

6 Flight to safety: How the Australian travel industry intersects with the 1980 Hague Child Abduction Convention

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Introduction

This chapter examines ways in which the Australian travel industry both facilitates and impedes the efforts of women and children seeking to escape violent homes and cross international borders. It draws on empirical data collected to address a significant gap in Australian scholarship concerning the severe consequences of the strict enforcement of the Hague Convention on the Civil Aspects of International Child Abduction (1980) (the Convention) by Australia's family courts in cases involving family violence. Through semi-structured interviews with ten women whose children were returned by the courts under Hague court orders, the data collected revealed recurring themes about their experiences. These findings offer critical insights into how the Australian travel sector intersects with the Convention and influences the capacity of abused women and children to flee their abusers.

Background to the Hague Convention

The Convention is primarily a jurisdictional instrument that is currently in force in 103 countries worldwide. Developed in the late 1970s by legal experts under the auspices of the Hague Conference on Private International Law (HCCH) in the Netherlands, it was designed to deter fathers from unlawfully taking their children across international borders without the custodial mother's consent, while ensuring the swift return of children to their country of habitual residence. These goals, in principle, aim to safeguard children and their mothers.