



**U.S. DEPARTMENT OF STATE**

**STATEMENT**

**OF**

**MICHELLE BERNIER-TOTH**

**SPECIAL ADVISOR FOR CHILDREN'S ISSUES  
BUREAU OF CONSULAR AFFAIRS**

**BEFORE THE**

**HOUSE COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON GLOBAL  
HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS**

**HEARING ON**

**INTERNATIONAL PARENTAL CHILD ABDUCTION**

Chairman Smith, Ranking Member Wild, distinguished Members of the Subcommittee – thank you for the invitation to speak on an issue important to all of us, that of international parental child abduction. This is an issue that I have the privilege to focus on as Special Advisor for Children’s Issues and in previous roles in the Department of State. I have long appreciated your concern for the protection of children who are the victims of international parental child abduction, and your support for efforts to resolve both individual cases as well as systemic challenges.

The protection of U.S. citizens abroad, especially children and families affected by international parental child abduction, is one of the Department’s highest priorities. We work constantly to prevent abductions, facilitate the expeditious return of abducted children to their country of habitual residence, and strengthen and expand our partnerships under the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

In the United States, international parental child abduction is recognized as a crime, but that is not true in many other countries. Custody

laws also vary from country to country, complicating what are already traumatic cases. The Hague Convention on the Civil Aspects of International Child Abduction (the Convention) was developed to provide a uniform civil legal mechanism to handle parental child abduction cases. The concept is simple – that a child wrongfully removed or retained from their country of habitual residence in violation of a parent’s custodial rights should be returned promptly to that country, where competent authorities are best situated to make a custody determination in the child’s best interests. The Convention is one of the most effective tools to deter and resolve international parental child abduction and secure the prompt return of abducted children – when it works. But we would not be here today if that were the case in all countries.

On April 28, we submitted to Congress our 2023 Annual Report on International Child Abduction, as required by the Sean and David Goldman International Child Abduction Prevention and Return Act of 2014 (the Act). As outlined in the report and based on criteria set forth in the Act, we found fourteen countries had demonstrated a pattern of noncompliance:

Argentina, Belize, Brazil, Bulgaria, Ecuador, Egypt, Honduras, India, Jordan, Korea, Peru, Romania, Russia, and the United Arab Emirates. We also included information that we hope is useful to parents, members of the legal community, law enforcement and others involved in addressing the issue of international parental child abduction (IPCA).

Unlike some Central Authorities under the Convention, the Office of Children's Issues (CI) also responds to cases of children abducted to countries that are not Convention partners with the United States, either because the country has not ratified or acceded to the Convention or, for certain countries that have acceded, the United States has not yet accepted the country's accession. Without the Convention, the tools at our disposal are more limited, but we nonetheless do everything possible to provide left-behind parents with information and resources about country-specific options for pursuing the return of or access to an abducted child. We may also coordinate with appropriate foreign and U.S. government authorities to monitor the welfare of abducted U.S. citizen children and encourage voluntary resolutions, as appropriate. In one instance, a CI Country Officer

worked with our Embassy in Beirut and our Czech Protecting Power in Damascus to successfully facilitate the return of a child from Syria, despite the many challenges posed by the political and security situation in that country.

It is important to note that the annual report is not a “one and done” effort but rather part of a continuous process of engagement throughout the year with each country cited in the report, as well as others in which we have concerns. The Department continues to refine our strategies for U.S. government efforts with other countries, and we are seeing progress and engagement, even in some countries that have been cited for many years. For example, in 2022 Brazil’s Superior Court of Justice and participants from a Department of State International Visitor Leadership Program hosted a nationwide training on the Hague Abduction Convention. We are encouraged by this effort, but we will not rest until parents know Brazil will handle their cases correctly and quickly. In another example, the Department met with Indian officials in October 2022, and, we organized a legal symposium in March 2023 in New Delhi focused on child custody

issues, including international parental child abduction between the United States and India, with over 400 members of India's legal community and the public. These issues were also at the forefront of our annual bilateral meetings with representatives of the Indian government in April 2023.

Engaging with the current and previously cited countries has been a focus of my efforts and travels. In the past year, I have met with officials and members of legal communities in Argentina, Brazil, Ecuador, Peru, Costa Rica, Korea, and Bulgaria. I have also traveled to countries that we did not cite but where we continue to monitor developments closely. My colleagues in the Office of Children's Issues have also traveled – both in person and virtually – to meet with counterparts in other countries to seek to resolve individual cases as well as systemic problems. We coordinate closely with others in the Department to identify opportunities to raise our concerns at all levels and work with other countries to improve their compliance with the Convention, or to encourage countries to accede to the Convention. We have benefitted from the strong support of Department

leadership in making sure other governments understand how important this issue is to the U.S. government.

The Department makes use of the tools that ICAPRA has provided. We work carefully with counterparts throughout the Department and in our embassies to select the tools that fit. We serve demarches on the governments of cited countries as part of our ongoing diplomatic efforts to bring about better outcomes. We issue public statements. While the tools in ICAPRA extend to measures like cancellation of assistance, we note that the assistance our government gives to other countries is given in support of our national interests, which in many cases can be complex and wide-ranging. Withholding assistance or invoking a sanction could undermine efforts in other areas, like promotion of rule of law or compliance with the Hague Abduction Convention or other international treaties.

As travel opportunities increased over the past year, the Department made full use of its International Visitors Leadership Program (IVLP) to further diplomatic engagement with foreign leaders and officials and improve understanding and implementation of the Convention. IVLP

participants are emerging leaders who travel to the United States to engage with U.S. counterparts in public and private sector organizations at the national, state, and local levels. Country officers from CI and other Department officials regularly meet with IVLP participants to provide an overview of the U.S. Central Authority's role in preventing and resolving international parental child abductions. IVLP delegations often include judges and attorneys, government officials, and civil society leaders. With support from our Embassies overseas, CI helped arrange virtual or in-person IPCA-focused IVLPs for participants from Brazil, India, Taiwan, Peru, and Moldova, to name a few. In my travels abroad, I frequently meet with former IVLP participants and have heard first-hand how the experience influenced their understanding of the Convention and the importance of its effective implementation. Many of these participants have spearheaded efforts in their own countries to improve operation of the Convention by sponsoring judicial seminars, drafting guidance, and promoting legislative changes aimed at strengthening compliance with the Convention.



These are all positive steps forward, but progress does not happen overnight – and every day counts in the life of a child who has been abducted. We recognize that these efforts do not satisfy the left-behind parents who face uphill challenges in seeking their children’s return, and who have not yet benefited from positive change. This is especially true for parents whose children were abducted before the Convention was in force in a country, and who have had little or no access to their children – sometimes, for many years. I have met with such parents so that I can convey their pain and frustration to my foreign government interlocutors. Even as we seek to make systemic progress with a foreign government, Country Officers in the Office of Children’s Issues continue to work on behalf of individual children. I am proud of the work they do, and their dedication to our mission.

We also work to prevent the heartache of international parental child abduction. The Act has been instrumental in this regard, by establishing the Prevent Abduction Program and increasing collaboration on IPCA among federal authorities. The Prevent Abduction Program and the Children’s

Passport Issuance Alert Program (CPIAP) are important tools that parents can use to help prevent their child from being abducted to a foreign country. When a parent has registered their child in CPIAP, we will alert them if anyone applies for a passport on the child's behalf and determine whether that person has the authority to do so. In 2022, we enrolled over 3,500 children into CPIAP, bringing the total number of children enrolled to more than 62,400. Equally important, the Prevent Abduction Program can actually help us stop a child from leaving the United States. When a parent has provided a court order that prohibits the child's removal from the United States to the Prevent Abduction Program, CI works with our partners in the U.S. Customs and Border Protection (CBP) and other law enforcement colleagues to seek to prevent the child from departing the United States. In 2022, CI helped enroll 307 children into the Prevent Abduction Program, an increase of 18 percent from 2021. We value the close coordination and cooperation with CBP, as well as other U.S. law enforcement agencies, in carrying out this important function.

It is important that parents know what steps they can take to prevent their child from becoming a victim of international parental child abduction. The Office of Children's Issues' Prevention team conducts outreach and offers round-the-clock assistance to parents concerned that their child may be abducted. They have provided resources and guidance on the Department's website and are available 24/7 to parents and law enforcement authorities. In 2022, CI fielded over 4,900 prevention-related calls from parents, law enforcement officers, and others concerned that a child might be abducted by a parent.

We greatly appreciate the attention that you and other Members of Congress pay to this issue, and value your partnership. We look forward to exploring ways that we can work together to demonstrate the U.S. government's commitment to helping children affected by international parental child abduction, and to preventing future cases. Thank you.

