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S. RES. 543

To express the sense of the Senate on international parental child abduction.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Mrs. BOXER (for herself, Mr. LAUTENBERG, Mr. KERRY, Mr. LUGAR, Mr. INHOFE, Mr. CARDIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. LANDRIEU, Mr. MERKLEY, Mrs. MURRAY, Mr. RUBIO, Mr. LEAHY, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

To express the sense of the Senate on international parental child abduction.

Whereas international parental child abduction is a tragic and common occurrence;

Whereas the abduction of a child by one parent is a heartbreaking loss for the left-behind parent and deprives the child of a relationship with 2 loving parents;

Whereas, according to the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction of the United States Department of State from April 2010, research shows that abducted children are at risk of significant short- and long-term problems, including "anxiety, eating problems, night-

mares, mood swings, sleep disturbances, [and] aggressive behavior'';

Whereas, according to that report, left-behind parents may also experience substantial psychological and emotional issues, including feelings of ''betrayal, sadness over the loss of their children or the end of their marriage, anger toward the other parent, anxiety, sleeplessness, and severe depression'', as well as financial strain while fighting for the return of a child;

Whereas, since 1988, the United States, which has a treaty relationship under the Convention on the Civil Aspects of International Child Abduction, done at The Hague October 25, 1980 (TIAS 11670) (referred to in this preamble as the ''Hague Abduction Convention'') with 69 other countries, has agreed with its treaty partners to follow the terms of the Hague Abduction Convention;

Whereas the Hague Abduction Convention provides a legal framework for securing the prompt return of wrongfully removed or retained children to the countries of their habitual residence where competent courts can make decisions on issues of custody and the best interests of the children;

Whereas, according to the United States Department of State, the number of new cases of international child abduction from the United States increased from 579 in 2006 to 941 in 2011;

Whereas, in 2011, those 941 cases involved 1,367 children who were reported abducted from the United States by a parent and taken to a foreign country;

Whereas, in 2011, more than 660 children who were abducted from the United States and taken to a foreign country were returned to the United States;

Whereas 7 of the top 10 countries to which children from the United States were most frequently abducted in 2011 are parties to the Hague Abduction Convention, including Mexico, Canada, the United Kingdom, Germany, Ecuador, Brazil, and Colombia;

Whereas Japan, India, and Egypt are not parties to the Hague Abduction Convention and were also among the top 10 countries to which children in the United States were most frequently abducted in 2011;

Whereas, in many countries, such as Japan and India, international parental child abduction is not considered a crime, and custody rulings made by courts in the United States are not typically recognized by courts in those countries; and

Whereas Japan is the only member of the Group of 7 major industrialized countries that has not ratified the Hague Abduction Convention: Now, therefore, be it

1 *Resolved,* That—

2 (1) the Senate—

3 (A) condemns the unlawful international

4 abduction of all children;

5 (B) urges countries identified by the

6 United States Department of State as non-

7 compliant or demonstrating patterns of non-

8 compliance with the Convention on the Civil As-

9 pects of International Child Abduction, done at

1 The Hague October 25, 1980 (TIAS 11670)

2 (referred to in this resolution as the "Hague

3 Abduction Convention") to fulfill their commit-

4 ment under international law to expeditiously

5 implement the provisions of the Hague Abduc-

6 tion Convention;

7 (C) calls on all countries to accede to or

8 ratify the Hague Abduction Convention and to

9 promptly institute measures to equitably and

10 transparently address cases of international pa-

11 rental child abduction; and

12 (D) calls on all countries that have not ac-

13 ceded to or ratified the Hague Abduction Con-

14 vention to develop a mechanism for the resolu-

15 tion of current and future cases of international

16 parental child abduction that occur before those

17 countries accede to or ratify the Hague Abduc-

18 tion Convention in order to facilitate the

19 prompt return of children abducted to those

20 countries to the children's countries of habitual

21 residence; and

22 (2) it is the sense of the Senate that the United

23 States should—

24 (A) aggressively pursue the return of each

25 child abducted by a parent from the United

1 States to another country through all appro-
2 priate means, consistent with the Hague Abduc-
3 tion Convention, and through extradition, when
4 appropriate, and facilitate access by the left-be-
5 hind parent if the child is not returned;

6 (B) take all appropriate measures to en-
7 sure that a child abducted to a country that is
8 a party to the Hague Abduction Convention is
9 returned to the country of habitual residence of
10 the child in compliance with the provisions of
11 the Hague Abduction Convention;

12 (C) continue to use diplomacy to encourage
13 other countries to accede to or ratify the Hague
14 Abduction Convention and to take the necessary
15 steps to effectively fulfill their responsibilities
16 under the Hague Abduction Convention;

17 (D) use diplomacy to encourage countries
18 that have not acceded to or ratified the Hague
19 Abduction Convention to develop an institu-
20 tionalized mechanism to transparently and ex-
21 peditiously resolve current and future cases of
22 international child abduction that occur before
23 those countries accede to or ratify the Hague
24 Abduction Convention; and

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1 (E) review the advisory services made
2 available to United States citizens by the
3 United States Department of State, the United
4 States Department of Justice, and other United
5 States Government agencies—

6 (i) to improve the prevention of inter-
7 national parental child abduction from the
8 United States; and

9 (ii) to ensure that effective and timely
10 assistance is provided to United States citi-
11 zens who are parents of children abducted
12 from the United States and taken to for-
13 eign countries.

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