



DEPARTMENT OF STATE
STATEMENT
OF
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BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL
HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS
HEARING
ON
THE GOLDMAN ACT TO RETURN ABDUCTED AMERICAN CHILDREN:
REVIEWING OBAMA ADMINISTRATION IMPLEMENTATION

MARCH 25, 2015

Chairman Smith, Ranking Member Bass, and distinguished Members of the Subcommittee – Thank you for the opportunity to address you today regarding international parental child abduction, or IPCA, and the implementation of the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014, or ICAPRA.

The Department of State values the ongoing interest and support on this issue from Members of Congress. We appreciate the efforts of Chairman Smith and the interest from Ranking Member Bass, as well as the many Members who advocate in support of their constituents affected by the tragedy of IPCA and parental child abduction in general. We understand and sympathize with the pain of the parents. Within the Department of State and in diplomatic missions worldwide, there are many people dedicated to helping parents resolve these difficult cases.

We share with you the goals of preventing international parental child abduction, of the expeditious return of children to their places of habitual residence, and of the strengthening and expansion of the Hague Abduction Convention to include more partner countries. We are constantly identifying new ways to strengthen our bilateral relationships to resolve individual cases and establish protocols that will prevent abductions or positively impact the resolution of future cases.

The passage of ICAPRA in 2014 represents a joint effort by Congress and the Executive Branch to both prevent and resolve international parental child abduction cases. The focus of my testimony is on how the Department is implementing the ICAPRA mandates and requirements around annual reporting, case monitoring and communicating with the general public.

When I last testified before this committee in 2013, Secretary Kerry had just extended my tenure as the Bureau of Consular Affairs' Special Advisor for Children's Issues in the office which implements certain U.S. obligations under the Hague Convention on the Civil Aspects of International Child Abduction (Convention) as the U.S. Central Authority (USCA). The USCA works closely with foreign governments, foreign central authorities, foreign judicial and administrative authorities, and law enforcement to resolve cases, including by facilitating the return of children to their country of habitual residence and assisting parents seeking rights of access to their children. In 2014, the USCA assisted in the resolution of 781 abduction and access cases worldwide of children wrongfully removed from or retained outside the United States.

On behalf of the USCA, I traveled to 16 countries in 2014 to hold bilateral discussions with foreign governments on resolving IPCA cases. In addition, other USCA officials traveled to nine other countries to discuss IPCA, Convention compliance, and progress toward becoming party to the Convention, as appropriate. I also regularly encouraged more countries to become party to the Convention in public speeches in the United States and abroad, and also when meeting in Washington with official delegations from numerous countries.

Our efforts, both in the United States and abroad, will be covered in more detail in the Annual Report due to Congress by April 30. I want to take this opportunity, however, to highlight the many initiatives that the Department of State has taken to implement this new legislation since it went into effect in August 2014.

Initiatives within the Office of Children's Issues

The country officers in the Bureau of Consular Affairs' Office of Children's Issues, or CI, are the backbone of the USCA. They provide many services to parents including – providing information about foreign and domestic IPCA-related resources; processing Hague Convention applications and monitoring Convention proceedings; coordinating with U.S. embassies and consulates to monitor the welfare of abducted children; and facilitating communication with state and federal government agencies and relevant foreign government authorities to assist in the resolution of cases.

ICAPRA has provided an opportunity to strengthen our policies and procedures, enhance the level of service provided to parents and better monitor the welfare of abducted children. As a team, we updated policies and procedures and mapped a detailed strategy for implementation that built on existing best practices.

Many of our initiatives, at present, are driven by the Annual Report's new data requirements. On the basis of multiple new data points, we completed data collection on more than 1,000 outgoing abduction cases. We also established a SharePoint tool to track all implementation efforts including bilateral engagement. The creation and organization of this data required by ICAPRA laid a solid foundation for our ability to implement the law immediately and into the future, report to the public and Congress, and encourage better compliance and cooperation with both Hague partner countries and non-Convention countries.

The Department regularly instructs its diplomatic missions in non-Convention countries to engage with host governments and encourage them to become party to the Convention. Embassy and consulate public affairs and

consular sections regularly promote the Convention through public diplomacy and outreach activities. These missions were also informed of the ICAPRA provisions and each designated a senior official to serve as the point of contact for left-behind parents and with host governments.

Initiatives in Training and Prevention

The Department is coordinating with other U.S. government agencies and providing training to groups and individuals to heighten awareness of IPCA issues and procedures. These efforts build on existing programs and relationships and expand the IPCA knowledgebase.

As required by ICAPRA, the USCA has organized an interagency working group to enhance child abduction prevention measures. We are working with the Department of Justice, the Federal Bureau of Investigation, and the Department of Homeland Security (DHS) in “Operation Prevent Departure,” a DHS initiative.

On October 15, 2014, I chaired the first meeting of the ‘Prevention of IPCA Interagency Working Group’ composed of participants from the State Department and the other agencies cited above. We discussed how to enhance current interagency IPCA prevention strategies and how to streamline and improve interagency cooperation on child abduction cases originating from the United States. We have also invited the Department of Defense (DoD) to join our next meeting scheduled for April.

In 2014, the USCA held a roundtable meeting with the U.S. Navy Judge Advocate Generals (JAG) corps to discuss the role of the USCA and opportunities for outreach to DoD personnel. The USCA conducted outreach to 200 JAG officers to raise awareness among the military community on international parental child abduction. The USCA also met the Director of DoD’s Office of Legal Policy to provide an overview of ICAPRA and the law’s impact on the military community. Everyone pledged to continue their ongoing collaboration and cooperation to achieve the goals in ICAPRA.

The USCA educates the broader group of domestic judges about the Hague Convention in a variety of ways. Our website contains important resources about the Convention, as well as abduction prevention tools and information. A judge hearing a case under the Convention in the United States receives a letter from the USCA highlighting important articles of the Convention, the role of the USCA, and additional resources such as the Convention’s implementing legislation in the United States, the International Child Abduction Remedies Act.

The USCA also informs judges hearing Convention cases in the United States that they may contact the USCA to speak with one of the four U.S. Network Judges who participate in the International Hague Network of Judges, known as the Judges Network. The Judges Network is one of the United States' most important tools for judicial education on the Convention, and consists of approximately 70 judges from 47 countries, who are experts in the Convention and other international family law issues. The United States currently has four U.S. judges serving on the Network, three state court judges, and one federal court judge. The USCA is grateful for the service of the U.S Network Judges, who have helped facilitate the resolution of many Convention cases in the United States by communicating with and educating domestic judges on the Convention.

Diplomatic Initiatives

Our diplomatic efforts increase the likelihood that our current and future treaty partners will be able to meet their responsibilities under the Convention. In the spirit of strengthening and expanding the Convention worldwide, we routinely invite and welcome foreign governments to observe how we implement the Convention. Additionally, we routinely identify opportunities to work multilaterally with countries that already implement the Convention effectively to press more countries to join. Partnership among existing Convention countries has proven tremendously successful in efforts to welcome new countries into Hague partnership.

In CY 2014, the USCA, on behalf of the Secretary of State, initiated numerous actions to promote improved application of the Convention's provisions by partner countries. For example, the USCA held bilateral meetings to promote Convention implementation with Argentina, Brazil, Costa Rica, the Dominican Republic, Honduras, Japan, Korea, Mexico, Poland, Romania, Switzerland, Turkey, Ukraine, and Uruguay; delivered *démarches* about Convention compliance to foreign governments including Argentina, the Bahamas, Brazil, Costa Rica, Guatemala, and Slovakia; and sent diplomatic notes on unresolved cases to foreign governments including Argentina, Brazil, and Uruguay.

Department officials, on behalf of the Secretary of State, regularly engage with foreign governments of non-Convention countries to encourage those countries to ratify or accede to the Convention and to address pending abduction and access cases. An example of the USCA's policy of promoting Convention partnership worldwide was the decade-long effort to encourage Japan to ratify the Convention. On April 1, 2014, the Convention entered into force between the

United States and Japan and the USCA has developed a productive working relationship with the Japan Central Authority.

Though Japan's ratification of the Convention was achieved, there are over 50 non-Convention abduction cases to Japan that predate Japan's accession. Many of these cases have been pending for years. Parents with these cases are not able to seek return of their children under the Convention, although, as of December 31, 2014, parents have filed 31 Convention access applications. Nevertheless, of the few cases in which parents have sought redress in Japanese family courts, none has resulted in either meaningful parental access or the return of the child to the United States.

The Department continues to urge Japanese action on non-Convention cases. The USCA and the U.S. diplomatic mission in Japan continue to press the Japanese government for assistance in bringing about the return of abducted children to the United States or to obtain parental access. The Department's efforts have included individual requests through diplomatic channels seeking Japanese assistance in enforcing U.S. parents' rights and in persuading taking parents to provide access; organizing exchanges and training for lawyers and officials; and outreach and public diplomacy efforts to promote understanding of parents' and children's rights. The Department continues to encourage the government of Japan to remove obstacles that parents still face in gaining access to or return of their children.

Meanwhile, the Japanese government is developing its own resources to address issues related to child abduction. Many of these initiatives, such as promoting mediation and alternative dispute resolution methods as a way for parents to reach agreement; using videoconferencing to foster communication between parents and children; and engaging in public outreach activities, may assist in non-Convention cases as well. The USCA is watching these efforts closely and hopes to see them produce meaningful results for parents and children.

Additionally, there are many cases involving children abducted to countries that have not yet joined the Convention or with which the United States does not yet have a treaty relationship. One of our top priorities is to engage bilaterally and multilaterally with these foreign governments to explain why the Convention is beneficial and to encourage expanded Convention partnership throughout the world. In those cases, options for seeking the return of a child are far more limited, thus underscoring why Convention membership is so critical as we move forward.

During the reporting period and to fulfill requirements of ICAPRA, the USCA initiated a process to categorize countries for reporting purposes; identify and prioritize countries as candidates for initiating a process to develop and enter

into appropriate bilateral procedures or other protocols; and evaluate whether non-Convention countries have demonstrated patterns of non-compliance as defined by ICAPRA during the reporting period.

Egypt, for example, has been the object of repeated efforts to make an existing arrangement more effective, and to encourage them to become a party to the Convention. To date, we have 20 open cases involving 26 U.S. citizen children abducted from the United States to Egypt. In 2014, Embassy Cairo engaged in several different diplomatic efforts with the Egyptian government, including a joint effort with the European Union. Additionally, in March 2014, I met with various Egyptian government representatives in Egypt to encourage them to become a party to the Convention. In these meetings, the Egyptian government confirmed their interest in the Convention. In response to these diplomatic efforts, the Egyptian government also confirmed their current review of the Convention, noting the review is the first step towards joining the Convention.

We continually look for opportunities to educate our foreign partners on the benefits of the Convention. In October 2014, we hosted a regional symposium on the Convention in Jordan. The symposium focused on educating participants from Jordan, Egypt, and the United Arab Emirates on the Convention to encourage accession or ratification. The symposium also included participation from Canada, the Hague Conference of Private International Law and Morocco, one of the few Muslim countries to be a party to the Abduction Convention. The Jordanian, Egyptian, and Emirati delegations appeared eager to learn about the Convention and displayed interest in better understanding the Convention in hopes of joining it in the future.

The United States also participated in other regional fora hosted by the Hague Conference and designed to increase the reach of the Hague Convention. These included regional meetings in Beijing in May 2014 and in Kuala Lumpur in November 2014. The Kuala Lumpur conference specifically addressed the compatibility of the Hague Convention with Sharia legal codes and included presentations from Malaysian, Indonesian, and Egyptian judicial authorities, underscoring these non-Convention countries' interest in understanding the principles of the Hague Convention.

The Way Ahead

Our office remains committed to aiding parents to resolve these difficult and painful abduction cases. We support parents by providing them appropriate advice and guiding them to domestic and foreign resources that may help them resolve

their children's cases. As we execute the new requirement to inform Members of Congress directly of new IPCA cases, we will comply with both ICAPRA and with our responsibilities to the parents under the Privacy Act.

We raise individual cases with foreign governments, requesting through diplomatic channels that they assist with the return of abducted children to the United States and assist parents to obtain access. Our country officers in the Department and consular officers in Embassies and Consulates seek to use whatever bilateral and multilateral means available to facilitate the return of a child. Our collective efforts are the basis for assessing a country's pattern of compliance and inform our future diplomatic endeavors.

We build on CI's Prevention Branch's existing programs to routinely conduct outreach to federal and state law enforcement, third-party organizations and the general public, raise awareness of IPCA issues and stop abductions-in-progress. Closer coordination with other U.S. government agencies will increase the level of cooperation and should strengthen preventive measures.

Conclusion

Mr. Chairman, Ranking Member Bass, distinguished Members of the Subcommittee, in the Bureau of Consular Affairs, we are committed to finding a viable solution for resolving each and every abduction case. Your support continues to be a key element to our success in maintaining IPCA as a priority in our bilateral relationships and pressing for a tangible resolution to these cases. We remain committed to achieving our shared goals to increase the number of children returned to their parents, to advocate for membership in this important international treaty, and to create safeguards that will minimize the occurrence of international parental child abduction.

Thank you. I am pleased to take your questions.