychological burden is captured poignantly in one child’s reflection: ‘Is he going to respond in a nice way, or be angry or anything like that? I’d always think ahead of what I was saying’ (Callaghan et al, 2018: 1564).

Callaghan and colleagues’ (2018) findings reveal that children in controlling environments are far from being passive victims or witnesses; instead, they actively developed sophisticated strategies to navigate and defuse potentially volatile situations. These children demonstrated a keen awareness of coercive dynamics and worked to manage them through various coping mechanisms.

The unpredictability of coercive environments

With the abuser having this known capacity for punishment, physical violence does not need to be happening for the child to be exposed to psychological harm or placed in an intolerable situation. An illustrative example is provided by the experience of a child named ‘Bob’ interviewed by Katz (2022). Bob’s father would not allow his mother to be out of their home past four o’clock each afternoon. Bob wasn’t allowed to participate in afterschool activities and couldn’t invite his school friends to his home in fear that his father could become enraged in their presence. Bob couldn’t go to his classmates’ birthday parties because his father would accuse his mother of having an affair with fathers who were at the party. His father wouldn’t let his mother see her own parents, or allow Bob to see his grandparents, claiming they were a bad influence. He told Bob that his mother was a ‘whore’, and, whenever Bob’s mother went shopping, he made her take Bob with her so Bob could report back to him. This was not done covertly. Part of the threat was that Bob’s mother knew she was under surveillance. When Bob was at home, his behavior was highly constrained (‘I didn’t

shout out or run around’), and, when his father would rape his mother during the daytime, he would lock Bob in another room within earshot, leaving Bob banging on the door and trying to get out while the rape took place. After Bob’s mother separated from his father when he was around eight years old, Bob’s father stalked both him and his mother. Bob and his mother were scared to be in their home because they knew Bob’s father was outside watching them. They tried to stay out of their home as much as possible as Bob’s father had threatened to burn it down with both Bob and his mother inside.

The unpredictability inherent in coercive controlling environments can profoundly affect a child’s psychological development. Children’s therapeutic artwork often provides a window into their emotional experience – making drawings that frequently feature representations of instability and danger: delicate eggshells to walk upon, violent volcanic eruptions, explosive pressure in sealed bottles, and threatening storms with thunder and lightning (see [Schechter and Edleson, 2000](#)). These drawings powerfully communicate the constant state of uncertainty these children experience in homes dominated by coercive control.

This persistent unpredictability often leads to heightened anxiety, which can trigger what [Beck and colleagues \(2005\)](#) identify as hypervigilance, defined as ‘constantly scanning the environment for signs of impending disasters or personal harm’ (2005: 31). The implications of hypervigilance are far-reaching. As [Beck and colleagues \(2005\)](#) explain, ‘Such hypervigilance severely limits [a patient’s] ability to focus on specific tasks and reflective thinking. Because the patient “uses up” a large part of [their] cognitive capacity by scanning for threatening stimuli, the amount available for attending to other demands is severely restricted’ (2005: 31).

A hypervigilant state can create what [Kimble and colleagues \(2014\)](#) found in their study of 71 undergraduate participants was a ‘forward feedback loop’ where heightened anxiety leads to misinterpretation of social cues, which in turn generates more anxiety. This cycle can significantly impair a child’s ability to engage in normal developmental tasks, as their cognitive resources become overwhelmingly devoted to monitoring their environment for potential threats rather than learning, playing or developing healthy social relationships.

Child development and coercion

Healthy childhood development hinges on at least three fundamental milestones that shape a child’s future wellbeing: secure attachments, self-regulation and social competence ([Gewirtz and Edleson, 2007](#)). When children grow up in environments dominated by coercive control, these crucial developmental processes may become severely compromised. Consider how a child’s attachment development unfolds in the context of coercive control. As documented by both [Katz \(2022\)](#) and [Callaghan and colleagues \(2018\)](#), when children face an unpredictable and frightening father figure, they often experience heightened anxiety. This persistent state of fear can fundamentally disrupt their capacity to form secure attachments, leading to a cascade of emotional and behavioral challenges that may persist throughout their development ([Egeland and Erickson, 1993](#)).

The impact on self-regulation is equally profound. Children naturally learn emotional and behavioral regulation by observing and internalizing the behaviors modeled by their parents.

When exposed to a parent who exercises coercive control, children witness and may internalize patterns of dysregulation, potentially compromising their own ability to develop healthy self-regulation skills (Gewirtz and Edleson, 2007).

Perhaps most concerning is how a father's coercion can distort a child's social development. Hypervigilance that children develop in response to controlling environments doesn't stay contained within the family home – it spills over into their broader social interactions. As Gewirtz and Edleson (2007) explain, this heightened state of alert can 'fuel aggressive and hostile reactions' (2007: 154) to peers and adults, fundamentally altering how children engage with the social world around them.

Overall, coercive control appears to be a unique factor in adverse child wellbeing outcomes, separate from direct exposure to physical harms and interpersonal violence and psychological abuse more generally. Clearly, an abusive father's behavior may have profound impacts on the child.

Perpetrators' coercive control before and after separation

Research suggests that the level of antagonism shown toward mothers and children by fathers has a connection to whether he is non-violent, physically violent but not coercively controlling, or coercively controlling. Thompson-Walsh and colleagues (2018), in their Canadian study involving 20 men, highlighted the way that separated abusive fathers, unlike non-perpetrating separated fathers, tended to have a destructive co-parenting relationship with the mother. Whereas non-perpetrating fathers had broadly cooperative attitudes toward their former partners, fathers with a history of domestic abuse had a conflictual attitude, blaming mothers for problems that arose in co-parenting and feeling deeply hostile to the mothers in general. This pattern was also observed by Hardesty and colleagues' (2016) American study of 154 divorced mothers, which similarly found that an ex-partner being a coercive controller – over and above whether he was physically violent – was associated with poor co-parenting, harassment by the ex-partner and greater fear among mothers.

This antagonistic behavior toward mothers extends to the children, often rooted in perpetrators' fundamental inability to understand their children's emotional needs and perspectives both before and after separation. A major issue connected to perpetrating fathers' antagonism towards children is their potentially minimal levels of empathy, that is the ability to see situations from children's perspectives. Mohaupt and Selbekk (2024), studying 19 fathers taking part in a Norwegian intimate partner violence intervention program, found that participants had a low ability to 'mentalize' their children, that is, to understand their children's internal mental state and point of view. Fathers had low mentalizing scores on the PDI-R2 and failed to link the problems in their father-child relationship to their use of violence within the family, instead blaming the child for being abnormally emotional or defiant.

A lack of empathy manifests in remarkably similar patterns of coercive control directed at both mothers and children. The coercively controlling behaviors that male perpetrators use against mothers may be similar to those used against their children (Holt, 2015; Katz, 2022). As Harne (2011) sets out:

Children and young people [describe] a catalogue of fathers' cruel and emotionally abusive behavior towards them, such as destroying schoolwork, school reports and toys, harming pets, not allowing children out of the

house, not allowing them to speak to their mothers and not allowing friends to phone or come to the house. Some fathers are shown to deliberately emotionally abuse children and young people, insulting them and humiliating them in a similar way to their mothers. (Harne, 2011: 28)

The impact of this parallel abuse is particularly severe, as demonstrated by Haselschwerdt and colleagues' (2019) research with 25 American college students who had experienced domestic violence between parents during their childhood. They found that children were more harmed in situations that included coercive control than in situations where domestic abuse was perpetrated without coercive control being present in the family. Coercive control-exposed young people

described a family life entrenched in coercion and physical violence; their upbringing was centered on preventing, protecting, and managing the aftermath of violence and abuse [as well as] intervening more frequently, becoming victim during DV, and [personally experiencing] physical child abuse and psychological maltreatment that was severe and frequent in nature. (Haselschwerdt et al, 2019: 1532–1533)

Contrary to common assumptions among legal, criminal justice and social service professionals, domestic abuse does not typically end with separation. The severity and nature of this post-separation abuse appear to correlate directly with the male perpetrator's behavior patterns during the relationship. Research has revealed that domestic abuse often persists and even intensifies after couples separate, manifesting in both extreme cases of lethal violence, as documented extensively by Ellis and colleagues (2015), and ongoing coercive control tactics. Crossman et al (2016) aptly summarized this persistence through their qualitative research, which highlighted that separated mothers face ongoing coercive control such as stalking, threats and harassment. The situation becomes particularly complex when children return to their home country due to successful Hague Convention petitions, leading to the phenomenon of 'stuck mothers': mothers who, as is typical, accompany their children on return to try to protect their children against a violent father, and therefore become vulnerable to further abuse themselves (Lindhorst and Edleson, 2012).

Rather than diminishing after separation, abuse frequently intensifies as abusive men weaponize their children to maintain control over their former partners. Hardesty and colleagues' studies of American mothers found that men's partner-directed violence and control was entwined with post-separation child abuse (Hardesty and Ganong, 2006; Hardesty et al, 2008). By using child maltreatment as a tool to punish the mother, perpetrators showed an inability to adequately compartmentalize their parental role as a father from the hostility they felt towards their former partner (Thompson-Walsh et al, 2018).

Child access and coercive control

This weaponization of children takes multiple forms across different contexts and settings. During father-child visits, abusive fathers often employ various tactics that harm children both directly and indirectly. Holt's (2011) research in Ireland, involving

interviews with 16 children, reported fathers using physical aggression against children during contact visits, as well as distress caused to children during visits by the way their father spoke about their mother, such as by offensive name-calling. At handover points, too, perpetrators harmed children by forcing them to relay upsetting messages to the mother. Children were in some cases very aware of the 'sadness' that this caused to mothers, and this distress resulted in behaviors among the children such as bed-wetting and self-harm. Morrison's (2015) research with 16 mothers and 18 children in Scotland found that children continued to be affected by their father's intimate partner violence during their experience of post-separation contact. The mothers and children (interviewed separately) reported that fathers perpetrated physical violence and emotional abuse against children during contact visits. Arrangements, such as handovers, also provided perpetrators with scope to subject children to abuse against their mothers. Even in highly monitored visitation center sessions, abusive fathers found ways to use their children to convey harmful messages to mothers (see Parker et al, 2008).

The comprehensive nature of this ongoing abuse is starkly illustrated by large-scale studies documenting its prevalence and varied forms. Humphreys and colleagues' (2019) interviews with Australian mothers showed how child abuse was part of coercively controlling fathers' regimes of family control and trauma, often continuing after separation. Of the total of 50 mothers, 45 mothers reported the father carrying out child abuse. This included situations of fear and unpredictability created by the father that involved children together with the mother, for instance fathers driving dangerously when both mother and children were in the car. Overall, the forms of child abuse highlighted by the 50 women included cases of child sexual abuse and child neglect (5 each), child physical abuse (17) and psychological/emotional abuse (31). Children were also impacted by physical and verbal abuse of the mother or other family members, whether by witnessing it (31) or being a direct victim along with the mother (13). One mother recalled being wounded by the father, unable to carry a basket of washing because she could not walk, and her children helping her as she attempted to push it along the floor.

Beyond direct abuse during post-separation contact, perpetrators increasingly use stalking and surveillance tactics that terrorize both children and mothers. Research by Laitinen et al (2024) in Finland and by Dragiewicz and colleagues (2022) in Australia shows coercively controlling fathers subjecting their children to terrifying and distressing campaigns of post-separation stalking. In both studies, children and mothers described fathers making use of visitation time to threaten the children's lives, and to intrusively obtain information from children about mothers' new lives. This surveillance function often becomes institutionalized, with Clements and colleagues' (2022) American research finding that domestically abusive fathers' willingness to use children as tools of abuse continued post-separation. A great majority of the 292 victim-survivor mothers in their study reported that their children were still being used by the father to keep track of her (72 percent) and stay in her life (76 percent) as a means of intimidating, harassing and frightening her.

Disrupting mother-child bonds

The cumulative impact of these various forms of ongoing abuse on children's wellbeing is severe and well-documented. Most immediately, the bonds between a mother and

child may be disrupted by an abusive father (Gewirtz and Edleson, 2007; Katz, 2022; Stark, 2023b). In addition, abuse of mothers and children are intricately intertwined. For example, Mbilinyi and her colleagues (2007) have shown that 79 percent of the abused mothers in their four-city telephone survey (n=111) reported abusive partners used their children as a tool or pawn to indirectly harm the mother. In addition, 71 percent of these mothers reported their abusive partner hurt them as punishment for their children's acts. More than one in five mothers (22.5 percent) also reported that the perpetrator made her children watch him hit or sexually assault her, and 55 percent reported that perpetrators blamed them for his own excessive punishment of the children.

Several research studies have also explored the negative consequences for children of continuing contact with their abusive fathers after separation. Interviews conducted by Holt (2015), Harrison (2008) and Morrison (2015) have shown the high levels of sadness, helplessness and anxiety felt by children who have experienced their perpetrating fathers denigrating their mothers in front of them during contact visits. Jouriles and colleagues' (2016) American study with mothers who had recently left a domestic violence shelter found that conduct problems among female children were associated with children's contact with the perpetrator, leading the authors to suggest that reduced contact with the perpetrator may be protective for children. In addition, Thiara and Harrison (2016) report that mothers and children are severely impacted by children's contact with their perpetrating fathers, with their assessment based on studies of child outcomes describing contact as having 'serious implications for [their] health and development' (2016: 2).

In contrast to the documented harms of continued contact with abusive fathers, research consistently demonstrates the positive outcomes when children can cease contact with them. Research has indicated the positive consequences of not having contact, with Lapierre et al (2022) interviewing 59 children in their Canadian study, most of whom had broken contact with the perpetrator, and largely finding that these children were pleased to have done so. These children generally felt that their father was not going to change, and therefore that not having contact improved their security and happiness. Similar results were found by Tutty et al (2025), who gathered the views of 99 mothers who had separated from violent men about the impacts on their children who had ceased contact with their fathers. The authors found that the most common view was that the child was happy, with mothers' responses including 'Now that he is gone, they seem happy. They don't seem to want a connection with him' (Tutty et al, 2025: 1159). No contact was also reported as beneficial for most of the 15 families in Katz's (2022) study. Most of the children were no longer having contact with the perpetrator, and were recovering, healing and thriving. One of the children stated that stopping contact allowed her to 'just be, I suppose, me again, because before I had really low confidence' (Katz, 2022: 331).

Legal strategies to extend coercive control

An abusive father's efforts at coercive control are likely to take place not only in the home environment but also in the use of formal systems – including courts – to extend coercive control of the other parent and children. The strategic misuse of legal systems as an instrument of control represents a particularly insidious form of abuse. James-Hanman and Holt (2021) state, '[d]espite research evidence and improved professional

acumen regarding the risk to children and mothers of ongoing and escalating abuse post-separation, the international practice of the presumption of contact continue to trump this empirical evidence in the overwhelming majority of cases' (2021: 992). Over two decades ago, [Jaffe et al \(2003\)](#) identified the many ways custody disputes are used by abusive men as a strategy to gain power and control over their former female partners. They describe efforts that include abusive men's higher rates of disputing and gaining custody of children as well as using visitation exchanges to gain access to their abuse victims. [Parker and her colleagues \(2008\)](#) went further in describing how abusive fathers manipulate court-ordered supervised visitations to track and harass their children's mothers. [Miller and Smolter \(2011\)](#) and others ([Nonomura et al, 2023](#)) have termed this phenomenon 'paper abuse', 'litigation abuse' or 'procedural stalking', recognizing how abusers can utilize court proceedings to maintain control over their former partners.

To better understand this phenomenon, [Gutowski and Goodman \(2023\)](#) developed a 14-item Legal Abuse Scale by surveying 222 mothers who had been engaged in domestic violence proceedings in family courts. The empirical factors that emerged from abused mothers reinforced what had been found previously. Mothers' responses focused on two major areas of legal abuse by former partners: (1) 'Harm to Self/Motherhood' focused on how abusive men used court proceedings to further harm mothers; and (2) 'Harm to Finances' focused on how these proceedings were used to harm the mothers' finances.

[Weiner \(2021\)](#) extends this understanding further, suggesting that Hague Convention petitions may also serve as vehicles for continuing coercive control across international borders. [Lindhorst and Edleson \(2012\)](#) document this abusive strategy in their study of Hague Convention cases, finding that the timelines and costs of these cases often favored abusive fathers who filed the Hague petition. First, fathers and their attorneys chose when and in which court to file a petition, often surprising the mother and her children. Fathers also often had free legal representation organized by the US government department tasked with implementing the Hague Convention. This put mothers at a distinct disadvantage given the short timelines in many Hague cases, needing to quickly find representation and then gather and translate documentation of abuse from the country they fled. Responding to petitions was often very expensive and drained the mothers of available resources. This body of research reveals how abusive partners can exploit legal processes designed to protect children's interests and extend it across international borders, transforming Hague petitions into tools for continuing coercive control and harassment.

One note of caution has been sounded by [Barlow and Walklate \(2025\)](#) as they point to the long history of misidentifying victims and perpetrators of violence, especially among marginalized populations. They point out how abusive men in their study manipulated law enforcement to misidentify their victims as the perpetrators, including in cases of coercive control. As we criminalize coercive control, Barlow and Walklate argue that we must pay close attention how legal systems may end up penalizing victims.

Conclusion: Coercive control should be considered a valid defence under Article 13(1)(b)

To summarize, domestic abuse definitions have broadened over recent decades from physical violence to include coercive control. Multiple jurisdictions, including England,

Wales, Scotland, Ireland, Canada, and portions of the United States and Australia, have already codified coercive control within their legal frameworks of domestic abuse. Notably, coercive control may or may not include the male abuser using physical violence, and, via coercive control, there can be constant abuse even if there has not been an incident of physical violence. This is because coercive control includes perpetrators using a wide variety of tactics such as emotional/psychological abuse, monitoring and microregulation, isolation, and economic abuse. Moreover, underpinning it all, coercive control perpetrators characteristically establish a psychological ‘credible threat’ in relation to these actions that makes mothers and children modify their behavior to avoid triggering the known consequences. It has been shown that the unpredictability inherent in this type of environment can profoundly affect a child’s psychological development, leading to heightened anxiety and hypervigilance that spills over from the home into the child’s broader social interactions.

Accordingly, this increased awareness of coercive control allows us to understand that domestic abuse does not typically end with separation. Coercive control often persists and even intensifies afterwards, with multiple dimensions including stalking and surveillance that terrorize both children and mothers, and ultimately, in extreme cases, lethal violence. As part of this intensification, abusive men weaponize children to maintain control over their female ex-partner across different contexts and settings – for example, forcing children to relay upsetting messages to her at handover points – causing distress to children that can result, for example, in bed-wetting and self-harm. We have illustrated the comprehensive nature of ongoing coercive control by numerous studies cited in this article, and its cumulative impact on children’s wellbeing is similarly well-documented.

Post-separation, the strategic misuse of legal systems as an instrument of coercive control represents a particularly insidious form of male perpetrators’ abuse. Hague Convention petitions may serve in this way in continuing coercive control across international borders. Research on Hague Convention cases has shown that their timelines and costs often favor abusive fathers who file petitions, putting mothers at a disadvantage and draining them of available resources. The Hague Convention was designed to protect children’s interests, but it can be exploited by perpetrators to the detriment of vulnerable women and children.

Coercive control therefore operates as a comprehensive strategy that extends beyond direct interpersonal relationships and into legal and institutional systems. Understanding this broader pattern of activity becomes critical for courts evaluating Hague Convention petitions. In this context of gender-based violence, the narrow interpretation of ‘grave risk’ advocated by Pérez-Vera in 1981 has faced mounting challenges from multiple stakeholders, including abuse survivors, advocates, legal professionals, and scholars. Notably, Pérez-Vera herself has recently acknowledged the Convention’s historical blind spots regarding gender-based violence. In a revealing 2024 interview, she admits that ‘gender-based violence was not taken into account ... we had not become aware that it was a phenomenon’ when drafting the Convention (Alvares, 2024).

Pérez-Vera’s evolving perspective becomes even more evident when she suggests a contemporary reinterpretation of the Convention: ‘I believe that, almost 50 years later, we need to reinterpret the letter of the Convention in light of the new social realities in which it has to be applied.’ She specifically emphasizes the relevance of domestic abuse in judicial decision-making, stating:

I insist that, from the point of view of interpreting Article 13, domestic violence, gender violence should be a factor to be taken into consideration both by the judges in the State of refuge, who have to decide whether or not to return the child, and by the judge who naturally, according to the Convention, would have to decide on the custody relationship. (Alvares, 2024)

Article 13(1)(b)'s explicit reference to *exposure* to grave psychological harm and intolerable situations provides a clear legal foundation for courts to deny child returns in cases involving coercive control (Weiner, 2021). Given our deepened understanding of how coercive control harms children's development and creates inherently intolerable living situations including when parents are living separately, courts applying the Convention must accept that the exceptions are no longer exceptional and incorporate this evolved understanding into their decision-making process.

ORCID IDs

Jeffrey L. Edleson  <https://orcid.org/0000-0003-4962-9443>

Emma Katz  <https://orcid.org/0000-0001-7341-3365>

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Ethical approval was not sought as this was a review of existing literature.

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The authors declare that there is no conflict of interest.

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