



Living abroad with your children?

Needing to relocate to escape domestic violence, coercive control or economic abuse?

Then please read on...

Regardless of whether or not you are married, regardless of the length of the relationship, regardless of the behaviour of your child's father, there are legal restrictions in place to prevent you taking your child out of the country without the father's permission.

These vary depending upon where you live, but it could be a criminal offence. In any event, a court can order your child to be returned to the country where the father is resident.

How come?

The 1980 Hague Abduction Convention – a good law gone bad.

The Convention, signed by over 100 countries, was intended to deal with fathers who abduct their children across international borders without the mother's permission. Its focus is on returning the child as quickly as possible since they are assumed to be in serious danger from the 'taking' parent. The reason for the abduction is not relevant.

These assumptions have created an opportunity for continuing control that abusive fathers have been quick to take advantage of. As a result, around **75% of Hague petitions are now brought against mothers by fathers** – with support from the courts and the state. The vast majority of those mothers are fleeing domestic abuse and/or coercive control.

Very frequently, the courts decide that the child must return.

What are your options?

1. If you have already taken your children across international borders without permission:

The child's father could bring a Hague petition against you - supported by the Central Authority of the country he is resident in. If he does so, you will be accused of abduction and may also face criminal charges.

Once the petition is served, the Hague Convention requires courts to order the child's return as quickly as possible - ideally within 6 weeks. This requirement does not allow for an in-depth consideration of the circumstances. There are a number of **defences** to return. Victim-survivors of domestic violence most often use 'Article 13(1)b' arguing that returning the child would cause them a 'grave risk of harm or intolerable situation'. It is important to note that the risk must be to the child, not the parent.

Either way, you need to move quickly to prepare your case and collate any evidence of abuse or coercive control.

There are a number of organisations that provide advice and support. These are listed in the next section.

2. If you have already taken your children across international borders without permission:

If it is safe to do so, contact your local domestic violence organisation and get their advice about how best to collect evidence of the abuse you are suffering since this might provide a defence against a return order. They may be able to link you up with pro bono lawyers with Hague experience who can advise you of the (limited) defences allowed by the Convention.

Depending on which country you are in, it might be possible to apply for a relocation order which will allow you and your children to leave. GlobalARRK (listed opposite) have considerable expertise in this field. However, a relocation application can take several years to process, is not always successful, and, if you and your children are already vulnerable, your safety and wellbeing could be further undermined during that period.

3. And, if you are thinking of moving abroad with your family...

Global ARRK have some excellent advice about measures you can put in place before going abroad. They aren't fail-safe, but they will be of help if you find yourself in a Hague court. And just having those conversations can be helpful in making the decision about whether or not to go: www.globalarrk.org/for-parents/know-before-you-go



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For information and support

UK & International

- GlobalARRK: www.globalarrk.org
- FiLiA Hague Mothers: www.hague-mothers.org.uk
- Reunite: www.reunite.org

Europe

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

Canada GAMBE - see under Europe

USA

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

Brazil Revibra - see under Europe

Australia

- Women's Legal Services Australia: www.wlsa.org.au
- Her Hague Story: www.herhaguestory.com

New Zealand

- New Zealand Hague Collective: info@haguecollective.co.nz
- Backbone Collective: www.backbone.org.nz

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

Please contact us for further information:

- www.hague-mothers.org.uk
- Hague@FiLiA.org.uk
- AdminHague@FiLiA.org.uk