

CONVERSATION WITH LADY MEYER

Her direct line: 588-7990

Arnold Burns, ICMEC Chair-

NCMEC/ICMEC functions/objectives

- Talk briefly about NCMEC
- Talk about how abducted children is increasingly an international issue
- Talk about forum held in Sept to explore the international nature of the problem
- Talk about Sept forum's suggestions to solve the problem, strengthen the Hague
- Talk about functions of ICMEC and thank donors

Mrs. Blair-

- No idea, writing tomorrow on plane
- Lady Meyer is sending bullets she sent on to Mrs. Blair as a guide

HRC- more general, children's rights are human rights

-Talk about the international cooperation between UK and US in solving this pressing problem [children missing and abducted abroad] yet stress that this is overall an international effort, we are not looking at UK or US children but are interested in all children as children, not as nationalities

-Recognize the issue of children missing and abducted as a human rights issue;
Continually bring back to the children- as horrible as this is for parents left behind, it is still the children who suffer most and must be protected

-Focus on the increasing globalization of our world- ease of international travel and communication, more international marriages- yet despite our "global world nature" international laws are not adequately protecting our world's children; Recognize as a result of globalization, international child abduction is a growing problem

- Recognize Lady Meyer

Amanda fx
202 588-7894

FROM NCMEC

(WED) 01. 27' 99 18:29/ST. 18:28/NO. 3561918812 P 2

3 pages to the Patti -

1/29/99

NATIONAL
CENTER FOR
**MISSING &
EXPLOITED**
CHILDREN

2101 Wilson Boulevard
Suite 550 • Arlington, VA
22201-3052

Telephone: 703/235-3900

Facsimile: 703/235-4067

Per our conversation, it seems as
though he doesn't know Hec is attending.
January 27, 1999

TO: Missy Kincaid

Please call him
once we know.

FROM: Ernie Allen EA

Missy

RE: International Missing and Exploited Children Issues

Thank you for your call. I am sorry that I missed you. Per your request, I wanted to outline my conversation with Mrs. Clinton at the Millennium Event at the White House Monday evening:

(1) I met and congratulated Mrs. Clinton on her great work for children, when she mentioned her particular concern about the international aspects of the problem of missing and exploited children.

(2) I indicated that I shared that concern and that in fact we are currently working on a global campaign to attack the problem. I mentioned that I was collaborating with Lady Meyer, wife of the British Ambassador to the U.S., herself a victim parent.

(3) I mentioned that we were launching a new International Centre on Missing and Exploited Children in the U.S. and the UK (see attached concept paper), that Lady Meyer is Co-Chairing that effort, and that I understood she had been in touch with the First Lady about an April 23 event at the British Embassy to kick-off our global effort.

(4) The event will be a reception (tentatively 4:30 - 6:30) the day of the NATO celebration. Lady Meyer has received a commitment to attend from Cherrie Booth, wife of Prime Minister Blair. Mrs. Blair has also agreed to be a Patron of our new Centre.

(5) Amanda Downs, Lady Meyer's Social Secretary, has spoken with Melanne Verveer, and my understanding is that there is a possibility that Mrs. Clinton could attend as well.

(6) Among those we expect are Charles Wang of Computer Associates, who is helping us build a global missing and exploited children's network, and Richard Branson of Virgin Atlantic, whose support has enabled to begin this effort. Virgin is hosting a similar event at Parliament in London on June 7, again attended by Mrs. Blair.

Let me know if you have questions or need additional information. Thanks.



Branches:
California
Florida
New York
South Carolina

Adam Walsh Children's Fund

FROM NCMEC

(WED) 01. 27' 99 18:29/ST. 18:28/NO. 3561918812 P 3

INTERNATIONAL CENTRE FOR MISSING AND EXPLOITED CHILDREN

"Children are moved within and between nations. Enforcement efforts are lax, non-existent, or inadequate...Coordination must be international in scope...Without an international perspective, no real impact will be made in ending this victimization... This cooperative effort exists only sporadically, inefficiently, and inconsistently."

UNICEF

THE CHALLENGE: National boundaries are no barrier to the transportation and victimization of children. The problem is large and growing, and requires action:

- **The United Nations Convention on the Rights of the Child** urged action "to combat the illicit transfer and non-return of children abroad"(Article 11); "to protect the child from all forms of sexual exploitation and abuse"(Article 34); and "to prevent the abduction, sale or traffic in children"(Article 35).
- **The U.S. Congressional Human Rights Caucus** demanded, "terrorism against children from international child abduction must stop." It added, "despite legal and diplomatic mechanisms...all too often children who are located cannot be returned to the country of their residence due to complexities of the law and procedures of other countries..."
- **A UNICEF report** estimated that children victimized through sexual exploitation "probably number in the millions each year."
- **The World Congress Against Commercial Sexual Exploitation of Children** reported a "multi-billion dollar sex trade, into which each year some one million children are drawn." In some areas, "the market for children is fueled by organized pedophile rings and high-tech information services."

HISTORY: The model for ICMEC is the National Center for Missing and Exploited Children (NCMEC) in the U.S. Since 1984 NCMEC has handled 1.3 million hotline calls; trained 150,000 police and other professionals; disseminated 18 million free publications; worked 64,000 cases; and helped recover 45,000 children. It handles more than 2 million "hits" per day on its website, www.missingkids.com, and CyberTipline, www.cybertipline.com. Its recovery rate in missing child cases has climbed from 62% in 1990 to 92% today. World leaders have toured NCMEC and sought its counsel.

THE VISION: To create an International Centre to provide a coordinated, worldwide response to the problem of missing and exploited children; build a global network to disseminate images and information; extend training, resources and support worldwide; advocate changes in law, treaty and policy; and increase public awareness.

FROM NCMEC

(WED) 01. 27' 99 18:30/ST. 18:28/NO. 3561918812 P 4

SEVEN-POINT STRATEGY:

- I. **Create a "Global Missing Children's Network"** -- ICMEC will create an international network for the transmission of images and information via the worldwide web. Already on board are Brazil and the United Kingdom, with Belgium, the Netherlands, Thailand, Mexico, and others to follow. The network will provide a single repository of images and information for the world to view. Law enforcement in each country will enter cases, and the system will use a language processor that translates the content, enabling its use worldwide.
- II. **Build an International Resource Center** -- Information is the key to reducing the crisis of missing and exploited children. Today, there is no international resource on this issue, no entity providing data and research to policy makers and average citizens. ICMEC will serve that purpose, disseminating information, identifying "best practices," raising public awareness, creating tools and guidelines for decision-makers and practitioners, and much more.
- III. **Provide Training for Professionals** -- ICMEC will create a multinational team of trainers to conduct training for law enforcement and other professionals in missing and exploited child case investigations around the world.
- IV. **Advocate Changes in International Law, Treaty and Systems** -- Often, the protections of law and treaty do not work for international child abduction victims. ICMEC will work with governmental and non-governmental organizations, review existing law, treaty and policy, and work for change.
- V. **Promote/Create National Centers** -- Few countries have a counterpart to NCMEC. ICMEC will promote the establishment of such centers, affiliated with ICMEC. ICMEC will provide training and technical support, and certify agencies meeting standards, thus building a worldwide association.
- VI. **Establish Regional Centers** -- Every nation may not create a center. Thus, ICMEC will establish regional centers as hubs in an international network, distributing images and information, and handling calls for service.
- VII. **Expand the CyberTipline** -- NCMEC's CyberTipline receives thousands of leads regarding child sexual exploitation, child pornography, online enticement of children for sexual acts, sexual molestation, child prostitution and child sex tourism, and disseminates the leads to law enforcement. Called "the 911 for the Internet," the CyberTipline is positioned to become a worldwide resource.

CONCLUSION: The search for missing children and the protection of children from victimization demands a coordinated, comprehensive, global approach. ICMEC will become an international advocate for child victims, bring world leaders together, build an international network, and create a powerful, effective worldwide resource for children.



From: Miss Amanda Downes
Social Secretary,
British Embassy,
3100 Massachusetts Avenue, NW
Washington DC 20008-3600.

Telephone: 202 588 7951

Facsimile: 202 588 7894

Date: 22nd April.

To: Mrs Mary Ellen McGuire

Number of pages including cover page: 2

Reception for Launch of International Centre Missing and Exploited Children
Friday, 23rd April, 1999

- 16.10 Ms Booth arrives, escorted to the Library by Lady Meyer to meet assembled guests
- 16.20 Mrs Clinton arrives escorted to the Library by Lady Meyer (Catherine)
- 16.30 Guests to be introduced to Mrs Clinton and Ms Booth (Photo opportunity)
** Whitehouse photographer & Embassy photographer only*
Guests depart from the Library to join Reception
The Ambassador, Sir Christopher Meyer
Mr Ernie Allen, President International Centre for Missing and Exploited Children go to the Library
The Ambassador, Lady Meyer, The Hon Arnold Burns and Mr Allen escort Ms Booth and Mrs Clinton down to the Ballroom and straight to the platform
- Ambassador welcomes guests and introduces Ms Cherie Booth
Ms Booth to speak
The Ambassador introduces Mr Burns
Mr Burns to speak
Ambassador introduces Mrs Clinton
Mrs Clinton speaks
Programme concludes
- Mrs Clinton and Ms Booth walk along roped off area and are introduced to prominent guests by The Ambassador, Lady Meyer, Mr Burns and Mr Allen
- approx
17.15 Embassy helpers to block guests from moving forward to Mrs Clinton's exit route
Ambassador and Lady Meyer accompany Mrs Clinton to front door then rejoin Ms Booth
- Ms Booth accompanied by Mr Burns and Mr Allen to mingle with guests until her departure time
- approx
17.30 Ms Booth accompanied to the Front Door by The Ambassador and Lady Meyer



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Mary Ellen.

Herewith:

1. Mrs Booth's speech
2. latest order of play for reception
3. list for Library guests

Please call if you need
anything -
Amanda.

**SPEECH BY CHERIE BOOTH QC AT THE LAUNCH OF
THE ICMEC ON APRIL 23 1999**

Can I start by welcoming you here this afternoon to our little bit of Britain in Washington on St George's Day. This may be a first for many of you and you'll probably be surprised to hear that it is my first in this lovely house for me too.

Our very tight schedule on my last visit to Washington – and Hillary's lavish and warm hospitality at the White House – meant there was very little time for anything else.

I promised Catherine we would be back to see her home and I feel that it is fitting that my first occasion here should be one which is so personally important to her.

It is also for me an honour to be sharing a platform for the first time, although not the last I am pleased to say as we are meeting up at a conference in London next month, with Hillary Clinton – someone I admire as a woman, a powerful campaigner on behalf of children and also as a friend.

I know Catherine Meyer won't thank me for referring to her situation immediately, if at all, but I must.

Child Abduction is a subject in which I have always been interested as a lawyer.

But it was meeting Catherine, reading her book, hearing her moving and disturbing story in person that really brought home to me the cruelty and injustice of her situation and of so many other parents around the world.

For those of you who don't know, she has been separated from her children for 5 years and has been unable to have proper access to them since then. They are with their father in Germany, where the local courts have given him custody and *her access rights have not been enforced.*

To lose one's children must torture for any parent.
...imagine returning to a home where all your children's possessions remain but your children are gone.

Emotionally traumatised, parents then have to cope with the daunting obstacles of knowing where to find help, dealing with unfamiliar legal systems and the enormous financial costs of pursuing justice.

In some cases, the situation is made worse if the abducting parent is hiding from the police or taking precautions against re-abduction.

Even worse, imagine it from the child's point of view; snatched from the security of a familiar environment, often at an age when the breakdown of family relationships is hard to understand, yet with a consciousness that there is a state of war between the two most precious people in his or her life.

As a mother, I can only shudder at the thought of what that must be like. None of us would wish that on our children.

If this reception and the successful launch of the International Centre for Missing and Exploited Children can do anything to ensure that future Catherine's have somewhere to turn to alleviate some of that hell, then my trip to Washington will certainly have been worthwhile.

Sadly cases such as Catherine's are not isolated ones. Child abduction within Western societies is much more common than supposed and there has been an explosion in the number of incidents in the last few years.

In the US alone, the Department of Justice reported that as many as 354,100 children are abducted by one of their parents every year. Many of them were taken abroad.

*you may
want to
use this.*

In the UK the number of international abductions has increased by 58% in the last 3 years.

Unfortunately the statistics in this area are vague and one of the aims of ICMEC is to establish a better database.

Many of the features of modern life which seem to us so convenient and pleasurable – the ease of foreign travel, the increasing irrelevance on national frontiers, especially in Europe, mean there are more and more trans-national marriages.

It is also much easier to disappear with abducted children.

And since each country has its own judicial system, custody orders in one country are not necessarily recognised in another.

Judicial co-operation between states can be highly contentious and child abduction tests the limits of international co-operation in the judicial area.

The chances of recovering a child through the judicial process can be very slim when non-custodial parents abduct their children to another country – as Catherine has found to her cost.

As time drags on the absent parent can be slowly shut out of the child's life, as he or she feels abandoned. In some cases the abducting parent can take this to such an extreme that the child is indoctrinated into believing the parent left behind is the root of his or her pain.

One can only speculate on the long-term psychological damage this would do to a child – it is a cruel and insidious form of child abuse and a blatant abuse of a child's basic right to the love of both parents.

I think you will probably have got the message by now of why I agreed to become a patron if ICMEC. We need to raise awareness of this abuse, which ICMEC will do, and we need to raise the funds to support their work.

I know Arnie Burns will speak more eloquently than I will on the plans and work of the ICMEC, which is in my view an important US/UK initiative to improve international co-operation in this area.

Thank you for coming here today...hand over to?

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British Embassy
Washington

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Washington D.C. 20008-3600

Telephone: (202) 588 7952
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Library event

Lady Meyer (Catherine)
Co-chair of ICMEC

The Hon. Arnold Burns
Chair of the International Centre Board of Directors

Mrs. Mary Banotti, MEP
Board of Directors of ICMEC

Mr. & Mrs. Edward Branson (Eve)
Mrs. Branson Board of Directors of ICMEC. Lead Donor. Parents of Richard Branson.

Mr. & Mrs. Joseph Tasker (Constance)
Vice President Compaq Computer Corporation. Lead donor.

Mr. Shaun Woodward, MP
Director of Child Line, London. Donor.

The Hon. Bruce Gelb
Representative of Bristol Myers Squibb. Prospective donor.

Mr. Stanford Warshawsky
Colleague of Arnold Burns. Prospective donor.

Mr. Harvey Schiller
President of Turner Sports. Prospective donor.

Mr. & Mrs. Daniel Snyder (Tanya)
Owner of Snyder Communications. Candidate for ownership of the Washington Redskins.
Prospective donor.

Mr. Howard Stringer & Dr. Jennifer Patterson
President of Sony. Prospective donor.

Mr. & Mrs. Lucio Noto (Joan)
Chairman and CEO of Mobil Oil. Prospective donor.

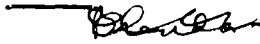


Sir Geoffrey and Lady Leigh (Sylvia)
Belgrave Management Ltd. Potential donor.

Mr. Daniel Broughton
Chairman NCMEC

Miss Rebekka Bonner
Victim child. Was abducted to Germany when she was 9. Now 28 years old. Rebekka works in the Senate (Joe Biden's office) and is studying family law.

Mr. Tom Johnson
Victim parent. His child was abducted to Sweden several years ago. He is encountering the same problems as Lady Meyer. Works at the State Department.



The **National Center for Missing & Exploited Children** (NCMEC) was established in 1984 as a private non-profit organization and is registered under section 501 (c) (3) of the Internal Revenue Code. NCMEC spearheads efforts to locate and recover missing children by raising public awareness about ways to prevent child abduction, molestation, and sexual exploitation. NCMEC has recovered more than 50,000 children and in the last few years its recovery rate has increased from 62% to 91% thanks to the co-operation of law enforcement agencies and the support and generosity of corporate and individual donors.

NCMEC has become increasingly aware that child victimisation, including child abduction, is an international problem. To address this, NCMEC is creating the **International Centre for Missing & Exploited Children** (ICMEC). ICMEC will be governed by a distinguished board and Cherie Booth, QC, wife of the British Prime Minister, Tony Blair, will be its Patron. The first task of ICMEC will be to build a global network to disseminate information and photographs of missing children. It will also offer training to law enforcement agencies world-wide. Through its **Campaign Against International Child Abduction**, the Centre will advocate changes in the law, assist victim parents, provide training for professionals and seek to improve the efficiency of the Hague Convention. In this way, ICMEC also hopes to raise public and governmental awareness of what is in reality a human rights issue.

INTERNATIONAL CENTRE FOR MISSING & EXPLOITED CHILDREN

→ A GLOBAL ISSUE ←

National boundaries are no barrier to the illegal transportation and victimization of children. There is widespread recognition that the problem of missing and exploited children is large and growing, and there are increasing demands for action.

- The United Nations Convention on the Rights of the Child urges action "to combat the illicit transfer and non-return of children abroad" (Article 11); "to protect the child from all forms of sexual exploitation and abuse" (Article 34); and "to prevent the abduction of, the sale of, or traffic in children" (Article 35).²

- The U.S. Congressional Human Rights Caucus demands, "terrorism against children from international child abduction must stop." It added, "despite

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legal and diplomatic mechanisms... too often children who are located cannot be returned to the country of their... residence due to complexities of the law and procedures of other countries."⁴

• A UNICEF report estimates that children victimized through sexual exploitation "probably number in the millions each year."⁵ The report added, "children as young as fourteen months are bought, sold, and traded for... sexual gratification... and the financial gain of child merchants."⁶

- The World Congress Against Commercial Sexual Exploitation of Children reported a "multi-billion dollar sex trade, into which each year one million children are drawn."⁷ In some areas "the market for children is fueled by organized pedophile rings and high-tech information services."⁸



FROM NCMEC

(TUE) 04. 20' 99 11:23/ST. 11:21/NO. 3561918991 P 3/7



HISTORY

As the resource center within the United States for child protection, the National Center for Missing & Exploited Children® (NCMEC) is a 501(c)(3) organization that spearheads national efforts to locate and recover missing children. As part of its overall mission, NCMEC also works every day to raise public awareness about ways to prevent child abduction, molestation, and sexual exploitation—and works to break the cycle of violence that perpetuates needless crimes against children. A private nonprofit organization established in 1984, NCMEC educates and works closely with children, families, and communities so that young people may speak up, communicate to others about any harmful actions against them, and make informed decisions that will help keep them safe.

From October 1984 through December 1998 NCMEC has handled 1.3 million Hotline calls; trained 150,000 police and other professionals; disseminated more than 17 million copies of its publications; worked nearly 70,000 cases; and helped recover more than 44,000 children.

Through its online network, NCMEC instantly transmits images and information around the world. It handles 2.2 million hits every day on its Internet web site, www.missingkids.com, and receives leads regarding child-sexual exploitation on the Internet via its CyberTipline. Its recovery rate in missing-child cases has climbed from 62 percent in 1990 to 91 percent today.



Today, there is a network linking NCMEC online with 50 state clearinghouses in the United States, plus Scotland Yard in the UK, the Royal Canadian Mounted Police, the Belgian Gendarmerie, the Politie in the Netherlands, the Criminal Intelligence Division in Australia, INTERPOL headquarters in France, and others.

Although there remains and will remain more children to be found in the United States, the global problem must be immediately attacked. The International Centre for Missing & Exploited Children (ICMEC), modeled after NCMEC, is poised to be the organization to deal effectively with this issue. It is ready to extend NCMEC's fluent understanding of the issue and proven and successful programs to the world community.

Until recently, no other country in the world had the ability to replicate or access the resources NCMEC coordinates and provides. Thrown into crisis by the horrific child murders in Brussels in 1997, law enforcement and politicians from Belgium frequented NCMEC, eager for assistance and answers in dealing with the problem.

Clearly, the rest of the world is now in the same predicament that the United States was in 15 years ago before NCMEC's inception. The world can wait no longer.

FROM NCMEC

(TUE) 04. 20' 99 11:24/ST. 11:21/NO. 3561918991 P 4/7

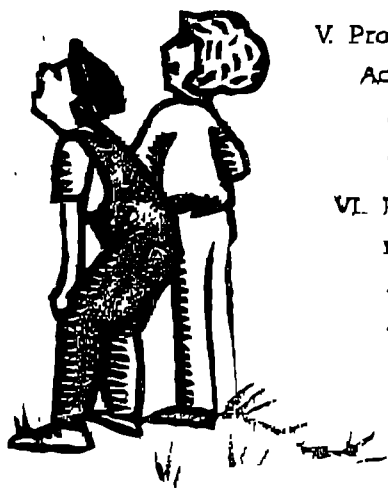


← INTERNATIONAL PROJECT ←

Guided by a distinguished board of world leaders, ICMBC will provide a coordinated, international response to the problem of missing and exploited children; build a global network to disseminate images and information; extend training, resources, and support worldwide; advocate changes in laws, treaties, and policies; and increase public awareness.

← SIX WORLDWIDE INITIATIVES ←

- I. Expand the global missing children's network to make the dissemination of images and information of missing children instantaneous and more effective than ever before. Activities include a
 - Web-based, searchable database of images of missing children and information
 - Worldwide operator translation system
- II. Develop a Resource Center to disseminate information in order to understand; control; and, therefore, reduce the general crisis and specific incidence of missing and exploited children. Activities include
 - "Best practices"
 - "State of the World" report card
 - Country-specific statistics
 - Public awareness
- III. Retain a multinational team of experienced, credible professionals to conduct training for law enforcement and others in missing- and exploited-child case investigations in countries around the world. Programs include
 - Child abuse and exploitation investigation techniques and processes
 - Protecting children online
- IV. Strategically collaborate with governmental and non-governmental organizations, review existing laws, treaties, and policies on a range of issues to identify needs and work for change. Activities include the
 - Campaign Against International-Child Abduction
 - Creation of a global directory with this information
- V. Promote the establishment of other national and regional centers. Activities include
 - Standards of operation
 - Clearinghouse for telephone calls and information
- VI. Position the CyberTipline (www.cybertipline.com) as a worldwide resource. Activities include
 - "911" or "999" for the Internet or similar emergency notification
 - Generating leads regarding child pornography, online enticement of children for sexual acts, sexual molestation, child prostitution, and child-sex tourism.



FROM NCMEC

(TUE) 04. 20' 99 11:24/ST. 11:21/NO. 3561918991 P 5/7

CAMPAIGN AGAINST INTERNATIONAL- CHILD ABDUCTION

The battle against international-child abduction requires a coordinated, comprehensive, global approach. ICMEC is developing a coalition of international agencies and concerned individuals to oversee the implementation of the Campaign. The Campaign will advocate to change laws, improve systems, and make governments work better for children. Through this worldwide consortium, the Campaign will build an advocacy staff, work with government and non-governmental organizations, identify needs, and work to address those needs.



¹Kenneth J. Hermann, Jr. *An International Strategy for Intervention into the Commercial Sexual Exploitation of Children*. New York, New York: UNICEF, August 1998, p. 3.

²The United Nations Convention on the Rights of the Child was adopted and opened for signature, ratification, and accession by General Assembly resolution of 20 November 1989.

³Tom Lantos, John Edward Porter, Dick Sweet, Charles Schumer, Jim Ramstad, Joseph P. Kennedy II, and George Gekas. *National Missing Children's Day Dear Colleague Letter*. Washington, D.C.: Congressional Human Rights Caucus, May 25, 1991, p. 2.

⁴Ibid., p. 1.

⁵Ibid., at 1, p. 4 and *Anti-Slavery Society for the Protection of Human Rights. Children in Especially Difficult Circumstances: The Sexual Exploitation of Children-Prostitution and Pornography*. Special Report for UNICEF 1985, pp. 11-13; J. Fernandez-Laurent, *Agendas for the Advancement of Women: Equality, Development and Peace*. Special Report for United Nations Economic and Social Council, March 17, 1983, pp. 3-4; Report in *International Children's Rights Monitor*, Special Edition, 1984, p. 14; United States Senate, Permanent Subcommittee on Investigations, *Child Pornography and Pedophilia*. Senate Hearings 90-1277, November 28, 1984; Washington, D.C.: U.S. Government Printing Office, 1985, p. 86; and *World Press Review*, February 1985, p. 55.

⁶Ibid., p. 5.

⁷World Congress Against Commercial Sexual Exploitation of Children. *Post Short Scope of the Problem*. Stockholm, Sweden, August 1996, p. 1. Accessed July 20, 1998, from www.childhub.ch/webpub/cacochome/217a.htm.

⁸World Congress Against Commercial Sexual Exploitation of Children. *Key Speaker Overview*. Stockholm, Sweden, August 1996, p. 1. Accessed July 20, 1998, from www.childhub.ch/webpub/cacochome/217d.htm.

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THE CAMPAIGN AGAINST INTERNATIONAL CHILD ABDUCTION

"Terrorism against children from international child abduction must stop."^a

HUMAN RIGHTS CAUCUS, U.S. HOUSE OF REPRESENTATIVES

♦ BACKGROUND ♦

National boundaries are no barrier to the transportation and victimization of children. Since the late 1970s, the Bureau of Consular Affairs at the U.S. Department of State has worked on more than 8,000 cases of international-parental-child abduction, at a rate of about 10 a week. From 1988 until 1992, there were also 562 incoming cases in which parents abducted their children to the United States. Currently, the U.S. Department of State estimates that they have 1,000 cases on file of children wrongfully taken or held in other countries.

Today, there is no meaningful, global system to attack and address this problem. Despite legal, law enforcement, and diplomatic mechanisms, many cases are not identified, many children are not recovered, and many children who are located are not returned to their country of origin due to legal and procedural problems. This situation causes anger, outrage, and pain for searching parents around the world.

When an international-parental abduction occurs, and involves countries that are parties to the Hague Convention on the Civil Aspects of International Child Abduction (54 nations through December 1998), there is a civil process for the return of the child. Yet, in many cases, that system does not work. A 1997 report of the American Bar Association found that:

- Only half of Hague return proceedings result in a decision to return the child, with return rates for individual countries as low as 5 percent
- In one-fourth of cases with return orders, the child is still not returned^a

♦ GOALS ♦

Recognizing the enormity of this problem, the International Centre for Missing & Exploited Children (ICMEC) proposes a global Campaign to:

- Locate and return more abducted children
- Assist searching parents
- Mobilize law enforcement and legal resources to resolve more cases
- Improve the efficiency and effectiveness of the Hague Convention on the Civil Aspects of International Child Abduction
- Persuade more countries to sign the Hague Convention on the Civil Aspects of International Child Abduction
- Build greater awareness of this complex, difficult problem

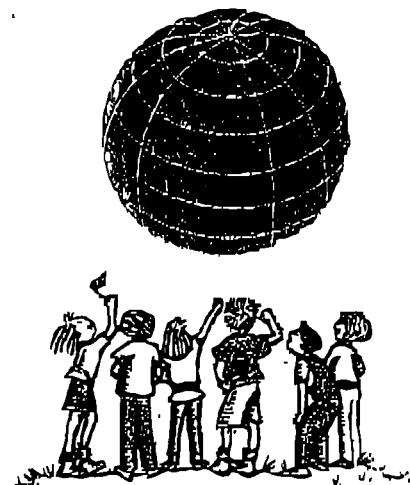
FROM NCMEC

(TUE) 04. 20' 99 11:25/ST. 11:21/NO. 3561918991 P 7/7

→ THE CHALLENGES →

On September 15 and 16, 1998, the National Center for Missing & Exploited Children* convened 50 experts from 11 countries to explore this problem and develop a plan of action. That group identified several key concerns

- Lack of awareness by policy makers and the public
- Slow, complex, bureaucratic governmental systems
- National prejudices and parochial applications of law and treaty
- Lack of uniformity from country to country
- Misuse of treaty exceptions in order to justify the non-return of children
- Denial of access rights for left-behind parents
- Little help for parents who lack financial resources
- Lack of adequate training for judges
- Too many courts hearing cases
- Limited involvement of international law enforcement
- Inadequate research on the psychological impact on children
- Inadequate data on the problem in general



→ THE CAMPAIGN AS A SOLUTION →

ICMEC proposes an international Campaign with an 8-point action agenda to

- I. Create and maintain an international coalition of caring, committed groups and individuals to attack this problem
- II. Develop and implement an educational and awareness program
- III. Identify and promote best practices and models for countries to use in handling cases in a more uniform and effective manner
- IV. Create a training team for judges, attorneys, law enforcement, and other involved parties
- V. Provide support for victim parents and children, including a resource bank of low-fee or pro-bono international attorneys, a travel fund for parents, and psychological/treatment referrals and resources for children
- VI. Review existing laws, treaties, and policies on a range of issues, and identify needs and advocate for change
- VII. Build an international case monitoring system
- VIII. Develop research on cases, dispositions, and the impact on children

→ CONCLUSION →

The battle against international-child abduction requires a coordinated, comprehensive, global approach. ICMEC will develop and coordinate a coalition of international agencies and concerned individuals to oversee the implementation of the Campaign. The Campaign will advocate to change laws, improve systems, and make governments work better for children. Through this worldwide consortium, the Campaign will build an advocacy staff, work with government and non-governmental organizations, identify needs, and work to address them.

This Campaign Against International-Child Abduction is the first bold step in bringing world leaders together, building an international network, and creating a powerful, effective, worldwide resources for children and families.

*Tom Lantos, John Edward Porter, Dick Swets, Charles Schumer, Jim Rumsfeld, Joseph R. Kennedy II, and George Gekas. *National Missing Children's Day Drier Colleague Letter*, Washington, D.C.: Congressional Human Rights Caucus, May 25, 1994, p. 2.

*Office of Public Affairs, U.S. Department of State, January 1999.

*Janda Gindler and Janet Chiancone. *Survey of Central Authorities of the Hague Convention on the Civil Aspects of International Child Abduction*. Washington, D.C. American Bar Association Center on Children and the Law, 1997, p. 111

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NCMEC is exempt from federal taxes under section 501(c)(3) of the Internal Revenue Code and has received a ruling that it is a publicly supported organization as described in sections 509(a)(1) and 170(b)(1)(A)(vi) of the Internal Revenue Code. All donations are tax-deductable to the extent allowed by law.



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<http://www.missingkids.com>***Fax Transmission Cover Page***Date: APRIL 21, 1999To: MARY ELLEN MCGUIRECompany: OFF. OF THE FIRST LADYDepartment: THE WHITE HOUSEFax Number: (202) 456-6244Ernest E. Allen
President
Chief Executive Officer*National Center for Missing & Exploited Children*

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April 21, 1999

TO: Mary Ellen McGuire
FROM: Ernie Allen 
RE: Case Examples

Lady Meyer told me that you were looking for actual success stories. I am attaching information on several cases:

(1) Crystal Anzaldi -- Abducted from her own bed in her own home in San Diego, California as an infant, she was found because of a suspicious police officer in San Juan, Puerto Rico and our global network. The apparent mother had been charged with child abuse. The Puerto Rican officer said to me, "the girl didn't look Puerto Rican." So, he assigned an officer to search our Internet website, leading to the identification of the child. Ultimately, DNA tests proved that the woman in Puerto Rico was biologically incapable of being the child's mother. Her parents in California had never stopped searching and never given up hope. She was reunited with them as an eight-year-old.

I have attached an excerpt from our annual report about the case, as well as a page from our Law Enforcement Awards program. We honored the Puerto Rican officers and the San Diego officer as our 1998 Officers of the Year.

(2) I am attaching three additional success stories which we are currently featuring on our website:

- The first case involves children abducted to Costa Rica, recovered because the older child saw their own missing child poster.
- The second is a case in which the children were located and returned because a brother-in-law of the abductor's new husband found the children's pictures on our website, leading to the abductor's arrest and the children's return.
- And the third involves a child abducted to El Salvador, who was found due to our partnership with Univision, and their feature on the missing child.

I hope this is helpful. Let me know what else you need. Thanks.



Branches:
California
Florida
New York
South Carolina

Adam Walsh Children's Fund

Domestic Case Management

Since 1984 NCMEC has assisted law enforcement and parents in the search for 57,770 missing children including 38,714 cases of runaway children; 14,941 children who have been abducted by family members; 2,278 children who were found to have been lost, injured, or otherwise missing; and 1,837 children who were taken by a nonfamily member.¹¹

NCMEC Case Managers and Assistants work closely with the investigating law-enforcement agency and the family in each case to ensure that all available resources are being utilized, offer an "ear" to listen to parents and law enforcement about these emotionally draining cases, and provide "good old police work," sometimes with the help of modern tools, that often results in a recovery as exemplified by this story.

Recovery

In October 1997 the INTERPOL division of Puerto Rico's Special Investigations Bureau was trying to identify an 8-year-old girl known to them as Maria. The woman who claimed to be Maria's mother had a false birth certificate for her. In an effort to positively identify the child, investigators pursued many avenues including searching the National Center for Missing and Exploited Children's missing children's database on the world wide web (www.missingkids.com).

While "surfing" the "net" for information on a conference, Inspector José Berríos found NCMEC's database of information on and photographs of missing children, pored over the nearly 1,000 photographs at that site, identified what appeared to be a photograph of the child when she was a baby, and worked with NCMEC and the San Diego (California) Police Department to positively identify the child.

The child called Maria turned out to be a child who was reported missing from San Diego at the age of 14 months.

MissingKids 100,000

Today, May 20, 1998, we honor eight remarkable officers who exemplify the best in law enforcement. These officers — through their dedication, professionalism, tenacity, and compassion — recovered eight missing children.

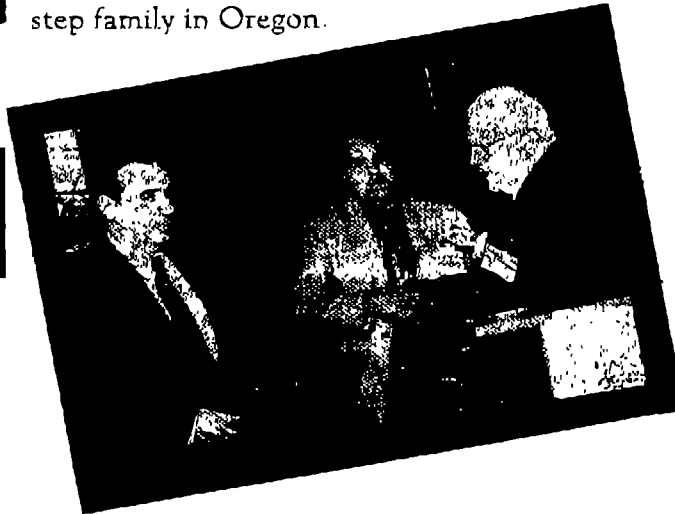
**The Honorable Dennis DeConcini
Event Co-Chair**

**Inspector José Berríos Torres, Agent Cesar Nieves,
Agent Ismael Cintron
of INTERPOL in San Juan, Puerto Rico, and
Sergeant Jim Munsterman of the
San Diego (California) Police Department**



Inspector José Berríos Torres, Agent Cesar Nieves, Agent Ismael Cintron of INTERPOL in San Juan, Puerto Rico, and Sergeant Jim Munsterman of the San Diego (California) Police Department

Crystal Anzaldi, just 14 months old, was abducted from her home in San Diego, California, in December of 1990. For seven long years, Crystal's parents searched for her, until an amazing chain of events lead to her location and recovery in San Juan, Puerto Rico. Law enforcement, responding to an unrelated matter, found Crystal living with a woman she believed to be her mother, found that Crystal's birth certificate was forged, and began investigating her case more thoroughly. Through dogged police work, Crystal was recognized through her baby picture as featured on the National Center for Missing and Exploited Children's (NCMEC) web site (www.missingkids.com) by investigators with INTERPOL in San Juan. Together with NCMEC Case Manager Charles Pickett and Sergeant Jim Munsterman of the San Diego Police Department, Crystal was identified through DNA testing, and on January 23, 1998, a judge ruled that the child in custody was in fact Crystal Anzaldi. She was reunited with her family shortly afterward and now lives with her father, older sister, and step family in Oregon.



**Thank you for giving me the opportunity to share
with the families their joy in being reunited.**

The Honorable Carlos Romero-Barcelo

**...it was through your collaboration that the
nightmare for the Anzaldi family ended and
Crystal could be reunited with her family.**

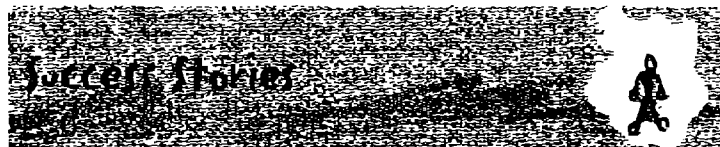
The Honorable Bob Filner



Inspector José Berríos Torres, Agent Cesar Nieves, Agent Ismael Cintron of INTERPOL in San Juan, Puerto Rico, and Sergeant Jim Munsterman of the San Diego (California) Police Department

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Visit this page again for biweekly updates.

Adam and Edgar Trejos



Adam



Edgar

Adam and Edgar Trejos were abducted by their noncustodial father in August 1998. NCMEC posters of the children were sent to family and friends in Costa Rica. Adam and Edgar's older brother saw the poster and negotiated with their father to return the children to the searching mother. Adam and Edgar are now home with her.

Alixander, Syna, and Aja Morse



Alixander



Syna



Aja

Alixander, Syna, and Aja Morse were abducted by their noncustodial mother in December 1996. The abductor had fled to Texas and remarried. After the abductor began the process to divorce her new husband, her brother-in-law became suspicious that the children were somehow endangered because they were not enrolled in school. He checked NCMEC's web site and found the children's pictures and contacted police. Police located and arrested the abductor and recovered the children. Alixander, Syna, and Aja were then reunited with their searching father.

Javier Lopez



Javier Lopez was abducted by his noncustodial mother in January 1996. Javier's case was profiled on Univision's "Primier Impacto" television show. The abductor saw the show, became scared, and dropped the child off at his grandmother's home in El Salvador. Javier was reunited with his searching father.



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THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN: A POWERFUL RESOURCE FOR LAW ENFORCEMENT

Referred to as "a high-tech search network" by the national news media, the National Center for Missing and Exploited Children (NCMEC) is a private, nonprofit organization, mandated by Congress and working in cooperation with the US Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP). NCMEC is a vital resource for the 17,000 law enforcement agencies located throughout the US in the search for missing children and the quest for child protection.

Since 1984 NCMEC has handled 1,330,505 calls through its national Hotline, 1-800-THE-LOST; trained 151,755 police and other professionals; and disseminated nearly 18 million free, issue-based publications. NCMEC has worked with law enforcement on 65,173 missing child cases, resulting in the recovery of 46,031 children.

NCMEC is unique. It is the only nonprofit organization provided access to the FBI's National Crime Information Center (NCIC) Missing Person, Wanted Person, and Unidentified Person Files; the National Law Enforcement Telecommunications System (NLETS); and the Federal Parent Locator Service (FPLS). It is the only organization operating a 24-hour, toll-free Hotline for the recovery of missing children in cooperation with the US Department of Justice. It is the only organization operating a 24-hour, toll-free child pornography tipline in cooperation with the US Customs Service and the US Postal Inspection Service. It is the only organization to handle, for the US Department of State, the applications seeking return of or access to children abducted to the US under the Hague Convention on the Civil Aspects of International Child Abduction.

SERVICES

- **National Computer Network** -- NCMEC is linked via online services with 50 state clearinghouses plus DC, Puerto Rico, RCMP in Canada, New Scotland Yard in the UK, Belgium Gendarmerie, Netherlands Police, Australia National Police, INTERPOL, US Secret Service Forensic Services, and US Department of State, allowing the instant transmission of images and information on missing child cases.

- **Project ALERT--America's Law Enforcement Retiree Team**-- In partnership with 14 national law enforcement associations, NCMEC uses volunteer, retired police officers to provide free, on-site assistance to hard-pressed local police in difficult missing or exploited child cases.

- **Missing Child Alert** -- Time is the enemy, and NCMEC provides instant exposure by computer or through public service announcements in breaking cases prepared by Fox Television's "America's Most Wanted" and distributed via satellite across the country.

- **International** -- Recognizing the unique issues surrounding international abductions, the International Division provides information and support to parents, law enforcement, attorneys and other concerned individuals on prevention, civil and criminal aspects of abduction, reunification, and more.

Branches:
California
Florida
Kansas City
New York
South Carolina

- **Photos and Posters** -- Through a network of 346 private sector partners, millions of missing children photographs have been disseminated, with one in seven of the children featured recovered as a direct result. NCMEC believes that "somebody knows," and seeks to reach every home throughout the country.

- **Imaging/Identification**-- Supported by computer industry leaders, NCMEC "ages" photos of long-term missing children; reconstructs faces from morgue photos of unidentified deceased; helps identify facial images of children from confiscated child pornography; and trains forensic artists.

- **Case Management** -- Directed by former New York Police Captain Ben Ermini, NCMEC Case Managers work with police and provide advice and assistance in evidence collection, search warrants, interviewing victims, conducting searches, and more.

- **Leads** -- NCMEC receives thousands of leads, which are disseminated to police investigators. NCMEC also operates the national child pornography tipline, which has produced leads resulting in many successful investigations.

- **CyberTipline** -- Called upon by Vice President Gore to become the "911" for the Internet, in 1998 NCMEC launched its new CyberTipline (www.missingkids.com/cybertip) to receive leads regarding child exploitation online.

- **Case Analysis** -- Headed by retired Fairfax County Police Department (Fairfax, VA) Officer and Crime Analyst, Walter Gaylord, the case analysis unit assesses leads and provides the most usable, relevant information possible to police. Using NCMEC databases, external data sources and geographic information databases, the Case Analysis Unit tracks leads, identifies patterns between cases, and helps coordinate investigations by linking cases together.

- **Queries and Database Searches** -- Through its networked database NCMEC searches active missing child cases based upon a series of identifiers. If a police officer is suspicious about a child, he or she contacts NCMEC with descriptive information and requests a database search for matches.

- **Training** -- NCMEC has provided training in all aspects of missing and exploited child cases. NCMEC's Basic Investigators Course is conducted at regional sites across the country and at its training center in Arlington, Virginia.

- **Prevention of Infant Abductions** -- John Rabun, NCMEC's Vice President and former Manager of Louisville, Kentucky's model Exploited and Missing Child Unit, is the national leader in the prevention and investigation of infant abductions. Rabun has trained 47,516 healthcare professionals, consulted with 711 hospitals, and advised and assisted law enforcement officials across the country on infant abduction investigations.

- **Prevention/Education** -- NCMEC works with crime prevention officers and reaches out to the general public with positive, effective child safety information and services including *KIDS AND COMPANY: Together for Safety*, the state-of-the-art personal safety curriculum for grades K-6; *Project KidCare*, a campaign to provide parents with a current photograph of their child, descriptive information, and safety tips in an attractive, passport-like booklet; and *Kidprint*, a program through which families can obtain a free videotape of their child.

Whether a police officer needs case assistance or is seeking a community-based child safety program, all it takes is one call, 1-800-THE-LOST, to America's High-Tech Search Network, the National Center for Missing and Exploited Children.

New Jersey Lawyer
December 28, 1998

ATTORNEY'S FEES; A Mother Who Has Won Return Of Children Taken From Israel Is Entitled to Fees Under ICARA

BYLINE: E. E. Mazier

DISTLER v. DISTLER, U.S. District Court (DNJ), Civil No. 98-4273 (JBS), October 29, 1998, released for publication November 10, 1998. By Simandle, U.S.D.J. (14 pages).

An application for reasonable attorney fees and costs under the International Child Abduction Remedies Act must be granted to a parent who succeeds in obtaining the return of her children who were abducted from Israel by her husband.

Talia and Kenneth Distler lived in Israel with their two minor children. On August 11, 1998, Kenneth took the children with Talia's consent to New Jersey to visit Talia's mother for two weeks. During the vacation, Kenneth told Talia that he was keeping the children and taking a job in the United States. This was followed up by a letter from Kenneth's attorney to Talia's attorney in Israel.

Kenneth's attorney did not tell Talia precisely where the children were, but he assured her that they were still in New Jersey. Talia was able to speak with her children often when they were at her mother's home. However, in September, Kenneth removed the children from New Jersey, and his attorney provided only a Pennsylvania telephone number to Talia's attorney. Talia did not know that Kenneth had obtained a job in Pennsylvania, that he had enrolled the children in school there, and that he had rented a home.

In the meantime, Talia and her Israeli attorney contacted Robert Arenstein, a New Jersey attorney, for help in returning the children to Israel. Talia paid Arenstein a \$ 10,000 retainer. Arenstein was able to locate Kenneth and the children through an investigator, and he prepared the necessary papers to support Talia's case, which he filed in the U.S. District Court for the District of New Jersey under the Hague Convention on the Civil Aspects of International Child Abduction.

Eventually, after negotiation by the parties, the District Court entered a consent order under which the children would be returned to their home in Israel. The children were returned without incident.

The only remaining issue was Talia's application for attorney fees and costs, for which she applied under the International Child Abduction Remedies Act (ICARA), 42 U.S.C. @ 11607(b)(3), after her successful petition for the return of the children. The District Court granted the application for necessary fees and costs, amounting to \$ 10,717, with a few modifications.

Initially, the District Court pointed out that @ 11607(b)(3) provides that a court which orders the return of a child pursuant to an action brought under @ 4 of ICARA "shall order the respondent to pay the necessary expense, incurred by or on behalf of the petitioner, including court costs, legal fees . . . and transportation costs related to the return of the child, unless the respondent establishes that such an award would be clearly inappropriate." The amount requested by Talia included the fees she paid to her New Jersey and Israeli counsel and reimbursement for plane tickets.

Kenneth argued that Talia was not entitled to most of what she requested because "almost none of what

was done was necessary." He claimed that much of the work performed by her attorneys could have been avoided if she had discussed the matter with him. The District Court disagreed. The court stated that the "sudden abduction" of Talia's children "created an emergency situation" and that a person handling an emergency "takes no chances." Because "ICARA was created exactly for situations like this," the steps taken by Talia to assert her rights under the statute "in this exigent situation were completely reasonable."

The District Court also found that most of the expenses claimed by Talia were necessary. These included the attorney fees and costs, to which the court took the lodestar approach. Under this approach, the reasonableness of attorney rates is a function of geographic area and the level of an attorney's experience. While finding Arenstein's hourly rate of \$ 350 reasonable, the District Court found that the \$ 250 hourly rate of a fourth-year associate with no actual case-management responsibility was "somewhat high." In view of the associate's experience and skill in this area of international law, the court concluded that \$ 200 was a reasonable hourly rate for the associate's services.

The court also reduced the amount requested for the time spent by the associate. The court found that some of the tasks the associate performed, such as telephone calls to Talia's friends, were "not necessarily tasks for an attorney" and could have been performed by a legal assistant who billed at \$ 100 per hour.

As to the fees of the Israeli attorney, the District Court found that he had acted as more than a mere consultant on the case. However, he also performed services that the court found were not germane to the case, specifically, preparing work that may go before an Israeli court in a custody case. Accordingly, the District Court reduced his requested fee by one-third.

Next the District Court found that Talia's request for reimbursement of the cost of her round-trip plane ticket and the cost of changing the children's plane tickets was reasonable. The court stated that it was necessary for Talia to fly to the United States to attend the court-ordered hearing. It also was necessary for her to take the children back with her to Israel. The court also found that Kenneth had the ability to pay the fees and costs.

Finally, the District Court noted that Talia had asked that the costs and fees be remitted to Arenstein's office. However, because Talia had already paid Arenstein and her Israeli lawyer for their work, the court directed that all sums be paid directly to her.

For petitioner: Robert D. Arenstein and Michielle Spector (Law Offices of Robert D. Arenstein). For respondent: Michael A. Taylor (Taylor, Boguski & Greenberg).

Chicago Daily Law Bulletin
November 25, 1998

HEADLINE: People

Jeffrey M. Leving last week received the Award of Merit from the National Center for Missing and Exploited Children for his work in helping a Polish resident obtain visitation with his 9-year-old son currently living in Chicago.

In October, Leving represented a professional handball player from Krakow, Poland, in the custody fight with his ex-wife, who had moved to Chicago five years ago with the couple's son.

The father contacted the NCMEC, who located the mother in Chicago. Leving filed suit in Cook County Circuit Court last year, arguing that the International Child Abduction Remedies Act under the Hague Convention allowed the father to seek custody or at least visitation with his son.

The parties settled last month, agreeing to let the son spend one month each summer and one week each Christmas with the father in Poland.

Leving's associate, James M. Hagler, assisted in the matter.

Sacramento Bee
February 11, 1999

MOM BEATS ODDS, GETS 3 KIDS BACK AFTER ABDUCTION

BYLINE: Yvonne Chiu, Bee Staff Writer

Three young children who were abducted by their father a year and a half ago and taken to Mexico were reunited late last week with their mother in Woodland, authorities will announce today.

Out of the dozens of similar cases in California in the past year, this is only the second time children have been recovered from another country.

The return was made possible by an international treaty known as The Hague Convention on International Child Abduction, 1 which authorities say is incredibly difficult to enforce when it involves a parent taking his or her own children to the adult's native country.

In Silvia Gonzalez's case, her former husband, Alfredo Del Campo, violated a Yolo County court order and took their three children -- ages 7 to 13 -- to the state of Jalisco, Mexico.

"It is very sad to go through a situation like this. I never thought I was going to see my children again," Gonzalez said through a Spanish interpreter.

Often in those circumstances, Yolo County Deputy District Attorney Frank McGuire said, the foreign country sees those children as citizens even though their regular residence is in another country. Two of the three youngsters in this case were born in Mexico.

The language barrier and difference in legal proceedings only make the recovery harder.

In December a Mexican court did order Del Campo to return his children, and the three youngsters were placed in a receiving home -- only to be taken home by their father the same day.

Gonzalez is a cherubic 33-year-old who has remarried and works at a local eatery. She described her 12-year marriage to Del Campo as difficult and painful. Their lives were complicated by his kidney failures. Because he was so sick, he couldn't work.

She said their financial needs compelled her to work, which her husband opposed. When she would return from work, she said he was often jealous and suspicious of what she had been doing. Sometimes he would physically abuse her, she said.

Eventually Gonzalez decided to leave Del Campo despite his frequent threats that, if she were to divorce him, he would take the children away.

In August 1996, she filed for divorce and was awarded custody. The father had visitation rights every other weekend. By then, Gonzalez had moved to Woodland while Del Campo remained in the Los Angeles area.

A December 1996 review of the case gave him custody during the long holiday breaks. He missed the Christmas and spring breaks that year but showed up in August 1997 to take the kids for a monthlong

visit. He had to pick his children up at a police station because authorities were unsure what he would do.

At the end of the month, he didn't show up. Gonzalez went to the judge, who issued an immediate warrant for Del Campo's arrest.

Authorities knew he and the children were in Mexico, but they also knew it would difficult to go through the legal recovery process. So McGuire said they tried coaxing the father into a voluntary return, which failed.

The father was convinced he was going to prevail in Mexico, McGuire said.

When McGuire went there last week, he argued the case in a modest office-type courtroom where the legal officers consisted of a judge and a secretary behind a tiny typewriter.

The success of that trip to secure the children's return was due in part to a judge who "had a handle on the treaty," he said.

Bouyed by the win, McGuire encourages other parents to come forward and seek help, convinced that there are many out there, especially minorities, who don't even report the abductions.

"It is possible because we have done it," McGuire said.



**THE HAGUE
CONVENTION
ON THE CIVIL ASPECTS OF
INTERNATIONAL CHILD ABDUCTION:

A CURRICULUM FOR AMERICAN
JUDGES AND LAWYERS**

by
Patricia M. Hoff, Legal Director
Obstacles to the Recovery and Return
of Parentally Abducted Children Project
American Bar Association
Center on Children and the Law
740 15th Street, NW
Washington, DC 20005
October 1997

INTRODUCTION

The Hague Convention on the Civil Aspects of International Child Abduction was adopted in 1980 at the Fourteenth Session of the Hague Conference on Private International Law. The Convention, also referred to as the Hague Child Abduction Convention, reflects the Hague Conference view that international child abduction is a global problem in need of a coordinated international response. The opening paragraphs of the Convention capture not only the purpose of the Convention, but the principle that guided the drafting process, *i.e., the desire to protect children internationally from the harmful effects of their wrongful removal or retention.*

The harmful effects of family abductions on children have been documented.¹ It is not hard to imagine the turmoil, disruption, loss of trust, fear, anger and sadness a child must feel when he is taken, perhaps surreptitiously or even violently, from a familiar home in one country, to another country whose language and culture are foreign to him. A child who travels abroad with the expectation of returning home, but who is then kept abroad by a parent who decides not to return, might experience the same reactions. In both situations, the child is cut off from his other parent. To compound the trauma, sometimes the child is told that the other parent is dead or no longer loves him.

The harm to a single child, magnified thousands of times to reflect the estimated number of children who are the victims of wrongful removal or retentions worldwide every year,² crystallizes why the Hague Conference devoted itself to formulating law and procedure to secure the prompt return of children to their home countries, and to ensure protection for rights of access. And it also explains why 48³ countries have either ratified or acceded to the Hague Convention on the Civil Aspects of International Child Abduction, with the prospect -- and hope -- of additional countries becoming treaty partners in the future.

The United States played an active role in developing the Hague Child Abduction Convention. Our interest in crafting a remedy for international child abduction cases coincided with numerous domestic initiatives, at both the state and federal levels, addressing the problems of interstate parental kidnapping.⁴ The United States ratified the Hague Child Abduction

Convention in 1986. It took effect in the U.S. on July 1, 1988, following enactment of the International Child Abduction Remedies Act (ICARA).⁵ ICARA provides uniform procedures for implementing the Convention nationwide.

Despite the availability of the Hague Convention remedy in the U.S. for nearly a decade, few lawyers and judges are familiar with it. A congressionally-mandated study, conducted by the ABA Center on Children and the Law for the U.S. Department of Justice, found that lack of knowledge of applicable law and lack of experience using such law on the part of many attorneys and judges were major obstacles to the recovery and return of parentally abducted children.⁶

Lack of knowledge of the Hague Child Abduction Convention was found to be a significant problem. Three-fifths of the judges responding to a survey said that counsel rarely or never adequately informed them about the Hague Convention. Essentially the same percentage of attorneys said that judges were not familiar with the Convention. Even more attorneys -- nearly 70% -- reported that opposing counsel was not familiar with the Hague Convention.⁷

The *Obstacles Project Final Report* recommended continuing education and training for judges and attorneys in laws applicable to parental abduction. This curriculum was created in response to the recommendation in that report. It was developed to help educators provide much-needed training on the Hague Convention to lawyers and judges in the United States.

Training is the best way to ensure that Hague remedies are implemented effectively in this country. Children abducted *from* the U.S. stand to gain as much from a legal community versed in the Convention as children abducted *to* the U.S. If courts in the U.S. honor their treaty obligation and order the return of wrongfully removed and retained children to their home countries, foreign courts are more likely to send abducted children back to America.

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Catherine Meyer

1 October 1998

**INTERNATIONAL CHILD ABDUCTION:
THE USES AND ABUSES OF THE HAGUE CONVENTION
A PERSONAL COMMENTARY
PAPER FOR A HEARING BEFORE THE SENATE
COMMITTEE ON FOREIGN RELATIONS**

My paper is drawn from my personal tragedy and my knowledge of the situation in Britain and in Germany.

I. MY CASE

In 1984, I married a German doctor, Hans-Peter Volkmann, in London and our first son, Alexander, was born a year later. Volkmann then decided that we should move to Germany for two years. I abandoned my City career to follow my husband, and our second son, Constantin, was born in 1987. But our marriage broke up and in 1992 we legally separated: the children would live with their mother in London and visit their father during their school holidays.

At first, all worked well. The children adapted quickly to their London life. They continued their schooling at the French Lycee and spent holidays with their father in Germany. I struggled to rebuild my career in the City of London so that I could support my children. By 1994 I had managed to obtain a senior position in a Bank and to buy a comfortable apartment for the three of us.

On 6 July 1994, the children left for their summer holidays. Without warning, four days before they were due to return to London, their father announced that he was not sending them back to England. He then disappeared with the boys.

I had no choice but to apply to the English courts. The High Court of England & Wales ruled that the "retention of the children is illegal" and ordered their "immediate return" to Britain under the terms of the Hague Convention. Initially, a local German court upheld the English decision. But Volkmann requested half an hour to say good-bye to the boys. My lawyers naively agreed. Taking advantage of this, and in defiance of the court order, Volkmann bundled the boys into a car and vanished. The local police were unwilling to help and by the time Court bailiffs were located, it was too late.

The following day, Volkmann lodged an "ex-parte" (i.e. the judges did not inform my side) appeal in the higher court of Lower Saxony, in the nearby town of Celle.

Astonishingly, the judges made a provisional ruling in his favour. The children should remain in Germany until the appeal was heard.

When this took place, in October 1994, the Celle court reversed the earlier English and German decisions on the grounds that it was the children's wish to remain in Germany, and that they had been suffering in a *"foreign environment...especially since German is not spoken at home or at school"*... The judges ruled that the children had attained an age at which it was appropriate to take their view into account, ...since *"a 7 year old child faced with the decision to play judo or football, generally knows which decision to make"*...

At the time of the hearing, I had not seen or spoken to my children in over four months and they had been under the sole influence and control of their father.

The Celle court decision also meant that all further legal proceedings on custody and access took place -and are still taking place, four years later- on the abductor's home territory. The second consequence was that despite numerous applications to the German court since 1994, I have never been able to see my children alone.

In November 1995, several applications were rejected on the basis that I might re-abduct the boys and that they no longer wanted to see me. In December 1995 a further hearing was held in Verden: access was again denied on the grounds that I could re-abduct the children if we were to spend Christmas together. In January 1996, following a desperate attempt to see my boys in Germany, I was falsely accused by my ex-husband of trying to abduct the children. Despite a police report confirming this was untrue, immediately thereafter and in my absence the court transferred the residence of the children to Germany. Despite every guarantee on my part, including the support of the British Consul General in Hamburg, the fear of abduction was consistently used, over the next few years, to deny me and my parents normal access rights.

In September 1997, Volkmann divorced me. In exchange for giving him custody, it was agreed in court that I should have access to the children on "neutral territory".

But when the moment finally came, six long months later, for me to meet my sons in Hamburg, Volkmann backed out at the last moment, stating that it was the wishes of the children not to see me. The judge refused to enforce the access agreement. It was only then that I discovered that while the custody arrangement was enforceable, access was not. (In the UK it is not possible to get a divorce or a custody order without - enforceable access arrangements).

This took place in February of this year. Since then a further application to see my children has been denied on the grounds of "lack of urgency ". Now, I am awaiting another hearing in Germany to which I have been summoned on 25 November.

In the last four and a half years, not only have I never been alone with my children, but I still have no enforceable access rights. In this period, I have been able to spend only 11 hours in the company of my children. (2 visits in December 1994; 1 in October 1995 and 5 more by May 1996 and 1 in February 1998). All were held under the most harrowing conditions: locked in my ex-husband's secluded house and under the supervision of a third party. All were broken off after less than two hours.

So the months pass, the years pass, and my children are growing up without a mother. Before my ex-husband abducted our children, they were allowed to see and love both their parents. Now, they are not.

If anything is trans-national, it is the interests of the children. Sadly, children's issues remain an area where national interest is too often allowed to assert itself. Co-operation between some Hague Convention countries is practically non-existent. Judges often do not know the treaty well enough to enforce it and nationalism takes precedence over the Hague Convention rules.

Has anyone proved that I am an unfit mother? No. Has anyone proved that I do not love my children? No. But, I am nonetheless denied the rights that even women in prison are allowed. My parents have been denied all access as well. My 86-year old father may never live to see to see Alexander and Constantin again.

My children will be scarred for life and they may never recover from this experience. They have become confused and angry with me, because they have been told that I have abandoned them. On two occasions, when I saw my sons and told them how happy I was to see them, Alexander replied: "you lie. Daddy told us that you could come and see us whenever you wanted - but you never did".

My children, as thousands of others, do not deserve to have their lives destroyed in this way.

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II. THE PROBLEM

Most people associate child abduction with countries where laws and customs are very different from ours. But, child abduction within western societies is much more common than supposed and there has been an explosion in the number of incidents since the mid-1970s.

There is an obvious link between this phenomenon and the decline in marriage as a stabilising factor in our societies. The sharp rise in divorce rates and children born outside marriage provide fertile ground for disputes about custody and access.

At the same time, the problem of child abduction has over the last two decades acquired a new and sometimes insoluble dimension. Statistics point to an increase in marriage between people of different nationality. This is hardly surprising. With the explosion of international travel and tourism, the social consequences of a global economy, and the increasing irrelevance of national frontiers, especially in Europe, traditional impediments to trans-national marriages have fallen away. But those unions are no less prone to divorce and to quarrels about children.

Whenever marriages break down, a decision has to be taken on where and with whom the children will live. This can be a bitter and contentious business. But when parents of different nationalities are involved, disputes over custody and access can be

further exacerbated by differences in culture and in the legal systems of the two countries involved. Some of these situations result in cross-frontier abductions by one of the parents. When this happens - in contrast to abduction within a single national jurisdiction - experience shows how difficult it is to secure the safe return of children and to protect them from the psychological damage inflicted by abduction.

Judicial co-operation between states can be a highly contentious area as the recent negotiations on an International Criminal Court have shown. One of the reasons is that judicial systems lie at the heart of national sovereignty. This often inhibits cross-border co-operation, which requires the competence of national courts to be limited by international obligations. The issue of child abduction is a prime example of the limitations of international co-operation in the judicial area.

There are no international conventions regulating custody matters. Every country has its own judicial system. Custody orders made in one country are not necessarily recognised in another. When non-custodial parents abduct their children from the state in which custody has been given (usually heading to their home country), the chances of recovering them through judicial process can be slim. Every year, more and more children find themselves separated in the most harrowing circumstances from one of their parents.

The effect on children can be devastating. But the victim parents themselves are also plunged into a bewildering world where helplessness, despair and disorientation compete. The emotional trauma is compounded by the daunting practical obstacles to retrieving the children, or even to gaining access to them. Simply finding out where to get help can be very difficult. Parents often face unfamiliar legal, cultural and linguistic barriers. Their emotional and financial resources can be stretched to the limit. In the meantime, the abducted child is often led to believe that the victim parent has abandoned it, so leading the child, in its anger and hurt, to assert that it does not want contact with the victim parent. This vicious circle complicates still further a resolution, and will continue to do so until courts recognise that there is such a thing as Parental Alienation Syndrome, PAS. As the years pass, the chances of recovering children before their adulthood become progressively more remote. Many victim

parents feel that it would be easier to come to terms with the shock of bereavement than with a situation marked by prolonged uncertainty and anxiety.

Some parents may believe that their actions have an objective justification (e.g. to rescue their children from domestic violence). But a common thread in all too many cases is the sustained, vengeful effort of the abductor to deprive the other parent of contact with the child to the maximum degree possible. The aim is to flee one judicial system, in favour of another - in order to permanently reverse previous custody decisions and destroy the other parent's relationship with the child.

The International Hague Convention on the Civil Aspects of International Child Abduction of 1980 was designed to ensure "*the protection of children from the harmful effects of their wrongful removal or retention*". Should one parent break a custody agreement either by illegally retaining (on an access visit) or abducting a child, the Hague Convention requires its immediate return to the country where the original custody agreement was made.

The purpose of the Hague Convention was to provide a simple and straightforward procedure. In this, it has largely failed. Different national approaches to implementing the Hague Convention, the slowness of procedures, the lack of legal aid in some countries, and the excessive recourse to the loop-hole clause, has meant that most cases of international child abduction remain unresolved. Some children are never located. Others are simply not returned to their country of origin.

The exact figures for trans-national child abduction are not known. Many parents are reluctant to go to the central authorities. Others are not even aware of the existence of the Hague Convention. The official figures could well understate the problem. Even so they are alarmingly high. In the United States alone, the National Centre for Missing and Exploited Children reports over 1,000 American cases (on average two children per case) of cross-border abduction every year and the number is growing sharply. In England, Reunite, the National Council for Abducted Children, has recorded a 50% increase since 1995 in the number of children abducted abroad by an estranged parent. In France, a similar upsurge has been recorded.

Despite the rapid increase in abduction cases, there is too little awareness of the phenomenon in the governments and legislatures of Convention signatories. Nor is there much awareness among the populations at large. As a result, very little is being done to tackle the issue and to make The Hague Convention work as originally intended.

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III. THE HAGUE CONVENTION: WHAT IT DOES AND WHAT IT DOES NOT DO

The Hague Convention on the Civil Aspects of International Child Abduction is an international treaty currently in force between 49 countries.

The objectives of the Convention are "*to secure the prompt return of the children wrongfully removed to, or retained in, any Contracting State; and to ensure that rights of custody and access under the law of the Contracting State are effectively respected in the other Contracting States*" (Article 1). The Convention is not concerned with the "best interests of the child", that is to say, with the merits of a custody case. Criticisms or complaints about the custodial parent or the terms of a custody award, are matters to be dealt with by the jurisdiction of the child's habitual residence. The paramount objective of the Hague Convention is to return the child to the country of habitual residence and to confirm that country's jurisdiction.

The Hague Convention provides for a civil proceeding to be brought by the country from which the child was removed or retained. If proceedings are filed within one year, the judge of the country of retention is mandated to order the return of the child to the country of habitual residence. (Return is discretionary if more than one year has elapsed and the child is settled in the new environment). The abducting parent can raise objections to the return. But the intent of the Convention is not to allow these objections except in the most narrowly defined circumstances.

The exception to the requirement for the immediate return of the child to the country of habitual residence is to be found in Article 13 of the Convention.

"The judicial or administrative authority of the requested State is not bound to order the return of the child if" (Article 13b) "there is a grave risk that the child's return would expose him/her to physical or psychological harm or otherwise place the child in an intolerable situation. The judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has obtained an age and degree of maturity at which it is appropriate to take account of its views".

A main intention of this article was to draw a clear distinction between a child's objections, as defined in the article, and a child's wishes as commonly expressed in a custody case. This is logical, given that the Convention is not intended as an instrument to resolve custody disputes per se. It follows, therefore, that the notion of "objections" under Article 13b is far stronger and more restrictive than that of "wishes" in a custody case. A failure by courts to grasp this distinction, and to see it as a key defence against the manipulation of a child by the abductor-parent, is a root cause of the difficulties described below in the implementation of the convention.

To sum up:

1. By allowing an exception, the Hague Convention does not set an absolute rule. Children are not automatically returned.
2. Article 13, in constituting this exception, can offer abductors a way of legitimising their actions.
3. Whether or not article 13 serves this purpose depends on how the judge interprets its meaning.

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IV. THE HAGUE CONVENTION: WHAT HAS GONE WRONG

The discretion given to judges has in practice resulted in a wide variation between signatory states in the outcome of proceedings. The American Bar Association reports

that judicial returns vary between 5% and 95% from country to country. Article 13b, originally intended as an exception, has in some countries become virtually the rule. This is jeopardising the Convention's effectiveness and perverting its original intent.

1. The exception is made the rule

Evidence is accumulating that a major cause for the discrepancy in rates of return orders is the level of court allowed to hear Convention cases. When cases are heard centrally by High Court judges, return orders are usually made. But, the system tends to fail, when the courts hearing Convention cases are local family courts without Convention experience. This is particularly significant when Article 13b is raised as an objection.

In England and Wales, Convention cases are exclusively heard **centrally** by a small number (seventeen at present) of specialist High Court judges. The High courts of England and Wales usually hear cases expeditiously based on paper evidence and without the child's view being heard. Judges usually make a decision quickly to return the children, relying on the foreign court to make a fair decision at any subsequent custody hearing.

The Consultation paper on Child Abduction published in the February 1997 issue of the British Family Law journal reported that in England and Wales, the "consistent approach has been to draw a clear distinction between children's objections under article 13b and children's wishes in ordinary domestic custody cases". The English High Court has taken a policy decision to approach Art. 13b with caution (for example against the risk of indoctrination by an abducting parent) and, even if a child were found to object to a return, to refuse a return only in an **exceptional case**.

Conversely, in countries where Convention cases are first heard in local courts without Convention expertise, the results can be very different. For instance, in Germany, all Amtsgerichte (small family courts that can be found in towns which have as few as 20,000 inhabitants) have jurisdiction to hear Convention cases. Cases are heard in

the locality where the abductor has taken the children (usually his hometown) and it is impossible to change jurisdictions.¹

The risk here is of inexperienced judges, who may misinterpret the meaning of the Hague Convention. The 1996 Lowe report found that in Germany, no single Amtsgericht court had heard more than one case and that **every time that the child's objections were raised as a "defence" for abduction or retention, a return order was refused**

A feature of many such cases is that they are allowed to become a discussion on the merits of custody arrangements. Frequently, an abducting parent will, within the framework of Article 13b, level allegations against the other parent and request that oral evidence be heard. Judges, who are inexperienced, treat these Article 13b objections as "a merit of custody" argument. This is exactly what the Convention was supposed to avoid: such considerations are meant to be reserved to the court of the child's habitual residence, which is best placed to decide on questions of custody and access. But local family courts are too often unable or unwilling to uphold the difference between proceedings under the Hague Convention and arguments over custody arrangements. Underlying this is a distrust of foreign courts.

There is the added risk of a vicious circle, if family court judges are seen to favour local residents. Abductors will be readier to take the law into their own hands, if they believe that their judges will ex-post facto legitimise what they have done.

2. The danger of delay

The merit of the Convention is supposed to lie in the speed of its proceedings. But, some countries are markedly slower in dealing with Hague applications than others. This is

¹ This is currently under discussion in Germany and a proposal has been put forward to reduce the number of courts eligible to hear Convention cases (at present more than 300).

particularly the case where, as described above, court proceedings become in reality an argument over custody. (The problem of delay is compounded when cases are first heard in lower courts and appeals can then be lodged in higher courts).

In some countries, the involvement of the local Youth Authority or Social Services, plays a major role in proceedings. Local judges tend to rely on their evidence, and hold up matters by asking to see welfare reports and the children. While in principle this could give a more complete picture of the children's situation, it is nonetheless a major factor for delay. In the meantime the child is more and more under the influence of the abducting parent and further alienated from the absent parent. There is another problem. Youth Authority reports are usually based on information available only in the country of retention and there is little direct investigation into the environment from which the child has been taken. The result, therefore, can be an in-built bias in favour of the abductor. Finally, the passage of time will eventually generate a new argument, which favours abductors, namely that the children are now settled in their new environment and should not be moved yet again.

3. *Perversion of the Convention's intent*

In a number of countries, therefore, interpretations of the Hague Convention extend its meaning to encompass in practice an unwarranted jurisdiction in custody matters. Certain consequences flow from this, all of them prejudicial to the victim.

When a child is not returned, the abducting parent has the additional advantage of having subsequent proceedings dealt with in the country of retention rather than the country of the child's habitual residence. Case studies show that these court decisions, dealing with custody and access rights, tend to favour the abducting parent. This, combined with the fact that in some countries (for example in Germany,) judges are reluctant to enforce access orders, results in a situation where a parent is often deprived of all contact with the child, or at best, has contact in only the most harrowing circumstances (e.g. a government office with a third party present). On this

interpretation of Article 13, the Hague Convention becomes in effect the instrument of alienation between child and victim-parent – the very opposite of what was intended

Professor Elisa Perez-Vera provided the primary source of interpretation of the Convention in her Report of 1980: *"The Convention as a whole rests upon the unanimous rejection of the phenomenon of illegal child removals and upon the conviction that the best way to combat them at an international level is to refuse to grant them legal recognition... the systematic invocation of the said exceptions, substituting the forum chosen by the abductor for that of the child's residence, would lead to a collapse of the whole structure of the Convention by depriving it of the spirit of mutual confidence which is its inspiration"*.

4. Child trauma and Parental Alienation Syndrome

Children who are abducted will have already suffered from their parents' separation. But, in addition, they will experience the trauma of being suddenly cut off from their familiar environment – from a parent, grandparents, school and friends.

This experience is already bad enough: many children do not understand what is happening or why. But things are often made even worse, when the abducting parent is hiding from the police or taking precautions against re-abduction; when the child realises that there is a state of war between its parents. The child has already been traumatised by the loss of one parent; its greatest fear becomes that it will lose the other parent. This fear itself then becomes an obstacle to resolving the situation, since it is central to what is known as Parental Alienation Syndrome (PAS).

Studies of PAS have established the severity of psychological damage done to abducted children, suddenly separated from a parent. The studies have also shown how susceptible the child is to being systematically alienated by the abductor-parent from the victim-parent.

This susceptibility bears comparison to the “Stockholm Syndrome”, when hostages start to identify with their captors. In the case of an abducted child the identification will be the stronger, because of the age of the “hostage” and the child’s relationship with the “captor”. For fear of losing the abducting parent as well, the child will not only be eager to please, but ready to believe allegations that it has been abandoned by the victim parent.

This is fertile ground for systematic indoctrination by the abducting parent and/or a professional psychologist. Since under some judicial systems, children – sometimes as young as three – may be required to appear in court, it becomes of paramount importance to abductor-parents that their children say “the right thing” to judges. This puts an even higher premium on placing psychological pressure on abducted children.

The irony – and tragedy – is that the Hague Convention, in judicial systems like these, delivers children into precisely the danger from which it is supposed to protect them. Again Article 13 b is the crux. It can only be invoked if returning the child would expose it to grave risk of “physical or psychological harm” or place it in an “intolerable situation”. What greater psychological harm, what more intolerable situation could there be for a child, than to be exposed to systematic indoctrination by one parent against the other; and, worse, to carry the main burden of responsibility in adult court proceedings for deciding between mother and father? When placed in this context “the will of the children” becomes nothing less than a vehicle for legitimising the actions of the abductor-parent.

5. Enforcement

Another problem lies in the alarming number of return orders, which have not been enforced. In several Convention countries, abduction is not considered a criminal act. Returns orders are not enforceable. In other countries, the enforcement process can take several months and does not always end in a return order being made. (The case of Tom Silverster -US/Austria - is but one such example).

6. Legal Aid

The lack of legal aid provisions in some countries is another major problem. Victim parents are often unable to bare the costs associated with these expensive procedures. In England & Wales, for instance, the legal aid provisions are extremely generous. But there should be no reason why each Contracting State should not underwrite the application under the Convention itself. It would also be helpful to judges if they knew that legal aid will be available in the Contract State to a parent whose child the judge is returning under the Convention.

CONCLUSION

Eighteen years of experience with The Hague Convention leads inevitably to the conclusion that it is a seriously flawed instrument, which at worst prejudices the welfare of abducted and illegally retained children. The heart of the problem lies in the failure of national legal systems to implement the Convention in a uniform fashion, consistent with its spirit. As a result the Convention appears to be no deterrent to child abduction.

It is arguable that, in so far as Article 13 can be exploited to justify abduction or retention, it has made the situation worse. It is also striking that, according to research by Dr. Linda Girdner, a parent is more likely to secure a return order through a non-Convention proceeding than through a Hague Convention proceeding (Dr. Girdner quotes an 80% success rate with the former compared with 33% under the latter).

This is not an argument for dismantling the Hague Convention. It is an argument for improving it. The international community needs an international treaty based on the rejection of illegal abductions or retentions across frontiers and the need to return children to their usual place of residence. The fact that, as in England & Wales, the

Convention can be made to work as intended shows its potential. The task is to come up with remedies to deal with those situations where the Convention does not work.

REMEDIES

This task will not be easily or quickly accomplished. That would require the establishment of some kind of supra-national legal body, to which signatory states would defer. That is not going to happen any time soon. The raw material with which we have to work is 52 signatories, with different judicial systems. By definition, as long as this situation remains, the proper implementation of the Hague Convention will depend in large part on a willingness to co-operate in good faith.

But there are a number of steps, which we can begin to take straightaway and which should set in motion an incremental process of improvement.

A Hague Convention Review Conference needs to be called as soon as possible to debate and introduce improvements in the following areas:

1. The Convention should make trans-national abduction and retention of children a criminal offence, notifiable to Interpol, Europol and national police agencies.
2. At the same time, so as to co-ordinate action and information, there should be "hot lines" between Central Authorities and police; between national organisations, such as NCMEC and Reunite, on the one hand and Central Authorities and police agencies on the other; and between members of the public and national organisation.
3. Governments should fund information campaigns to make the public aware of these arrangements.

4. The staff and resources of the Permanent Bureau in The Hague and of Central Authorities should be increased to meet the need for more effective action to tackle international child abduction. In particular the Central Authorities should notify the Permanent Bureau of all abductions or illegal retentions brought to their attention, as well as of the outcome of Hague Convention proceedings on their territories. The Bureau should keep a comprehensive database of these cases.
5. While an exception clause cannot be dispensed with altogether, Article 13 should be re-drafted in a way, which narrows its use to genuinely exceptional circumstances. As currently drafted, it can too easily become the rule and not the exception.
6. In parallel, strict limitations should be placed on the age and circumstances in which children can be called to appear before the court. As a general rule, since Convention hearings are not about custody, children should not appear in courts at all. To require young children to appear in court and to make a choice between parents is a form of child abuse, inflicting extreme cruelty. The confusion and stress involved are for most children beyond description, and empty the notion of the "will of the children" of any significance. There may be rare cases when it is important to hear the child at first hand. But no child below a certain age should have to endure this ordeal.
7. Article 13 should incorporate a clause dealing with access provisions. Namely, if a court refuses a return, it should automatically make the necessary provisions for enforceable access rights, with a fair division of travel costs.

8. Article 21 should be entirely revised. Experience has shown that it does not work.
9. Provisions for legal aid should be addressed and a common policy should be established by all signatory countries.

Many of these points were discussed at the recent NCMEC conference on 15 and 16 September 1998. The recommendations which will be put together shortly, cover much of the above ground.