

Tom Lantos Human Rights Commission

Hearing

on

The Rights of Parents and Children: How to Better Implement the Goldman Act on Child
Abduction

September 29, 2021- 1:00 p.m.
2172 RHOB and Virtual, via WebEx

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Thank you Chairman Smith and Chairman McGovern for this opportunity to offer testimony before the Tom Lantos Human Rights Commission Hearing on The Rights of Parents and Children: How to Better Implement the Goldman Act on Child Abduction.

I'm Dr. Noelle Hunter, president and co-founder of iStand Parent Network Inc., a voluntary nonprofit that empowers parents to return their children home from International Parental Child Abduction and advocates for policy reform to end this crime against children and families. iStand works in close cooperation with the Coalition to End International Parental Child Abduction to seek transparent, forceful governmental engagement to prevent and end parental child abductions.

I am the mother of a formerly abducted child. In 2014, my daughter came home to me, after a nearly three-year abduction to Mali, West Africa. My daughter is home today, here in Washington today with other IPCA survivors, because I love her and fought for her, and because every public agency and actor with the authority, capacity and capabilities to intervene on her behalf was fully engaged in the Mission4Muna.

I'm also a political scientist and lecturer at the University of Alabama in Huntsville, and it is from that perspective that I would first like to pose some questions to the U.S. Department of State, though they are not present.

If representatives from that Department were here, I would ask: Do the rights of American children end when they are stolen from our contiguous borders?

But they are not present.

I ask this because of the extreme response variation among our embassies as parents seek the support of our government to work cooperatively and assertively with foreign nations to end their captivity.

If the Bureau of Consular Affairs had sent a representative to this hearing, I would ask why the rights of American children and parents are continually subordinate to geopolitical priorities at best, or intentionally subverted by discretionary decision makers at U.S. posts abroad, at worst.

But they are not present to respond.

If the State Department were here, those same officials who insist year after year that American children are a top priority, would perhaps give account for why children like Bryan Sung languish in South Korea, despite his father's three Hague orders and a return order in his favor. Who was it the State Department that called his case a, quote, "failure of enforcement"? Let him come and testify.

I'd ask why Secretary Blinken is not leading on this truly low hanging-fruit, and I'd question the extent to which he has even been made aware of this long standing public policy problem.

As lecturer in international relations, I would like to ask why the State Department seems enchanted with demarches-- the tiny stick with which they gently assail nations with diplomatic wrist slaps for patterns of noncompliance in returning America's Stolen Children-- when the Goldman Act is replete with escalating, weighty enforcement tools.

But they are not present for me to inquire.

I'd ask about the fate of American children who are trapped in nations in which there are no Hague partnerships, no bilateral agreements? Indeed, my daughter was in one of those nations, and yet she received the full weight of her government behind me, actualizing her rights as an American citizen. In the end, we were escorted out of the country by U.S. Marines and the U.S. Ambassador to Mali, herself. Why did we get such treatment, such validation of our rights, and other parents do not?

I cannot ask this question, because they are not present.

I am here in Washington with a delegation of college students who I am privileged to teach in a special topics course on International Parental Child Abduction. Chairman Smith, Chairman McGovern, would you believe that in the first three weeks of class, having no prior knowledge of this issue, they raised these same questions and many more? Questions that the Coalition has asked for almost a decade, and questions that Congress has asked and received pat answers to; answers that are but variations on the theme of soft diplomacy and the advancement of the Hague Convention the the right remedy.

If the State Department were here, I would ask them a simple question: how do they know that soft diplomacy and the Hague Convention are the best tools to resolve abductions, when they haven't tried any of the others?

I would ask them why countries like Brazil, India, and Costa Rica continue to benefit from government largess in the form of international aid, despite abysmal records of noncompliance in returning American children.

To the point of Costa Rica, I would ask why, sweet Camille continues to be endangered by her abductor, who is empowered by that nation to perpetuate her abuse and abduction, while her father, John Stefanik continues to receive favorable court orders and decisions in favor of Camille's return.

The sad, self-evident answers to these and other questions prompts one more. Chairman Smith, Chairman McGovern, does the State Department's absence at this hearing signal to this Commission, to the American people, and particularly to this constituency, that it does not view International Parental Child Abduction as a human rights issue? As a children's rights issue?

We know the State Department prioritizes *some* human rights, and takes strong positions against human rights abuses in other nations. It's annual Human Rights Reports demonstrate our nation's keen interest in highlighting " internationally recognized individual, civil, political and worker

rights as set forth in the Universal Declaration of Human Rights and other international agreements.”

Yet, International Parental Child Abduction does not fit neatly into any of the specified policy issues articulated on the Bureau of Democracy, Human Rights and Labor’s website. So perhaps the State Department has an ‘out’ of sorts, and we know from experience that it will gladly take and “out” for America’s Stolen Children when it can.

It usually sounds like parents being advised that “every case is different”, or that “the U.S. government can’t force a sovereign nation to act” on this issue. Not true. We do it all the time. Coercive diplomacy is alive and well at the State Department. Consider my daughter’s case, in which the very hint of diplomatic and economic consequences was enough for Mali to send us home.

Chairman Smith, Chairman McGovern, I’m saddened to say that I knew they would not come. I knew when the hearing was announced that decisions and nondecisions would proliferate from the political and policy desks, and flow on down to the Office of Children’s Issues. I knew there would suddenly be other priorities which would keep the right officials from coming here to give account for under-implementation of the Goldman Act.

I take no joy in this foreknowledge. Rather, my heart hurts for the parents and families who will perceive this absence as a signal of the non commitment with which we’ve become quite familiar. Their absence speaks volumes and belies the popular refrain that the return of American children is a priority for the State Department. I was always taught that people show up for priorities.

And so the question before us now is, in the absence of State Department consistency, transparency and true commitment to all of America’s internationally-abducted children, how shall Congress require better implementation of the Goldman Act as a means to protect the rights of children and families?

We must answer for the State Department, because they are not present.

I recommend that Congress diversify your sources of information on IPCA in order to better understand the complex intersections of international relations, human rights, children’s rights and public policy. More, and more diverse, research is needed to address this policy problem and root out the policy failures that permit years and decades to lapse for parents like my colleague Jeffery Morehouse and Vikram Jagtiani.

I am joined today by 13 students from the University of Alabama in Huntsville, where I am honored to be on faculty and to teach a special topics course on International Parental Child Abduction. In the first three weeks of class, these bright students raised the questions that we advocates in the Coalition to End International Child Abduction have been asking for almost a decade. They quickly surmised that Congress is constrained from acting more vigorously upon this issue, because it receives most of its information from the very department and agencies tasked with implementation. Aside from an occasional report from the Congressional Research

Service, Congress doesn't really know the extent to which International Parental Abduction is a policy problem, and not just a constituent issue. My students and I have quickly discovered that, apart from occasional reports from the Congressional Research Service, the only information that Congress receives on IPCA is from the State Department, which has a vested interest in promulgating narratives that support its inadequate policy performance.

I recommend that the Tom Lantos Human Rights Commission author a study on the current state of research on IPCA. You will quickly find that the most oft-cited research is 10-20 years old. The world has changed considerably over this time, and even in the past two years. How do we know that the tactics employed by the State Department have kept apace with the changing norms and practices that would ameliorate this issue?

In fact, the pandemic has put us all in uncharted waters. And parents are left to tread these seas of ambiguity with typically little guidance and less help from the federal agencies tasked with helping them bring their children home. We need new data, new research and new paradigms from which to view and act upon this problem.

I also recommend that the Commission consider the ways in which this issue is managed at our U.S. posts around the world. I can say from experience in my case and as an advocate, that there is extreme variation in the ways in which abduction cases are handled at posts. You've heard about my exemplary experience on the ground in Mali, but what about the New York father in Kenya who couldn't get a basic courtesy response from the U.S. Embassy in Kenya for nearly two weeks? What about the veritable cadre of parents of children abducted to India who cannot get more than courtesy responses from our government and outright disdain from India?

This is one area in which standardization can empower parents and also lead to the protection and articulation of children's rights to be with their families and to not be separated from a parent, in accordance with the Convention on the Rights of the Child. It is my understanding that each embassy should have a strategic plan and a designated officer to work with parents on these cases. Is this happening? I respectfully ask the Commission to find out. To request those strategic plans as part of a fact-finding initiative.

I wish I were optimistic that these plans and designated officers are in place in every post. Perhaps the State Department is present, consistently present, overseas for America's Stolen Children, even if they are not present for them here today.

Thank you.