

Opening Statement
Co-Chairman James P. McGovern
Tom Lantos Human Rights Commission Hearing:
“International Child Abduction and Parental Access”
Wednesday, December 2, 10:30 a.m.-2:30 p.m.; Longworth 1310

Good morning, ladies and gentlemen:

I would like to welcome you to today’s hearing on international child abduction and parental access. I would like to thank my Co-Chair, Congressman Frank Wolf, for calling this important Commission hearing today which highlights an often under-reported and overlooked issue which traumatically impacts the most vulnerable individuals in our society, our children.

According to reports, the U.S. Department of State is actively working on over 2,000 cases of over 3000 children who were either abducted from the United States or wrongfully detained abroad. All too often in those cases, an American parent is denied even the most basic of parental rights, the right to freely contact, to visit and to see their child develop.

We will hear today first hand from parents who are waking up every morning facing the immeasurable agony of having a child taken from them to a foreign country. With long-held dreams and hopes of a happy family life together as joint parents already shattered, the knowledge of being unable to contact, visit and be part of a child’s life must almost become unbearable. The pain of those shattered dreams is further exacerbated when a parent has to face a *Quixotian* fight in a foreign legal system, which is frequently based on national legal and cultural traditions, which are often opaque and contrary to our own judicial process.

To bring at least some form of remedy in those cases, leading -- but as of yet not enough -- members of the international community recognized that the legal procedures and norms need to be harmonized and an international legal framework be stipulated, that courts and domestic legislation must then fill with concrete and tangible meaning. In 1976, twenty-three nations agreed to draft a treaty about international parental child abduction at the Hague Conference on Private International Law. This treaty, the Convention on the Civil Aspects of International Child Abduction, was completed in 1980, and entered into force in 1983. Currently, 81 countries are party to this Convention, which the United States joined formally in 1988.

We will hear today compelling testimony about how much more is left to do in terms of bringing as many countries as possible into compliance with the Convention. The very compelling and deeply moving testimonies of the parents on the first panel are only a small cross section of similar tragic and deeply human stories all over the world. Japan, Brazil and Austria -- all countries I respect and admire -- are but a few illustrative

examples of circumstances and legal systems that contribute to the despair that characterizes their stories.

On a positive note, and I hope that all of you will take at least some comfort from the fact today, that this Commission hearing clearly demonstrates that America's children and parents have strong advocates in Congress on both sides of the aisle, who have long been in the forefront of this fight to alleviate the suffering of parents and children.

Following long-standing congressional traditions, these congressional advocates may differ on the specific details of legislative language, but not in their goals or determination to address these tragic situations before us today. This is a Human Rights Commission hearing and not a legislative hearing of any of the Committees with jurisdiction over the various bills pending before Congress, the differences in legislative approaches are not subject matter here.

Today, in this hearing, we ask for your recommendations regarding what lessons can and must be learned from your personal stories, what legal processes and legal norms need to be strengthened, how we can get the international community to be engaged with the same seriousness and enthusiasm as the United States, and how we can make the most progress in individual cases until such time as the Convention is a binding legal instrument on all countries around the world.

Once again, I want to thank my fellow Co-Chair Frank Wolf for calling for this hearing. I especially want to thank Commission staff Elizabeth Hoffman, as well as Hans Hogrefe, for bringing together a stellar group of witnesses.

Before we hear from our witnesses, I would like to thank our expert from the Congressional Research Service, Ms. Smith, who made herself available with extremely short notice, and I would like to thank the CRS Management for expediting internal procedures to make her presence here today possible.

Needless to say of course, I really appreciate all your presence here today, and I am looking forward to your testimony.