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U.S. House Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights, and International
Organizations
April 6, 2017, Enforcement is Not Optional: The Goldman Act to Return Abducted
American Children

Thank you Mr. Chairman and Mr. Vice Chairman. I'm an honored to share my story and speak for my fellow parents of internationally-abducted children. This Congress and this Administration represents our best opportunity ever to put America First for America's Stolen Children, and make the return of American children to the United States a priority again.

I'm president and co-founder of iStand Parent Network. My daughter, Muna, was a victim of International Parental Child Abduction, when she was kidnapped by her father to Mali, West Africa, in 2011. She was only four years old. Despite some initial delays, I soon had court orders for her return, and cases with the FBI, the Department of State's Office of Children's Issues, and the National Center for Missing and Exploited Children. My experiences with all of these agencies was exceptional, responsive and accomplished the goal. Unfortunately, this is not most parents' experience, since most parents find that the return of their children is subordinated to not making the international community uncomfortable.

Mali initially showed no interest in working with me and our government to return Muna. That changed in November 2012, the day I staged a protest in front of the Mali Embassy here in Washington and subsequently engaged my congressional delegation, which includes Majority Leader Mitch McConnell, Senator Rand Paul, and Chairman Harold Rogers.

I am grateful that Muna's case became very personal to Chairman Rogers and Senator McConnell in particular, and they consistently engaged with the Departments of State and Justice and Malian officials in Washington and Bamako. Representatives of that nation were called to the Hill to give account for why this American child remained separated from her mother, sisters, and family. Chairman Rogers raised our case directly with former Secretary of State John Kerry during an appropriations hearing. Senator McConnell progressively escalated his interactions with Mali while receiving regular updates from the State Department. I was blessed to have benefited from a whole-of-government response, which is the only reason why Muna is home today.

Just before Muna came home, Senator Corker invited me to testify on the Goldman Act, which was legislation that was supposed to make it easier for parents like myself, before the Senate Committee on Foreign Relations. And, of course, Mr. Chairman, you were

our champion all along, shepherding the Goldman Act to its eventual enactment. All of this momentum I carried with me to Mali in summer 2014.

U.S. Ambassador Mary Beth Leonard and consular officers facilitated a meeting with Mali's Minister of Justice, and that day, I knew we were coming home. We were escorted out of the country by U.S. Marines and put on the airplane by Ambassador Leonard herself. When we arrived at Northern Kentucky airport, my dear senator was there to welcome us home.

I'm told my story is unique, which is tragic. It doesn't have to be. If every member of Congress with kidnapped constituents would begin to regularly inquire of federal agencies and nations in which they are held, and also require enforcement of the Goldman Act and other laws that were designed to make it easier to bring our children home, we would see an immediate surge in returns and reunifications of children with their parents. Whole-of-government support of parents who have had their children stolen from them would also create a strong deterrent for would-be abductors and put nations on notice that America will not tolerate the theft of its children.

There are few things that need to happen to hasten these outcomes, and make my story less unique.

The Trump Administration has a golden opportunity to show the parents across the United States, whose children have been kidnapped to countries that actively work against the return of their children, that it supports these parents, and will do all it can to bring their children home. As I said, I was blessed to have the active involvement of the Kentucky congressional delegation, the Department of Justice, and the Department of State, which includes Ambassador Leonard and embassy staff in Bamako. But every taxpaying parent in the United States deserves the full-throated, aggressive support of their government. The Trump Administration has a chance to signal this intent to support American parents where prior administrations refused to do so.

Countries around the world that are harboring American children, and ignoring their legal obligations, need to be put on notice that it is time to comply. The worst offenders in the international community – countries like Brazil, India, and Japan – need to be more forcefully addressed, and not given a pass by diplomats. Laws need to be taken seriously and enforced, and there need to be consequences for failing to adhere to international obligations and other commitments. And in circumstances where countries still refuse to return our children, they should no longer receive benefits from the United States, such as favorable trade treatment, visas, and foreign aid, until they do comply.

Case in point: Brazil's government has aided and abetted the kidnapping of many American citizen children, but the United States government has, to date, failed to take the issue seriously, and Brazil has acted accordingly. If Brazil does not start returning children to the United States quickly, and make other good faith efforts to show that it

intends to return all American children, the United States has an opportunity later this year, in 2017, to deny Brazil the \$2 billion benefit it receives by taking part in the United States' Generalized System of Preferences, or GSP. Brazil must literally pay a price for noncompliance here, and the GSP represents a perfect opportunity to demonstrate seriousness.

Similarly, India has aggressively refused to return American children, but the President has the authority to prevent H-1B visas and other lucrative work visas from being issued to Indian nationals if it does not start returning American children. India, too, can be forced to pay a price.

The Department of State must prioritize the return of American children over diplomatic niceties. It is understandable that diplomats believe in success through dialogue. But when it comes to international parental child abduction, let's be clear: the goal is not dialogue, but the return of abducted American children. Period. The Department of State needs to be refocused on what is most important. Dialogue is a means to an end, not an end in itself.

Transparency, with Congress and the American people, is essential. The Department of State definitively has the capability to report specific data to Congress to inform your casework, legislation and oversight. It has the data collection and analytical tools necessary to report abductions by state, and plot abductor destination countries on a world map. Despite this capacity, the Department of State has, respectfully, made a concerted effort to keep the scope of the problem hidden, particularly during the previous administration, and it did so for one very important reason: it was terrified that Congress might have not only a fuller understanding of the scope of the problem, but also that it – meaning Congress – had the tools to bring many of these kids home. It can improve its forthcoming report by drilling down on this data and making it publicly available.

Federal law, both civil and criminal, must be enforced. Enforcement of the Goldman Act, and other federal laws that are supposed to help parents, is the way forward. It directs progressive sanctions against worst offender nations who benefit from economic, cultural and diplomatic relationships with the United States and yet hold our children captive. The Department of State needs to stop using demarches – which are diplomatic wrist-slaps behind closed doors – and start using the full array of tools authorized by the Goldman Act, including sanctions against non-compliant countries, in order to be most effective.

And the Department of Justice has options that can and should be considered. While many abducting parents do not generally leave the country where they have taken their abducted children, some do. In fact, some own property and assets internationally, including in the United States, and even travel internationally for business, sometimes frequently. Each of these international assets or occasions of travel is a point of leverage against abducting parents, and should be actively explored.

International agreements governing international parental child abductions must also be enforced. The Hague Convention on the Civil Aspects of International Child Abduction, which is the governing treaty for international parental child abductions, does work for some, and we are aware of a handful of cases, comparatively speaking, of children who have come home by this process. I just learned of a parent whose son was abducted to Italy who recently came home through a Hague return order.

We are so happy for the parents and children for whom this process works. But they are, I am, a minority of successful cases. The aforementioned nations and other states parties which acceded to the Hague and yet decline to enforce access or return children to their habitual residence in the U.S. under that convention must be held accountable.

There must be a persistent, whole-of-government effort to bring children home. For nations like Mali, which is not a signatory to the Hague Abduction Convention, there must also be pressure and insistence on returns. Though it was never said to me, I got the distinct impression that Mali was growing increasingly uncomfortable with pressure from me and Muna's supporters and under the intent gaze of the United States government, which would not let my daughter be lost. I am confident that other nations would swiftly follow Mali's suit and let these children go, should they come under greater scrutiny. We can see results in every country that is harboring abducted American children if every presidential trip, every diplomatic delegation, and every congressional delegation raises the issue of these children when they visit these countries. More children will come home once these countries understand that we are not going away, and will not forget.

Mechanisms built into Section 202 of the Goldman Act direct specific actions against countries determined to have a pattern of noncompliance. We've had demarches and official public statements. It's time now to use those other actions:

- public condemnation;
- a delay or cancellation of one or more bilateral working, official, or state visits;
- the withdrawal, limitation, or suspension of U.S. development or security assistance, or assistance to a central government;
- a formal request to a foreign country to extradite an individual who is engaged in abduction and who has been formally accused of, charged with, or convicted of an extraditable offense; or
- other commensurate actions.

Additionally, on behalf of the [Coalition to End International Parental Child Abduction](#), we offer the following recommendations:

Discontinue certain visa categories for the foreign nationals of non-compliant or non-cooperating countries. The United States should discontinue pending and new visa applications from certain visa categories for citizens or foreign nationals seeking admission to the United States for countries that demonstrate patterns of non-compliance or non-cooperation in returning abducted American children.

Issue travel alerts. The State Department should issue travel alerts on its website warning Americans about the dangers of child abductions to countries that demonstrate patterns of non-compliance or non-cooperation in returning abducted American children.

Negotiate return MOUs and bilateral agreements. For non-signatory nations like India and Tunisia the U.S. should bilateral agreements, memorandums of understanding, and other tools that explicitly outline processes for resolving abductions and returning children home and also contain explicit penalties for noncompliance as stipulated in the Goldman Act.

Expedite return applications. Expedite the filing of return applications with Central Authority/Administrative Agency in destination Country, for all American children whose child abduction case has been reported to State Department

Simplify prevention. Prevention initiatives have expanded and robust conversations have yielded some success. The Prevent Abduction Program needs to be simplified and publicly available.

Amend definitions in the Goldman Act. Amend definitions in the Goldman Act to define a case as one child; include access cases in abduction case counts; amend the definition of “child” (to avoid age outs); amend the definitions of resolved and unresolved cases; redefine report categories so that all abducted children are counted.

Improve communications and engagement with the IPCA parent-stakeholder community. Parent input is vital to reforming this issue and In fact, the Interagency Task Force established by the Goldman Act would be greatly enhanced by input and participation by representatives from the parent community.

Raise the public profile of IPCA. Congress can engage multiple constituencies around IPCA about the sheer numbers of American children who have been taken from this nation. More than 1000 U.S. children are abducted by a parent annually. That’s 5000 children taken from the U.S. from 2010-1013. Based on those statistics, 29,000 American children have been abducted since the Office of Children’s Issues was established. That is the size of a small town. Gone.

Fund research on IPCA. Congress should fund an independent agency to research and update the literature on IPCA in the U.S. We are recycling numbers from federal-funded publications from as far back as 1999.

I thank you for this opportunity to share our story and to make recommendations for your consideration so that Enforcement of the Goldman Act is non-optional. This has been an extraordinary day for us, full hope for what can happen when we put America’s children first.

What matters most is that we stand united for their return, for Hannah and Ryan, Eslam and Zander, Mochi and Keisuke, Reyansh, Roshni and Rachel, Eliav and Abdallah, Gabriel and Anastasia and all of America's Stolen Children - may we not rest until the banner of liberty and freedom that enshrine and believe in, is extended over them to usher them home.

Thank you.