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Mr. Christophe Bernasconi
Secretary General of Hague Permanent Bureau
Hague Conference on Private International Law (HCCH)
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Re: Open Letter regarding The Need For Urgent Reform of The Hague Convention on the Civil Aspects of International Child Abduction

Dear Secretary General Bernasconi

As the representative of The Mother-Child Human Rights Foundation: Mothers ReVolution, I am availing this occasion to communicate with you concerning the impending Eighth Special Session for the Evaluation of the Functioning of the Hague Convention on the Civil Aspects of International Child Abduction. It is our intent to present a set of recommendations for Immediate Reforms that are long overdue and critically necessary.

Our non-profit organization assists Protective Mothers¹ and their children in the United States of America and those embroiled in cases involving the Hague Convention on the Civil Aspects of International Child Abduction. Established in the year 2018, Mothers ReVolution consistently receives a significant volume of appeals for aid from women and children affected by Intimate Partner Violence (IPV), instances of child abuse, and situations involving family court and Hague Convention-related predicaments. We provide support services including legal consultations, paralegal assistance, media strategy, trauma counseling, and other forms of advocacy.

By means of this formal open letter, our organization fervently implores all state parties to duly recognize the intricate interconnection between Intimate Partner Violence (IPV) and child abuse, as well as the consequent dual victimization experienced by women and children,

exacerbated and directly emanating from decisions based on the existing outdated configuration of the Hague Convention on the Civil Aspects of International Child Abduction. Based on the thousands of custody cases presented to us, this interrelationship has manifested in the “*Judicial Trafficking*” of children from their mother into the custody of their abusive fathers, affecting more than 80% of custody cases involving IPV and child abuse².

Intimate Partner Violence encompasses an extensive range of abusive actions that occur within a current or former intimate relationship. These actions include coercive control and various expressions of physical, sexual, psychological, financial, and legal abuse and aggression. It should not be isolated from the broader context of child abuse. Any form of child abuse is intrinsically intertwined with the abuse endured by the mother, and vice versa.

When survivors of IPV, already suffering from Post-Traumatic Stress *Injury* (PTSI)³, leave abusive relationships in the hopes of obtaining safety for themselves and their children, they unexpectedly find themselves in an inverted reality. Instead of encountering a legal system that protects them, they enter a world wherein the family courts, child protective services and law enforcement systems facilitate the perpetrators’ Post-Separation Abuse, thereby exposing them to an increase in violence and murder⁴. The agenda of the existing legal system remains fundamentally patriarchal in nature, entitling abusive fathers to custody of their children and disregarding the rights of mothers and children to be safe from violence and murder.

Background Judicial Child Trafficking⁵:

1. Regardless of a prior history of IPV and/or child abuse, upon separation or divorce, the family courts typically encourage abusive fathers to continue to have parenting time of the children, thereby requiring mothers to co-parent with their abusers. Abusive, vengeful fathers then utilize this shared custody scenario to further exploit their coercive control of the mothers and abuse of the children⁶.
2. When a child discloses abuse to their mother, and she reports it to law enforcement, social workers, and/or attorneys, the abusive father gaslights judicial officers by “Denying, Attacking, and Reversing Victim and Offender” (DARVO)⁷; claiming mother is “crazy,” and “alienating” the child from him. He then proceeds to weaponize the child against her through motioning the court for sole custody.
3. Subsequently, family court judges base their custody decisions on the results of forced “Custody Evaluations.” Appointed evaluators are known to use unscrupulous tactics and inappropriate psychological testing methods (such as the MMPI test which is entirely unsuitable for victims of IPV⁸) to discredit mother’s credible reports of IPV and abuse. Biased reports, based purely on opinion, claim mother is lying and coaching the child because of animosity towards father⁹. She is “mentally unstable” because she suffers from “parental alienation syndrome,” engages in “pathological attachment,” “enmeshed parenting,” “gatekeeping,” “implacable hostility,” “psychological splitting,” and other such nonscientific psychobabble.

4. The resulting custody transfer usually occurs without warning, through ex-parte orders and sometimes forcefully: children are jumped by police, SWAT teams and social workers¹⁰ usually without a warrant. Many of them are detained in reunification camps where they are “deprogrammed” through “threat therapy” to believe their mothers are mentally ill and dangerous, and to trauma-bond with their abusive fathers¹¹. If mothers are permitted to maintain contact with their children, it is often supervised.
5. This visitation regime reinforces the perpetrators’ brainwashing of the children to believe their mothers are unfit parents, consequently compounding existing abuse and increasing the possibility of intergenerational impact¹². The Centers for Disease Control and Prevention concludes that the resulting Adverse Childhood Experiences are the number one cause of death in survivors¹³. Mothers alleged to be the perpetrators of “parental alienation” are in fact the safe parents who are truly estranged from their children.
6. Family courts further punish mothers for protecting, by ordering her to pay for father’s judicial abduction and continued abuse of their children. Failure to pay child support, fees for both parties’ attorneys, parenting coordinators, guardian ad litem, therapists, supervised visitation providers and other court-appointed personnel results in loss of visitation, garnished wages, property liens and jail time. Meanwhile, courts facilitate the perpetrators’ continued torture of mothers through endless court proceedings leading to bankruptcy. All the while, judicial officers and court-appointed professionals profit from this Legal Abuse¹⁴, knowing full well she will never surrender. Judicial officers paid off by abusive fathers, a.k.a. “*fathers’ rights guns*,” scheme to launder their illicit proceeds through, what they coin themselves as, their “*Kids for Cash LLC*”¹⁵. Protective Mothers who resist or blow the whistle are routinely gagged and jailed¹⁶.
7. Through combining factors of destruction of their motherhood, financial devastation, possible criminal records and homelessness, their PTSI is compounded and erodes the mothers’ ability to function, destroys their livelihood and careers, causes illness, and ostracizes them from society. The intent of this nefarious scheme can be deemed “*Attempted Murder by Proxy*,” since it takes on the same hideous forms of torture, terror, pillage, and murder as any conventional war. The resulting daily onslaught of fatalities is staggering¹⁷.
8. Rooted firmly in a centuries-old patriarchal culture, this 21st century judicial “*Mommicide*” agenda originated when discriminatory federal fatherhood funding and legislation¹⁸ birthed the Association of Family and Conciliation Courts (AFCC) in The United States of America¹⁹. Their diabolical agenda has metastasized worldwide²⁰, destroying generations in its wake, and leaving a shameful stain on Humanity, as Human Rights of mothers and children remain non-existent.

Hague Convention on the Civil Aspects of International Child Abduction

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

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

Due to the egregiously outdated nature of the Hague Treaty, individuals who are victims of Intimate Partner Violence (IPV) and child abuse endure even more formidable repercussions, rendering them doubly victimized. It has become standard protocol for courts adjudicating Hague Treaty cases to avoid the consideration of the "grave risk" factor in Article 13B by opting for the implementation of so-called "ameliorative measures" upon the child's return to father's home country. Another reason for courts to justify not implementing the "grave risk" factor of Article 13B when ordering children back to father's home country is by leaning on agreements reached by parents during Hague Treaty proceedings, also known as "undertakings." However, neither ameliorative measures nor undertakings are enforceable and reality demonstrates that they are barely ever honoured in father's home country after the child is returned. These tactics have become legal loopholes that in fact often expose victims of IPV and Child Abuse to sustained or even increased forms of cruelty, abuse, torture, violence, and even fatal outcomes.

A significant portion of Protective Mothers find themselves geographically "*stuck*," in foreign legal systems, cultures, and languages, facing ongoing abuse with little recourse. It's important to highlight that a significant portion, ranging from 75% to 90%, of all cases governed by the Hague Treaty involve legal actions directed at mothers who are endeavoring to relocate to their home country with their children²¹. Among these cases, an astonishing 90% involve mothers seeking refuge from circumstances marked by IPV and child abuse²². It is worth highlighting that abusers frequently employ deceptive tactics to coerce mothers into consenting to their return with the children, only to subsequently assert that she "abducted" them, subjecting them to years of criminal proceedings in a foreign country and using that to end the mothers' custody of the children. Hague Treaty proceedings solely adjudicate the children's habitual residence to determine which country has jurisdiction over that child, without considering IPV and child abuse, resulting in the deportation of nearly all children involved²³. Abusive fathers around the globe utilize the Hague Treaty to intentionally sever the maternal-child bond, and have effectively transformed the treaty into a tool that can be described as a "Fathers' Rights Deportation Treaty."

Abusive fathers are known to have received support from local law enforcement authorities when attempting to separate the child from their mother. Instances have been reported where "Hagued mothers and children" are jumped by SWAT teams while on their way to school and forcibly separated through a conspicuous display of force. Subsequently, the mother is apprehended, thereby preventing her from pursuing her legal right to contest the deportation of her child.²⁴

Most mothers are unable to return with them due to risk of criminal prosecution, immigration restrictions, financial hardship, continued post- separation abuse and judicial bias in father's home country. Under the complete custody of their abusive fathers, these "Hagued children" not only endure ongoing abuse but also endure possibly permanent separation from their mothers, maternal families, and their own cultural heritage and language. Regrettably, these children are exposed to the most severe forms of Adverse Childhood Experiences ("ACEs"), which can lead to enduring and profound trauma. In a substantial majority of these cases, the children undergo a systematic process of manipulation, wherein their abusive fathers exploit Hague Treaty orders and subsequent local court decisions to convince the children that their mothers are "mentally unstable" and "dangerous child abductors," consequently fostering resentment and fear towards their mothers.

Children naturally bestow their trust in authoritative figures, such as their parents and the judicial system. Due to their limited psychological maturity, they cannot be expected to grasp, let alone resist, the deeply adverse consequences of this indoctrination on their ongoing psychological development. According to the Centers of Disease Control and Prevention, the subsequent Adverse Childhood Experiences encompass a broad spectrum of negative outcomes on their development, including but not limited to depression, anxiety, self-destructive behaviors, substance abuse, promiscuity, involvement in criminal activities, distorted self-perceptions, vulnerability to future victimization and perpetration of violence, chronic illnesses, unfavorable alterations in brain development, and even suicide and is the leading cause of adult mortality²⁵.

Examples of devastating Hague Treaty outcomes are accessible in our Hague Cases database and demonstrate that these decisions diametrically oppose the principles of gender equality, women's empowerment, and sustainability²⁶.

Furthermore, in addition to the enduring terrorizing anxiety generated by the far-reaching influence of the Hague Treaty's global dragnet, Protective Mothers are obliged to remain perpetually vigilant in guarding against the existence of unscrupulous organizations consisting of mercenaries and former military personnel. These groups engage in the abduction of children from Protective Mothers and transfer them to abusive fathers located in different countries in exchange for enormous financial gains.

Alarming, these nefarious organizations have candidly confessed to us that local law enforcement agencies willingly overlook their international child trafficking activities, purportedly because there is a widely held perception that the Hague Treaty is ineffective.”²⁷

Recommendations for Reform of the Hague Convention on the Civil Aspects of International Child Abduction from our organization to the state parties participating in The Hague Conference on Private International Law:

1. All cases (including allegations) related to Intimate Partner Violence (IPV) and child abuse shall undergo a thorough adjudication process based on their merits as a fundamental threshold matter before any determinations concerning deportation or return orders can be made. It's vital to recognize that IPV and child abuse are closely intertwined issues and shall not be treated as distinct matters within the adjudication process.
2. Abolish the existing standard protocol that allows for the discretionary judicial implementation of ameliorative measures and/or undertakings when considering the grave risk factor in Article 13B.
3. Article 13B of the Hague Treaty must be amended to explicitly incorporate the principle that if instances of Intimate Partner Violence (IPV) and child abuse have previously occurred, and it is established that the country where the abuse transpired either failed to protect the victims or exhibits a consistent pattern of failing to protect such victims, then those victims shall not be subject to orders mandating their return to that country.
4. Upon the initiation of any legal proceedings under the Hague Treaty that involves potential instances of IPV and child abuse, an automatic stay of legal proceedings must be implemented. A comprehensive assessment must be conducted by a multi-disciplinary team of experts. This team should comprise medical doctors, psychologists with expertise in IPV and child abuse, as well as advocates for IPV and child abuse victims, and this assessment should span a minimum duration of six months. The issuance of assessment reports confirming IPV and child abuse findings shall automatically trigger the implementation of Article 13B in the subsequent legal proceedings.
5. Furthermore, it is this multi-disciplinary panel that should assess whether a child has reached an age and level of maturity where their opinions should be taken into account.
6. The “Habitual Residence” factor should be replaced with the “Habitual Parent” factor, with global jurisdiction for minors.
7. All legal proceedings within the Hague Convention must be conducted exclusively in the English language, and any orders issued shall be enforceable worldwide.
8. All Hague Treaty court proceedings should be subject to the rules of evidence, and video recorded to preserve the record.
9. Prohibit the use of force by law enforcement to separate children from their parents.
10. There shall be the establishment of an Autonomous Oversight Committee, characterized by a multi-disciplinary panel of experts in Law and Psychology, as well as advocates for IPV and child abuse victims. The primary mandate of this committee will be to ensure the effective enforcement of the Hague Treaty among the nations that have ratified it.

11. Rogue mercenary child trafficking organizations must be prohibited, and offenders shall be subject to prosecution.
12. Victims of IPV and child abuse shall be provided with permanent international protection orders, protective living conditions, including the option for a change of identities, as a means of ensuring their safety and well-being.
13. The names of individuals identified as offenders of IPV and child abuse as well as permanent international protection orders against them must be registered at all Customs Offices. The identified perpetrators, upon crossing international borders, should be subject to prosecution for their crimes, with local law enforcement agencies providing immediate protection to the victims during such legal proceedings.
14. Convicted IPV and child abuse offenders should be promptly deported and barred from re-entering the country where the victims reside.
15. Hague Convention rulings as well as permanent international protection orders must be officially recognized and entered in the legal systems of all countries involved in order to prevent identified offenders of IPV and child abuse from attempting to re-litigate matters in local courts.
16. Absolute as well as quasi-judicial immunity of judicial bodies and court professionals should be entirely abolished on a global scale.
17. State parties that are signatories to the Hague Treaty are obligated to institute a comprehensive Zero-Tolerance Policy addressing Intimate Partner Violence (IPV), child abuse, and gender inequality, which must be effectively executed through educational, media, and entertainment channels. Additionally, early intervention measures should be made available to address these issues effectively.

We express our gratitude for your valuable time, unwavering attention, and earnest consideration concerning these exceedingly pressing issues. We kindly request the dissemination of our open letter to all state parties and individuals in attendance at the forthcoming Eighth Special Session. This dissemination is crucial for the amplification of our voices as we assert our fundamental Human Right to provide a Safe and Peaceful environment for the upbringing of our children. Reforms must be enacted immediately within the framework of the Hague Convention on the Civil Aspects of International Child Abduction treaty and its operations to ensure the protection of the most vulnerable members of our global society: mothers and children who have already fallen victim to various forms of violence.

Sincerely,
Geerte Frenken, Executive Director
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Mothers ReVolution



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