

INTERNATIONAL CHILD ABDUCTIONS - Countries Ignore Hague Convention

By Timothy W. Maier

As the nation awaited the outcome of the presidential election, the hundreds of cases of international parental kidnappings once again were placed on the back burner - but perhaps not for long. Should Texas Gov. George W. Bush become president, there would be a candle of hope for thousands of parents longing to be reunited with their children. They know that the Bush campaign gave a sympathetic hearing to this issue, which has been all but ignored under the Clinton/Gore administration, according to high-level sources working with the National Center for Missing and Exploited Children on international parental kidnapping cases.

A ranking source working on the international cases says that Vice President Al Gore and his wife, Tipper, have taken zero interest in these tragic children, whereas Bush wants to get actively involved. "I'm surprised about Tipper, but I'm afraid Bush would be better for us," says the source, who also praised Democratic New York senator-elect Hillary Rodham Clinton for calling it a human-rights issue even though her husband failed to support the remarks.

Meanwhile, parents continue to engage in a war of words with countries reluctant to follow the Hague Convention, a multilateral agreement designed to return abducted children to their custodial parent. Last year the complaints of victimized parents and Insight's coverage of the issue (see Insightmag.com under "Back Issues" and "Investigative Stories") prompted congressional hearings, changes in a Justice Department task-force report and two General Accounting Office (GAO) reports outlining some of the problems. Certainly the congressional hearings alone provided sufficient evidence for Congress and the nation to see how completely the Hague Convention has failed.

While the GAO reports at least raised the issue, they failed to provide the texture and context of the story. Even the most recent GAO investigation, triggered by Senate Foreign Relations Committee Chairman Jesse Helms of North Carolina, was another incomplete probe. Published as Status of U.S. Parental Child Abductions to Germany, Sweden and Austria, it failed to include interviews with suffering parents anxious to detail how and why the system is not working.

Tom Johnson, a State Department attorney whose daughter, Amanda, has been captive in Sweden for the last five years, put it this way: "As you can see, the failure to talk to the only people who really know the situation in each country [i.e., the left-behind parents] resulted in a fairly worthless report and the omission of some leading cases. Instead, the GAO relied exclusively on the people they were supposed to be investigating - the Office of Children's Issues at the State Department."

Johnson meanwhile has caught the attention of House International Relations Committee Chairman Benjamin Gilman of New York, who has begun a personal crusade to get the State Department to make these cases a top priority. Gilman requested an additional GAO report, and parents remain hopeful that the State Department's annual report on Hague Convention compliance would reveal a change of course. The report is supposed to warn and educate U.S. courts, lawyers and parents on this issue, but it hasn't done that in the past.

So it comes as no surprise that when the State Department released its most recent Hague Convention compliance report it was met with disdain by Gilman. After reviewing the report, Compliance with the Hague Convention on the Civil Aspects of International

Child Abduction, Gilman slammed the State Department for the callous way in which it classified cases as "resolved," and in particular for moving abusing countries, including Germany and Sweden, from the noncompliant category to partially compliant.

Gilman, like so many of the grieving left-behind parents, says he is astonished at the State Department calling cases "resolved and therefore closed," when this in fact "presents an inaccurate picture of the level of compliance by all signatories of the Hague Convention." In other words, as soon as a foreign country denies a U.S. parent's Hague application, the State Department regards the case as resolved and no longer active.

Even more upset with this report was Rep. Nick Lampson, D-Texas, chairman of the House Caucus on Missing and Exploited Children, who says the State Department report not only is inaccurate but violates the statutory reporting requirements. Lampson calls the report "unacceptable to Congress." He told Secretary of State Madeleine K. Albright that it is nearly as useless as the 1999 report, which claimed there were 58 "unresolved" cases after 18 months but failed to identify even one offending country.

While the State Department may indeed have violated the statutory reporting requirement, any penalty apparently will have to wait until the presidential election is sorted out. Under a Bush administration, someone might get fired. In the meantime, Helms is considering whether to force the State Department to rewrite the report.

The senator is well aware that the numbers the State Department has supplied to Congress don't add up and never did. Should Bush become president, he certainly will recognize it as "fuzzy math." For example, while the United States is returning children in 90 percent of the Hague Convention cases filed here, according to the GAO, only 24 percent of overall abductions from the United States result in a return or even some form of visitation abroad, which means actual returns are well below 20 percent.

Also being fuzzed by the State Department is the exact number of children missing abroad, notes Johnson. "Congress rightly ridiculed the department's effort to claim that there were only 58 outgoing Hague cases unresolved after 18 months," Johnson wrote in a terse letter to Assistant Secretary of State for Consular Affairs Mary Ryan, who simply ignored the matter. "The Department's bad faith is especially evident with regard to this point, since Congress itself estimated there to be 10,000 abducted American children abroad when it passed the 1993 International Parental Kidnapping Crimes Act. Congress knows that even the State Department admits to 500 to 1000 new cases annually, and Congress knows that the National Center's estimate is up to 17,000 per year. These numbers include both Hague and non-Hague cases, but nevertheless indicate the extent of the Department's attempt to mislead Congress with a report of only 58 unresolved cases."

The outraged Johnson continued, "Few, if any, frivolous Hague applications are filed by American parents. Real American children are missing from real American parents, families and homes. For the American children and left-behind parents in such cases, they are not suddenly resolved when a foreign country makes a final decision to deny a return application. These are ongoing, continuing tragedies for the American citizens involved, and you must tell Congress about each such case where an abducted/retained American child has not come home."

The Hague report comes on the heels of the second International Forum on Parental Child Abduction hosted in Alexandria, Va., by the National Center for Missing and Exploited Children to address shortcomings of countries party to the Hague Convention. Representatives of seven foreign countries attended, but not much was accomplished.

There was considerable tension at the forum when officials of Germany spoke about how they punish violators, despite the notorious fact that Germany routinely awards

custody to German citizens regardless of court rulings in the country from which a child has been abducted. But the group managed to agree to develop a best-practice standard to be discussed at the next meeting, to be held in The Hague in the spring of 2001. The British ambassador's wife, Lady Catherine Meyer, cochaired the conference and called it a start - with the hope of better things to come (see "Lady Meyer Struggles for Parental Rights," Oct. 2).