

OPENING STATEMENT
SENATOR RICHARD G. LUGAR
SENATE COMMITTEE ON FOREIGN RELATIONS
PARENTAL ABDUCTIONS HEARING{ TC \13 "
June 26, 2003

Today, the Committee meets to examine international parental abductions and the response of the United States government to this difficult and tragic issue. I would like to extend a warm welcome to Senator Blanche Lincoln, who has long followed this issue and worked to re-unite American parents with their abducted children. I look forward to hearing Senator Lincoln's insights into this issue.

Following Senator Lincoln's testimony, the Committee will hear from Ambassador Maura Harty, Assistant Secretary of State for Consular Affairs. Assistant Secretary Harty has recently returned from a trip to the Middle East, where she focused on the issue of parental abductions. The Foreign Relations Committee will be very interested to hear her report as part of our ongoing oversight of the important work done by the State Department.

All too often we hear of a divorced or separated spouse who has either abducted children back to his or her country of origin, or simply refused to allow them to return to the United States following overseas visitation travel. As a parent and a grandparent, I can only begin to imagine the pain and suffering of these parents as they try to regain custody of their children. It is vital that the United States government work with parents and other interested parties to prevent international parental abductions and respond effectively to those that occur.

The international treaty that governs such abductions – the Hague Convention on Civil Aspects of International Child Abduction – was ratified by the United States in 1988. The Convention calls for the immediate return of children to the country of habitual residence prior to the abduction.

To date, some fifty countries have ratified the Convention, though ratification alone has not guaranteed that parental abduction will not occur. For example, Mexico, Australia, Canada, and Germany -- all U.S. allies -- have ratified the Hague Convention. Yet they rank first, fifth, sixth, and fifteenth on the State Department's list of countries with active parental abduction cases.

Even as we examine the behavior of signatories to the Convention, we must recognize that many of the most notorious cases of international parental abduction involve citizens of countries that are not parties to it. The Middle East has been a particularly troubling region for parental abduction. Among nations of that region, only Israel is a Convention signatory.

In Indiana, we have the cases of Mari Huscio from Indianapolis whose son Adam, was taken in May 2000 by his father to Syria. Mari has not seen her son since. Joanna Tonetti from Terre Haute is seeking the return of her three children -- Rosemary, Sarah, and Abdul-Aziz – since their father abducted them to Saudi Arabia in August 2000. I

understand that Assistant Secretary Harty met with Ms. Tonetti's children during her recent visit to Saudi Arabia. Just last month, Madison Sanchez, the daughter of Linda Price from Princeton, Indiana, was abducted by her father and taken to Vera Cruz, Mexico. I would welcome updates on these cases.

Over the years, Congress has attempted to provide greater legal tools for parents whose children have been abducted. In 1993 we passed the International Parental Kidnapping Crime Act, which makes it a felony to remove a child under the age of 16 from the United States – or attempt to retain a child outside the United States – with the intent to obstruct the lawful exercise of parental rights. In 1999 we passed legislation requiring the signatures of both parents to obtain a passport for a child, unless the applicant can demonstrate that they have sole custody of the child. Additionally, existing procedures allow concerned parents to request that their children's names be entered into the State Department's passport name check system so they can be notified if someone attempts to obtain a passport for them. In this year's State Department Authorization Bill we have greatly expanded the list of the overseas family members of the abducting parent who will remain ineligible for a U.S. visa until the child in question is surrendered to the parent with proper custody.

These measures represent good progress on the legislative front, but none of them can prevent a dual national from obtaining a foreign passport for the child and using it as an official travel document. While there is anecdotal evidence of some parents alerting the relevant embassy and providing proof of custody documents in time to prevent passport issuance, such cases are rare.

In addition to examining how we can prevent abductions, we also have an interest today in reviewing the activities of the State Department in responding to cases of abduction. In 1994, with major involvement on the part of Assistant Secretary Harty -- then in her capacity as Director of the Office of Overseas Citizens Services, the State Department created the Office of Children's Issues, which has served as the focal point for U.S. efforts to address international parental abductions.

Inter-agency information sharing remains a concern, but I commend Secretary Powell for dedicating significant resources to this office as it tracks more than 1,000 cases. We are anxious to hear how the office is coordinating its databases with those of the FBI and the National Center for Missing and Exploited Children.

I also would note that the GAO and others have called for the State Department to engage in more aggressive diplomatic efforts to bring these children home. I would like to hear how the State Department views the role of overseas Consular Officers in preventing and responding to international parental abductions.

It is my hope that Congress and the State Department will work together closely to assist American families in returning abducted children to their homes. This hearing is an important step in strengthening this cooperative effort.

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