
Violence against Mothers and Children through The Hague Convention
CAUSES AND SOLUTIONS

Submission before
Forum on Domestic Violence and the Operation of Article 13(1)(b) of the 1980
Child Abduction Convention

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Submitted by
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Dear Secretary General Bernasconi, First Secretary Philippe Lortie, esteemed members of the Permanent Bureau of The Hague Conference on Private International Law, and all other interested organizations and individuals,

My name is Geerte Frenken, and as the Executive Director and representative of The Mother-Child Human Rights Foundation: Mothers ReVolution it is my honor to be invited to participate in the Forum on Domestic Violence and the Operation of Article 13(1)(b) of the 1980 Child Abduction Convention.

Our nonprofit organization is dedicated to assisting *Protective Mothers*¹ and their children primarily in the United States, as well as those involved in cases related to the Hague Convention on the Civil Aspects of International Child Abduction worldwide (“*The Hague Treaty*”). Since our establishment in 2018, we have received countless requests for help from women and children impacted by Intimate Partner Violence, child abuse, and issues stemming from family court and the Hague Treaty. We provide a comprehensive range of support services, including legal consultations, paralegal assistance, media strategy, trauma counselling, and various forms of advocacy. Based on the thousands of custody cases presented to us, we have observed a disturbing trend of “*Judicial Child Trafficking*,”² where children are transferred from their protective mothers to the custody of abusive fathers, affecting more than 80% of custody cases involving Intimate Partner Violence and child abuse.³

All our Board members, representatives, and volunteers are Protective Mothers who have personally experienced the adverse impacts of The Hague Treaty. Our mission regarding the Hague Treaty is to prevent potential Hague proceedings, address ongoing cases, and rectify unjust post-Hague legal consequences, while also supporting other victim advocacy organizations seeking reform. Operating without funding, we ensure our findings and solutions for Hague Treaty reform remain uncompromised and steadfast.

This Forum on Article 13(1)(b) of the Hague Treaty is both long overdue and critically necessary. We sincerely hope that this Forum will result in the formation of a steering committee with diverse and inclusive representation of “*Hagued Mothers*” in order to arrive at solutions based on real-life experiences. We believe that together we can work towards fair and just international legislative reform that effectively prevents, deters, and punishes gender-based violence and child abuse comprehensively.

We are grateful for the opportunity to present our organization's findings and recommendations for immediate reform.

FINDINGS:

Our research reveals that Intimate Partner Violence encompasses an extensive range of abusive actions that occur within a current or former intimate relationship, including coercive control and various forms of physical, sexual, psychological, financial, and legal abuse and aggression.

It should not be isolated from the broader context of child abuse. Any form of child abuse is intricately and inseparably linked to the abuse endured by the mother, and vice versa.

Survivors of Intimate Partner Violence, already grappling with Post-Traumatic Stress *Injury*⁴, often face a harsh reality when leaving abusive relationships in the search of safety for themselves and their children. Instead of encountering a legal system that protects them, they enter a world wherein the family courts, child protective services and law enforcement systems more often than not, facilitate the perpetrators' Post-Separation Abuse, leading to increased violence and even murder.⁵ The agenda and foundation of the existing legal system remains fundamentally patriarchal in nature, entitling abusive fathers to custody of their children while disregarding the rights of mothers and children to be safe from violence and murder.

The phenomenon of Judicial Child Trafficking typically unfolds in approximately 8 stages as set forth as follows. These stages involve a series of systemic failures and injustices that perpetuate the cycle of abuse and violence against mothers and children. Our aim is to shed light on these injustices and advocate for a comprehensive legislative reform that effectively prevents, deters and punishes gender-based violence and child abuse.

1. **Encouraging Shared Custody:** Regardless of a prior history of Intimate Partner Violence and/or child abuse, upon separation or divorce, the family courts typically encourage abusive fathers to continue to have parenting time of the children, thereby requiring mothers to co-parent with their abusers. Abusive, vengeful fathers then utilize this shared custody scenario to further exploit their coercive control of the mothers and abuse of the children.⁶
2. **DARVO:** When a child discloses abuse to their mother, and she reports it to law enforcement, social workers, and/or attorneys, the abusive father gaslights judicial officers by “*Denying, Attacking, and Reversing Victim and Offender*” (DARVO)⁷; claiming mother is “crazy,” and “alienating” the child from him. He then proceeds to weaponize the child against her through motioning the court for sole custody.
3. **Biased Custody Evaluations:** Subsequently, family court judges often base their custody decisions on the results of forced “*Custody Evaluations*.” Appointed evaluators are known to use unscrupulous tactics and inappropriate psychological testing methods (such as the MMPI test which is entirely unsuitable for victims of Intimate Partner Violence⁸) to discredit mother’s credible reports of Intimate Partner Violence and abuse. Based purely on opinion, their biased reports claim mother is lying and coaching the child because of animosity towards father.⁹ She is “*mentally unstable*” because she suffers from “*parental alienation syndrome*,” engages in “*pathological attachment*,” “*enmeshed parenting*,” “*gatekeeping*,” “*implacable hostility*,” “*psychological splitting*,” and other such nonscientific psychobabble. Consequently, custody of the child is transferred from the Protective Mother to the abusive father.
4. **Forced Custody Transfer:** The resulting custody transfer usually occurs without warning, through ex-parte orders and sometimes forcefully: children are jumped by police, SWAT teams and social workers¹⁰ usually without a warrant. Many of them are detained in reunification camps where they are “*deprogrammed*” through “*threat therapy*” to believe their mothers are mentally ill and dangerous, and to trauma-bond with their abusive fathers.¹¹ If mothers are permitted to maintain contact with their children, it is often supervised.

5. **Reinforcing Abuse:** Visitation regimes reinforce the perpetrators' brainwashing of the children to believe their mothers are unfit parents, consequently compounding existing abuse and increasing the possibility of intergenerational impact.¹² The Centers for Disease Control and Prevention concludes that the resulting Adverse Childhood Experiences are the number one cause of death in survivors.¹³ Mothers alleged to be the perpetrators of parental alienation have now in fact become the safe parents who are forcefully estranged from their children.
6. **Financial Punishment:** Family courts further punish mothers for protecting their children by ordering her to pay for the father's abduction of her children through their courts, as well as the father's subsequent continued abuse of her children, and, consequently, of the mother herself. Failure to pay child support, fees for both parties' attorneys, parenting coordinators, guardian ad litem, therapists, supervised visitation providers and other court-appointed personnel results in loss of visitation, garnished wages, property liens and jail time. Meanwhile, courts facilitate the perpetrators' continued torture of the mothers through endless court proceedings, leading in almost all cases to bankruptcy. All the while, judicial officers and court-appointed professionals profit from this "*Legal Abuse*,"¹⁴ knowing full well she will never surrender. Judicial officers paid off by abusive fathers, a.k.a. "*fathers' rights guns*," scheme to launder their illicit proceeds through, what they coin themselves as, their "*Kids for Cash LLC*".¹⁵ Protective Mothers who resist or blow the whistle are routinely gagged and jailed.¹⁶
7. **Compounded Trauma:** Through combining factors of destruction of their motherhood, financial devastation, criminal prosecution and homelessness, the mothers' Post-Traumatic Stress Injury is compounded and erodes their ability to function, destroys their livelihood and careers, causes illness, and ostracizes them from society. The intent of this nefarious scheme can be deemed "*Attempted Murder by Proxy*," since it takes on the same hideous forms of torture, terror, pillage, and murder as any conventional war. The resulting daily onslaught of fatalities is staggering.¹⁷ According to the United Nations at least five women and girls are killed every hour by their (ex) husbands, partners, and fathers and this "alarmingly high number is most likely much higher."¹⁸ Within the United States alone, at least one child is killed every six days due to family court rulings.¹⁹ Experts have concluded that the systemic Human Rights violations intentionally perpetrated by the family courts meet all the criteria of "*industrial genocide*."²⁰
8. **Patriarchal Agenda:** Rooted firmly in a centuries-old patriarchal culture, this 21st century judicial "*Mommicide*" agenda originated when discriminatory federal fatherhood funding and legislation²¹ birthed the Association of Family and Conciliation Courts (AFCC) in The United States of America.²² Their diabolical agenda has metastasized worldwide,²³ destroying generations in its wake, and leaving a shameful stain on Humanity, as Human Rights of mothers and children remain non-existent.

Expat and immigrant Protective Mothers, driven by the moral, ethical, and biological imperative to ensure the Safety and Survival of their children and themselves, cannot comply with torturous court orders that places their lives at risk. They are left no other choice but to return to their country of origin to seek refuge and support.

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THE HAGUE TREATY

The Hague Convention on the Civil Aspects of International Child Abduction, originally drafted in the 1980s, stands as a testament to its inherent obsolescence in the context of the contemporary global society.

In today's interconnected "*Global Village*," that transcends geographical borders, each member of the traditional family unit, comprising the father, mother, and child, may possess distinct nationalities. Furthermore, these parents may find themselves compelled to engage in frequent international travel due to their employment obligations, necessitating homeschooling of the child as they go. In light of these increasingly prevalent scenarios, in which jurisdictional decisions cannot even be made, determinations stemming from legal proceedings under the Hague Treaty exhibit a profound inadequacy. The resulting determinations often culminate in the inadvertent confinement of parents and children to particular geographical locations, effectively trapping them in an archaic context.

However, far more alarming than such antiquated implications on general international families are the devastating consequences of the Hague Treaty on mothers and children who are victims of Intimate Partner Violence and child abuse. The majority of cases adjudicated under the Hague Treaty are initiated by abusive fathers against Protective Mothers: the Special Rapporteur on Violence Against Women and Girls, Raheem Alsalem, concluded in her 2023 report to the Human Rights Council that approximately 75% of all Hague Treaty cases involve legal actions directed at mothers who are seeking to return to their home countries with their children to flee from domestic violence or to seek to protect their children from abuse.²⁴

"*Fathers' Rights*" organizations, identified to hold patriarchal values and extremist beliefs similar to those held by white supremacist groups,²⁵ advise and support their members on how to exploit the Hague Treaty against the mothers of their children. They are known to employ deceptive tactics to coerce mothers into agreeing to their return with the children, only to subsequently accuse her of child abduction. They have weaponized the Hague Treaty to strip her of custodial and parental rights and to subject her to years of criminal proceedings in a foreign country. They are fully aware that Hague Treaty proceedings focus solely on determining the children's habitual residence to establish jurisdiction, without considering Intimate Partner Violence and child abuse, and that in almost all cases this strategy results in the return orders and deportation of children to their jurisdiction. Meanwhile they wield the ultimate act of revenge against the mothers by excluding their return of the mothers through (threat of) initiation of criminal proceedings, consequently terminating the Mother-Child bond.²⁶

After all, most courts handling Hague Treaty cases completely disregard reports of Intimate Partner Violence and child abuse, or bypass the critical "*grave risk*" factor outlined in Article 13(1)(b) by opting for ineffective "*ameliorative measures*" upon the child's return to the father's country. Another loophole exploited is the reliance on parental agreements, known as "*undertakings*," made during Hague proceedings. These measures are rarely enforced or respected once the child returns to the father's jurisdiction, thus exposing victims to prolonged or heightened levels of abuse, torture, and even fatal consequences. This causes a substantial number of Haged Mothers to find themselves geographically "*stuck*," in foreign legal systems, cultures, and languages, enduring ongoing abuse with limited options for recourse.

Most Haged Mothers, however, are unable to return with their children due to risk of criminal prosecution, immigration restrictions, financial hardship, continued post-separation abuse and judicial bias in father's home country. Haged or not, alongside the pervasive anxiety caused by the far-reaching influence of the Hague Treaty's global dragnet, Protective Mothers are obliged to remain perpetually vigilant in guarding against the existence of unscrupulous organizations consisting of mercenaries and former military personnel. These rogue groups engage in the abduction of children from Protective Mothers and transfer them to abusive fathers located in different countries in exchange for enormous financial gains. Alarming, these nefarious organizations have candidly confessed to us that local law enforcement agencies willingly overlook their international child trafficking activities, purportedly because there is a widely held perception that "*the Hague Treaty is ineffective.*"²⁷ On the contrary, most abusive fathers are known to receive effective support from local law enforcement authorities and organisations such as Interpol and the American National Center for Missing and Exploited Children to track and hunt mothers and children down like wild game. In some cases, Haged Mothers and their children are jumped by SWAT teams while on their way to school, held at gunpoint and forcibly separated through a conspicuous display of force. Subsequently, the mother is apprehended, preventing her from contesting the deportation of her children.²⁸ Abusive fathers around the globe exploit the Hague Treaty to intentionally sever the maternal-child bond, and have successfully transformed the treaty into a weapon that can only be described as a "*Fathers' Rights Deportation Treaty.*"

Once placed in the complete custody of their abusive fathers, the "*Haged Children*" not only endure ongoing abuse, but also face possible permanent separation from their mothers, their maternal families, as well as their own cultural heritage and language. Tragically, these children are exposed to the most severe forms of "*Adverse Childhood Experiences*" (ACEs), which can lead to lasting and profound trauma. In a substantial majority of these cases, they undergo many years of systematic manipulation, wherein their abusive fathers exploit Hague Treaty orders and subsequent local court decisions to convince them that their mothers are "*mentally unstable*" and "*dangerous child abductors,*" fostering such resentment and fear that most of these children undergo profound personality distortions and indefinitely refuse contact with their mothers and maternal families.

Our research has revealed that children are ill-equipped to comprehend or resist the profound and lasting effects of continuous indoctrination due to their limited psychological maturity and natural tendency to trust authoritative figures, such as their parents and the judicial system. According to the Centers of Disease Control and Prevention, the Adverse Childhood Experiences that Haged Children experience as a result of childhood abuse and maternal deprivation encompasses a broad spectrum of negative outcomes on their development, including but not limited to depression, anxiety, self-destructive behaviors, substance abuse, promiscuity, involvement in criminal activities, distorted self-perceptions, vulnerability to future victimization and perpetration of violence, chronic illnesses, unfavorable alterations in brain development, and even suicide. These detrimental consequences often continue into adulthood and have been identified as the leading causes of their mortality in adulthood.²⁹

Examples of devastating outcomes resulting from Hague Treaty decisions are accessible in our Hague Cases database on our website and illustrate how these rulings diametrically oppose the principles of gender equality, women's empowerment, and sustainability.³⁰

RECOMMENDATIONS FOR REFORM:

The following includes our recommendations for Reform of the Hague Treaty:

1. Identified Perpetrators of Intimate Partner Violence and child abuse shall be prohibited from filing Hague applications. All Hague applications made by identified Perpetrators charged with crimes involving Intimate Partner Violence and child abuse shall be promptly dismissed.
2. Cases in which Intimate Partner Violence and/or child abuse is alleged must undergo a thorough adjudication process based on their merits as a fundamental threshold matter. Any determinations concerning deportation or return orders can be made only upon its conclusions. It's vital to recognize that Intimate Partner Violence and child abuse are closely intertwined issues and shall not be treated as distinct matters within the adjudication process.
3. Upon the initiation of any legal proceedings under the Hague Treaty involving potential instances of Intimate Partner Violence and /or child abuse, an automatic stay of custody proceedings must be issued. A comprehensive assessment must be conducted by a multi-disciplinary team of experts and trained justices. This team should comprise medical doctors, psychologists with expertise in Intimate Partner Violence and child abuse, as well as advocates for Intimate Partner Violence and child abuse victims, and this assessment should span a minimum period of six months. Confirmation of Intimate Partner Violence and child abuse findings in assessment reports should automatically trigger the implementation of Article 13(1)(b) in the subsequent return proceedings, exempting victims from orders requiring their return to the perpetrator's country.
4. This multi-disciplinary panel should also assess whether a child has reached an age and level of maturity where their opinions should be taken into account and their findings must be incorporated into the court's findings.
5. If Hague proceedings proceed beyond initial measures and it is subsequently revealed during said proceedings that instances of Intimate Partner Violence and child abuse have in fact occurred, and it is established that the country where the abuse took place either failed to protect the victims or has a consistent pattern of failing to protect such victims, then these findings shall automatically trigger the implementation of Article 13(1)(b) and those victims shall not be subject to orders requiring their return to that country.
6. Replace the "*Habitual Residence*" factor with the "*Habitual Parent*" factor, ensuring global jurisdiction for minors.
7. All Hague Convention proceedings must be conducted exclusively in English, and any orders issued shall be enforceable worldwide.
8. All Hague Treaty court proceedings should adhere to the uniform rules of evidence, and video recorded to preserve an accurate record.
9. Abolish the existing standard protocol allowing discretionary judicial implementation of ameliorative measures and/or undertakings when considering the grave risk factor in Article 13(1)(b).
10. Prohibit the use of force by law enforcement to separate children from their parents.
11. Establish an Autonomous Oversight Committee, comprising experts in law, psychology, and advocacy for Intimate Partner Violence and child abuse victims. The primary mandate of this committee should be to ensure the effective enforcement of the Hague Treaty among ratifying nations.

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12. Prohibit rogue mercenary child trafficking organizations, with offenders subject to criminal prosecution.
13. Provide victims of Intimate Partner Violence and child abuse with permanent international protection orders, protective living conditions, including the option for a change of identities, as a means of ensuring their safety and well-being. The names of individuals identified as offenders of Intimate Partner Violence and child abuse as well as permanent international protection orders against them must be registered at all customs offices, borders, embassies and consulates. Identified perpetrators, upon crossing international borders, should be subject to prosecution for their crimes, with local law enforcement agencies providing immediate protection to the victims during such legal proceedings.
14. Convicted Intimate Partner Violence and child abuse offenders should be promptly deported and barred from re-entering the country where the victims reside.
15. Hague Treaty rulings as well as permanent international protection orders must be officially recognized and entered in the legal systems of all countries involved in order to prevent identified offenders of Intimate Partner Violence and child abuse from attempting to re-litigate matters in local courts.
16. Abolish absolute and quasi-judicial immunity of judicial bodies and court professionals globally.
17. Hague Treaty signatories must adopt a comprehensive Zero-Tolerance Policy addressing Intimate Partner Violence, child abuse, and gender inequality, which must be effectively executed through educational, media, and entertainment channels. Additionally, early intervention measures should be made available to address these issues proactively.
18. The name of the Hague Treaty should be revised to eliminate the term “*Child Abduction*.” This change aims to prevent the criminal prosecution of safe parents and to mitigate the stigmatization they face in courts, embassies, consulates and government agencies, thereby reducing the risk of further legal abuse stemming from potentially erroneous rulings under the Hague Treaty.
19. All parents who are stranded in the other parent’s country due to erroneous rulings under the Hague Treaty shall be granted residency permits, language education, and access to legal aid services specifically designated for “*Hagued Safe parents*” in that country. Local courts shall be directed to prohibit the use of adverse Hague Treaty rulings in subsequent custody proceedings.
20. Maintain a single, internationally accessible database, identifying the petitioner and defendant as mother and father. This database will track rulings related to gender-based violence, child abuse, invocations of Article 13(1)(b), and their outcomes, as well as enable adversely affected Hagued Safe parents to more effectively initiate complaint proceedings with the United Nations and the Organisation of American States.

This concludes our current recommendations for Reform of the Hague Treaty. As we continue to identify new instances of the Hague Treaty functioning in a gender-violent manner, additional recommendations may be added.

Lastly, we propose a series of Remedial Measures for mothers and children who have already been adversely affected by the Hague Treaty, aiming to prevent further instances of self-destruction and death among its numerous victims.

REMEDIAL MEASURES:

1. Our cases shall be reviewed by an Autonomous Oversight Committee, consisting of a multi-disciplinary panel of experts in law and psychology, as well as advocates for victims of Intimate Partner Violence and child abuse. The primary mandate of this committee will be to ensure the proper enforcement of the Hague Treaty in cases involving affected mothers and their children requesting such a review.
2. Upon review by the Autonomous Oversight Committee revealing improper implementation of the Hague Treaty, subsequent local rulings must be immediately issued. Such orders must instruct the removal of children from their identified perpetrators and reunited with their safe parents.
3. If the Autonomous Oversight Committee determines upon review that the Hague Treaty has been improperly implemented, the good name and reputation of the adversely affected parent shall be restored through a formal public apology and the immediate removal of the parent's and their children's names and identifying information from all law enforcement and customs agencies, embassies and consulates, as well as national and international governmental intelligence agencies.
4. In instances where the Autonomous Oversight Committee finds improper implementation of the Hague Treaty, the country in which the erroneous ruling occurred must provide reparations to the victim parents and their children in the form of financial restitution, such as - but not limited to - attorney's fees, legal fees, lost wages, assets and savings, and medical and mental health expenses related to the legal events. Furthermore, these victim parents and their children shall be provided with housing and lifelong therapy and assistance to remedy the damages they have suffered.

We would like to express our gratitude for your valuable time, unwavering attention, and earnest consideration of these critical issues. Our organization seeks inclusion in future meetings, potentially through a steering committee, to collaborate on reforming the Hague Treaty. Our goal is to safeguard the fundamental Human Rights of mothers to provide a Safe and Peaceful environment for raising their children, protect the most vulnerable members of our global society—mothers and children who have already fallen victim to various forms of violence—and ensure reparations to mothers and their children who have already been Haged, enabling them not just to survive this lifelong ordeal, but to hopefully thrive again one day.



Respectfully submitted on behalf of all Protective Mothers of
The Mother-Child Human Rights Foundation: Mothers ReVolution
Geerte Frenken, Executive Director

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