



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
JULY 16, 2015

Chairman Smith, Ranking Member Bass, and distinguished Members of the Subcommittee – Thank you for the opportunity to address you again regarding international parental child abduction, or IPCA, and our continuing 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 also appreciate the efforts and advocacy of the many non-governmental organizations such as International Social Services (ISS) and the National Center for Missing and Exploited Children (NCMEC) working to support families and return children wrongfully abducted across international borders. We share with all of you the goals of preventing international parental child abduction, of the expeditious return of children to their homes, and of the strengthening and expansion of the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Convention).

I have the honor of serving as the Bureau of Consular Affairs' Special Advisor for Children's Issues. Testifying before you today, I represent the many dedicated officials of the Department of State, in Washington and in our diplomatic missions worldwide, who are committed to the mission of preventing IPCA, safeguarding the welfare of children abducted across international borders, returning abducted children to their place of habitual residence, and helping parents resolve these difficult and painful cases. The Office of Children's Issues, or CI, in the Bureau of Consular Affairs' Overseas Citizens Services directorate leads U.S. government efforts on IPCA prevention and returns, assists children and families involved in IPCA cases in all countries, and executes U.S. obligations under the Convention as the U.S. Central Authority.

What we do on IPCA in CI and the Department of State as a whole is important. It matters. And it works. In my testimony today I will demonstrate the importance we place on IPCA cases and issues, how our work on every case and every bilateral relationship matters, and how the tools we use work now and will be even more effective in the future.

Our Work is Important

In 1994, the Bureau of Consular Affairs created the Office of Children's Issues with a staff of four officers to focus specifically on IPCA and intercountry adoption. Every Secretary of State and Assistant Secretary for Consular Affairs since CI's founding has recognized the importance of this issue and the role the Department plays in the Convention process and with non-Convention countries to resolve IPCA cases and return children.

As the serious and negative short- and long-term consequences of IPCA on children and families became more widely recognized and Hague Abduction Convention membership grew, so did our dedicated staff. Today, CI is one of the largest offices in the Bureau of Consular Affairs, with the IPCA-focused staff alone numbering more than 80 employees. Once primarily focused on case management, our country officers now coordinate Department-wide bilateral efforts in dedicated regional portfolios as well as pursue the resolution of individual cases in

those countries. This dual responsibility recognizes the mutually reinforcing importance of case resolution with the foreign country's policies and performance on IPCA issues.

In 2011, we recognized the importance of IPCA prevention by establishing a Prevention Branch to work closely with domestic passport agencies, state and local officials, NGOs, law enforcement, and the Department of Homeland Security (DHS), with the goal to protect children, assist parents, and save families the heartbreaking experience of wrongful abduction. The Prevention Branch manages the Children's Passport Issuance Alert Program (CPIAP), and prevention officers are trained to collaborate with passport agencies and U.S. embassies and consulates abroad to review passport applications involving children party to child custody cases, to ensure two-parent consent laws are upheld.

Our Work Matters

We know that our work matters to every child and every parent. From prevention to resolution to return, CI staff work hard to provide options and resources to parents, protect the welfare of children, and use all appropriate tools to return children. We know that our bilateral work encourages compliance in countries that are party to the Convention and that it encourages other countries to become party to, or to begin to apply, Convention principles.

How our work matters may be demonstrated in data and numbers. The Prevention Branch, working together with its State Department, interagency, law enforcement, and NGO counterparts, has prevented more than 360 abductions since 2011. The Prevention Branch enrolls and updates more than 500 CPIAP cases per month and has worked on more than 18,000 CPIAP cases since 2011. As reported in the 2015 Annual Report, in CY 2014, CI as the U.S. Central Authority, assisted in the resolution of 781 abduction and access cases worldwide. This included the return of 374 children to their habitual residences in the United States in 260 cases. In the first six months of CY 2015, we already have reports of 202 children returned to the United States in 142 cases. We are partners with 73 Convention countries and are working to increase this number.

Even as we celebrate these successes, we know our work matters in every case that remains unresolved and in every country, Convention or non-Convention, regardless of the number of cases. To our dedicated country officers, each and every case matters. They provide many services to left-behind parents (LBPs), from information about foreign and domestic IPCA-related resources, to processing Hague Convention applications and monitoring Convention proceedings, to coordinating with U.S. embassies and consulates to monitor the welfare of abducted children, to facilitating communication with state and federal government agencies and relevant foreign government authorities. In addition, every country officer develops effective working relationships throughout the Department of State, the relevant U.S. diplomatic missions abroad, and with foreign governments, including Foreign Central Authorities and other appropriate officials. They approach each case and each country strategically, employing the myriad diplomatic tools, resources, and legal actions available to try to resolve every case and return every wrongfully abducted child to his or her habitual residence.

It is clear our work matters, and we attract, recruit, and retain high-quality employees in CI. Left Behind Parents and their supporters, sadly, do not have a choice to be involved in IPCA cases; their involvement is imposed on them by the actions of others. CI, however, is an office of professionals who have voluntarily chosen to make this heartbreaking issue our professional calling. Numbers and reports may detail our efforts or reflect our proficiency, but they cannot show the heart we bring to this important work on behalf of children and their families.

Our Tools Work

As described above, the full array of diplomatic tools and engagement have yielded important results. Working with our diplomatic counterparts multilaterally and in support of the Hague Permanent Bureau, we have achieved important expansion of our partnerships in the Convention, the most effective legal mechanism for parents seeking the return of their children to the United States. We partnered with Morocco in 2012, the first majority Muslim country to become party to the Convention. We saw critical expansion in East Asia after significant bilateral and multilateral efforts, when the Convention went into effect with Korea in 2013 and Japan in April 2014. Our efforts continue full force, particularly in the Middle East, South Asia, and Southeast Asia. As reported in the 2015 Annual Report, in 2014, I traveled to 16 countries, and U.S. Central Authority officials traveled to nine other countries, to hold bilateral discussions with foreign governments on resolving IPCA cases, strengthening Convention compliance, and supporting their progress towards becoming party to the Convention. Just this month, I completed a trip to East Asia, including visits to Macau for a Hague Permanent Bureau conference, the Philippines to promote accession to the Convention, and to Japan to press for meaningful action on pre-Convention abduction cases and all Convention abduction and access cases.

The Annual Report to Congress has been and will continue to be an effective tool. The previous Annual Report focused on the compliance of other parties to the Convention. After being listed as non-compliant in successive reports, Mexico, a critical Convention partner for the United States, made substantive improvements on the challenging issues of judicial and law enforcement performance. As a result of increased compliance resulting in returns and resolutions, Mexico has not been listed as non-compliant for several years and has become a close and effective partner.

The 2015 Annual Report was the first since the recently-enacted Sean and David Goldman Act. We compiled this report on a compressed timeline with data gathered in the months after the new law came into effect. We devoted significant effort to ensuring we included everything required in the law. We fully understand that the 2015 Annual Report does not meet all expectations. We have received valuable feedback from this subcommittee, others in Congress, NGOs, and parents about areas that need further amplification or could be clarified with additional detail. We are committed to providing more information this year and to making future reports as effective as we can.

The 2015 Annual Report has provided important opportunities. Our diplomatic missions overseas have delivered demarches to the governments of every country listed as demonstrating patterns of non-compliance. This included non-Convention countries such as India, which has

the highest number of cases of any country that is not party to the Convention, and Middle Eastern countries where resolutions and returns are exceedingly rare. Through the demarches, we underscored our ongoing bilateral and multilateral engagement, such as my recent trip to India prior to the Annual Report's publication. We raised outstanding cases, IPCA issues, and Convention principles more broadly with these governments. We also informed these governments of the potential repercussions if they were designated as showing patterns of non-compliance.

ICAPRA prevention measures work. I have convened two meetings of the ICAPRA-required "Prevention of IPCA Interagency Working Group" composed of participants from the Department of State, the Department of Justice, the Federal Bureau of Investigation, DHS, and, at our most recent meeting, the Department of Defense. These meetings have helped streamline communications among law enforcement, our Prevention Branch, and DHS so that law enforcement can act quickly to stop abductions in progress. We are confident this working group will improve the prevention of IPCA throughout the United States.

Diplomatic engagement remains our most effective tool with all countries. We analyze every country and every case to decide the appropriate diplomatic engagement or action. Some of those actions will be detailed in the ICAPRA-required report on actions taken toward countries determined in the 2015 Annual Report to have demonstrated patterns of non-compliance, as defined in the law. In addition to the actions listed in the Annual Report, I and other Department officials regularly engage with foreign governments of non-Convention countries, and Convention countries with non-Convention cases, to encourage those countries to ratify or accede to the Convention, as appropriate, and to address pending abduction and access cases.

Though Japan's ratification to the Convention was achieved, and it is considered a Convention country for purposes of the Annual Report, we are keenly aware of and actively engaged on the pre-Convention abduction cases which predate Japan's ratification. The Department has been disappointed that, to date, none of these pre-Convention cases has resulted in either meaningful parental access or the return of a child to the United States. As a top priority on my recent trip to Japan, in meetings with the responsible officials at the Ministry of Foreign Affairs, I emphasized that the United States expects meaningful action and resolution of both pre-Convention and Convention cases. We have engaged the Japanese government unceasingly with the full support and participation of U.S. Embassy Tokyo and the Japan Desk to press for returns, meaningful access, and resolutions, as appropriate, in all cases.

We have developed a policy to consider potential bilateral agreements, which might include memoranda of understanding, or other protocols. CI is analyzing potential candidates at this time. The Department will continue to review potential candidates for bilateral agreements, while encouraging accession and ratification to the Convention and compliance among our Convention partners. As I testified in March of this year, we implemented ICAPRA's Congressional notification requirement in April after careful review of all privacy laws and are currently completing the notifications on all open cases.

Conclusion

Mr. Chairman, Ranking Member Bass, distinguished Members of the subcommittee, in the Department of State, the Bureau of Consular Affairs, and the Office of Children's Issues, what we do on IPCA is important. It matters. And it works. We are committed to fully and successfully implementing ICAPRA, and we are confident the tools in ICAPRA will be even more effective in the future. Your support remains a key element to our success in improving the effectiveness of IPCA prevention, maintaining IPCA as a priority in our bilateral relationships, and pressing for viable resolutions to all cases.

Thank you.