

U.S. Department of State Annual Report on International Parental Child Abduction (IPCA)

Position Statement

June 9, 2015

iStand Parent Network is a coalition of parents, organizations and stakeholders united to prevent and remedy international parental child abduction (IPCA) and wrongful retention of American children held abroad. We have profound concerns about the veracity, structure, content and compliance of the U.S. Department of State Annual Report on International Parental Child Abduction submitted to Congress May 15, 2015 and also made publically available via the State Department website. This position statement excerpts portions of the Report that reflect some of those concerns.

We urge members of Congress to continue oversight of the State Department's implementation of the International Child Abduction Prevention and Remedy Act of 2014 (ICAPRA), also known as 2014-enacted "Sean and David Goldman Child Abduction Prevention and Return Act"(Goldman Act). **We request that members of Congress raise important questions with responsible officials at State about how the Goldman Act has been interpreted, the methods by which data was collected and translated, and the utility of the report for assessing both country compliance and State's efforts to successfully resolve cases either through successful returns or parents' access to our abducted children abroad.**

Content and Structure

- The report fails to answer the very basic and paramount questions of "*How many abductions are occurring over time?*" and "*What percentage of abducted children are returned over time?*" This snapshot analysis, which appears to have conflicting reporting periods, is insufficient to assess the scope of the problem and the relative successes or failures of federal intervention.
- With respect to the specified annual reporting requirement, stipulated in Title 1 Sec. 101 of the Goldman Act, State should also include a longitudinal element to track these statistics over time. Figure A. suggests a sample 10-year running chart (with mock data) that would answer these questions. This same type of chart could also be produced for individual countries.

Data Collection and Reporting Inconsistencies

- Two separate reporting periods are listed in the report: October 1 to December 31, 2014 and Calendar Year 2014 (CY 2014), it is unclear what is the reporting timeline. The Law stipulates January 1-December 31.
- Table 1 relates to only new cases reported in 2014. The title is very misleading and should be amended to read: Countries and areas with abduction cases opened in 2014.
- Table 2 lists several instances in which the number of resolved cases for CY 2014 exceeds the number of reported cases in CY 2014. The table also lists countries with five (5) or more cases during CY 2014, but does not reflect the total number of cases.
- On page 30, Table 4, Key A, the report defines one of the criteria for non-compliance as 30% of the total abduction cases are unresolved abduction cases as defined by ICAPRA. Yet there are countries listed in pages 15-19, Table 2 in the column marked "Resolved Cases (Number and Percentage)" that exceed the threshold that are not being listed as non-compliant on page 31. In fact using their numbers, a quick scan says that most countries listed have more than 30% unresolved cases.
- The abducted children of at least three coalition members who are *currently* abducted and have active cases with the Office of Children's Issues during the designated reporting period are not represented in the Report numbers.

Ambiguity

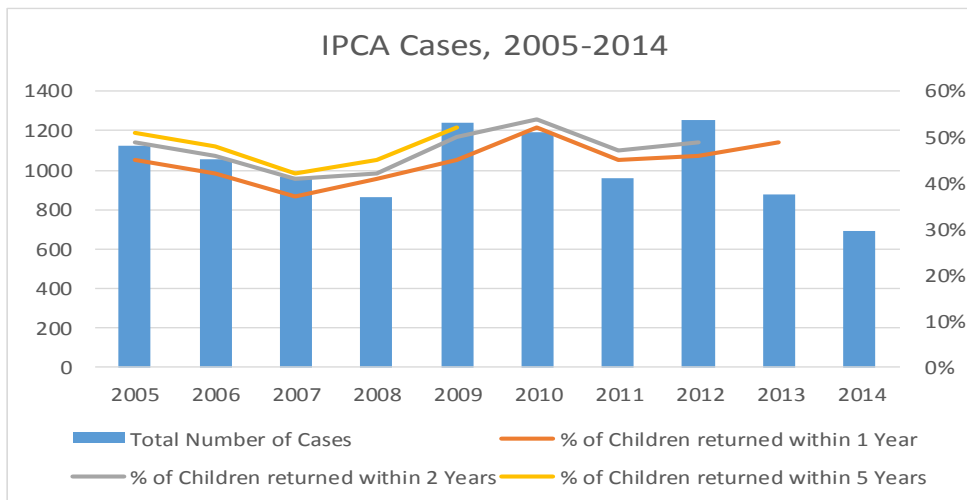
- The definition and reported numbers of “resolved cases” is confusing.
- Section 5.2 makes clear that the U.S. Dept. of State does not wish to pursue economic sanctions and does not specify which diplomatic, non-sanction remedies have “not been exhausted” to gain the compliance of countries with patterns of noncompliance.

Department of State Responsiveness and Accountability in Implementation

- The report was released to Congress on May 15, 2015, whereas the State Dept. was mandated by ICAPRA to submit the report to Congress no later than April 30, 2015.
- The report routinely defaults to the U.S. Central Authority’s push for countries that already are non-compliant to accede to the Hague Convention on the Civil Aspects of International Child Abduction.
- Page 26 extensively chronicles USCA efforts to gain Japan’s accession, stating that there are still more than 50 cases of abduction to Japan and that none have resulted in either meaningful access or return of the child to the United States. Yet, Japan is not reported as non-compliant
- Similarly, Mexico is reported to have 169 abduction and 10 access cases in CY 2014 alone, but is not listed as non-compliant on Table 4.

We believe the intent of Title I of the Goldman Act is to bring quantitative accountability and improved federal efforts to assist parents in resolving IPCA. The annual compliance report also can be a valuable tool for gaining compliance from foreign nations where American children are held. Congress’ bold action through its bipartisan passage of ICAPRA has already had an energizing effect on the parent community, giving us more tools and greater access to potential solutions to bring our children home. iStand Parent Network firmly believes that proper implementation of all elements of the Goldman Act, including reporting practices, can have a similarly catalytic effect on federal agencies who assist parents in this goal.

Figure 1.



Jerry's Army

End Abductions Now!

