

The Goldman Act Turns 10: Holding Hague Convention Violators Accountable and Bringing Abducted American Children Home

*Opening Remarks by Rep. Chris Smith (R-NJ)
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This hearing of the Subcommittee on Global Health, Global Human Rights, and International Organizations will come to order. Today, we will turn our attention again to the devastating crime and immense tragedy of international parental child abduction.

Last month marked 10 years since the passage of the Sean and David Goldman International Child Abduction Prevention and Return Act, which I authored. I wrote the Goldman Act in 2014 to give the Executive branch the tools necessary to address the crisis of international parental child abduction.

The heartbreaking reality is that hundreds of American children are still abducted every year—illegally kidnapped by one of their parents to a foreign land. They are subjected to what amounts to a form of child abuse—with devastating psychological and even physical consequences for them and their families left behind.

Although the number of abduction cases has gone down, the rate of return has worsened. Fewer children are abducted, but fewer of those abducted children come home.

What is the U.S. government doing to prevent international parental child abduction, hold Hague Convention violators accountable, and bring American abducted children home?

Today we will hear from the U.S. Department of State officials responsible for implementing the Goldman Act; family law attorneys and Hague Convention experts; and a parent and child who have personally experienced the heartbreaking pain of separation and abduction.

The Goldman Act empowers the State Department to use the full range of diplomatic tools to seek the return of abducted American children—from a demarche or public condemnation to delay or cancellation of a bilateral visits or an extradition request. Annual appropriations language also authorizes the Department to withhold bilateral assistance funds for the governments of countries that are not taking appropriate steps to comply on child abduction issues.

Yet the State Department consistently fails to apply these Goldman tools. In 10 years, it has only ever used an action that exceeded a demarche once—even as many countries still do not comply with their treaty obligations under the Hague Convention.

The Hague Convention, in force between the U.S. and 80 foreign countries, says that countries must expeditiously return abducted children—“wrongfully removed” in violation of the left-behind parent’s custody rights—to their State of habitual residence.

The State Department’s Annual Report names 16 foreign nations as having “demonstrated a pattern of noncompliance” in 2023: Argentina, Belize, Brazil, Bulgaria, Ecuador, Egypt, Honduras, India, Jordan, Republic of Korea, Montenegro, Peru, Poland, Romania, Russia, and the United Arab Emirates. *[Please note that underlined countries have not acceded to the Hague Convention.]* Six—Argentina, Brazil, Ecuador, India, Jordan, and Peru—have been non-compliant 10 years in a row.

Recent Annual Reports have removed Japan from the list of non-compliant countries. And Japan has made legitimate progress in recent

years, passing legislation to strengthen enforcement of court-ordered returns. Just this spring, the Japanese diet passed a law allowing for dual custody. That encourages me. Wherever possible, children should have a relationship with both their parents.

Yet in other ways Japan must improve its disturbing track record. More than 500 children have been abducted to Japan since 1994. When Japan acceded to the Hague Convention in 2014, there were still more than 50 open pre-Hague cases of abduction to Japan.

Today, all but four of those open cases have been “resolved” or “closed.” What happened to these children? How many pre-Hague cases of parental child abduction were resolved in a just and satisfactory way—with the child’s return to his or her left-behind family?

It is very unclear. Indeed, it appears that most of these children just “aged out” of the system. When the child turned 16, Hague Convention protocols and State Department reporting ceased to apply.

In addition, left-behind parents report extreme difficulty in obtaining rights of access, especially in pre-Hague cases in Japan.

What is the State Department doing to convey to foreign governments the importance of fulfilling their Hague obligations under international law? Are we trying to sign bilateral MOUs with non-Hague countries, and with Hague countries that still have open abduction cases that precede that country’s accession to the treaty?

Another question I intend to raise deals with the “limited exceptions” to the Hague Convention’s rule of expeditious return. The Eighth Meeting of the Special Commission on the Hague Convention has stated that “while the exceptions derive from a consideration of the interests of the child, they do not turn the return proceedings into

custody proceedings.” Yet in some countries, untrained or unwilling judges relitigate custody rulings instead of strictly applying the Hague Convention. What has the Department done to address this problem?

I am eager to hear from our State Department witnesses: Robert Koepcke, Deputy Assistant Secretary for Japan, Korea, and Mongolia; and Michelle Bernier-Toth, Special Advisor for Children’s Issues.

According to the Annual Report, in 2023 there were 721 open active abduction cases involving 982 children, as well as 69 open access cases involving 92 children. Only 205 abduction children (out of 982) were returned to the United States (i.e. 136 abduction cases of 721).

Hundreds of cases tragically remain open. And a further 227 inquiries were made by families that did not complete their Hague application or provide related documentation—indicating that the true number of child abductions from the U.S. is likely higher than we think.

These children are gifts. They are precious, not only to their families but also to the United States. And most children desire a relationship with both parents. They do not want to be forced to pick between them.

These children have the potential to be a bridge for friendship between two nations. They can serve as bonds, and symbols of trust and friendship to both their countries of origin.

Bilateral collaboration between nations—to return abducted children home or guarantee rights of access for the left-behind parent in a *timely* manner—will strengthen those bonds of friendship. It will also begin to heal the open wounds that each abduction case represents.

We can and must do more to work to bring our abducted children home. This past May I introduced the Sean and David Goldman Act

Amendments. This bill strengthens key aspects of the Goldman Act, by requiring disaggregated data and increased transparency from the State Department; raising the age of child from 16 to 18; and funding research into the lifelong trauma that studies and testimonies show is caused by international parental child abduction.

During our second panel, we will hear testimonies from a left-behind parent who also founded one of the leading U.S. advocacy groups on this issue; a child survivor of international parental child abduction; and family law/Hague Convention experts to discuss ongoing challenges and recommendations to improve current law and its implementation.

Jeffery Morehouse—thank you for being here today to speak on behalf of American left-behind parents, and to share your expertise as founder of Bring Abducted Children Home.

Nafeesa Ali is also here with us today. Miss Ali was abducted by her father to Egypt as a little girl; escaped back to America when she was 17 years old; and now works as an iStand Survivor Network Youth Ambassador. Thank you for sharing your story with Congress today.

Let me also thank Melissa Kucinski, a local family law attorney, for testifying before the subcommittee today.

Lastly, many left-behind parents are in the audience today. Thank you for being here. To them and all other left-behind parents desperate to be reunited with their children, let me say that Congress stands with you and will stop at nothing to bring abducted American children home.

I now recognize Ranking Member Susan Wild for her opening remarks.