



INTERNATIONAL SOCIAL SERVICE AUSTRALIA

Submission on the Second Action Plan of the National Plan to End Violence against Women and Children 2022-2032

Cross-border family violence, international child protection and access to justice

Violence does not stop at Australia's borders.

The Second Action Plan should recognise and respond to the ways international borders, migration status, passports, legal systems and family separation can be used as mechanisms of violence and coercive control.

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Executive summary

International Social Service (ISS) Australia welcomes the opportunity to contribute to the development of the Second Action Plan under the National Plan to End Violence against Women and Children 2022–2032. ISS Australia supports women, children and families whose experiences sit at the intersection of family violence, child protection, international family law, migration and cross-border family separation.

The current National Plan provides the overarching 10-year framework. The present consultation is concerned with the Second Action Plan that will guide the next phase of implementation. This submission therefore uses ‘National Plan’ when referring to the 2022–2032 framework and ‘Second Action Plan’ when referring to the instrument now being developed.

ISS Australia’s practice demonstrates that gender-based violence may continue or intensify across international borders. International travel, dual nationality, immigration status, financial dependence, passports, unfamiliar legal systems and separation from family and community can all be used as tools of coercive control. Families affected by International Parental Child Abduction, exit trafficking, forced marriage, female genital mutilation/cutting and other forms of cross-border abuse often require simultaneous assistance across legal, social work, family violence, child protection, consular, immigration and overseas systems.

The Second Action Plan should explicitly recognise these cross-border dimensions and embed specialist, multidisciplinary and internationally coordinated responses. It should also build on recent Australian Government investments in family violence support in Hague Convention matters, address gaps in assistance for self-represented litigants and cases of international parental child abduction to non-Hague countries, strengthen awareness and referral pathways, support the practical operation of protected confidence provisions, promote greater consistency in safety responses, and ensure recovery support continues after legal proceedings conclude.

ABOUT INTERNATIONAL SOCIAL SERVICE AUSTRALIA

International Social Service (ISS) Australia is Australia's specialist non-government cross-border child protection and family support organisation. For more than 60 years, ISS Australia has supported children and families affected by international family separation, parental child abduction, family violence, child protection concerns, migration, intercountry adoption, family finding and reunification.

ISS Australia delivers integrated services including specialist cross-border social work, legal assistance, international family mediation, domestic violence support, family finding and tracing, international child protection and kinship work, return and reintegration support, training and consultancy.

As the Australian member of the International Social Service global network, spanning more than 140 countries and territories, ISS Australia works with courts, governments, child protection authorities, legal practitioners, social workers and service providers - overseas and in Australia - to protect children and support families across borders.

We acknowledge the Traditional Custodians of the lands on which we work and live. We pay respects to Elders, past and present, and acknowledge the ongoing contribution of Aboriginal and Torres Strait Islander peoples make to the life of this nation and to our communities. We respect and support their relationship with their lands, waterways and skies and are inspired by their ways of knowing, being and doing. This land was and always will be Aboriginal land.

CONSOLIDATED RECOMMENDATIONS

1. Recognise cross-border violence:

Explicitly recognise cross-border coercive control and other international dimensions of violence against women and children within the Second Action Plan, including coercive control that exploits travel, migration status, passports, documentation and international family separation.

2. Embed international cooperation:

Ensure integrated responses include cooperation between domestic agencies, diplomatic and consular services, overseas authorities and specialist cross-border organisations.

3. Recognise and support specialist mediation:

Recognise and fund accredited, child-focused international family mediation as an early intervention and recovery response where it is safe and appropriate.

4. Assess risk rather than labels:

Ensure policy and practice in international child abduction matters are based on individualised family violence and child-safety assessment, rather than assumptions attached to the labels 'taking' and 'left-behind' parent.

5. Strengthen access to specialist representation:

Review the delivery of the International Child Abduction Respondents Scheme (ICARS) to ensure that funding consistently translates into timely access to lawyers with recognised expertise in Hague Convention proceedings, particularly in matters involving family violence, coercive control and children's safety.

6. Increase awareness of ICARS:

Increase awareness of the international child abduction respondents scheme among family lawyers, family violence services, community legal centres and frontline practitioners, and strengthen referral pathways to ensure that eligible families are connected with specialist assistance as early as possible.

7. Support parents considering removing their children from Australia:

Fund specialist, trauma-informed legal and social work support for parents experiencing family violence who are considering relocating with their children from Australia. This should include assistance to self-represented litigants to file initiating applications for relocation and watchlist orders, ongoing support throughout the litigation, and advice on related migration and Domestic Violence Order matters. Increased social work support should also include brokerage for emergency accommodation/refuges, safety planning and family mediation where appropriate.

8. Support self-represented litigants involved in cross-border family law matters:

Establish and fund specialist, trauma-informed, multidisciplinary legal and social work assistance for self-represented litigants involved in international family law and child abduction proceedings where family violence is present. Support should address the complex legal and practical issues arising in cross-border matters, including proceedings concerning the return or retention of children, international relocation, and the interaction between family law, migration and family violence protections.

9. Sustain and extend Hague supports:

Maintain and expand specialist legal, social work, mediation and therapeutic support for both left-behind and taking parents in Hague Convention matters, including post-proceedings recovery and integration assistance.

10. Improve referral pathways and awareness:

Ensure every person served with Hague Convention documentation receives clear information about ISS Australia's services, and strengthen awareness among police, courts, child protection, legal assistance, family violence and consular services.

11. Recognise exit trafficking:

Identify exit trafficking as a serious form of gender-based violence, child abuse and coercive control, and establish and fund coordinated prevention, safe-return, recovery and reintegration responses.

12. Address forced marriage and FGM/C across borders:

Build on the National Plan's recognition of forced marriage and female genital mutilation/cutting by addressing the specific risks arising when children are taken or kept overseas for these purposes and to support their safe return, recovery and reintegration.

13. Extend access beyond Hague matters:

Fund specialist legal assistance for cross-border family violence and child protection matters that fall outside the Hague Convention framework.

14. Strengthen consistency in family court responses:

Ensure that identified safety measures are reliably implemented, expanding accessible pathways for risk identification beyond digital screening tools, and providing appropriate supports for people experiencing language, literacy, disability, trauma or technology barriers.

15. Invest in long term recovery:

Ensure children and parents have access to long-term trauma-informed therapeutic services, including specialist child psychology and post-return integration support.

16. Protect confidential therapeutic relationships:

Provide practical guidance and dedicated funding to assist service organisations to respond to subpoenas and invoke protected confidence provisions where disclosure may harm women or children.

17. Improve awareness and referral pathways:

Include national awareness, workforce education and referral initiatives so that families and frontline services can identify and access specialist cross-border assistance early.

18. Strengthen knowledge and guidance:

Support the development of accessible jurisdictional information, specialist referral directories and workforce education on cross-border family violence, parental abduction and international child protection.

19. Utilise international practice and policy frameworks:

Draw on the Ottawa Principles for Protecting Children and Parents Subject to Family Violence in Cross-Border Situations when designing and implementing relevant measures under the Second Action Plan.

1. Introduction

ISS Australia welcomes the opportunity to contribute to the development of the Second Action Plan under the National Plan to End Violence against Women and Children 2022–2032.

Australia has committed, through international human rights instruments and domestic laws and policies, to protect women and children from violence, ensure access to justice, promote recovery from trauma, and support the enjoyment of family life, identity and participation. ISS Australia's work at the intersection of family violence, child protection and international family law provides a distinctive perspective on how these obligations operate where violence and abuse crosses borders.

Through specialist social work (including domestic violence supports), legal, family mediation, child protection and family finding services, ISS Australia supports women and children whose experiences demonstrate both the strengths of Australia's response and areas where further development is required.

2. Australia's international obligations

The National Plan and its Action Plans are important mechanisms through which Australia gives practical effect to its international human rights obligations. Foremost among these are the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

The CRC recognises every child's right to protection from all forms of violence (Article 19), requires that the child's best interests be a primary consideration (Article 3), recognises children's rights to participate in decisions affecting them (Article 12), protects identity and family relationships (Articles 8 and 9), and requires States to promote the physical and psychological recovery and social reintegration of child victims (Article 39).

CEDAW requires Australia to eliminate discrimination against women in law and practice and to exercise due diligence in preventing, investigating and responding to gender-based violence. Through General Recommendation No. 35, the CEDAW Committee has affirmed that gender-based violence against women constitutes discrimination and requires coordinated legislative, policy and service responses that ensure prevention, protection, access to justice and effective remedies. These obligations extend to violence occurring within families and recognise the need to address intersecting forms of disadvantage experienced by migrant women, women from culturally and linguistically diverse communities, women with insecure migration status and other groups facing additional barriers to safety and justice.

Australia's commitments under the Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development further reinforce the need to prevent violence, strengthen institutional responses, improve access to justice and end abuse, exploitation and trafficking of children.

For families whose lives and connections extend across international borders, Australia's obligations are also informed by Hague Conference on Private International Law instruments, including the 1980 Hague Convention on the Civil Aspects of International Child Abduction and the 1996 Hague Child Protection Convention. Together, these frameworks require prevention, protection, recovery, access to justice and effective international cooperation.

Taken together, these international instruments establish a coherent framework requiring Australia not only to respond to violence after it occurs, but also to prevent violence, support recovery, strengthen access to justice, protect children's rights and identity, and ensure coordinated responses across health, justice, child protection and social service systems. They also recognise that women and children are independent rights holders whose rights are interconnected and mutually reinforcing.

The observations contained in this submission are offered in this context. Drawing on ISS Australia's specialist experience supporting women and children affected by cross-border family violence, international child protection matters and family separation, this submission identifies opportunities for the National Plan to strengthen Australia's implementation of these existing international commitments, particularly where violence intersects with international family relationships, migration and cross-border child protection.

3. Violence does not stop at Australia's borders

Families may have connections across multiple jurisdictions through migration, dual citizenship, international travel or transnational family relationships.

Australia is one of the world's most culturally diverse nations and increasingly comprises families whose lives, relationships and identities extend across international borders. According to the Australian Bureau of Statistics, almost one-third (32%) of Australia's population was born overseas. In addition, data from the 2021 Census indicate that more than half (51.5%) of Australians were either born overseas or had at least one parent born overseas. These demographic realities mean that many Australian families maintain enduring relationships with relatives, cultures, communities and legal systems in other countries. Family violence, child protection concerns and family separation are therefore increasingly likely to involve international dimensions, including dual nationality,

international travel, migration pathways, overseas family networks and cross-border parenting arrangements. Australia's response to violence against women and children must recognise that these international connections can be sources of resilience and cultural identity, but may also be exploited as mechanisms of coercive control, family violence, international child abduction, exit trafficking and other forms of cross-border abuse. More fully recognising these realities within the Second Action Plan would better align Australia's family violence framework with both contemporary Australian society and Australia's international human rights obligations.

Perpetrators can exploit these international connections as mechanisms of coercive control. Cross-border abuse may involve overlapping forms of family violence, international child abduction, exit trafficking, immigration-related abuse, financial abuse, isolation and document confiscation. In this context, specialist cross-border responses should not be regarded as niche services for a small number of families, but as an increasingly important component of Australia's mainstream family violence, child protection and justice systems.

The Second Action Plan should therefore make clear that Australia's response to gender-based violence and violence against children extends beyond violence occurring physically within Australia. Safety often depends on coordinated action across jurisdictions, and legal or service responses that operate domestically only can leave women and children without effective protection.

RECOMMENDATION 1: RECOGNISE CROSS-BORDER VIOLENCE

Explicitly recognise cross-border coercive control and other international dimensions of violence against women and children within the Second Action Plan, including coercive control that exploits travel, migration status, passports, documentation and international family separation.

4. Integrated responses must include international cooperation

Integrated systems should be capable of coordinating family violence, child protection, family law, criminal law, immigration, border and consular processes with overseas authorities and specialist organisations. This is particularly important where a child or parent is stranded overseas, where protective orders must be understood or implemented

in another jurisdiction, or where safe return planning requires assistance from agencies in more than one country.

Specialist cross-border social work frequently provides the continuity that enables fragmented systems to operate as a coordinated response. Social workers undertake risk assessment, child-focused engagement, safety planning, family engagement, liaison with overseas agencies, return planning and post-return reintegration. This role complements legal representation and mediation and is often the element that enables children and families to navigate multiple systems safely.

RECOMMENDATION 2: EMBED INTERNATIONAL COOPERATION

Ensure integrated responses include cooperation between domestic agencies, diplomatic and consular services, overseas authorities and specialist cross-border organisations.

5. Specialist family mediation as early intervention and recovery

“Most of the time, families seeking help have fled one country and are in financial crisis. It is great that ISS provides welfare services and links them to all the resources that are available.”

ISS Australia client feedback

The Second Action Plan should recognise the role that accredited, specialist family mediation can play in preventing ongoing harm where comprehensive screening and risk assessment indicate that mediation can proceed safely. Family violence frequently continues after separation through conflict, litigation, communication about children and disputes over parenting arrangements. For families with international dimensions, these disputes may continue for years and expose children to chronic conflict and compounded trauma.

Specialist mediation should not be viewed as an alternative to protection from violence. It is one component of a broader trauma-informed and child-centred response. It must be

delivered by appropriately qualified professionals with expertise in family violence, coercive control, trauma, child development, cultural responsiveness and international family law, with ongoing risk assessment and the capacity to suspend or terminate the process where safety cannot be assured. In order to deliver this service ISS Australia charges a modest fee, noting that many clients have limited or no capacity to pay.

During 2025-26, ISS Australia's International Family Mediation service supported 175¹ families. Client feedback consistently highlighted feelings of safety, impartiality and the mediators' focus on children's wellbeing,

RECOMMENDATION 3: RECOGNISE AND SUPPORT SPECIALIST MEDIATION

Recognise and fund accredited, child-focused international family mediation as an early intervention and recovery response where it is safe and appropriate.

6. Recognising the needs of both left-behind and taking parents

International family disputes involving violence are rarely straightforward. Public discourse often distinguishes between the 'left-behind' parent and the 'taking' parent. In practice, both may require protection, support and access to justice. Some parents relocate with children to escape serious family violence. Others remove children as an extension of coercive control, seeking to isolate them from the other parent, extended family or support services.

"Support for mothers who are wrongly accused needs to be improved, particularly where the other party's legal costs are met by government."

ISS Australia client feedback

Responses should avoid assumptions about victimhood based solely on who moved the child. They should instead focus on careful assessment of family violence, coercive control, risk to children, children's views and the protective capacity of each parent. Supporting both parents through specialist legal assistance, social work, therapeutic

¹ Includes requests for advice

support and, where appropriate, mediation ultimately supports children's safety, stability, family relationships and recovery.

RECOMMENDATION 4: ASSESS RISK RATHER THAN LABELS

Ensure policy and practice in international child abduction matters are based on individualised family violence and child-safety assessment, rather than assumptions attached to the labels 'taking' and 'left-behind' parent.

7. Strengthening Access to Specialist Representation in Cross-Border Family Violence Matters

The introduction of the International Child Abduction Respondents Scheme (ICARS) has made an important contribution to improving access to justice for parents responding to Hague Convention return applications in Australia. By providing financial assistance for legal representation in complex international child abduction proceedings, the Scheme recognises the significant disadvantage that respondents - many of whom are women experiencing family violence - may otherwise face in navigating highly specialised litigation.

ISS Australia's experience suggests, however, that access to funding does not always translate into access to appropriate specialist representation. Hague Convention proceedings are highly specialised. As a consequence, there are a limited number of practitioners with significant expertise in this area, many private practitioners are unaware that ICARS exists, and respondents may experience difficulty locating lawyers with the necessary experience who are willing, satisfied with the financial recompense available, and able to undertake matters funded through the Scheme.

These challenges are particularly significant in cases involving allegations of family violence, coercive control or grave risk under Article 13(b) of the 1980 Hague Convention, where legal representation should be informed by an understanding of international child abduction law, family violence dynamics, child rights and trauma-informed practice. In these matters, legal advice alone is often insufficient. Families commonly require coordinated social work, family violence support, international liaison, child-focused assessment and safety planning alongside legal representation.

Moreover, many parties' circumstances fall outside the scope of the Scheme. For example:

- **Left-behind parents** seeking the return of a child overseas are not eligible for ICARS. They may instead need to access the separate Overseas Child Abduction Scheme, which funds certain overseas legal costs rather than Australian representation.
- **Parents seeking preventative advice** because they fear a child may be taken overseas are not eligible, as no Hague proceedings have commenced.
- **Clients requiring preventative court action**, such as airport watchlist orders or relocation orders before an abduction occurs.
- **Exit trafficking victims** - because their matters generally do not arise under the Hague Convention return process.
- **Parents requiring assistance after Hague proceedings conclude**, for example, ongoing parenting litigation, family violence orders, migration issues or child protection matters.
- **Social work, therapeutic support, safety planning and international case coordination**, all of which ISS Australia routinely provides.

In this context, ICARS addresses only one point in a much longer continuum of need.

ISS Australia's experience demonstrates that the needs of families affected by cross-border family violence extend well beyond the scope of Hague return proceedings. Families frequently require specialist assistance before proceedings commence, during litigation and after proceedings conclude. They may require preventative legal intervention, specialist social work, safety planning, child-inclusive practice, family violence support, migration advice, therapeutic services, international case coordination and post-return reintegration support. These multidisciplinary needs are not fully addressed through a legal representation scheme alone.

The next National Strategy provides an opportunity to build upon the success of ICARS by strengthening complementary services that prevent international parental child abduction, support families throughout legal proceedings, and promote the long-term recovery and safety of women and children affected by cross-border family violence.

RECOMMENDATION 5: STRENGTHEN ACCESS TO SPECIALIST REPRESENTATION

Review the delivery of the International Child Abduction Respondents Scheme (ICARS) to ensure that funding consistently translates into timely access to lawyers with recognised expertise in Hague Convention proceedings, particularly in matters involving family violence, coercive control and children's safety.

RECOMMENDATION 6: INCREASE AWARENESS OF ICARS

Increase awareness of the International Child Abduction Respondents Scheme among family lawyers, family violence services, community legal centres and frontline practitioners, and strengthen referral pathways to ensure that eligible families are connected with specialist assistance as early as possible.

8. Prevention and access to justice for self-represented litigants

The National Strategy should recognise that preventing International Parental Child Abduction (IPCA) is itself an important component of preventing violence against women and children. Many Hague Convention matters do not arise suddenly or unexpectedly. Rather, they are frequently preceded by escalating patterns of family violence, coercive control, threats to remove children overseas, disputes about relocation, financial abuse and increasing parental isolation.

ISS Australia's experience suggests that there is a significant opportunity to intervene earlier through specialist legal advice, social work support and coordinated safety planning before an abduction occurs. Parents experiencing family violence often recognise warning signs but are uncertain about their legal options, the available protective mechanisms, or how to safely respond. Earlier access to specialist advice may enable preventative legal action, safety planning and coordinated support before families reach crisis point.

The current specialist legal service provides advice regarding international parental child abduction risks. However, advice alone may not be sufficient where there is an imminent risk that a child will be removed from Australia or retained overseas. In appropriate cases, meaningful prevention may require the capacity to initiate protective legal action, including applications for airport watchlist orders, relocation orders and other urgent protective measures, together with ongoing legal representation through those proceedings. These legal interventions should be supported by integrated social work, family violence support,

migration advice where relevant, and child-focused family dispute resolution where safe and appropriate.

Many victim-survivors cannot secure legal representation because of financial barriers, the complexity of proceedings and limited availability of specialist services. This is particularly acute in Hague Convention matters, where proceedings are expedited and narrowly focused. Family violence may be central to the family's circumstances, yet victim-survivors may experience the legal process as one in which their experiences are only partially heard.

Access to justice should be recognised as a key component of Australia's response to family violence. Where victim-survivors are unable to understand legal processes, secure legal assistance or safely participate in proceedings, the justice system itself may inadvertently contribute to ongoing coercive control. For a parent navigating unfamiliar proceedings without representation, the combination of trauma, ongoing coercive control, isolation and concern for a child's safety can be overwhelming. The legal process itself may become another avenue through which coercive control is exercised, especially where one party has greater financial resources, legal representation or familiarity with the justice system. Specialist assistance should extend beyond procedural help.

“Being in a foreign country, separated from your support network - and at times from your child - creates a level of distress that is difficult to articulate. Navigating unfamiliar legal systems can feel overwhelming and, at times, panic-inducing. The support I received was critical in enabling me to remain steady, informed and able to advocate effectively in my child's best interests. Continued funding is not just support for parents - it is protection for the children whose futures depend on it.”

ISS Australia client feedback

As discussed earlier, cross-border family violence presents complex circumstances in which parents may face extremely difficult decisions about their own safety and the safety of their children. In some cases, a parent's decision to leave a country with a child may occur in the context of serious family violence and perceived risks to safety. In others, the removal or retention of a child may itself constitute coercive control or result in significant harm. These matters cannot be understood through simplistic assumptions about either parent. Each case requires careful, individualised assessment that prioritises the best interests, safety and rights of the child while recognising the experiences of both parents.

ISS Australia's practice demonstrates that specialist, multidisciplinary support can significantly reduce family violence risks. Combining legal advice with specialist social work, family violence support, safety planning, therapeutic support, child focused practice mediation where appropriate, migration advice and referral to housing and financial assistance services enables women and children to participate more safely and effectively in complex proceedings. This coordinated approach is particularly important for self-represented litigants and families involved in international child abduction, cross-border parenting disputes and related family violence matters.

Supporting families through legal proceedings should therefore be viewed not simply as facilitating access to courts, but as an important violence prevention measure. Enabling victim-survivors to understand their rights, engage confidently with legal processes and access coordinated support, no matter where they are, reduces the likelihood that litigation itself becomes another mechanism of coercive control or ongoing trauma.

RECOMMENDATION 7: SUPPORT PARENTS CONSIDERING REMOVING THEIR CHILDREN FROM AUSTRALIA

Fund specialist, trauma-informed legal and social work support for parents experiencing family violence who are considering relocating with their children from Australia. This should include assistance to self-represented litigants to file initiating applications for relocation and watchlist orders, ongoing support throughout the litigation, and advice on related migration and Domestic Violence Order matters. Increased social work support should also include brokerage for emergency accommodation/refuges, safety planning and family mediation where appropriate.

RECOMMENDATION 8: SUPPORT SELF-REPRESENTED LITIGANTS INVOLVED IN CROSS-BORDER FAMILY LAW MATTERS

Establish and fund specialist, trauma-informed, multidisciplinary legal and social work assistance for self-represented litigants involved in international family law and child abduction proceedings where family violence is present. Support should address the complex legal and practical issues arising in cross-border matters, including proceedings concerning the return or retention of children, international relocation, and the interaction between family law, migration and family violence protections.

9. Building on recent investment in Hague Convention matters

“ISS is a very important service and I hope it receives more funding. Funding should support more social work and legal services for both the taking parent and the left-behind parent. Everyone served with a Hague Convention notice should be given information about ISS and other support organisations.”

ISS Australia client feedback

The Australian Government has recognised the importance of specialist responses in international family law matters through investment announced in the 2023–24 Women’s Safety Budget. This included measures to strengthen implementation of the 1980 Hague Convention, including family violence specialist social work support and legal representation and mediation advice in incoming Hague matters.

ISS Australia welcomes these reforms. The Second Action Plan provides an opportunity to consolidate and extend this approach.

ISS Australia's experience demonstrates that effective responses require continuity across the entire family journey. Families often seek assistance before Hague proceedings commence, require specialist representation during litigation, and continue to need support following the conclusion of proceedings, including in relation to parenting arrangements, family violence, child wellbeing and reintegration. Strengthening multidisciplinary support across these stages would better align Australia's response with the prevention, early intervention, response and recovery objectives of the National Strategy.

Support should therefore remain available throughout a family’s engagement with the justice system and beyond the determination of proceedings, recognising that safety, reunification, recovery and the restoration of parent-child relationships often take considerably longer than the legal case itself.

RECOMMENDATION 9: SUSTAIN AND EXTEND HAGUE SUPPORTS

Maintain and expand specialist legal, social work, mediation and therapeutic supports for both left behind and taking parents in Hague matters, including post-proceedings recovery and reintegration assistance.

RECOMMENDATION 10: IMPROVE REFERRAL PATHWAYS AND AWARENESS

Ensure every person served with Hague Convention documentation receives clear information about ISS Australia's services, and strengthen awareness among police, courts, child protection, legal assistance, family violence and consular services.

10. Exit trafficking and cross-border coercive control

ISS Australia is increasingly concerned by cases involving coercion or deception that results in women and children becoming stranded overseas. While 'exit trafficking' is a Commonwealth criminal offence, its intersection with family violence, child protection and international family law remains under-recognised in policy and service systems.

In many matters, women and children are persuaded or compelled to travel overseas for what is presented as a family holiday, cultural event or to visit to relatives. Once overseas, the perpetrator may return to Australia alone, retain passports, restrict financial resources and leave the mother (and frequently the child) without a practical means of returning. Geography, immigration status, financial dependence and documentation become tools of ongoing abuse.

These cases require coordinated specialist legal assistance and social work support, safety planning, international case coordination, consular engagement, liaison with overseas authorities, emergency travel documentation and post-return recovery support. Without coordination, families can fall between systems while experiencing trauma and financial deprivation overseas.

RECOMMENDATION 11: RECOGNISE EXIT TRAFFICKING

Identify exit trafficking as a serious form of gender-based violence, child abuse and coercive control, and establish and fund prevention, identification, safe-return, recovery and reintegration responses.

11. Forced marriage and female genital mutilation

The National Plan already recognises forced marriage and female genital mutilation/cutting (FGM/C) as forms of gender-based violence. This provides an important foundation for prevention, early intervention, response and recovery. The Second Action Plan should build on that foundation by addressing the specific cross-border child protection dimensions of these practices.

Children and young people may be deceived or coerced into travelling overseas for the purposes of forced marriage or FGM/C, separated from Australian protection systems, deprived of travel documentation and prevented from returning. These circumstances engage Australia's obligations under the CRC relating to the illicit transfer and non-return of children, protection from violence and harmful practices, preservation of identity and documentation, and recovery and reintegration.

Strengthening coordination between schools, health services, child protection authorities, police, border agencies, consular services and specialist cross-border organisations would improve prevention and enable faster action when a child is taken or kept overseas.

RECOMMENDATION 12: ADDRESS FORCED MARRIAGE AND FGM/C ACROSS BORDERS

Build on the National Plan's recognition of forced marriage and female genital mutilation/cutting by addressing the specific risks arising when children are taken or kept overseas for these purposes and to support their safe return, recovery and reintegration.

12. Extending assistance beyond Hague Convention cases

"Extending the legal service formally to non-Hague matters would improve the service."

ISS Australia client feedback

A significant number of cross-border family violence and child protection matters fall outside of the scope of the 1980 Hague Convention. Families may be connected to non-Convention countries or the matter may primarily involve child protection, migration, forced marriage, exit trafficking or another form of cross-border abuse. These families can face equally serious risks but have fewer clear pathways to specialist assistance.

RECOMMENDATION 13: EXTEND ACCESS BEYOND HAGUE MATTERS

Fund specialist legal assistance for cross-border family violence and child protection matters that fall outside the Hague Convention framework.

13. Ensuring Safe and Consistent Family Court Responses to Family Violence

The justice system plays a critical role in protecting women and children experiencing family violence. However, ISS Australia's practice experience suggests that protective measures available within Family Court proceedings are not always implemented consistently, particularly for families involved in complex cross-border matters.

Clients have reported significant variability in their experience of safety arrangements during court proceedings. For example, victim-survivors may request family violence support services, safe arrival and departure arrangements or other practical safety measures prior to attending court, only to find these supports unavailable on the day despite prior notification. Such inconsistencies can undermine confidence in the justice system and expose women and children to unnecessary risk during already highly stressful proceedings.

ISS Australia welcomes initiatives such as the Lighthouse Project, which has strengthened risk screening within the Federal Circuit and Family Court of Australia. However, practice experience suggests that reliance on electronic self-assessment tools alone may not identify all families requiring support. Some victim-survivors experience barriers including limited literacy, language difficulties, disability, trauma, limited digital access or a lack of understanding about the significance of the screening process. Others may minimise or fail to disclose family violence because of fear, coercion or uncertainty about how the information will be used.

A trauma-informed justice system requires multiple pathways for identifying risk and ensuring that protective responses are consistently implemented. Screening tools should be complemented by opportunities for personal engagement, specialist assessment and

flexible approaches that recognise the diverse needs of families affected by family violence.

RECOMMENDATION 14: STRENGTHEN CONSISTENCY IN FAMILY COURT RESPONSES

Ensure that identified safety measures are reliably implemented, expanding accessible pathways for risk identification beyond digital screening tools, and providing appropriate supports for people experiencing language, literacy, disability, trauma or technology barriers.

14. Recovery, therapeutic support and child psychology

Protecting children from violence requires more than immediate physical safety. Children may experience prolonged trauma arising from family separation, disrupted identity, loss of cultural connection, interrupted education, repeated legal proceedings and uncertainty about their future. Recovery should be understood as an ongoing process requiring therapeutic support, stable relationships, participation, identity and belonging. In this context it is important to recognise the distinct rights, experiences and needs of children who are exposed to family violence and separation.

Families also identify the need for more accessible specialist psychological support for children affected by parental abduction and cross-border trauma. Developing a referral directory in collaboration with relevant professional bodies could assist families and practitioners to identify psychologists with appropriate expertise or willingness to undertake specialised professional development.

RECOMMENDATION 15: INVEST IN LONG-TERM RECOVERY

Ensure children and parents have access to long-term trauma-informed therapeutic services, including specialist child psychology and post-return reintegration support.

15. Protecting confidential therapeutic relationships

Women and children affected by family violence must be able to seek counselling, social work and family violence support with confidence that their communications will be appropriately protected. The recently introduced protected confidence provisions under

the Family Law Act 1975 are an important recognition that disclosure of sensitive records may cause greater harm than benefit and may discourage victim-survivors from seeking help.

The practical effectiveness of these protections depends on organisations having the capacity to invoke them. Responding to subpoenas and seeking to prevent harmful disclosure can require costly specialist legal advice and representation. For not-for-profit organisations, these costs may be significant and are generally not supported through a dedicated funding mechanism.

RECOMMENDATION 16: PROTECT CONFIDENTIAL THERAPEUTIC REALTIONSHPIS

Provide practical guidance and dedicated funding to assist service organisations to respond to subpoenas and invoke protected confidence provisions where disclosure may harm women or children.

16. Awareness, referral pathways and service visibility

Client feedback consistently identifies difficulty locating specialist assistance as a major barrier. People may only discover ISS Australia after prolonged searching, even though early referral could reduce distress, improve safety planning and strengthen engagement with legal and service systems.

“It is genuinely difficult to suggest improvements, as my experience with the service has been outstanding. Ensuring that more people are aware of and able to access this level of support would be incredibly valuable, as it can make a life-changing difference.”

ISS Australia client feedback

“Your work is absolutely invaluable and I am so glad I somehow found you. Greater awareness of your services would help more families find support earlier.”

ISS Australia client feedback

Awareness initiatives should target frontline professionals and the public. Police, courts, child protection practitioners, legal assistance providers, family violence services, migration services, schools and diplomatic missions should understand when and how to refer families to specialist cross-border support.

RECOMMENDATION 17: IMPROVE AWARENESS AND REFERRAL PATHWAYS

Include national awareness, workforce education and referral initiatives so that families and frontline services can identify and access specialist cross-border assistance early.

17. Strengthening practical knowledge and international guidance

Families and practitioners would benefit from clearer information about legal steps, documentary requirements and service pathways across Australian and overseas jurisdictions. ISS Australia supports investment in practical guidance and stronger liaison arrangements with relevant authorities so that families can receive timely and accurate information.

The Australian Government should also continue encouraging broader international cooperation under relevant Hague Conventions. While the Second Action Plan cannot determine whether other countries become parties, it can support diplomatic engagement, bilateral cooperation and practical child-protection arrangements with both Convention and non-Convention countries.

RECOMMENDATION 18: STRENGTHEN KNOWLEDGE AND GUIDANCE

Support the development of accessible jurisdictional information, specialist referral directories and workforce education on cross-border family violence, parental abduction and international child protection.

18. International cooperation and the Ottawa Principles

As the Australian member of the International Social Service global network, ISS Australia works with overseas practitioners and authorities to facilitate child protection assessments, family tracing, risk assessment, safe return planning, family reunification,

post-return reintegration and ongoing case coordination. This international infrastructure enables practical cooperation that extends beyond formal legal processes.

The ISS network has developed the Ottawa Principles for Protecting Children and Parents Subject to Family Violence in Cross-Border Situations. Developed through collaboration between ISS members, judges, academics and international practitioners, the Principles promote child-centred, trauma-informed, culturally responsive and multidisciplinary approaches that prioritise safety while facilitating effective international cooperation.

<https://iss-ssi.org/resourcesiss/iss-ottawa-principles-for-protecting-children-and-parents-subject-to-family-violence-in-cross-border-situations/>

The Ottawa Principles recognise that legal proceedings alone cannot adequately protect women and children affected by cross-border family violence. Effective responses require specialist legal assistance, social work, child protection, family violence services, therapeutic support and coordinated international case management.

RECOMMENDATION 19: UTILISE INTERNATIONAL PRACTICE AND POLICY FRAMEWORKS

Draw on the Ottawa Principles for Protecting Children and Parents Subject to Family Violence in Cross-Border Situations when designing and implementing relevant measures under the Second Action Plan.

19. What ISS Australia is hearing from families

Client feedback reinforces the themes set out in this submission. Families consistently identify the need for earlier referral, equal access to legal and social work support, assistance that continues after court proceedings, and coordinated responses that recognise the practical realities of being isolated in another country.

- Finding specialist support is often difficult, and families may locate ISS Australia only after prolonged searching.
- Even if support services are found many parents are in precarious financial situations and struggle to pay any related fees that may exist.
- Legal proceedings can compound trauma, particularly where a parent is self-represented or faces a significant resource imbalance.
- Social work, legal assistance, mediation and practical welfare support are most effective when delivered as a co-ordinated response.
- Children and parents may require recovery and reintegration support for months or years after proceedings conclude.

- Frontline agencies need greater awareness of international parental abduction, exit trafficking and cross-border coercive control.

The quotations included in this submission are drawn from recent anonymous client feedback. They have been lightly edited for spelling, length and clarity without changing their substance.

20. Conclusion

Violence against women and children increasingly transcends national borders. The Second Action Plan provides an opportunity to recognise this changing reality and position Australia as an international leader in responding to cross-border family violence.

By delivering specialist social work, legal services, mediation, therapeutic support, child protection and international cooperation within a coordinated framework, Australia can strengthen the safety, recovery and rights of women and children wherever violence occurs. Justice processes should not inadvertently become another mechanism through which family violence and abuse is experienced. Every point at which a woman or child interacts with the justice system should contribute to safety, recovery and the realisation of human rights rather than create new risks or barriers.

ISS Australia would welcome the opportunity to provide further information, practice examples or technical advice as the Second Action Plan is developed and implemented.

Appendix A: Selected service improvement suggestions from clients

In addition to the recommendations above, client feedback suggested the following practical service-system improvements:

- *Compile and maintain accessible information about legal steps and documentary requirements across Australian and overseas jurisdictions.*
- *Develop stronger links with psychologists experienced in parental abduction, family separation and cross-border trauma.*
- *Increase public and professional awareness of ISS Australia and its functions.*
- *Provide automatic referral information when Hague Convention documents are served.*
- *Increase specialist legal and social work assistance for both Hague and non-Hague matters.*
- *Continue diplomatic efforts to strengthen international cooperation and participation in relevant Hague Conventions.*