



**LEARNING  
FROM  
THE LINKS  
BETWEEN  
DOMESTIC  
VIOLENCE AND  
INTERNATIONAL  
PARENTAL  
CHILD  
ABDUCTION**

**INTERNATIONAL SOCIAL SERVICE**

## EXECUTIVE SUMMARY

International Social Service (ISS), an international organisation dedicated to supporting families separated by international borders, has a strong history of working with parents affected by international parental child abduction.

In 2005, with funding from the Attorney-General's Department, the Australian branch of ISS established the International Parental Child Abduction (IPCA) Service, a specialist service that provides information and support for affected families. Central to our ethos in working with these families is the importance of finding solutions that are in the best interests of the child.

Over many years of working with families affected by international parental child abduction, we have observed a clear shift in the pattern of these abductions; whereas in the 1970s, it was fathers abducting or retaining their children overseas, in more recent years it is mothers who most often abduct or retain their children overseas in order to escape violent relationships and create a safer future for themselves and their children.

With this type of abduction becoming increasingly common in Australia, the Australian branch of ISS was interested in 'learning from the links between domestic violence and international parental child abduction'. This report is the outcome of this learning and is part of the 'Learning from the Links' project, which also produced a resource kit on family safety and child abduction. The kit is aimed primarily at domestic violence services but will also be a valuable resource for families.

### Research findings

This research report reviews available material on the links between domestic violence and international parental child abduction and reports findings from interviews undertaken with a small sample of affected parents and domestic violence services that have worked with these parents. The findings confirm what ISS Australia knows from experience – that there is a clear link between domestic violence and international parental child abduction.

The findings also provide insights into the factors that contribute to abduction or the likelihood of abduction, identify the types of services available for affected people, the ways in which these services are accessed and their levels of effectiveness. In particular, there are some important findings on the effectiveness of the specialist IPCA Service in providing support to families affected by international parental child abduction. In addition, it is clear from the research that many domestic violence services need the support of a recognised expert body, such as the IPCA Service, to assist them in supporting these clients.

Domestic violence services also need access to targeted, accessible, up-to-date information on the subject. The specialist nature of international parental child abduction and domestic violence means that services and individual workers need to be well versed in relevant legal and support responses. This highlighted the need for specialist training for workers in the domestic violence field.

Finally there is a clear need for increasing the general public's knowledge of international parental child abduction, both through maintaining a high media and internet profile on the subject and ensuring wide dissemination of relevant resources such as the resource kit produced by ISS Australia as part of the 'Learning from the Links' project.

### Recommendations

The research report concludes with some key recommendations emerging from the research in the areas of service provision, information and training:

- 1 The IPCA Service should be continued to ensure ongoing provision of support services for families affected by international parental child abduction.
- 2 More on-line resources are needed aimed at people experiencing domestic violence and international parental child abduction including:
  - a) an online support network for parents, and
  - b) on-line information for domestic violence workers.
- 3 Targeted community information and promotion of international parental child abduction is needed to improve awareness of the issues, in particular the link with domestic violence, and the support services available for families.
- 4 Training should be provided for agencies delivering domestic violence services, other generalist services working with families, lawyers working in community legal centres and specialists in family law to ensure better understanding of the issues and improve service delivery.

## 1 Background to the project

### 1.1 Establishment of specialist International Parental Child Abduction Service

In 2004, the Australian Attorney General's Department funded International Social Service Australia (ISS Australia) to examine the issue of international parental child abduction. A research project determined that there was a strong case for the establishment of a specific support service for affected families. Subsequently, the Attorney-General's Department provided one-off funding that enabled ISS Australia to establish the International Parental Child Abduction Service (IPCA Service). The national service, based at ISS Australia's national office in Melbourne, provides telephone and (where possible) in-person counselling and support for people affected by international parental child abduction, as well as broader community education and training activities. ISS Australia was selected as an appropriate auspice agency on the basis of its clear expertise and understanding of family welfare issues across international borders.

### 1.2 International Social Service

The mission of International Social Service (ISS), of which ISS Australia is a member, is to:

... work across borders with those in vulnerable situations, with a special emphasis on children. We work to ensure entitlement and protection under international human rights frameworks, through the professional delivery of casework and advocacy services.

ISS was founded in 1924 in response to migration of displaced persons after the First World War. The need to coordinate activities across several countries on behalf of families separated by national borders was the catalyst for ISS to establish its international network. Now a well-established, professional, international network, it allows ISS to provide a local, unique, efficient and cost-effective service in over 160 countries.

ISS has continued to develop its global network as more recent international conflicts, problems within nations and increasing human mobility have given rise to new causes for families being separated. The General Secretariat of ISS is based in Geneva and is responsible for the setting of standards, international communications, hosting of annual meetings and resolving issues between countries.

The global work of ISS focuses on situations where children are the victims of cross-border family conflict or are deprived of, or are at risk of being deprived of, their parents. ISS works to support families to stay together or to maintain contact with each other. The core work of ISS focuses on child welfare including neglect, custody issues, abducted and missing children, family tracing, mediation, unaccompanied minors and migration issues.

The work of ISS is underpinned by the provisions of various international conventions, guidelines and texts, in particular the

1989 United Nations Convention for the Rights of the Child, (UNCROC). Other key conventions relevant to ISS work include the following Hague Conventions:

- the 1980 Hague Convention on the Civil Aspects of International Child Abduction<sup>1</sup>
- the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption
- the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

ISS has had a presence in Australia since the late 1930's and the Australian Branch of ISS was officially founded in 1955. ISS Australia is active in providing support and advocacy, conducting research and in building a community of well-informed and networked community service agencies.

The national office of ISS Australia is based in Melbourne. It provides casework and advocacy in Victoria and other states and territories, coordinates projects and international linkages within the ISS international network, and provides management support to the NSW office and staff. ISS NSW provides services where there is inter-country family conflict involving individuals, children and families resident in NSW.

While inter-country movement is not new in Australia, its nature is changing and the numbers of people involved is growing. The increasing number of inter-country relationships, the overall increase in family breakdown, advancements in telecommunications and information technology, and the speed and convenience of international travel all contribute to this global phenomenon.

ISS Australia and the wider ISS global network have been involved with cases of parental abduction and missing children over several decades. Involvement in these cases spans most states and territories. Files in the organisation's national office in Melbourne document cases from the 1970s. Early cases are sometimes referred to as 'child kidnapping' or 'legal kidnapping'.

## 2 Introduction to 'Learning from the Links' project

### 2.1 Funding for the project

ISS Australia received funding from the Australian Government's Domestic and Family Violence and Sexual Assault Initiative through the Office for Women to undertake this project, known as 'Learning from the Links between Domestic Violence and International Parental Child Abduction'.

### 2.2 The need for the project

The need for research into the correlation between actual and potential abductions and domestic violence is substantiated by statistics and agency knowledge within Australia and overseas.

<sup>1</sup> For details of the 1980 Hague Convention on abduction, see Appendix 3.

Within Australia, the Central Authorities (government departments responsible for administering the legal process under the 1980 Hague Convention to have a child returned after abduction) have recognised the changing face of abductions. In the last 20 years, an increasing number of abductions have involved domestic violence. Contact with the Central Authorities has revealed that between 70% and 90% of all abduction cases handled by them have actual or alleged domestic violence as a key motivator for abduction of the children.

The IPCA Service has been operating since September 2005, and in line with the statistics above, out of the service's current thirty cases, domestic violence is a feature in at least twenty cases.

ISS Australia has consulted domestic violence agencies across Australia. Agencies confirm that they have assisted women who have experience of child abduction relating to a violent relationship. Consultations with various cultural and ethnic groups have also confirmed the incidence of violence and abduction within some communities, particularly recently arrived refugees. These communities have expressed an attitude of accepting that there is little that can be done to change these events. This indicates the critically important need for a closer examination and identification of the relationship between violence and abduction.

Prior to the establishment of the IPCA Service, ISS Australia carried out research to ascertain the need for such a service. The 2005 research report, *Living in Limbo: The Experience of International Parental Child Abduction*,<sup>2</sup> included interviews with a number of significant stakeholders such as women's agencies and those specialising in abuse and domestic violence, UK Reunite, a similar support service which has been operating for a number of years in the UK, and various specialist professionals. The interviews confirmed the prevalence of domestic violence both in Australian cases and internationally.

The Permanent Bureau of the Hague Conference on Private International Law, of which Australia is a member, recognises that there is a strong correlation between domestic violence and international child abduction. It prepared an information document on the correlation for the Hague Special Commission, which took place in late 2006. The support of the Australian Government for this research project is an indicator of Australia's leadership in addressing trends such as these in an early and proactive manner.

### 3 Methodology for the project

#### 3.1 Previous ISS Australia research

The 'Learning from the Links' project was supported by the information and learning gathered from previous research.<sup>3</sup> This research assisted in pointing the research team to appropriate services and individuals who were able to participate. It also highlighted the current knowledge about the correlation between domestic violence and international parental child abduction

and assisted in determining the most appropriate methods of collecting relevant information. Given the difficulties experienced in securing people to interview, the previous research also assisted in validating ISS Australia's research findings.

#### 3.2 Literature review

A literature review was undertaken to ascertain the broad understanding of the correlation between domestic violence and international parental child abduction and interventions that have proven to be effective in cases involving these issues.

#### 3.3 Parent interviews

Interviews with parents affected by international parental child abduction were conducted by ISS Australia researchers. The development of the interview questions was shaped by the understanding of the many cases that have come to the attention of the IPCA Service. (See questionnaire in Appendix 1).

Data collected related to demographic factors, details of the specific cases and identification of services and interventions that proved to be helpful. Interview participants were assured that the data collected would not be used in a manner that could identify them. This has meant that specific information about countries involved, ages of family members and other identifying information could not be used to provide a more detailed analysis of the data that could inadvertently reveal the identity of participants.

Structured interviews (face-to-face wherever possible) were conducted with a number of mothers and a lesser number of fathers who have either experienced or feared abduction of their children or who have experienced abduction, either as an abductor or as a left-behind parent. The common link with all interviews is that domestic violence has been present in the relationship between the parents.

Recruiting an adequately sized sample proved more difficult than originally anticipated. Potential interview participants were to be sourced from IPCA Service cases and from ISS NSW and domestic violence agencies in Queensland. Many potential interviewees with active cases relating to abduction felt too traumatised by their experiences to participate in the research. While ISS Australia had envisaged a sample of twenty parents, the end result was a sample of twelve parents, with some agencies also being interviewed. The agency interviews supplemented the sample of parents and also provided a different yet equally valid perspective. This has resulted in richer data and the opportunity for more meaningful analysis.

However, given the difficulty in locating a larger sample and the high number of Victorian cases included within the available data, it is difficult to draw conclusions about how truly representative these cases are. Despite this caveat, the data suggests that there are some unifying trends, particularly in relation to the type of service supports interview participants found helpful, and the 'no win' and yet no other option situation some abducting parents face in considering the possibility of abducting their children.

<sup>2</sup> International Social Service, *Living in Limbo: The Experience of International Parental Child Abduction*, Research Report, February 2005, Melbourne.

<sup>3</sup> Ibid.

### 3.4 Review of service approaches of a range of agencies with experience of international parental child abduction

A number of agencies known to have worked with parents affected by international parental child abduction where domestic violence is a feature of the relationship were either interviewed (see questionnaire in Appendix 2) or information was obtained about the services they offer as part of the research. Services were interviewed from New South Wales, Queensland and Western Australia.

## 4 Relevant lessons learned from previous ISS Australia research

Section four provides some background information from previous ISS Australia research to enable greater understanding of the nature of international parental child abduction and the legal and social parameters in which it occurs today. It also provides information on past and current profiles of abduction. Reference is made in this section to the process for return of an abducted child under the 1980 Hague Convention on the Civil Aspects of International Abduction. For full details of this process, see Appendix 3.

### 4.1 Defining 'international parental child abduction'

The term 'abduction' implies that kidnapping and possibly violence is involved and conjures a picture of a child being snatched away; however these features are not a part of all cases. Often, one parent has given permission for the other parent to have visitation with the child, and the parent and child fail to return by the agreed date. There is often a high degree of planning and organisation by the abducting parent to ensure the abduction goes ahead smoothly.

The terminology 'parental abduction' is used to emphasise that the removal or retention is wrong because it is in breach of rights of custody under the law of the state in which the child was habitually resident. The removal or retention has prevented the exercise of those rights of custody. The focus on the breach of custody rights clarifies the issues in situations where a parent and child moves between countries in a way that does not fit the usual pattern of abduction.

When a parent takes a child with the intention of not returning, the parent is depriving the child not only of contact with the other parent but with all that the child has been accustomed to at home – extended family, friends, neighbourhood and school. There is also a considerable impact on the left-behind parent who is deprived of an ongoing relationship with the child. This is a serious breach of the fundamental right of children and parents to maintain the child-parent relationship.

While this research does not closely examine the trauma associated with international parental child abduction, the interviews confirmed that there is a significant cost to children and parents who experience the separation and related effects of either actual or potential parental abduction coupled with domestic violence.

### 4.2 Abduction is not always the end point

Many people in intercultural relationships that break down are able to negotiate relatively smooth pathways through divorce and custody arrangements. If moving away is a preferred option for one parent, he or she can return to his or her country of birth, having successfully negotiated a mutually acceptable custody arrangement. Usually in these cases, one parent is clearly the primary caregiver. However, not everyone is able to accept that their relationship is over and work at getting on with their lives with the best interests of their children the central consideration in any decisions they make. The parents interviewed for this research represent those cases that have not been able to negotiate a workable arrangement that meets the needs of all family members.

### 4.3 Option of seeking a relocation order

Where relationships between former partners are still functioning well, there is a legitimate avenue for a parent seeking to relocate with children following a Family Court settlement.<sup>4</sup> Relocation cases involve the parent with whom the child lives seeking to move with the child to a new location. The reasons for such a move can include taking up employment opportunities, entering a new relationship or being close to family. When a parent with whom the children live seeks to move to a distant location, the Family Court of Australia may be called upon either to approve the move or order the parent to remain in their current place of residence. Relocation cases are brought to the attention of the Family Court when a parent, most often the contact parent, seeks an order from the court that relocation be prevented because it would not be in the best interests of the child that such contact be altered by the proposed relocation.

There are some concerns that recent changes to the Family Law Act relating to shared parenting may make it more difficult for a parent to relocate lawfully to another country. While this matter is not examined as part of this research, it would be appropriate and useful if cases were evaluated to determine if this amendment is in fact proving to be problematic.

### 4.4 Reasons for abducting

Child abduction happens because of a range of factors including:

- domestic violence
- hostility between the former or estranged parents resulting in a desire for revenge against the other parent
- a deep sense of unfairness felt by one parent in relation to Family Court contact arrangements
- fear of the other parent
- the inability of parents to communicate, and
- the proprietorial nature of some parents' relationships with their children.

4 McConville, J. and Mills, E. (2004), 'A theory of injustice: the flip side of the relocation coin in Australia', *International Family Law* (UK), 99–110.

The birth of a child can also expose differences in the parents' approach to child rearing, discipline and inculcation of religious or cultural beliefs, and these differences can become intolerable for one of the parents.

#### 4.5 The changing face of abductions

##### 4.5.1 Profile of abductions in 1970s

An analysis of 99 abduction cases across a number of countries within the ISS network during the 1970s initially identified the trend that different countries of origin of the parents is typical in abduction cases.<sup>5</sup> Of the 99 cases, 79 sets of parents were from different birth countries. The resultant cultural differences between the adults were understood to be a second typical element.

The 1979 report, *Legal Kidnapping Report, Preliminary Document No 3*,<sup>6</sup> identified that the majority of abductions took place after the parents were separated but before a court had issued a divorce order. Access was a factor in half the cases, either legal orders or arrangements voluntarily agreed by the parents. Legally permitted access ranks high on the list of occasions offering the opportunity for abduction.

In the majority of cases examined in 1979, the children were between two and 12 years of age, with the total falling between six months and 18 years. In almost half the cases, the children had dual citizenship. In the majority of cases, the abducted child was an only child. In 80 cases, the father was the abductor. In 18 cases, the mother was the abductor. In the majority of cases, the child was taken to the country of birth of the abductor.

There were three main categories of reasons given as contributing to the abduction:

- a wish to control the cultural upbringing of the child; this reason was most likely to be a motivation for fathers
- fear of loss of the relationship with the child; and
- frustration in relation to residence and contact arrangements.

##### 4.5.2 Current profile of abductions

While many elements remain the same in abductions over a thirty-year period, there is one striking difference in abductions in recent times. In 1999, an analysis of 1080 return and access applications under the 1980 Hague Convention revealed that 70% of abductors were women.<sup>7</sup> The most common reason for these abductions was fleeing from domestic violence. Men comprised 29% of abductors with the remaining 1% made up of abductors of both sexes, grandparents, a parent with an older sibling, or another relative.

In comparison to the earlier figures it is now much more likely that it is the mother who abducts. There are notable regional differences that the above report identified. For example, the mother was the abducting parent in Scandinavian countries in

between 87.5 per cent and 100 percent of cases. Conversely, and while only a small part of the sample, all abductors to Hong Kong and Bosnia-Herzegovina were male.

The same report revealed that 78 per cent of abducted children were less than nine years of age.

#### 4.6 Official statistics

##### 4.6.1 The situation in Australia

As mentioned earlier, the official statistics maintained by the Australian Central Authority do not identify which parent is the abductor. However, state and territory Central Authority representatives confirm that the majority of abducting parents are now mothers, who are usually the primary caregivers. This trend has been apparent for a number of years.

##### 4.6.2 Statistical analysis on Australian abductions

Hague Convention statistics have been maintained by Australia's Central Authority since 1997/98. Statistics are kept that identify:

- the number of abduction and access applications under the Hague Convention in and out of Australia by state and territory
- the outcome of abduction and access applications
- the outcome of access applications; and
- abduction and access applications by country.

'In' refers to applications for the return of children removed to Australia. 'Out' refers to applications for the return of children removed from Australia.

These statistics provide a running total for each quarter and provide a useful snapshot of the incidence of return and access applications. These reports are available on-line at [www.ag.gov.au/www/agd/agd.nsf/Page/Internationalchildabduction\\_Publicationsandstatistics](http://www.ag.gov.au/www/agd/agd.nsf/Page/Internationalchildabduction_Publicationsandstatistics) and as an insert in the Central Authority's quarterly *International Child Abduction News*.

In the March quarter of 1999/00, the Central Authority also commenced recording statistics on known abductions and enquiries with countries that are not signatories to the 1980 Hague Convention. This reporting was for each quarter. The practice of recording these statistics was discontinued in 2003/04 so that there is no longer any specific reporting of the level or type of known abductions or inquiries relating to 'non-Hague' countries.

5 International Social Service (1979), *Legal Kidnapping Report, Preliminary Document No 3*, report prepared for The Hague Special Commission, International Social Service, Melbourne, February.

6 Ibid.

7 Lowe, N. with contributions of forum participants (1999), *International Forum on Parental Child Abduction, Hague Convention Action Agenda*, National Centre for Missing and Exploited Children. Accessed 28 July 2006 at [www.pact-online.org/pdf/forum\\_report.pdf](http://www.pact-online.org/pdf/forum_report.pdf)

#### 4.6.3 Incidence of applications under the Hague Convention 1980

The total number of applications for return and access has remained steady since 1998/99. There was a sharp increase from the 1997/98 figure of 129 to the 1998/99 figure of 176 cases.

Year	Total number of abduction and access applications received
1997/98	129
1998/99	176
1999/00	170
2000/01	173
2001/02	172
2002/03	177
2003/04	174
2004/05	161
2005/06	162

Since records have been kept there have always been more 'out' abductions than 'in' abductions. Since 1999/00 there have been between 20% and 40% more 'out' abductions each year.<sup>8</sup>

#### 4.6.4 State and territory comparisons

There is a consistent trend for the majority of cases to occur along Australia's eastern coastal states. New South Wales consistently has the highest incidence of abduction return and access applications. Queensland has the second-highest, and Victoria the third-highest except for 2002/03 when Victoria recorded a higher number than Queensland. In 1999 and 2000, Western Australia edged out Victoria to be the third-highest State. The remaining states and territories consistently have very small numbers of return and access applications, usually fewer than five per year.

While the statistics compiled by the Australian Central Authority do not provide any further geographic breakdown, the representatives of the Central Authorities in New South Wales and Queensland identified a geographic concentration of these cases. Both states confirmed that there appears to be a higher incidence of cases within rural and semi-rural coastal locations than in metropolitan areas. There was no clear understanding of why this might be the case. One explanation could relate to migratory and settlement patterns for recently arrived migrants seeking a seaside lifestyle and property affordability issues. Alternatively, this could be an example of families experiencing conflict and being relatively cut off from appropriate services due to the isolation of these coastal towns. When the situation becomes extremely tense, with high levels of conflict, there may be a greater tendency for parents in these circumstances to take matters into their own hands.

#### 4.6.5 General discussion

The potential for parental child abduction statistics to provide even more worthwhile data is considerable. The current statistics, while providing a useful account of the incidence of cases involving Hague-signatory countries, could be expanded to include statistics for countries that are not signatories to the Convention. This would better inform practice by developing a greater understanding of abduction patterns and the profile of abductors.

### 5 Literature review

A literature search was undertaken to identify publications addressing the correlation between international parental child abduction and domestic violence. A sample of publications was identified mainly from overseas.

From previous literature reviews undertaken for studies such as ISS Australia's 'Living in Limbo' research project, ISS Australia was aware that the majority of publications focused on legal interpretations of clauses in the Hague Convention. There was, however, a growing awareness of the links between domestic violence and international parental child abduction and the need, articulated by many relevant bodies, to explore this further.

The publications fall into three areas of interest. The first group were those which explored the policy lag between the initial intent of the Hague Convention, which was developed when the majority of abductions were carried out by fathers, and the situation today of mothers being the predominant abductors. A second group documented the incidence of domestic violence cases relating to international parental child abduction with a related issue being that much research has been dominated by analysis of the impact on the 'searching' or left-behind parent.<sup>9</sup> A third group of publications considered the unmet needs of, and potential interventions and supports that could be of assistance for, families affected by international parental child abduction. This group also included consideration of the factors that could possibly have a deterrent effect on parents contemplating abduction.

In the first group of papers, numerous authors argued that the Convention was developed with a different scenario in mind than one where the mother typically abducts her children because of domestic violence. One author called for much-needed research into awareness of the actual human consequences in these cases of strict application of the Hague Convention.<sup>10</sup> Another suggested the need to face the grim reality that the relevant laws can work against achieving a safe outcome for some mothers and their children.<sup>11</sup>

The web of international treaties and domestic legislation and programs in the United States may work against securing safety for battered mothers and their children who have fled from abusive partners.<sup>12</sup>

8 International Social Service (2005), *Living in Limbo: The Experience of International Parental Child Abduction*, research report, International Social Service, Melbourne, February, p. 47.

9 Greif, G.L. and Hegar, R.L. (1991), 'Parents whose children are abducted by the other parent: Implications for treatment', *American Journal of Family Therapy*, vol. 19:215-225.

10 Strom, A. (2002), *International child abduction. Domestic violence on the global arena*, thesis, Lund University, Sweden, fall. Accessed on 28 July 2006 at <http://theses.lub.lu.se/archive/sob//soch/soch03040/SOCH03040.pdf>

11 Shelly, S. and Edelson, J.L. (2005), 'Adult domestic violence in cases of international parental child abduction', *Violence against Women*, vol 11, no 1.

12 Ibid.

In the second group of publications there were many papers documenting the level of domestic violence in international parental child abduction cases. Some relate to findings from specific studies and nationwide telephone surveys, while others analyse data collected by the Hague General Secretariat, which is a reporting requirement under the Hague Convention.<sup>13</sup>

The third group identified the most useful information for the purposes of this study because the papers were an attempt to grapple with finding solutions or better ways of supporting the people affected by international parental child abduction. Contained within these papers was an implicit understanding of the nature of domestic violence and the nature of control as an impediment to victims being able to find a way out of their predicament.<sup>14</sup>

### 5.1 Findings relevant to 'Learning from the Links' project

The major focus on defining and interpreting legal definitions in the Hague Convention at the expense of comprehensive examination of the human consequences is a point worth considering. This raises the broad issue of how Australian agencies working with international counterparts can enhance cooperation to ensure safe, continuing outcomes for parents and children. Possibly the most effective means of achieving this is to ensure that the findings of studies such as this one are disseminated widely to the responsible government authorities. It would also be valuable for a range of agencies to present the findings at relevant conferences to raise awareness of the issue.

The most valuable information was included in papers that sought to consider potential remedies that could alleviate the burden of suffering inflicted on affected parents and children. Many findings aligned with the information received from parents who were interviewed for the project.

A particularly relevant discussion of the support that appears to assist this group of parents was explored in a paper by Spilman, focussing on supports that alleviate distress.<sup>15</sup> The author reported that when discussing the provision of tangible support, parents articulated types of supports rather than sources of support. Parents explained that support to manage the uncertainty of their situation assisted them and provided alleviation of the impact on them as individuals.

A further significant finding was that because international parental child abduction is relatively rare, many workers and people in their friendship groups do not know how to respond appropriately to an affected person's grief in this situation. Further, outsiders will often unhelpfully draw conclusions about the abduction being precipitated in part by the actions of one or both parents. This finding supports what ISS Australia has discovered from its contact with parents through the IPCA Service and through the project interviews. Many parents are interested in receiving assistance from a network of people who understand what they are going through.

'To be able to talk to someone who understood what I was going through would have been incredibly helpful and reassuring.'<sup>16</sup>

Another finding from Spilman's paper resonates with information received from parents interviewed for this report. The importance of friends is highlighted, indicating that friends may provide equal or better support than the support received from family members. Friends can offer support that family members cannot because of the different nature of the relationships. Spilman cites another study of single mothers by Thomson and Ensminger (1989) who found that those who reported having a friend as a confidant had lower levels of psychological distress than those without friendship support.<sup>17</sup> This finding has implications for parents who find themselves cut off from opportunities to make friends, particularly when recently arrived in a new country.

A grandmother consulted for the 'Living in Limbo' report whose grandson was abducted by the mother and taken from Australia emphasised the emotional strain due to cultural differences that newly arrived residents can experience. She believes that a way of putting people in contact with other people from their own country of origin and with shared cultural interests could break down the feelings of isolation and loneliness.<sup>18</sup>

## 6 Parent interviews

The interviews were predominantly structured to seek participants' answers to a set of specific questions (see attached questionnaire, Appendix 1). There was also a chance for participants to share experiences that were not directly covered by the questions. Participants gave their consent to be interviewed with an undertaking by International Social Service that their case information would be used in a way that did not identify them.

A total of 20 interviewees were originally sought with 12 interviews resulting. The resultant sample, while smaller than initially sought, provided a broad range of scenarios, including countries that were Hague Convention signatories as well as some non-signatory countries, and enabled the collection of useful and relevant information. It must also be noted that abductions involving non-signatory countries have to date been overlooked in research and any sample, even a small one, provides a valuable insight into the issues confronting these families.

The interviews covered several areas to assist in the identification of trends and patterns in these cases. They sought:

- the parent's understanding of the factors that may have contributed to abduction or the likelihood of abduction
- details of the types of services available for affected people
- information on the ways in which these services were accessed, and
- their levels of effectiveness.

13 Long, N., Forehand, R., and Zogg, C. (1991), 'Preventing parental child abduction: analysis of a national project', *Clinical Paediatrics*, vol. 30:549-554.

14 Bruch, C.S. (2004), 'The unmet needs of domestic violence victims and their children in Hague child abduction cases', *Family Law Quarterly*, vol. 38, no. 3:529.

15 Spilman, S.K. (2006), 'Child abduction, parents' distress and social support, USA', *Violence and Victims*, vol. 21, no. 2.

16 International Social Service Australia (2005), *Living in Limbo*, p. 24.

17 Spilman, S.K., op cit.

18 International Social Service Australia (2005), *Living in Limbo*, p. 36.



## 6.1 Profile of interviewees

Information was obtained that identified the family composition, including gender and ages of children, parents' ages, educational attainment and occupation. Data was also collated in relation

to country of birth and citizenship of parents, and any religious affiliations. This information has been selectively used in this report to protect the identities of the participants.

### 6.1.1 Participants' gender, age, educational attainment

No.	Gender	Age	Education attained	Partner's Age	Partner's education	Abducting parent
1	Female	36–40	TAFE			Mother
2	Female	26–30	Year 12 equivalent	31–35	HSC	Mother
3	Male	41–45	Graduate Diploma	36–40	HSC	Mother
4	Female	36–40	Year 12 equivalent	46–50	Trade qualification	Father
5	Female	36–40	Year 12 equivalent	31–35	Year 12 equivalent	Father threatened abduction
6	Female	51–55	Year 9	41–45	University Graduate	Father, then mother re-abducted
7	Female	31–35	Post-graduate	36–40	HSC	Father
8	Female	41–45	University Graduate	41–45	Year 12 equivalent	Mother
9	Female	36–40	Post-graduate	36–40	University Graduate	Mother
10	Male	46–50	Year 10			Mother
11	Female	31–35	Year 9	41–45	Year 10	Father
12	Female	26–30		36–40	University Graduate	Father

**Gender:** The statistics confirm what has been substantiated in many recent studies: that the majority of abducting parents are mothers.

**Age:** The age of parents spans almost thirty years, with the majority in the 26–40 age group. There is little information available on the mean age of parents involved in abduction cases. There is some correlation with the average age range of children abducted.

**Educational attainment:** Whether differences in educational attainment between a set of parents contributes in some way to the exacerbation of domestic violence and international parental child abduction cannot be determined from this questionnaire. From the sample, excluding two cases that do not provide information on educational attainment, three have equivalent levels. In all but one remaining case, the difference is one level, being Year 12 and a graduate qualification or one parent has a graduate qualification and the other parent has a post-graduation qualification. In only one case is there a marked difference between the qualifications of the parents. There is also no clear pattern regarding the abducting parent being less or better qualified.

### 6.1.2 Gender and age of children involved in abduction

Studies from both the 1970s<sup>19</sup> and 1999<sup>20</sup> tracking Hague Convention abductions revealed that the majority, approximately

70% to 80%, of all abductions were of children less than nine years of age. The total group of abducted children ranged in age between two and 18 years.

Out of the interviews for this project, it is clear that a similar percentage of children abducted are under nine years of age with the total being between two years of age and 18 years of age. Slightly more boys than girls were abducted but the difference was not significant enough to draw any useful conclusions. The three children who were older than nine were teenage girls abducted by their fathers.

### 6.1.3 Cultural and religious differences between partners

While current research attests to domestic violence being the main reason for this kind of child abduction, the interviews sought to assess whether there were other factors relating to cultural and religious differences that contributed to the likelihood of abduction. In these cases, differences in culture and country of origin of the parents were probably the most common factors. The capacity to flee to another country where a parent has family support makes this form of removal of children a viable option when a relationship is not going well.

Seven of the twelve couples were from two different birth countries, while the remaining five couples, while born and raised in the same country, did not necessarily share the same enthusiasm for relocating to Australia. As one mother explained:

19 International Social Service (1979), *Legal Kidnapping Report, Preliminary Document No 3*.

20 Lowe, N. with contributions of forum participants (1999), *International Forum on Parental Child Abduction, Hague Convention Action Agenda*, National Centre for Missing and Exploited Children. Accessed 28 July 2006 at [www.pact-online.org/pdf/forum\\_report.pdf](http://www.pact-online.org/pdf/forum_report.pdf)

‘He wanted to pursue his life-long ambition to emigrate to Australia but I wasn’t keen ... I eventually agreed to go to Australia for two years to support his dream and to keep the family together.’

Of the parents interviewed, there were only two cases where incompatibility of religious and cultural beliefs was stated as a major contributor to wanting to end the relationship. As one mother explained:

‘There was an incompatibility in understanding each other’s culture and religion. This was exacerbated as discussions about which religion our child should be raised in emerged.’

In another case, concerns about the lifestyle choices a parent was making and the impact this would have on the children contributed to the other parent deciding to leave the country, taking the children without the partner’s consent. In one case, where both parents came from the same country to Australia, the mother had family living here. She believes her former partner’s unfamiliarity with Australian culture and the loss of his own family exacerbated his stress and his violence toward her.

#### 6.1.4 Reason for leaving almost always escape from violence

The overwhelming consensus from all the interviews where domestic violence or alleged domestic violence was present is that the primary motivator for mothers who abducted was the violence they experienced. Many mothers described it as a last resort, but one that they saw as their only choice given the need to remove themselves and children to a safer environment.

‘When I got pregnant, I realised I didn’t want to live with such an abusive person. I didn’t want my child to grow up with such a father.’

For another mother, who had endured physical, emotional and financial abuse, the culmination of events that enabled her to decide to leave came when her husband’s violence was witnessed by their young child who woke to his mother’s screaming.

‘I moved into the spare bedroom that night and considered the relationship as over.’

#### 6.1.5 Hague Convention signatory countries and non-signatory countries

Cases involving non-signatory countries are more problematic because of the lack of a formalised, central governmental role in assisting parents whose children are abducted. Obtaining reliable information about likely outcomes following abduction to a non-signatory country is not as readily available as with signatory countries.

This points to a critical need for official monitoring of these cases. The Australian Government used to maintain statistics on cases involving Hague Convention non-signatory countries

through the Department of Foreign Affairs and Trade, but these statistics were discontinued in 2003. While cases about signatory countries are still monitored, fairly limited data is recorded. Gathering more data would enable more in-depth analysis of international parental child abduction cases, and data would be more meaningful if monitoring of cases involving non-signatory countries were also resumed.

#### 6.1.6 Comparison by state

The report interviewed four parents from New South Wales and eight from Victoria. It is a small sample from which to draw reliable conclusions about any issues specific to either state or to the whole country. Previous research had suggested that there was a concentration of international parental child abduction cases located around the New South Wales and Queensland coast, outside of major cities. This could not be tested given the small number of cases. It is therefore impossible to draw any definitive conclusions comparing Australian states.

## 6.2 Specific information identified from interviews

### 6.2.1 Awareness of potentially relevant services

The interviews revealed a mixed level of awareness of the nature of the issues confronting the participants and varied degrees of familiarity with the relevant service systems that could potentially assist them. Prior to this project, ISS Australia found that people often contacted the IPCA Service after hearing or seeing news items about the subject in the media. On making contact, their comments often revealed that prior to the media item, they either did not apply the term ‘abduction’ to the removal of a child by one parent or were unaware of the existence of the specialised IPCA Service. Several participants in this research referred to media publicity that alerted them to the existence of the IPCA Service and the Central Authorities’ role in having children returned.

The way in which participants ‘framed’ the issue contributed to determining the type of support service they sought. For example, if the participant thought that the issue related to family breakdown requiring legal advice, then contact was most likely to be made with a family lawyer or legal service. If the participant saw the issue predominantly as a personal one, then he or she was more likely to seek out support from personal contacts such as a trusted network of family or friends. Several women self-referred to domestic violence agencies which were well publicised and prominently positioned in shopping areas.

Participants who were active within church circles sometimes chose to make contact with a church official. A couple of mothers felt ostracised by religious organisations where their former husbands were also members. One woman moved interstate and found the equivalent church group supported her better there.

Access to the internet enabled many participants to undertake searches which linked them to a range of support services. Some participants were aware of the existence of relevant services

specific to their needs, in particular domestic violence agencies and international parental child abduction services.

Most participants were unaware of the role of the Government's Central Authority in the area of international parental child abduction until they were experiencing it themselves.

#### 6.2.2 Services that were accessed

Services accessed fell within a range of sub-groups:

- specialist IPCA services, both government-funded and private fee-charging services
- generalist family, youth and children's support services
- women's information and referral services
- legal services
- domestic violence services
- housing services, both emergency and longer term
- church support
- government authorities, most often the Central Authority responsible for administering the Hague Convention
- child protection agencies
- mental health services
- financial and material aid organisations including Centrelink
- embassies
- Federal Police and overseas equivalents
- human rights organisations such as Amnesty International
- fee-paying security services
- pregnancy advice services.

Also included were contacts with specific individuals such as general practitioners, individual counsellors and ministers of religion.

Friends were also valued as a trusted group who were supportive. Although the interviews did not explore this in depth, it appeared that the groups of friends that they confided in were those that they did not share with their former partner. In one particular case, contact with friends still in contact with a woman's former husband enabled him to discover her whereabouts.

#### 6.2.3 How the services were accessed

**Internet:** The internet proved to be important in almost all cases. Even where the participant did not have computer skills, family and friends were able to assist them. In many cases, the need to search privately meant that participants did not use home computers, using those at work, in the homes of friends, libraries or internet cafes. One participant provided useful tips to conceal searches and to store files on removable disks. Several participants advised

that the word 'abduction' can cause cautionary programs to be downloaded and make searching difficult.

As mentioned above, several parents discovered the existence of the IPCA Service from media coverage.

#### 6.2.4 Services that were deemed to be helpful

**The type of support and approach that interviewees found helpful:** A common theme emerged regarding why parents found certain services helpful. The ability to relate well to a worker and establish trust was identified as important, as was a worker's capacity to relate to a parent in a non-judgemental manner. Parents felt supported and their feelings of helplessness were alleviated when a worker or service demonstrated perseverance in working with their case.

Interviewees valued the opportunity to obtain practical information about what actions might assist them as well as receiving emotional support in the form of counselling and support from accessible workers.

A number of interviewees also raised financial difficulties as an added stress when dealing with costs incurred as a result of their situation. Where agencies requested a fee for service or deemed the parent was ineligible for financial assistance, this accentuated the stress the parent was experiencing. Consequently, many of the services described as helpful are ones that provide a free service.

**The IPCA Service:** As confirmed from the review of literature, parents feel supported when they receive information from individuals or services that understand what they are going through and the predicament in which they find themselves. For this reason, specific support services relating to international parental child abduction rated highly.

Every interviewee said the IPCA Service was helpful, with several stating it was the most useful service available. Interviewees valued both the practical information received and the emotional support. Several interviewees noted the workers were supportive and non-judgemental. As one mother stated:

'ISS is particularly helpful and supportive. Individual workers are great. I particularly valued non-judgemental assistance. I learned valuable, practical information re action plans for keeping myself and my child safe. I felt able to open up and discuss my situation freely because I wasn't judged.'

Another commented:

'ISS was easy to access and very helpful. I learned how to fight for my rights.'

Another commented:

'I wish I'd known about ISS earlier.'

**Other Australian specialist services:** One parent spoke of Hug-Ur-Kids. She estimated that to use this service was estimated to cost \$40,000. She was given some information and advice by this organisation initially.

**Overseas specialist IPCA agencies:** In cases involving the United Kingdom, interviewees were aware of Reunite and found information gained from that service to be useful.

**Australian Central Authority:** Not all interviewees mentioned contact with Australia's Central Authority but those that did described the support received as 'useful', 'most useful' or 'most valuable'. It was also through the Central Authority that a number of interviewees were referred to the IPCA Service.

**Overseas Central Authorities:** Only a couple of interviewees mentioned their contact with overseas Central Authorities. One interviewee regretted that an overseas Central Authority didn't refer her to the IPCA Service. It appears that some overseas Central Authorities either do not know about the IPCA Service for Australian cases or do not always think to refer parents with Australian involvement to the service.

**Domestic violence services:** Five of the ten women had contact with domestic violence agencies which were, in all but one case, described as very helpful. A couple of interviewees noted that the workers there went beyond the call of duty and assisted them even when their case fell outside the criteria for assistance. One parent said:

'When a service immediately opens a case file, you sense their persistence to help to resolve the matter; this counters one's own feelings of helplessness.'

One woman stated that her contact with a domestic violence agency had given her a better understanding of domestic violence. Learning about the cycle of abuse has given her strength. Another valued the 'non-judgemental and sympathetic' assistance she received.

Another mother credits the domestic violence service with 'allowing me to have a social life'. The service appears to have supported the mother holistically, organising her involvement in a range of courses and activities to build self-esteem, while also providing practical support such as child-minding so she could attend to legal matters. This mother found the service's one-to-one counselling and group counselling very helpful. So did others participating in the group sessions which led the service to increase the frequency of the sessions from fortnightly to weekly.

The one negative encounter with a domestic violence agency was because the mother felt the worker judged her because she hadn't left her partner and the worker was unhelpful in trying to find an alternative refuge further away from her known address. She felt the worker perceived her as a 'bad mother'.

In summary, when parents felt the service understood their predicament, worked with them in a non-judgemental manner

to identify what type of assistance would help and then provided this assistance, parents felt genuinely supported and assisted.

**Legal assistance:** Interviewees spoke highly of lawyers when they received advice that assisted with their case. A rating of legal advice being helpful was however only recorded in a couple of cases. One interviewee acknowledged that the Queen's Counsel who represented her was 'the most helpful' person providing assistance. She found her to be supportive with an extremely good knowledge of Hague cases. Regrettably, the QC was removed from her case.

'We opposed the Hague application and were doing well until she was taken off the case (don't know what happened) and I had another rep. who did not do such a good job and I lost and had to return to Australia.'

The interviews confirmed the lack of detailed knowledge of many family lawyers of the Hague Convention. Parents need to feel confident that their lawyer has a detailed understanding of defences particularly in relation to domestic violence.

**Other counselling services:** Counselling services, either for the parent or the children, were on the whole well rated. One woman was able to access counselling through her workplace employee scheme.

**Enforcement agencies:** One woman engaged a private enforcement agency.

**Federal police:** Overall, the contact with Federal Police was seen to be helpful. One woman described the service as follows:

'The Australian Federal Police for Airport Watch was wonderful.'

**Other organisations:** One woman reported that an airline was extremely helpful in assisting with tickets and support to bring her daughter back.

**Financial assistance agencies:** Several interviewees spoke of the financial difficulties they encountered as a result of their relationship breakdown and costs associated with legal and other requirements. A number of women who had fled or returned to Australia were financially insecure as they had been reliant on partners for financial support. They relied on agencies to assist with crisis financial payments. A number reported that Centrelink was unhelpful as their cases did not fall within the parameters for assistance. It appears there was a lack of understanding of the precariousness of some women's financial circumstances.

**Embassies:** In two cases, interviewees stated they received useful assistance from embassies. Only one elaborated, explaining that the embassy was familiar with the issue and provided both practical and emotional support. The embassy provided practical assistance in obtaining plane tickets for same-day flights, taking the parent and child to the airport and ensuring they boarded the plane without incident.

### 6.2.5 Other perceptions of services

A couple of women felt abandoned by church organisations which they and their former partners had both attended. The women no longer felt supported by the church after their relationships broke down and they perceived greater sympathy for their former partners. One woman recounted that she felt she was receiving proper assistance only when she managed to speak to more senior staff in the support agency that was helping her, rather than first-level employees. She advised that people should not expect the first call to work and to make a second call and build a relationship.

Many mothers reported feeling stronger, more secure, more persistent and less afraid, having gone through the experience of seeking assistance, and to different extents taking matters into their own hands.

The importance of action occurring promptly was extremely important; people reported that delay is costly and must be avoided. One parent advised:

'People do too little, too late.'

### 6.2.6 Agency contact that was frustrating or ineffectual

**Financial costs:** Two interviewees cited their contact with Centrelink as frustrating as there was little understanding of the immediacy of their financial needs. The criteria are too inflexible, given that assets cannot be liquidated at short notice and applicants are in need of short-term financial assistance as soon as possible.

Contact with community and church-based agencies that normally offered financial assistance was also frustrating when the parent was in immediate need of financial support but was not deemed eligible for this form of assistance. One interviewee estimated the costs involved in travel, engaging a lawyer, support services, accommodation, phone and other costs as between \$40,000 and \$60,000. This would be prohibitive for many parents. One parent framed his main need for assistance as financial assistance.

**Service/workers unfamiliar with IPCA:** Parents gave examples of workers being unsure what to do to assist as they were unfamiliar with international parental child abduction cases. The international nature often confused workers who felt their agency was not the appropriate one to assist.

**Inaccurate information:** A number of interviewees cited instances where they had received inaccurate and even counterproductive information and advice. In one case, a parent was advised by police in an overseas country to travel there, when in fact this proved to hinder the case; the parent said over \$40,000 had been squandered.

Another parent explained that she had experienced times when workers would listen to her story but not necessarily help. She believed the international context and the lack of familiarity with

international parental child abduction cases often left workers feeling it was another agency's responsibility.

**Failure of worker to take responsibility:** This relates in part to a former point. Where a worker does not fully understand the nature of the case, there is often a delay or a failure in taking responsibility for progressing the case in a satisfactory manner. On several occasions workers had no experience of domestic violence and international parental child abduction and were unclear where to refer parents. This left several mothers feeling abandoned.

**Inability to recognise need for urgency:** Lack of familiarity with cases of this nature can mean that workers fail to recognise that there are time imperatives to act promptly in these cases, because there are human consequences of delay.

**Discontinuation of responsible worker:** The sensitive and highly personal nature of these cases requires the bonds of trust between worker and client to be established as early as possible. The interviewees emphasised the importance of receiving support from workers who were well versed in the field of international parental child abduction and domestic violence. Receiving this support in a non-judgemental manner was also very important. Accessibility to a worker was also emphasised. All these factors are maximised when there is continuity in the relationship with the worker or helping professional.

While it is sometimes unavoidable, the risks of losing this continuity can be reduced by ensuring a range of workers have consistently high levels of training and knowledge in these areas. The potential for cases and parents to suffer is well portrayed in the case where the mother lost the Queen's Counsel who had, until then, progressed the Hague application successfully. When she was replaced on the case without explanation, the case did not proceed as effectively.

### 6.2.7 Other observations for identifying useful interventions

**Support networks:** A number of parents spoke about the relief of speaking to workers who understood the dynamics of what they were experiencing. This is a similar experience that is featured in the 'Living in Limbo'<sup>21</sup> report where several mothers spoke in retrospect of wishing they could have spoken to another parent who had experienced this. The IPCA Service has plans to establish a support network of parents who would be available to speak to and provide emotional support to other parents. The information received from parents interviewed supports this initiative.

**Countering isolation:** A strong sense of isolation was a common theme for all parents. In the case of parents coming to live in a new country, efforts should be made to link them to support groups where they could meet other newly arrived residents with similar interests or similarly aged children. Any measures that can combat loneliness and isolation would be beneficial. The research recognises that this can be difficult when domestic violence is present in relationships.

**6.3 Trends and triggers for identifying potential abductions**

While the current research does not point to particular behaviours that might indicate a person is about to abduct their children, research by the ABA Center on Children and the Law, which worked with three national missing children’s organisations in the United States of America, identified the activities below as being indicative of planning to abduct by a parent.<sup>22</sup>

Out of 97 cases, the following percentages of people displayed these behaviours.

Specific action	Percentage of cases
Saved money or waited for expected cash payment	58
Gathered hid or destroyed legal documents	54
Liquidated assets	53
Quit or changed jobs	45
Applied for a visa or a passport	39
Moved residence	36
Received visits from friends or relatives from another country	34
Made a preparatory visit to the other country	32
Applied for a visa or passport from an embassy or consulate of another country	31
Kept the child late after a visit prior to the abduction	24

More research is needed to confirm these results.

**7 Interviews with domestic violence agencies around Australia**

A total of five interviews were conducted with agencies in New South Wales, Queensland and Western Australia.

**New South Wales**

Three agencies were interviewed:

- 1 Amelie House, which is a women’s refuge run by St Vincent de Paul
- 2 Wollongong Women’s Information and Referral Service, which provides direct, crisis and long-term support for women experiencing domestic violence; and
- 3 Women’s Cottage, Hawkesbury, which does assessments and makes referrals with women in relation to domestic violence, stress or family issues.

These three services recounted details of four specific cases as well as referring to aspects of other relevant cases involving domestic violence and actual or potential abduction. Three of the

cases presented at a service at the pre-abduction stage. These three located the services through legal referrals and pamphlets. Reasons for presenting at the services predominantly related to family breakdown and separation from children. Other factors included potential or actual abductions, the threat of shared custody, losing control and not having a say in the way the children were raised.

All four cases discussed involved women aged between their early twenties and mid-forties. Three women were separated and one was married. All services had some face-to-face contact with the women and in addition, some e-mail and phone contact.

One of the women, who was referred by a homelessness service, did not subsequently go through with the abduction. All women abducted or contemplated abduction to escape their partner’s control. In one instance the woman feared abduction by her partner. One woman presented at the service after she had fled from Australia with her children and then returned. This woman took steps to prevent her partner abducting the children. She was subsequently murdered by her partner.

The services identified isolation as a significant issue for many of these women. Through years of domestic violence and, for some, being away from their home country, many had very little family contact. In one case, a woman made contact with some friends here. While this may have been initially supportive, it probably contributed to her former partner finding her. She was last seen at the airport with her children. The service believes her former partner coerced them into leaving Australia with him.

None of these clients required interpreters but the services advised that they always obtain an interpreter if required. Material is available in a range of community languages.

All cases involved Hague Convention countries. These services made referrals to legal services and to child support services where it was deemed children needed assistance to deal with family violence issues. Other referrals were to Centrelink and migrant resource centres.

**Queensland**

One agency, the North Queensland Domestic Violence Resource Centre, was interviewed. This service describes itself as a feminist domestic violence organisation that works from a strengths-based model. The interview discussed one specific case of a separated non-Australian woman in her early thirties who presented at the service to obtain a protection order and support for domestic violence issues. The service is very well known and is well advertised and it is believed the woman knew to go there for assistance.

The woman was contemplating abducting her children to her home country when she sought assistance. She had previously undertaken family mediation, which resulted in negative outcomes for her. Out of fear, she agreed to many negative conditions during mediation. This raises important issues about

<sup>22</sup> Chiancone, J., Girdner, L., and Hoff, P. (2001), 'Issues in resolving cases of international child abduction by parents', *Juvenile Justice Bulletin*, December.

the need for rigorous intake processes and sensitivity on the part of mediation providers to the effects of domestic violence on victims' ability to engage in a mediation process.

The service provided counselling, referrals, support and advice around domestic violence. As her family was overseas and she was living in an area isolated from metropolitan towns, she was extremely isolated and scared. She eventually fled to be with her family where she could receive emotional and financial support and be safe. Her family sent money so she could return. This service and others reported being relieved when she finally left Australia, but she and the children were later compelled to return under a Hague Convention application. The service believes this was a very negative outcome for the client and that this was a case where the Hague Convention, or the interpretation of its intention, worked against the interests of the mother and children.

While referrals were made to legal aid and material aid services, everything was 'too little, too late'. The relatively remote setting where the woman lived also impeded her capacity to access services due to the need for lengthy travel with two young children.

#### **Western Australia**

One agency, the Albany Women's Centre, was interviewed and identified one case. The woman made independent contact with the service due to domestic violence, material needs and fear that her partner would abduct their child.

The service was able to make referrals to other agencies offering safe accommodation, food, clothing, crisis payments, counselling and hospitalisation for mental health issues. The service believes her practical and material needs were met but that the woman was 'too paralysed with fear' to be helped sufficiently. She was ruled by this fear and mistrusted other people and services to the extent that she was unable to make disclosures, and refused to take out a restraining order. She feared the possibility of going to court and having to share custody with her ex-partner, thus increasing her child's vulnerability to abduction and her own vulnerability to violence.

This case involved a country that was not a signatory of the Hague Convention. The father threatened to take his daughter out of Australia to where she could be raised in a Muslim environment, but he didn't actually go through with it. Meanwhile, the mother went to extreme lengths to keep her child in Australia, changing her name and dressing her as a boy. The mother had 'little to no' support outside formal services. The mosque she attended was also attended by her ex-partner and she felt he was well connected and influential within the mosque but that the community did not support her.

The agency was not aware of the nature of inter-country cases and felt ill-equipped to deal with this particular case. The agency

was unaware of the services and resources that existed which could provide information for this client.

#### **State comparisons**

The above cases reveal that there are no significant differences in the nature of cases in different states. The common theme that emerges is the sense of isolation of women that is brought about by physical isolation from their family overseas and from support services and other forms of assistance. This compounds the isolation that eventuates when women have experienced domestic violence and control by partners. The isolation is exacerbated when a woman is living in a remote area.

The capacity of a service to link a woman to the range of supports she requires while also providing a holistic oversight of the needs of the woman and her children is critical for providing effective support. The cases also confirmed the need for services to know where to obtain accurate information about international parental child abduction in relation to both Hague Convention signatory countries and non-signatory countries. The specialist skills in dealing with domestic violence confirm the importance of having experienced caseworkers supporting these clients. A number of the services indicated they needed to know more about international parental child abduction, particularly as it is a relatively uncommon occurrence in some areas.

Ways to improve this situation were suggested such as:

- broader community education to enable more people and generic services to understand the dynamics of domestic violence and international parental child abduction, and where to go for support and advice
- services becoming part of a network that exchanges information that can be passed on to parents and workers
- ensuring that women are well aware of the implications of abduction
- ensuring that legal referrals are to lawyers well versed in abduction matters; and
- ensuring that there are ways to better support women and children compelled to return under the Hague Convention.

#### **Language barriers**

The parent interviews and agency interviews did not identify language as a significant barrier. However, agencies spoke of organising interpreters whenever required and making sure that information is available in a full range of community languages. Providing clear information about international parental child abduction in a range of appropriate community languages is essential, and this information should be available both on a website and in brochures.

## 8 Recommendations

The 'Learning from the Links' project has identified a number of recommendations that have arisen from the interviews and literature review. They are in the areas of service provision, information and training.

### **Service provision**

- 1 The IPCA Service should be continued to ensure ongoing provision of support services for families affected by international parental child abduction.

It was clear that many domestic violence services need the support of a recognised expert body, such as the IPCA Service, to assist them to support clients experiencing international parental child abduction.

### **Information**

- 2 More on-line resources are needed aimed at people experiencing domestic violence and international parental child abduction including:
  - a) *An online support network for parents:* Being in touch with parents who have had similar experiences could alleviate the reported sense of isolation and complement support from professional services. Information about international parental child abduction and domestic violence should be available on-line on a website in a range of appropriate community languages.
  - b) *On-line information for domestic violence workers:* Domestic violence workers need access to targeted, accessible, up-to-date information about international parental child abduction.
- 3 Targeted community information and promotion of international parental child abduction is needed to improve awareness of the issues, in particular the link with domestic violence and the support services available for families.

There is a clear need for increasing the general public's knowledge of international parental child abduction. This could include print and multimedia based information and wide dissemination of the resource kit that has been produced as part of the 'Learning from the Links' project.

### **Training**

- 4 Training should be provided for agencies delivering domestic violence services, other generalist services working with families, lawyers working in community legal centres and specialists in family law to ensure better understanding of the issues and improve service delivery.

The specialist nature of international parental child abduction and domestic violence requires services and individual workers to be well versed in relevant legal and support responses. The provision of specialist training to people and agencies working within specific domestic violence fields as well as training for generalist support services will ensure that clients receive accurate and helpful advice and support. It would be cost-effective to deliver the training on-line or on interactive DVD.



## REFERENCES

- Bruch, C., 'The unmet needs of domestic violence victims and their children in Hague Child Abduction Cases', *Family Law Quarterly*, Fall 2004, vol 38, no 3:529.
- Chiancone, J., Girdner, L., and Hoff, P. (2001), *Issues in Resolving Cases of International Child Abduction by Parents*, Juvenile Justice Bulletin, Dec.
- Commonwealth Attorney-General's Department (2001), *International Child Abduction: A Guide for Parents and Practitioners*, Canberra, Commonwealth Attorney-General's Department.
- Cronin, K. (1996), 'A primary consideration – children in Australian immigration law', *Australian Journal of Human Rights*. Accessed 28/07/06 at [www.austlii.edu.au/au/journals/AJHR/1996/4.html](http://www.austlii.edu.au/au/journals/AJHR/1996/4.html)
- Fu, X., Tora, J., and Kendall, H. (2001), 'Marital happiness and inter-racial marriage: a study in a multi-ethnic community in Hawaii', *Journal in Comparative Family Studies*, 32:47–60.
- Greif, G.L. and Hegar, R. L. (1991), 'Parents whose children are abducted by the other parent: implications for treatment', *American Journal of Family Therapy*, 19:215–225.
- International Social Service (1979), *Legal Kidnapping Report: Preliminary Document No. 3*, prepared for The Hague Special Commission, International Social Service, Melbourne, February.
- International Social Service (2005), *Living in Limbo: The Experience of International Parental Child Abduction*, Research Report, International Social Service, Melbourne, February.
- Long, N., Forehand, R., and Zogg, C. (1991), 'Preventing parental child abduction: analysis of a national project', *Clinical Paediatrics*, 30:549–554.
- Lowe, N. with contributions of forum participants (1999), *International Forum on Parental Child Abduction*, Hague Convention Action Agenda, National Centre for Missing and Exploited Children. Accessed 28 July 2006 at [www.pact-online.org/pdf/forum\\_report.pdf](http://www.pact-online.org/pdf/forum_report.pdf)
- McConvill, J. and Mills, E. (2004), 'A theory of injustice: the flip side of the relocation coin in Australia', *International Family Law (UK)*, June, 99–110.
- Monahan, G. (2003), 'Facilitating international co-operation in parenting disputes: the Hague Child Protection Convention', *University of Tasmania Law Review*, vol. 22 no. 1:94–107.
- Reunite (2002), *How Can a Parent and Child Maintain Contact after an Abduction to a Non-Hague Convention Country?* Conference report, Paris, France, October.
- Reunite (2003), *An insight to International Parental Child Abduction and Related Issues*, Conference report, Leicestershire, January.
- Shetty, S. and Edleson, J.L. (2005), 'Adult domestic violence in cases of international parental child abduction', *Violence Against Women*, January, vol. 11, no 1:115–138.
- Spilman, S.K. (2006), 'Child abduction, parents' distress and social support', *Violence and Victims*, April, vol. 21, no. 2.
- Strom, A. (2002), *International child abduction: domestic violence on the global arena*, thesis, Fall, Lund University, Sweden. Accessed on 28 July 2006 at <http://theses.lub.lu.se/archive/sob//soch/soch03040/SOCH03040.pdf>
- The Hague Permanent Bureau (2003), *The Hague Project on Preventive Measures; Special Commission on Child Abduction*. Accessed 28 July 2006 at [www.hcch.net/upload/wop/prevmeas\\_backe.pdf](http://www.hcch.net/upload/wop/prevmeas_backe.pdf)

**APPENDIX 1****PARENTS' QUESTIONNAIRE****General information**

This information is used to look for patterns in parents who have abducted their child, or once planned to, or have had their child abducted.

- 1 Your gender and former partner's
- 2 Age (circle the appropriate age range and that of former partner)  
Under 20    21–25    26–30    31–35    36–40    41–45    46–50    51–55    over 55
- 3 Country of birth and former partner's
- 4 Length of residence in Australia and former partner's
- 5 Citizenship and former partner's
- 6 Languages spoken and former partner's
- 7 Religion and former partner's
- 8 Marital status and former partner's  
 Married             Divorced             Widowed             De-facto             Separated
- 9 Ages, date of birth and gender of children
- 10 Yours and former partner's highest education achieved: Last school year completed or details of higher education.
- 11 Your occupation and former partner's
- 12 Source(s) of income
- 13 Housing tenure, e.g., own, rent
- 14 Suburb or town where you live now and at time of abduction or planned abduction. Have you moved since abduction?  
If yes, why?
- 15 Do you or former partner have family in Australia?
- 16 Brief description of family and IPCA situation, including whether domestic violence occurred. If it did, ask whether there was an AVO ( a form of intervention order) taken out. Keep this factual and focus the discussion if needed. Cover abductor/left-behind parent and which countries were involved and relationship to each country.

**Use the following prompts if these issues are not covered when participant outlines his/her own case.**

- a) Thinking back on your (former) relationship, can you identify any particular behaviours, events, actions or threats on your or your partner's part, which indicated that abduction could occur? Can you pinpoint the incident or time when you first realised abduction was a possibility?
- b) How would you describe your relationship with the other parent of your child? Has this changed over time? Were there specific events, behaviours or attitudes that made you feel you wanted to leave the relationship and take the children? Or are you aware of any triggers or events that caused your partner to have similar feelings?
- c) In relation to setting up home with your partner, were there particular issues relating to one of you being away from an accustomed lifestyle, home life or close family that you believe contributed to pressures on the relationship? If so, can you describe your and your partner's feelings/attitudes towards the move?
- d) Did this occur before or after the birth of children? How old were the children? How long had you been in the relationship?
- e) Were there times when one of you experienced a particular sense of isolation or even homesickness?
- f) Where you or your partner moved from somewhere else to be in the relationship, were there issues around the new place of residence not living up to expectations?

g) With the benefit of hindsight, are there any issues you can point to which made the existing relationship intolerable for either you or your partner which may have precipitated the idea of abducting your child(ren)?

- 17 Internet access?       Yes – at home       Yes – other place       No  
If yes, did you use it to find services to support you?       Yes       No

**Services available**

This information will be used to help identify services offering support.

- 18 Please list the names of service providers that you know about.  
19 Please list the names of service providers that you contacted.  
20 Please list the names of service providers that you used.  
21 What services/programs did they offer?  
22 Which services/programs did you use? (Mark those above that were used with a tick.)

**Accessing the services**

These questions will give us information about how people access services and how services are delivered.

- 23 How did you find out about services? (Can be more than one)  
 friends       family       government advertising       pamphlets  
 Yellow Pages       internet       solicitor or lawyer       other
- 24 How were the services delivered to you? (Insert service provider above method)  
 face-to-face       phone       e-mail       by writing  
 on the internet       other

**Clients' reactions to services**

- 25 What services did you find useful?  
26 What services did you find not useful?  
27 What services were not offered but would have been useful?  
28 Were you satisfied with the information provided?       Yes       Mostly       No  
29 Accessing the services was:       easy       ok       sometimes difficult       hard  
30 What made it difficult?

**Impact on clients**

- 31 What have you learnt from these services?  
32 What new things have you learned to do from the services?  
33 What changes have you noticed in how you think about things?  
34 Please describe any other changes or impacts that services had on you.

**Practices**

- 35 Which service providers were the most helpful?
- 36 What worked well for you and why?
- 37 What services did not work well for you and why?
- 38 What did you find frustrating?
- 39 What are your suggestions for improving the services?
- 40 What overall changes do you think are needed?
- 41 What message would you like to give to people who deliver services?
- 42 What message would you like to give to other people who are in the same situation as you?

**APPENDIX 2****AGENCY QUESTIONNAIRE**

This questionnaire is designed to gain workers' perspective about domestic violence and international parental child abduction. In particular, it seeks to identify relevant services and any gaps to find out how people can be best supported to increase their safety and deter abduction.

- 1 Name of organisation and role of worker
- 2 Does your organisation have a practice philosophy (e.g., 'family focused')?

**General information**

This information will be used to look for patterns in parents who have abducted their child, or once planned to, or have had their child abducted.

- 3 How many clients have you worked with around domestic violence and international parental child abduction? If none, have any clients wanted to leave? If yes, were they stopped?
- 4 Most common age of groups of clients worked with (Circle the appropriate age range.)  
Under 20    21–25    26–30    31–35    36–40    41–45    46–50    51–55    over 55
- 5 Most common countries of birth
- 6 Most common length of residence in Australia
- 7 Most common citizenship status
- 8 Are materials in your organisation provided in community languages? If so, which ones have been used by this client group?
- 9 Most common religion
- 10 Most common marital status  
 Married             Divorced             Widowed             De-facto             Separated

**Worker's experience:**

- 11 Why did the client(s) present to your service?
- 12 At what stage did they present (i.e., post/pre abduction, etc.)
- 13 What support was your service able offer?
- 14 What support did clients have outside formal services (i.e., community, family etc)?
- 15 Do you have any information about why the client(s) ultimately decided to abduct or not to abduct?

**Accessing the services**

These questions will give us information about how people access services and how services are delivered.

- 16 How did clients locate your service? (Can be more than one)  
 friends                     family                     government advertising             pamphlets  
 Yellow Pages             internet                     solicitor or lawyer             other
- 17 How were services delivered?  
 face-to-face             phone                     e-mail                     by writing  
 on the internet             other

**Services available**

This information will be used to help identify services offering support.

- 18 Did you refer clients to other service providers? If so, which ones (please list).
- 19 Are you aware of the services they provided and whether or not the client used them?

**Practices**

- 20 Were you able to seek feedback from clients about which service providers were the most useful and why?
- 21 Were you able to seek feedback from clients about what worked well for them and why?
- 22 Were you able to seek feedback from clients about what services did not work well for clients and why?
- 23 Did you find any particular difficulties in making referrals?
- 24 What are your suggestions for improving the services/ referrals and what changes are needed?
- 25 What do you think your service would need to better support clients around abduction and domestic violence?

**Any other comments:**

## APPENDIX 3

### THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION

The Hague Convention on the Civil Aspects of International Child Abduction was established in 1980 and entered into force in Australia in January 1987. There are currently 77 countries that are party to the Convention.<sup>23</sup>

The stated objects of the Convention (set out in Article 1) are:

- to secure the prompt and safe return of children who have been wrongfully removed from one Contracting State to another; and
- to ensure that rights of custody and of access according to the law of one Contracting State are respected in the other Contracting States.

A key purpose of the Convention is to restore the pre-abduction status and to deter parents from crossing to another country that may have a more sympathetic jurisdiction.

In the 1970s when the Hague Conference on Private International Law undertook the preparation of a convention dealing with the specific problem of international abduction of children by parents, there was recognition that parental child abduction could not be adequately treated by strictly legal remedies.<sup>24</sup>

The desire to prevent or at least reduce the incidence of abduction lay at the heart of the convention. There was also recognition that a greater understanding and attention to the underlying causes and triggers for abduction could provide paths to a more effective solution and a more adequate and holistic response.

#### Operation of the International Child Abduction Convention

The Convention applies between those countries that have ratified it, and countries that have acceded to it and whose accession has been accepted by other ratifying or acceding countries. These countries are called Contracting States.

The Convention requires all Contracting States to establish administrative bodies known as Central Authorities. A parent whose child has been wrongfully removed can apply to the Central Authority in the country of the child's habitual residence or to the Central Authority of any other Contracting State for assistance in securing the return of the child.

If a Central Authority receives such an application, under Article 7 it must:

- take all appropriate measures to discover the whereabouts of the child
- prevent harm to the child or prejudice to the applicant parent
- secure the voluntary return of the child or otherwise
- bring about an amicable resolution of the matter.

When it becomes necessary, the Central Authority can initiate judicial or administrative proceedings to secure the child's return.

Article 11 requires that a Contracting State act in a prompt manner in all proceedings.

The Convention is not directly incorporated into Australian law. Instead, the *Family Law (Child Abduction Convention) Regulations 1986* ('the Regulations'), which came into force on 1 January 1987, provide the legislative structure for the application of the Convention as a matter of Australian domestic law. The Convention is set out in a schedule to the Regulations for the purpose of interpreting the Regulations and for ascertaining the position where the Regulations are silent.

In some other countries such as the United Kingdom, the Convention is directly incorporated into local law. In others it is enacted through its own statute. The range of approaches may contribute to some confusion in the application of the Convention.

#### The Convention, the Regulations and the best interests of the child

The judicial function is to determine whether or not the Convention applies and, if so, whether the limited exceptions that give rise to discretionary powers not to order the return of the child apply in a particular case. Implicit in this is the assumption that the child's best interests are most appropriately determined by the jurisdiction in which the child was habitually resident prior to the wrongful removal or retention.

The Convention is not directed fundamentally to the best interests of the child. The aims of the Hague Convention are to:

- trace abducted children
- secure their prompt return to the country of habitual residence; and
- organisation of secure effective rights of access.<sup>25</sup>

The Convention aims to deal with the application as expeditiously as possible to ensure no loss of time and minimal disruption to the children. It then follows that the appropriate authorities in their habitual country of residence can resolve issues surrounding their long-term welfare.

#### The Australian Government's role in administering the Hague Convention

The Convention establishes a Central Authority in each country to deal with applications for the return of children taken to and from each country. The Secretary of the Commonwealth Attorney-General's Department is the Central Authority for Australia.<sup>26</sup> There are also state-based Central Authorities with more limited functions.

The Child Abduction Convention is implemented in Australia by the *Family Law Act 1975*. The Regulations set out the procedure for making Convention applications, the powers of the court, and

<sup>23</sup> An up-to-date list is on [http://hcch.e-vision.nl/index\\_en.php?act=conventions.authorities&cid=24](http://hcch.e-vision.nl/index_en.php?act=conventions.authorities&cid=24)

<sup>24</sup> International Social Service (1979), *Legal Kidnapping Report, Preliminary Document No. 3*, report prepared for The Hague Special Commission, Melbourne, February.

<sup>25</sup> Lowe, N. with contributions of forum participants (1999), *International Forum on Parental Child Abduction, Hague Convention Action Agenda*, National Centre for Missing and Exploited Children. Accessed 28 July 2006 at [www.pact-online.org/pdf/forum\\_report.pdf](http://www.pact-online.org/pdf/forum_report.pdf)

<sup>26</sup> Detailed information on all aspects of administration of the Hague Convention in Australia is contained in the Attorney-General's Department publication, *International Child Abduction: A Guide for Parents and Practitioners*, Nov. 2001. This publication is no longer available as the latest information is now available on the Attorney-General's website, <http://www.ag.gov.au/www/childabduction.nsf/>

the functions of the Central Authorities. The Regulations and the Act are widely available and accessible on-line at [www.law.gov.au/childabduction](http://www.law.gov.au/childabduction).

### **Contact with Central Authority**

Applicants deal directly with the state or territory Central Authority in their nearest capital city. These are sent on to the Australian Central Authority, which coordinates the applications and contact with the other country.

The Central Authority produced the *International Child Abduction Guide for Parents and Practitioners*, which outlined all necessary steps a parent needed to take if making an application under the Hague Convention. Although still accurate, this publication is no longer available as the latest information is now available on the Attorney-General's website. <http://www.ag.gov.au/www/childabduction.nsf/><sup>27</sup>

### **Making an application**

A person can make an application using the available form, either electronically or from the guide. A person may also seek a solicitor to make an application on their behalf. The Central Authority can be contacted directly for advice and assistance, as can a legal aid office or a community legal centre.

### **Other forms of assistance in relation to applications**

#### ***Translations***

Many non-English-speaking countries accept applications in English. If a country requires a translation, this will be arranged by the Commonwealth Attorney-General's Department. State and territory authorities will forward these requests on to the Central Authority in Canberra.

#### ***Financial assistance for legal and travel expenses***

There is a means-tested scheme, administered by the Attorney-General's Department, to provide assistance with overseas legal fees and travel costs where a child has been removed from Australia.

<sup>27</sup> Commonwealth Attorney-General's Department (2001), *International Child Abduction: A Guide for Parents and Practitioners*, Canberra, Commonwealth Attorney-General's Department. This publication is no longer available as the latest information is now available on the Attorney-General's website, <http://www.ag.gov.au/www/childabduction.nsf/>





International  
Social Service  
Australian Branch

© Commonwealth of Australia 2007

This work is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any process without prior written permission from the Commonwealth. Requests and inquiries concerning reproduction and rights should be addressed to the Commonwealth Copyright Administration, Attorney General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600.

### **Acknowledgements**

The 'Learning from the Links' research project and this report have been funded by the Australian Government's Domestic and Family Violence and Sexual Assault Initiative through the Office for Women.

The Australian Government accepts no responsibility for the accuracy or completeness of any material contained in the research project and report and recommends that users exercise their own skill and care with respect to its use. The material contained in this kit does not necessarily reflect the views of the Australian Government.

International Social Service would like to thank the parents and service providers who have contributed to the research project by sharing their insights and experiences.

International Social Service would like to acknowledge the support of Perspexa for design and production, Spicers Paper for the paper, Masterfile for donating the cover image by photographer Chad Johnston and Bambra Press, Excel Australasia and Kerry Biram for their assistance.

For additional copies and feedback visit [www.iss.org.au](http://www.iss.org.au).

## **INTERNATIONAL SOCIAL SERVICE AUSTRALIAN BRANCH**

### **NATIONAL OFFICE**

2nd floor  
313–315 Flinders Lane  
Melbourne  
Victoria 3000  
Australia

Telephone: +61 3 9614 8755  
Toll Free: 1300 657 843  
Facsimile: +61 3 9614 8766  
Email: [iss@iss.org.au](mailto:iss@iss.org.au)

[www.iss.org.au](http://www.iss.org.au)