

**THE DEPARTMENT OF STATE'S OFFICE OF  
CHILDREN'S ISSUES—RESPONDING TO  
INTERNATIONAL PARENTAL ABDUCTION**

---

---

**HEARING**  
BEFORE THE  
**COMMITTEE ON FOREIGN RELATIONS**  
**UNITED STATES SENATE**  
**ONE HUNDRED EIGHTH CONGRESS**  
FIRST SESSION

—————  
JUNE 26, 2003  
—————

Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.access.gpo.gov/congress/senate>

U.S. GOVERNMENT PRINTING OFFICE

90-622 PDF

WASHINGTON : 2003

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Internet: [bookstore.gpo.gov](http://bookstore.gpo.gov) Phone: toll free (866) 512-1800; DC area (202) 512-1800  
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON FOREIGN RELATIONS

RICHARD G. LUGAR, Indiana, *Chairman*

CHUCK HAGEL, Nebraska	JOSEPH R. BIDEN, JR., Delaware
LINCOLN CHAFEE, Rhode Island	PAUL S. SARBANES, Maryland
GEORGE ALLEN, Virginia	CHRISTOPHER J. DODD, Connecticut
SAM BROWNBACK, Kansas	JOHN F. KERRY, Massachusetts
MICHAEL B. ENZI, Wyoming	RUSSELL D. FEINGOLD, Wisconsin
GEORGE V. VOINOVICH, Ohio	BARBARA BOXER, California
LAMAR ALEXANDER, Tennessee	BILL NELSON, Florida
NORM COLEMAN, Minnesota	JOHN D. ROCKEFELLER IV, West Virginia
JOHN E. SUNUNU, New Hampshire	JON S. CORZINE, New Jersey

KENNETH A. MYERS, JR., *Staff Director*  
ANTONY J. BLINKEN, *Democratic Staff Director*

## CONTENTS

---

	Page
Brownback, Hon. Sam, U.S. Senator from Kansas, prepared statement .....	24
Hagel, Hon. Chuck, U.S. Senator from Nebraska, prepared statement submitted for the record .....	28
Harty, Hon. Maura, Assistant Secretary of State, Bureau of Consular Affairs, Department of State, Washington, DC .....	15
Prepared statement .....	19
Responses to additional questions for the record from Senator Lugar .....	36
Responses to additional questions for the record from Senator Brownback .....	42
Responses to additional questions for the record from Senator Voinovich ..	46
Responses to additional questions for the record from Senator Lincoln .....	47
Lincoln, Hon. Blanche L., U.S. Senator from Arkansas .....	3
Prepared statement .....	8
Lugar, Hon. Richard G., U.S. Senator from Indiana, opening statement .....	2
McClain, Margaret, Jonesboro, AR, mother of abducted daughter, prepared statement submitted for the record .....	10
Sylvester, Thomas, Cincinnati, OH, father of abducted daughter, prepared statement, including attachments, submitted for the record .....	29
Voinovich, Hon. George V., U.S. Senator from Ohio, prepared statement submitted for the record .....	29



**THE DEPARTMENT OF STATE'S OFFICE OF  
CHILDREN'S ISSUES—RESPONDING TO  
INTERNATIONAL PARENTAL ABDUCTION**

**THURSDAY, JUNE 26, 2003**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 2:01 p.m. in room SD-106, Dirksen Senate Office Building, Hon. Richard G. Lugar (chairman of the committee), presiding.

Present: Senators Lugar and Brownback.

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee is called to order. Today, the committee meets to examine international parental abduction and the response of the U.S. Government to this difficult and often tragic issue. I would like to extend a warm welcome to my colleague, Senator Blanche Lincoln, who has long followed this issue and worked to reunite American parents with their abducted children. I look forward, as I know all of you do, to Senator Lincoln's insights into this issue.

Following her 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 especially interested to hear her report as part of our ongoing oversight of the important work done by the State Department.

I have an extended statement of my own, and thoughts about the issue, but for the moment I will put that in the record, and I simply want to give some idea of the parameter of our hearing this afternoon, dictated by activities on the Senate floor. At approximately 2:40, as Senator Lincoln and I now know, there will be four critical votes that apparently will decide the fate of the Medicare prescription drugs bill. As a result, since the votes of the last three will be accelerated, the committee will not return after we leave for the first vote. I will extend that period, at least for myself, at least until 2:50 or thereabouts.

Therefore, we will have Senator Lincoln's testimony, Ms. Harty's testimony, as many questions as can be encompassed in that period, and then we will ask Ms. Harty to respond to other detailed questions so that the record is as complete as possible. Staff, both, majority and minority, have worked diligently on this issue, and the backup materials given to Senators has been voluminous. It is worthy of that attention, and we want to complete the record and

to do it right. Therefore, the cooperation of the State Department will be very much appreciated, even if all the questions are not a part of the hearing for reasons that I hope all will understand.

[The prepared statement of Senator Lugar follows:]

OPENING STATEMENT OF SENATOR RICHARD G. LUGAR

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.

Now I would like to recognize Senator Lincoln.

The CHAIRMAN. It's a real pleasure to have you before us, Senator Lincoln, if you would please proceed with your testimony.

**STATEMENT OF HON. BLANCHE L. LINCOLN, U.S. SENATOR  
FROM ARKANSAS**

Senator LINCOLN. Well, Mr. Chairman, thank you very much to you and to your staff. I do appreciate your willingness to allow me to appear before your committee this afternoon to discuss an issue that is of particular importance to me, and I think for many other Americans, but again, the willingness of you and your staff to work with us has been tremendous, and I do very much appreciate that.

As you know, over the last year, I and my staff have devoted a considerable amount of time and energy to the issue of international parental kidnaping. My goal has been to change government policy in the United States and Saudi Arabia so that U.S. citizens who are held against their will in Saudi Arabia are able to return to their rightful home here in the United States.

I recognize that the issue of international child abduction is not limited to Saudi Arabia. However, the status of female abductees in the Kingdom is unique, since under Saudi law and custom, women have very limited autonomy and may never have an opportunity to leave, even as adults.

Primarily, my interest in this issue stems from my constituent, Heidi Al-Omary, who was abducted to Saudi Arabia in 1997. Heidi was abducted in Arkansas at the age of 5 by her noncustodial Saudi-born father, Abdulbaset Al-Omary, and taken to Saudi Arabia in 1997, where she has resided ever since.

At the time of her abduction, Heidi's mother, Margaret McClain, had primary custody of Heidi. Therefore, Mr. Al-Omary's actions were in violation of U.S. law and a valid custody order issued by a court in the United States. Heidi's mother resides in Jonesboro, Arkansas, and in July 2002 Ms. McClain was permitted to travel to Saudi Arabia to visit with her daughter, who will turn 11 next month.

Mr. Chairman, before I continue, I just have to say, my first contact with my constituent, Ms. McClain, was something that when I left work, which is where you and I come to every day in the U.S. Senate, and I went home to reflect on my own circumstances, to put myself in my constituent's shoes and to think, if I were to lose

a child instantly, like that, and to have felt so helpless as to having no recourse and way to recapture that child, to bring them back, and then to spend 5 years without them, it immediately dug into my heart, and I immediately felt compelled to have to do what I could from my position in the U.S. Senate.

Now, Ms. McClain spent 6 days traveling to and from Saudi Arabia back in July 2002, yet Mr. Al-Omary permitted her to spend only 3 hours with her daughter, Heidi. This was after having not seen her child, after an instant abduction, for almost—well, over 5 years. Prior to that visit, Ms. McClain had not seen or spoken to Heidi since she had been taken from the United States, well over 5 years before.

During Ms. McClain's trip to Saudi Arabia last July, Mr. Al-Omary acted in a verbally abusive manner toward her and took steps to disrupt Ms. McClain's planned visit with her daughter. In addition, officials at U.S. diplomatic installations in Saudi Arabia report that Mr. Al-Omary had been uncooperative in arranging U.S. consular visits with Heidi.

At one point following Ms. McClain's visit to Saudi Arabia last July, Mr. Al-Omary demanded that the U.S. Government send him a letter of appreciation for allowing Ms. McClain to visit the daughter he had kidnaped before he would authorize future U.S. State Department personnel visits with Heidi. Thankfully, Mr. Chairman, our government did not send Mr. Al-Omary a thank-you note, and a subsequent welfare and whereabouts visit did occur after pressure was applied by U.S. and Saudi officials.

This year, after months of preparation by Ms. McClain, my office, the State Department, with great help from Ms. Harty's office and the Saudi Government, Ms. McClain and Heidi's two adult siblings were permitted to travel to Saudi Arabia to see Heidi in May of this year. Ms. McClain reports that she was permitted greater access to Heidi compared to her first visit. However, Mr. Al-Omary refused to grant Ms. McClain's simple request to spend time alone with her daughter. Despite being watched over virtually every moment, Heidi did make it clear to her mother that she would like to come home and live in the United States.

Mr. Chairman, I know I speak for Ms. McClain when I express my deep frustration and dismay that Mr. Al-Omary, Heidi's abductor and a wanted fugitive, still decides when, where, and if Heidi can communicate with her mother, who was granted legal custody of her daughter in a U.S. court.

Further, like Ms. McClain, I question why our government's policy is to negotiate in these cases with a wanted criminal. We don't negotiate with terrorists, so why does a high-ranking government official like Secretary Harty find herself in a position where our official policy is to meet with a child abductor to attempt to negotiate minimal visitation rights for a left-behind parent who was granted legal custody by a United States court?

Even after these meetings with Mr. Al-Omary, Ms. McClain was informed, upon her arrival to Saudi Arabia, that Mr. Al-Omary had not yet agreed to allow her to see Heidi. Ms. McClain, understandably, was appalled that she would have to suffer the indignity of meeting with Mr. Al-Omary to ask his permission to see the daughter that he abducted.

As it stands now, Mr. Chairman, our government, which has demonstrated an impressive ability to protect its interests around the globe in recent years, apparently must bend to the will of a child abductor who is wanted on kidnaping charges even when the only issue under consideration involves minimal visitation rights for a left-behind parent.

For too long, it seems the U.S. Government's goal in these cases has been to maximize visitation and contact between U.S. parents and their abducted children in an effort to avoid confrontation with foreign governments. It is safe to say, Mr. Chairman, that neither I nor Ms. McClain are satisfied with that approach. I firmly believe that our policy should be to aggressively seek to recover abducted children, especially when they are taken to a country in which women, regardless of their age, never achieve independence, a right that we, as Americans, cherish.

As I mentioned earlier, in Saudi Arabia women and girls are under the complete control of their father, husband, or other close male relative their entire lives. In this society, women can't drive, they cannot ride public transportation alone, or otherwise travel independently without the permission of a male guardian. Also in public, women must cover themselves with a garment from head to toe to avoid seducing Saudi men. Further, according to an Arab news report I read recently, Saudi women can't even check themselves into the hospital for medical care unless accompanied by a male relative.

Perhaps, Mr. Chairman, most troubling to me is that arranged marriages at an early age are socially acceptable in Saudi Arabia. As Heidi approaches the acceptable age of marriage in Saudi Arabia, which can occur as young as 12 years of age for girls, I am increasingly concerned that she will be deprived of any meaningful choice about whom she marries or when she bears a child.

Ultimately, Heidi's ability or inability to exercise control over these most personal of matters may very well determine if she is ever able to return to her rightful home in the United States. Two recent cases illustrate my point. Within the last month, two American women with children living in Saudi Arabia sought refuge and assistance from our government at U.S. diplomatic installations in Saudi Arabia. Even though they were not turned away, as was Monica Stowers and her children more than 10 years ago, both women ultimately faced the impossible choice of leaving the Kingdom alone or staying in a potentially unsafe environment with their children.

One of the women, Sara Saga, from California, has been trapped in Saudi Arabia since age 6, when her Saudi father defied a U.S. custody agreement by refusing to return her to the United States after a 1985 visit to Saudi Arabia. On Tuesday of this week, Sara left Saudi Arabia without her two children. I cannot fathom being put in that position, to have to make that decision. She returned to her home in California for the first time in almost 20 years.

The other female U.S. citizen, after spending several days in a small room in the U.S. Consulate with her three children, ultimately decided to stay in the Kingdom and return to her husband.

The question, Mr. Chairman, these cases raise in my mind is, what is going on over there? What would cause two U.S. citizens

to risk their lives and to seek refuge at a U.S. diplomatic installation in the Kingdom during the same month? How many other female U.S. citizens are in Saudi Arabia and want to leave?

Further, the lesson I take from these cases is the importance of seeking a resolution aggressively, before complicating factors make them difficult or impossible to resolve. For Heidi, it isn't too late, although I fear time may be running short.

Mr. Chairman, I applaud the incredible expertise that you have in international relations. The leadership you have provided this Nation and the U.S. Senate, the diplomacy that you have exemplified in the many, many decisions and the many, many initiatives that you have led in the time that you have been in the U.S. Senate.

I know I am not a seasoned diplomat. Also, I recognize that cases like Heidi's are difficult to resolve, given the time that has passed since she was abducted. But I do believe strongly that there has to be a better approach than offering U.S. citizens refuge and spending considerable resources simply to gain visitation and access to abducted children without any promise or expectation of return.

After studying the history of Heidi's case and others, I have sadly concluded that our own government has failed to stand up for Heidi and others like her. Perhaps most telling in Heidi's case is that, even though Heidi is a U.S. citizen and was kidnaped in August 1997, our government did not formally ask that she be returned until October 2002.

I know Ms. McClain is haunted by the fear that her daughter may never return to the United States. Unfortunately, given the similarities between Heidi's case and previous abduction cases in which children who are now adults have never returned from Saudi Arabia, I can't say that her fears are unfounded.

We must not let the Saudi Government believe that they can run out the clock on these cases by helping arrange visits and expressing concern when parents and government officials come calling. If we don't continue to press this issue at every opportunity, I fear Heidi and others like her may be lost forever.

Even though I have been critical of Saudi Arabia in my remarks today, and strongly object to the Saudi policy regarding the abduction and wrongful detention of U.S. citizens, I do not advocate severing our relationship. Saudi Arabia and the United States are and have been partners on many issues that are important to both countries and the international community.

However, regardless of how one characterizes our relationship, Saudi Arabia's response to Heidi's case and others will have ramifications beyond this issue. A relationship can only be built on mutual trust and respect. If these cases continue to drag on with no resolution in sight, other aspects of our relationship will necessarily be affected.

Given the recent terrorist bombings in Riyadh that killed several Americans, and evidence of possible links between Saudi officials and known terrorists, we face many challenges in maintaining a good, productive relationship now and in the future. Clearly, as State Department travel warnings indicate, American citizens are at risk in Saudi Arabia, but while nonessential U.S. diplomatic per-

sonnel are encouraged and able to leave the Kingdom, not all U.S. citizens are so fortunate.

I do think that is outrageous, Mr. Chairman. I stand ready and willing to do my part in Congress to improve our ability to successfully recover abducted children from Saudi Arabia and elsewhere. On that front, Mr. Chairman, I'm grateful you included an amended version of legislation that I introduced last year in the State Department reauthorization bill to strengthen the ability of our government to resolve abduction cases, and I applaud you for that effort. This provision expands the category of persons the Secretary of State may designate as ineligible to receive visas to enter the United States.

In closing, Mr. Chairman, I also want to thank Secretary Harty for her appearance before this committee this afternoon, and her hard work. In the past year, she has really devoted a great deal of time to working with my office, and I am enormously appreciative not only for her willingness to work with my office, but her tenacity in really working hard on these cases and trying desperately to understand how it is we can resolve them.

I look forward to her testimony, and I hope that she can assure Ms. McClain, me, and the members of this committee that she believes child abduction and wrongful retention cases in Saudi Arabia can be resolved, and that American citizens like my constituent can return to their rightful home in the United States.

I also welcome any suggestions Secretary Harty may have about what we in Congress can do to help the State Department and other agencies resolve these cases.

I know the Office of Children's Issues has improved services to abducted children and left-behind parents in recent years, much of that under Ms. Harty's direction. However, I'm not convinced that Heidi is any closer to returning to the United States than she was when she was abducted 6 years ago, or when Secretary Harty took office 6 months ago.

In her testimony, I hope Secretary Harty can reassure left-behind parents that cases like Heidi's are viewed by our government as criminal offenses, not custody disputes, and are considered a top priority at the highest levels. Ultimately, I hope Secretary Harty can convince my constituents and others listening to her testimony that the U.S. Government is ready and able to stand up for the rights of all of its citizens at home and abroad, especially innocent United States citizens, children, who are victims of a crime.

Mr. Chairman, I thank you for allowing me to appear before your committee this afternoon. I thank you for letting me express personally my concerns as a mother and certainly as a United States Senator representing a constituent who has suffered for 6 years the loss of a child who, she didn't need to suffer that loss, and I really welcome the opportunity to work with you and other members of the committee on this issue, now and in the future. I thank you for the committee's attention, Mr. Chairman.

I'd also like to ask unanimous consent, if I may, of the committee to include in the committee's record the written statement of Margaret McClain, who does happen to be my constituent from Arkansas.

The CHAIRMAN. It will be included in full.

[The prepared statement of Senator Lincoln follows:]

PREPARED STATEMENT OF SENATOR BLANCHE L. LINCOLN, U.S. SENATOR FROM  
ARKANSAS

Mr. Chairman, I appreciate your willingness to allow me to appear before your committee this afternoon to discuss an issue that is of particular importance to me.

As you know, over the last year, I—and my staff—have devoted a considerable amount of time and energy to the issue of International Parental Kidnaping.

My goal has been to change government policy in the United States and Saudi Arabia so that U.S. citizens who are held against their will in Saudi Arabia are able to return to their rightful home in the United States.

I recognize that the issue of international child abduction is not limited to Saudi Arabia.

However, the status of female abductees in the Kingdom is unique since under Saudi law and custom women have very limited autonomy and may never have an opportunity to leave—even as adults.

Primarily, my interest in this issue stems from my constituent, Heidi Al-Omary, who was abducted to Saudi Arabia in 1997.

Heidi was abducted in Arkansas at the age of five by her noncustodial, Saudi-born father, Abdulbaset Al-Omary, and taken to Saudi Arabia in 1997 where she has resided ever since.

At the time of the abduction, Heidi's mother, Margaret McClain, had primary custody of Heidi.

Therefore, Mr. Al-Omary's actions were in violation of U.S. law and a valid custody order issued by a court in the United States.

Heidi's mother resides in Jonesboro, Arkansas. In July 2002, Ms. McClain was permitted to travel to Saudi Arabia to visit with her daughter, who will turn 11 next month.

Ms. McClain spent six days traveling to and from Saudi Arabia, yet Mr. Al-Omary permitted her to spend only three hours with Heidi.

Prior to that visit, Ms. McClain had not seen or spoken to Heidi since she was taken from the United States—five years before.

During Ms. McClain's trip to Saudi Arabia last July, Mr. Al-Omary acted in a verbally abusive manner toward her and took steps to disrupt Ms. McClain's planned visit with her daughter.

In addition, officials at U.S. diplomatic installations in Saudi Arabia report that Mr. Al-Omary has been uncooperative in arranging U.S. consular visits with Heidi.

At one point following Ms. McClain's visit to Saudi Arabia last July, Mr. Al-Omary demanded that the U.S. government send him a letter of appreciation for allowing Ms. McClain to visit the daughter he kidnaped before he would authorize future U.S. State Department personnel visits with Heidi.

Thankfully, our government did not send Mr. Al-Omary a thank-you note and a subsequent welfare and whereabouts visit did occur after pressure was applied by U.S. and Saudi officials.

This year, after months of preparation by Ms. McClain, my office, the State Department, and the Saudi government, Ms. McClain and Heidi's two adult siblings were permitted to travel to Saudi Arabia to see Heidi in May of this year.

Ms. McClain reports that she was permitted greater access to Heidi compared to her first visit. However, Mr. Al-Omary refused to grant Ms. McClain's simple request to spend time alone with her daughter.

Despite being watched over virtually every moment, Heidi did make it clear to her mother that she would like to come home and live in the United States.

I know I speak for Ms. McClain when I express my deep frustration and dismay that Mr. Al-Omary—Heidi's abductor and a wanted fugitive—still decides when, where and if Heidi can communicate with her mother, who was granted legal custody of her daughter in a U.S. court.

Further, like Ms. McClain, I question why our government's policy is to negotiate in these cases with a wanted criminal. We don't negotiate with terrorists. So why does a high ranking government official like Secretary Harty find herself in a position where our official policy is to meet with a child abductor to attempt to negotiate minimal visitation rights for a left-behind parent who was granted legal custody by a U.S. court?

Even after these meetings with Mr. Al-Omary, Ms. McClain was informed upon her arrival to Saudi Arabia that Mr. Al-Omary had not yet agreed to allow her to see Heidi. Ms. McClain, understandably, was appalled that she would have to suffer the indignity of meeting with Mr. Al-Omary to ask his permission to see the daughter he abducted.

As it stands now, our government—which has demonstrated an impressive ability to protect its interests around the globe in recent years—apparently must bend to the will of a child abductor who is wanted on kidnaping charges, even when the only issue under consideration involves minimal visitation rights for a left-behind parent.

For too long, it seems the U.S. government's goal in these cases has been to maximize visitation and contact between U.S. parents and their abducted children in an effort to avoid confrontation with foreign governments.

It is safe to say that neither I nor Ms. McClain are satisfied with that approach.

I firmly believe that our policy should be to aggressively seek to recover abducted children, especially when they are taken to a country in which women, regardless of their age, never achieve independence, a right we cherish as Americans.

As I mentioned earlier, in Saudi Arabia, women and girls are under the complete control of their father, husband or other close male relative their entire lives.

In this society, women can't drive, ride public transportation alone, or otherwise travel independently without the permission of a male guardian.

Also, in public women must cover themselves with a garment from head to toe to avoid seducing Saudi men.

Further, according to an Arab news report I read recently, Saudi women can't even check themselves into the hospital for medical care unless accompanied by a male relative.

Perhaps most troubling to me is that arranged marriages at an early age are socially acceptable in Saudi Arabia.

As Heidi approaches the acceptable age of marriage in Saudi Arabia, which can occur as young as 12 for girls, I am increasingly concerned that she will be deprived of any meaningful choice about whom she marries or when she bears a child.

Ultimately, Heidi's ability or inability to exercise control over these most personal matters may very well determine if she is ever able to return to her rightful home in the United States.

Two recent cases illustrate my point. Within the last month, 2 American women with children living in Saudi Arabia sought refuge and assistance from our government at U.S. diplomatic installations in Saudi Arabia.

Even though they were not turned away, as was Monica Stowers and her children more than 10 years ago, both women ultimately faced the impossible choice of leaving the Kingdom alone or staying in a potentially unsafe environment with their children.

One of the women, Sara Saga, from California has been trapped in Saudi Arabia since age six, when her Saudi father defied a U.S. custody agreement by refusing to return her to the United States after a 1985 visit to Saudi Arabia.

On Tuesday of this week, Sara left Saudi Arabia without her two children and returned to her home in California for the first time in almost 20 years.

The other female U.S. citizen, after spending several days in a small room in the consulate with her three children, ultimately decided to stay in the Kingdom and return to her husband.

The question these cases raise in my mind is what is going on over there? What would cause two U.S. citizens to risk their lives and seek refuge at a U.S. diplomatic installation in the Kingdom during the same month? How many other female U.S. citizens are in Saudi Arabia and want to leave?

Further, the lesson I take from these cases is the importance of seeking a resolution aggressively before complicating factors make them difficult or impossible to resolve.

For Heidi, it isn't too late. Although, I fear time may be running short.

I know I am not a seasoned diplomat. Also, I recognize that cases like Heidi's are difficult to resolve given the time that has passed since she was abducted.

But I do believe strongly that there has to be a better approach than offering U.S. citizens refuge and spending considerable resources simply to gain visitation and access to abducted children without any promise or expectation of return.

After studying the history of Heidi's case and others, I have sadly concluded that our own government has failed to stand up for Heidi and others like her.

Perhaps most telling in Heidi's case is that even though Heidi is a U.S. citizen and was kidnaped in August, 1997, our government did not formally ask that she be returned until October . . . 2002!

I know Ms. McClain is haunted by the fear that her daughter may never return to the United States.

Unfortunately, given the similarities between Heidi's case and previous abduction cases in which children—who are now adults—have never returned from Saudi Arabia, I can't say her fears are unfounded.

We must not let the Saudi government believe they can run out the clock on these cases by helping arrange visits and expressing concern when parents and government officials come calling.

If we don't continue to press this issue at every opportunity, I fear Heidi and others like her may be lost forever.

Even though I have been critical of Saudi Arabia in my remarks today and strongly object to Saudi policy regarding the abduction and wrongful detention of U.S. citizens, I do not advocate severing our relationship.

Saudi Arabia and the United States are and have been partners on many issues that are important to both countries and the international community.

However, regardless of how one characterizes our relationship, Saudi Arabia's response to Heidi's case and others will have ramifications beyond this issue.

If these cases continue to drag on with no resolution in sight, other aspects of our relationship will necessarily be affected.

Given the recent terrorist bombings in Riyadh that killed several Americans, and evidence of possible links between Saudi officials and known-terrorists, we face many challenges in maintaining a productive relationship now and in the future.

Clearly, as State Department travel warnings indicate, American citizens are at risk in Saudi Arabia.

But while non-essential U.S. diplomatic personnel are encouraged and able to leave the Kingdom, not all U.S. citizens are so fortunate.

I think that is outrageous!

I stand ready and willing to do my part in Congress to improve our ability to successfully recover abducted children from Saudi Arabia and elsewhere.

On that front, Mr. Chairman, I am grateful you included an amended version of legislation I introduced last year in the State Department reauthorization bill to strengthen the ability of our government to resolve abduction cases.

This provision expands the category of persons the Secretary of State may designate as ineligible to receive visas to enter the United States.

In closing, Mr. Chairman, I want to thank Secretary Harty for her appearance before the committee this afternoon.

I look forward to her testimony. I hope she can assure Ms. McClain, me and the members of this committee that she believes child abduction and wrongful retention cases in Saudi Arabia can be resolved and that American citizens like my constituent can return to their rightful home in the United States.

I also welcome any suggestions Secretary Harty may have about what we in Congress can do to help the State Department and other agencies resolve these cases.

I know the Office of Children's Issues has improved services to abducted children and left-behind parents in recent years.

However, I am not convinced that Heidi is any closer to returning to the United States than she was when she was abducted six years ago or when Secretary Harty took office six months ago.

In her testimony, I hope Secretary Harty can reassure left-behind parents that cases like Heidi's are viewed by our government as criminal offenses—not custody disputes—and are considered a top priority at the highest levels.

Ultimately, I hope Secretary Harty can convince my constituents and others listening to her testimony that the United States government is ready and able to stand up for the rights of all of its citizens at home and abroad, especially innocent children who are victims of a crime.

Mr. Chairman, thank you for allowing me to appear before your committee this afternoon. I would welcome the opportunity to work with you and other members of the committee on this issue now and in the future.

[The prepared statement of Ms. McClain follows:]

PREPARED STATEMENT OF MARGARET MCCLAIN, JONESBORO, AR, SUBMITTED  
THROUGH HON. BLANCHE LINCOLN, U.S. SENATOR FROM ARKANSAS

In 1997, my daughter, Machael Heidi Al-Omary, a U.S. citizen and native of Jonesboro, Arkansas, was kidnapped by her non-custodial father, Abdulbaset Ahmed Mohammed Al-Omary, to Saudi Arabia. The kidnapper was assisted by employees and officials of Saudi Arabian Airlines, a high official of the Saudi National Guard, his two brothers who are Swedish citizens, and his wife who is an American citizen. In 2002, I submitted evidence to Congressman Burton's Committee on Government Reform to indicate that Ambassador Bandar bin Sultan and the Saudi Embassy in Washington were complicit in my child's abduction.

Until the events of 9-11-2001, in which the government of Saudi Arabia, including its Washington diplomats, has been implicated, the State Department took little in-

terest in holding the Saudis to account for any of their violations of U.S. law and their hostage-taking of American citizens like my daughter. As a prelude to the Burton hearings, at which I testified three times, the State Department suddenly began scrambling to do damage control. As a result, I was able to have a short, but very disturbing visit with my daughter in July 2002. Heidi appeared to have serious mental problems for which she was not receiving any help. Even during that visit to Saudi Arabia, the kidnapper temporarily absconded with my daughter in an attempt to sabotage my visit. Even the State Department will confirm that Mr. Al-Omary has displayed his violent tendencies at times.

In 2002, I was informed by Heidi's caseworker at the State Department's Office of Children's Issues, Beth Payne, that Secretary of State Colin Powell had officially asked for the return of Heidi to the United States. Despite a request for confirmation, I have as yet received no proof that such a request was ever made of the Saudis. I received no report of any telephone conversation between Colin Powell and his Saudi counterpart, nor a copy of any letter written by Secretary Powell regarding my daughter. I have asked for details about the Saudis' response to Secretary Powell's request, but have received no response.

In May of 2003, I received permission to visit Heidi again, along with my other two children, thanks to negotiations among the State Department, their Consulate in Dhahran, and Saudi officials. Our 2003 visit went much better than the 2002 visit. Regardless of the relative "success" of this visit, it is unconscionable on the part of the State Department that it took them six years to achieve this "success." I will not call the State Department's performance a success until my American-born daughter is back home in the United States. The State Department must tell the Saudis that serious reprisals will occur unless American children are repatriated. Every official in the State Department has sworn to uphold the Constitution of the United States; instead, these officials violate their oaths as long as they allow the Saudis to trample on my child's Constitutional rights.

The week before my 2003 visit, Maura Harty of the Office of Children's Issues was supposed to enter negotiations with the Saudis regarding three American hostages, including my daughter. I had my doubts to begin with, since I knew that the Saudis would not negotiate with a woman on any issue, according to their own laws against women holding public office. The State Department is well aware of this Saudi policy, and it is my opinion that the State Department purposely sent a woman to negotiate with the Saudis, knowing that any such negotiations would be totally ineffectual. Only a few days before my scheduled departure, the State Department called to inform me that Maura Harty had had a "lengthy" meeting with my ex-husband, the kidnapper. I was incensed and disgusted that a top official of our government would stoop to negotiate with a criminal! As far as I have been able to determine, Ms. Harty never met with any Saudi officials regarding my daughter's virtual imprisonment. If she did, I have never received any report of such a meeting or its outcome. I would not be at all surprised to learn that the male Saudi officials had refused to meet with an American female official.

My family and I are not in a financial position to make frequent trips to Saudi Arabia, and I have been refused financial assistance by the National Center on Missing and Exploited Children, as well as the Department of Justice's Office of Victim Assistance. Only a few weeks before our proposed trip, Beth Payne at the State Department advised me by email that Mr. Adel Al-Jubeir, the Saudi Embassy's PR guru, had offered to foot the bill for the entire trip. I was not told whether Al-Jubeir had approached the State Department first or whether they had advised him that he could buy some valuable PR by offering his largesse. My legal representatives advised me against accepting any money from Al-Jubeir, unless there was no other way that I could see my daughter. Every fiber of my being rebelled at accepting any dirty money from the Saudis. I was only too conscious of how Al-Jubeir, in his infamous post-9-11 press conference, had denied that there were any American citizens being held against their will in Saudi Arabia. I was only too aware that he had lied on national television to Mike Wallace when he denied that he had any knowledge of the plight of Monica Stowers and her two children; I was angry because Monica's mother Ethel is a personal friend of mine. Al-Jubeir's lies were played on the giant screen at Congressman Burton's hearings.

I had already accepted Al-Jubeir's offer when, at the eleventh hour, a kind offer for financial assistance came from a private donor. This offer came to me out of the blue on Good Friday, and I will always call it my Easter Miracle.

Before Maura Harty's trip to Saudi Arabia, I was assured that part of her mission would be to make all the arrangements for my visit with Heidi. I was left with the impression that Ms. Harty was there to ensure that this year's visit would not be a repeat of the 2002 visit. I was under the impression that she would be estab-

lishing the ground rules for my family's visit with Heidi, including locations and times. Such was not to be the case, as I discovered on my first day in Saudi Arabia.

Upon our arrival, we were informed that we had to meet with officials of the Emir's (governor's) office the following morning to discuss our visit. I was dismayed that I could not see my daughter immediately, after having traveled thousands of miles. I told the U.S. officials from Dhahran and Riyadh of my displeasure that they had not arranged everything beforehand as promised. I asked them why they and Maura Harty were wasting my time by bringing me here for a repeat of last year's performance. On the following day, when my family and I showed up for the meeting with Saudi officials, we were ushered into a courtroom, complete with video equipment and a videographer who was setting up his equipment to tape the entire proceedings! I turned to Margaret Scobey from the U.S. Embassy in Riyadh and adamantly stated that I had come to see my daughter, not to participate in any show trial, Kangaroo Court, or Arab Inquisition. I told the Saudi officials that if I'd wanted to be filmed, I would have given an interview to Al-Jazeera TV! Apparently, the cameras were the kidnapper's idea, for he argued at length that if anyone committed perjury, there would be a record of it. I could only imagine that he wanted a copy of the video to be played in private for his and his family's amusement. After a half hour of discussion, Margaret Scobey convinced the Saudis to remove the equipment.

Upon discovering that this "hearing" was going to be an attack on me personally, I resolved that I would not say a word. It was ridiculous that a mother should have to appear and defend her reasons for wanting to see her own child. It was ridiculous that the rantings of a criminal be given any credence by my own government. I told the Saudis and U.S. officials that I was authorizing the U.S. officials to speak on my behalf and present my demands, which were to see Heidi a minimum of 6 hours a day and to have unsupervised visitation. Margaret Scobey informed me that she doubted I would receive unsupervised visitation and, in fact, she did not even pursue this demand. Al-Omary, the kidnapper, was allowed to filibuster and rehash all his reasons for terminating our visit immediately. He became verbally abusive and displayed paranoid behavior. At the conclusion of the meeting, I was still not sure if I could see Heidi or not. It was already our second day in Riyadh, and we still had not seen our loved one. I was convinced that the Saudis would keep stalling for the rest of the week.

However, later that day, at our hotel, we received a call instructing us to get ready for our first visit with Heidi. During that visit, Al-Omary got into a verbal altercation with one of the U.S. officials from the Embassy in Riyadh; the sad part about this was that the altercation occurred in front of Heidi and her young cousins. However, the girls seemed to take Al-Omary's rage in stride. The American official, to his credit, threatened to report Al-Omary to the Foreign Minister if he did not allow our visit with Heidi to go forward. On the following days, Al-Omary "ditched" the U.S. officials as he gave us the grand tour of Dhahran, Al-Khobar, and Dammam. He seemed to relax somewhat away from official eyes.

On the last day of our visit, which was the first day of Secretary Powell's scheduled tour of Saudi Arabia, a terrorist bombing occurred in Riyadh. I had been informed previously that Mr. Powell intended to bring up Heidi's case again, but I figured he would forget about Heidi in the confusion surrounding the bombing. In a recent email from Russell Brown, Heidi's temporary caseworker at the Office of Children's Issues, I was informed that Secretary Powell did discuss Heidi's case. Again, I have not been informed of the outcome of any discussions he might have had in Riyadh.

Between June 16 and 20, 2003, I paid a follow-up visit to the United Nations Commission on Human Rights, which meets in Geneva, Switzerland. Represented by two non-governmental organizations (International Educational Development and the Washington Center for Peace and Justice), I testified at the Working Group on Contemporary Forms of Slavery regarding my daughter's enslavement at the hands of the Saudis. Another witness, a young American man who, along with his sister, had been separated from his mother, Monica Stowers, for 14 years by the Saudi government, testified about the abuses his family suffered at the hands of the Saudis and the State Department. He told of how his family had been thrown out onto the street by a former U.S. Ambassador to Saudi Arabia when they sought refuge at the Embassy in Riyadh. Written reports from two other American female kidnapping victims of the Saudis were entered into the record as well. The two victims were afraid to appear in Geneva due to threats upon their lives from Saudi nationals.

The thrust of our testimony was that forced and early marriage, gender discrimination, and denial of an equal education—all of which the kidnapped American girls are subject to in Saudi Arabia—constitute contemporary forms of slavery.

Saudi delegates were allowed to present their rebuttals to our testimony, in which they denied that their country practiced any of the abuses we mentioned. We attended a private meeting with the Saudi delegates, in which they raised objections to the use of the words “abduction” and “slavery” in reference to the kidnappings and illegal detention of American children in their country. At the conclusion of the week’s proceedings, the Working Group on Contemporary Forms of Slavery affirmed that early marriage—below the age of 18, forced marriage, trafficking of human beings, gender discrimination, as well as other practices that do not affect the American children held hostage in Saudi Arabia, could indeed be categorized as Contemporary Forms of Slavery. This document officially puts the Saudi government on notice that the United Nations considers the abuses they have perpetrated on my daughter and other American children as “slavery.” The recommendations made by the Working Group on Contemporary Forms of Slavery will not force the Saudis to return our American children, but will only exacerbate the public relations nightmare that the Saudis have been experiencing since 9-11 and the Burton hearings. The American public relations firms and the former U.S. government officials who represent the Saudis will have to decide whether they wish to continue to sacrifice their reputations for financial gain.

At our meeting with the Saudis in Geneva, they mentioned that there was an existing “bilateral protocol” between them and the United States to deal with the American abducted children. The Saudis said that their part of the protocol was completed and that it was now sitting on some nebulous American State Department official’s desk, waiting only for the signature of some other nebulous American official. When pressed by our sponsors, the Saudi official could not come up with a name for this protocol, let alone a copy of it. Our representatives asked for a copy, which we never received. On the advice of legal counsel, I emailed the State Department from Geneva asking for details on this alleged protocol; the reply from Russell Brown was that there was no such protocol that he knew of. But then, Russell is only a temporary replacement, and has been on the job only since May of 2003. I emailed my circle of friends who are also victims of the Saudis, and we could only conclude that the Saudi official must have been referring to the infamous “Solomon’s Protocol,” written by Kristine Uhlman—according to her own resume—under contract to the State Department and the National Center on Missing and Exploited Children. After Al-Jubeir touted the abilities of the NCMEC in his 2002 national press conference, “Solomon’s Protocol” was presented to the Burton Committee by one of the American PR firms hired to find a solution to the “custody cases.” In rebuttal to the Saudis’ contention that there was some kind of bilateral protocol, our legal representatives managed to enter into the official record of the United Nations Working Group on Contemporary Forms of Slavery their opinions of the “discredited” Solomon’s Protocol. Our representatives also challenged the Saudis to provide a copy of the alleged protocol.

Calls to the NCMEC were made early this spring by other victims of the Saudis in an attempt to research the mysterious “Solomon’s Protocol.” The National Center on Missing and Exploited Children has disavowed any knowledge of this document; in fact, they took it off their web page this spring. However, I managed to find an unequivocal reference to it in an NCMEC publication, in which Ernie Allen in his “President’s Message” bragged about the efficacy of this “Solomon’s Protocol” in solving international abductions. If this is such a wonderful document, how come it has never been used to return a missing child? If this is such a wonderful document, why hasn’t anyone seen it? Why are the parents in the dark about it? Why have both the State Department and the NCMEC disavowed any knowledge of its existence? How much have the Saudis donated to the NCMEC to buy Ernie Allen’s cooperation in keeping American children held in enslavement in Saudi Arabia? I urge this committee to investigate the financing of the NCMEC to determine the ties between it, the State Department, and the Saudi government or Saudi individuals. I further urge this committee to follow through on Congressman Burton’s attempts to subpoena all documents from all PR firms hired by the Saudis relating to kidnapped American children held hostage in Saudi Arabia. Congressman Burton’s expert witness on diplomatic immunity has already testified before Congress that such documents held by these PR firms do not fall under the claim of diplomatic immunity. I urge this committee to direct the State Department to enforce all U.S. custody orders relating to American children held overseas, whether in Hague or non-Hague countries. I was told by the State Department that the Secretary of State was not allowed to threaten sanctions against foreign governments; I was told that this was a matter for Congress. A few days after I heard these words from Beth Payne, I heard Secretary Powell threaten Syria with diplomatic and economic sanctions if they harbored any fugitive Iraqi officials or hid Iraq’s weapons of mass destruction. I am wondering why the State Department is in the habit of lying to us

“ignorant” parents of the missing, why they protect and defend criminal actions of foreign governments, and why they have stalled the parents of missing Americans for up to 20 years in some cases? The inevitable results of the State Department’s actions in my daughter’s case will be that she is sold off in marriage and doomed to live out her days as a possession rather than as a person in her own right. That is exactly what the State Department is hoping for, as they have proved time and time again. They were there when the Saudis sold off Pat Roush’s daughters and kidnapped them to London, without even notifying the mother; they were there when they kicked Amjad Radwan out of the Embassy in Riyadh and allowed her to be sold off at the age of twelve.

The United States prides itself on being a generous country. I agree that we are generous when it comes to ensuring human rights abroad. We have spent millions to reopen the hospitals and schools in Afghanistan. We have made sure that Afghan and Iraqi girls can get an education. We topple ruthless dictators. We make sure that the governments of Palestine, Iraq and Afghanistan have female delegates. My tax dollars have gone into such noble causes as making sure that every terrorist in Guantanamo Bay has his own copy of the Koran, while the brothers of these Wahhabi scum are responsible for the enslavement of my child. As my tax dollars are wasted to ensure the civil rights of the aforementioned people, their hatred of the United States grows incrementally. Yet when it comes to rescuing one 11-year-old American citizen (who has told me she is desperate to escape) and the other American children being held against their wills by foreign dictators, our government is largely silent. I would like my tax dollars spent to rescue my daughter and other American children before another penny is spent to rescue those who hate us.

A country that turns its back on its own children should be ashamed to call itself a generous country. I say charity begins at home.

The CHAIRMAN. I thank you very much for that eloquent and moving testimony, and for your own championship and for focusing our attention on this issue.

As a parochial concern, but one that you will understand, I researched recent cases in Indiana. There have been three since May 2000, that is, in the last 3 years, that are conspicuous: Adam Huscio from Indianapolis, the son of Mari Huscio, who was taken by his father to Syria—and so that introduces the fact that other countries in addition to Saudi Arabia are involved in this, which, of course, you have mentioned; three children of Joanna Tonetti from Terre Haute who were abducted to Saudi Arabia in August 2000 and still are in much the same situation, as I understand it, as the young lady you have talked about today; and just last month Madison Sanchez, the daughter of Linda Price from Princeton, Indiana, abducted by her father and taken to Vera Cruz, Mexico.

My opening statement, which I put into the record, does ask Ms. Harty to investigate and update those three cases. There are others that we have uncovered along the duration you have mentioned, 6 years of trauma in that case. You have the research as a part of this record.

As of 24 June, as regards the number of abductees, Mexico leads the list with 69. Mexico is a Hague Convention signatory, whereas Egypt, Japan, India and the next three are not: Egypt 25, Japan 19, India 18, Australia, 16, Canada, 15. This hops across continents.

I make the point that this is not an attack on the Muslim world or on the Middle East or on the Saudis. As a matter of fact, there are circumstances involving abductions to all sorts of places on Earth. Our State Department and all of us will be tested in a variety of circumstances. I know this is all a part of the repertoire of your background, because you have looked at this more than all the rest of us.

It was anticipated that there would be many here. We reserved this room, Dirksen 106 today, which as you can observe has maybe four times as many seats as a normal hearing room. Fortuitously this also made it possible for all 80 Boy Scouts of Troop 399 from Evansville, Indiana to be a part of this meeting today, and we're very pleased they are here as a part of civic education in the ways of the Congress and on a very important issue involving children.

At this point I will thank you for your testimony and call now upon Assistant Secretary Harty for her testimony. Thank you very much.

Secretary Harty, we appreciate very much your coming. The contributions you've already made in this field, and your long and distinguished career as a public servant are well-known to all of us in the hearing room today. We look forward especially to your concentration on the issues raised by Senator Lincoln and by other Americans who have come to you and to your Department.

**STATEMENT OF HON. MAURA HARTY, ASSISTANT SECRETARY OF STATE, BUREAU OF CONSULAR AFFAIRS, DEPARTMENT OF STATE, WASHINGTON, DC**

Ms. HARTY. Thank you very much, Mr. Chairman. I very much appreciate the opportunity to be here and the time that you're taking to hold this hearing today. I would like to thank Senator Lincoln as well for her comments and suggestions and recommendations.

I would also like to thank the Boy Scouts for being here today. I agree with you completely that it is absolutely imperative that we all understand civics and how our societies work. I'm pleased to have a chance to report today on an issue that is not only one of great importance to the State Department, but it is one that engages me, sir, on a very personal level, and that is the protection of children wrongfully retained or taken abroad by their noncustodial parents.

I mention civics because I believe you can actually understand a lot about society by the way it treats its most vulnerable members, and I think that the time, the energy and attention devoted to children's issues at the State Department and within the Congress and other elements of the U.S. Government in fact reflects quite well upon our society.

We at State are rapidly approaching the 10th anniversary of the creation of the Office of Children's Issues, where we handle matters of international adoptions, abductions, and the return of children to their habitual residence under the Hague Convention. I think that makes it a good time to take stock of how far we have come in helping parents in this country, and also where we would like to go in the future.

I would be surprised if anyone present in the room right now hasn't, in fact, been riveted by the recent experience of one young American mother in Saudi Arabia already mentioned by Senator Lincoln, who sought and received refuge in our consulate in Jeddah. I think her story is illustrative of the painful realities of these cases, and also demonstrative of how diligently we work to ensure that the rights of Americans abroad are protected.

Unfortunately, it also displays the limits of our ability to deliver what is always our goal, and I would like to assure you, sir, today, that our goal is to guarantee the ability of a U.S. citizen parent to return to the United States with his or her children. In the recent case cited by Senator Lincoln, we provided the young woman with immediate and unquestioned access and refuge to the consulate. We also provided the basic support that she and her children needed at that moment in time so that in a safe place she could make the decisions that ultimately were hers to make.

We will continue to be engaged in cases like this, and in the cases of all other American parents who might find themselves in need of our help. When they come to us for help, we will aggressively pursue them, sir.

I would like to note that the U.S. Congress has been extremely helpful to the Department in securing the return to the United States of abducted and wrongfully retained children, or wrongfully abducted children, that your personal efforts and your institutional efforts have been extraordinary. The bill popularly known as the "Amber Alert" law, among its many other accomplishments, made the attempt to abduct a child from the United States a crime.

In addition, the International Parental Abduction Prevention Act of 2003 would expand the State Department's authority to refuse or revoke a U.S. visa for certain family members of non-U.S. citizens who abduct American children. This bill would enable the State Department to be more effective and to use the tool that Congress provided us in the Immigration and Nationality Act to persuade parents to return abducted or wrongfully retained American citizen children.

The amendments to the Immigration and Nationality Act that that bill proposes would allow the Secretary of State to designate as inadmissible relatives who are most likely to have an influence over an abducted parent and in a wider range a family and kinship circumstances than we have previously been able to use. These are tools that actually add new teeth, Mr. Chairman, to our ability to raise the stakes for those who would defy a U.S. court order and kidnap a U.S. child.

I also want to mention those Members of Congress, and specifically many members of this committee, sir, who have backed our efforts to recover children abducted to foreign countries. You have raised these cases in your travels abroad, where you have access to the highest levels of leadership in countries where many of our children are wrongfully retained.

Your willingness to do so demonstrates convincingly to foreign governments that the United States is totally committed to the return of our most vulnerable citizens. I certainly thank you for your willingness to deliver the message, and want to underscore how very helpful it is. When we then deliver that same message, sir, they can see a U.S. Government that is completely united on a topic of great importance to all of us.

When I came before this committee last fall to ask for confirmation in this job, I spoke about abducted children and my commitment to their return to the United States. Since then, I've done everything I can think of to further demonstrate that commitment. In January, I traveled to Saudi Arabia, Lebanon, and Syria, and

raised the issue of international parental child abduction with government officials in each country. Since I made that trip, we have seen seven Americans return to the United States from those countries.

I visited Saudi Arabia again in April to emphasize the same concerns. We meet regularly with Saudi officials both in Washington and in Riyadh to seek solutions to specific cases and to find more systematic ways to address the problem of international parental child abduction.

I hosted a town hall meeting in February that was attended by over 60 left-behind parents. During that meeting, parents identified ways they think that we can serve them better, and I found the meeting to be extremely useful and helpful. I'm going to hold a second such meeting next month. Also next month I will visit Germany, Austria, and Sweden to pursue both Hague return and access cases. This past May alone, we have seen 15 children returned from abroad, and close to 100 have come home since November.

Sir, I'm certainly not here to claim personal credit for these cases. Where there is credit to be taken, it properly belongs to the left-behind parents who never abandoned the fight to regain their children no matter what the odds. I want you to know that we at the State Department also never lose sight of the goal or the fact that so long as one child is wrongfully retained our job is incomplete.

Since the United States became party to the convention in 1988, State has worked to improve its implementation. During that first year, we created a new Child Custody Division to coordinate our work in this area, and in 1994 we consolidated our efforts on behalf of children abroad in our Office of Children's Issues, an office now staffed by 28 people, who devote all of their time to helping in the international adoption process, as well as assisting in the return of children wrongfully taken or retained abroad.

Over the years, we've expanded a cooperative arrangement with the National Center for Missing and Exploited Children, which was formalized in an agreement between State, Justice, and the Center and signed in September 1995, that provides additional assistance for parents and children in all international child abduction cases.

The United States, I believe, has long taken the lead in creating a mechanism for the return of children abducted internationally. We were instrumental in the negotiation of the 1980 Hague Convention, which provides a civil legal mechanism in the country where the child is located for parents to seek return of and access to their child. It applies only to cases where children habitually resident in one Hague country have been abducted and wrongfully retained in another country that is also party to the convention.

The Hague Convention is a far from perfect instrument, but it codifies a shared set of principles for resolving child abduction cases. At this point, approximately 60 percent of the international child abduction cases in which we have provided assistance are now covered by the convention. When the United States joined back in 1988, only nine other countries were party. Today, the convention is in effect between the United States and 52 other countries.

The Hague Convention does not guarantee a satisfactory result for every left-behind parent. Compliance with the convention in fact varies among foreign jurisdictions, and even when the left-behind parent has filed an application and done everything right, that may be the case that from time to time that parent and the United States may still be very disappointed with the result.

There have been some decisions by foreign courts in Hague cases with which we don't agree. However, these decisions have been made by independent judiciaries and independent sovereign States. The Hague Convention cannot make a biased judicial system more fair or a nationalistic judge more objective. That is why we continue to work to improve compliance with the convention through our contributions to the Hague Permanent Bureau's, Good Practices Guide, through judicial training programs, through hosting visits by delegations from other Hague countries to explain how we apply the convention.

We will also continue to make our concerns known in our Annual Compliance Report, where we identify instances where foreign courts in Hague Convention countries deny return of children to the United States for reasons that we believe are inconsistent with the convention. In next year's report, due next March, we will also expand that report to look at access in Hague Convention countries.

Abduction cases to countries that are not Hague Convention signatories, and whose judicial systems, cultural traditions, and family law are often radically different from our own, present particularly compelling challenges for all of us. When dealing with such countries, we work with other Federal and State authorities and with the foreign governments concerned to explore ways to recover the children.

This may include withholding or revoking the U.S. visas of abducting parents or people who support them and their family members; revoking U.S. passports at the request of a Federal law enforcement agency; and pressing foreign governments nonstop for assistance in returning children, and either deporting or extraditing their abductors.

We also seek to visit abducted children to verify their well-being and facilitate communication between the parents and the children. In some countries with legal systems and practices that vary dramatically from our own, we're exploring the viability of consular arrangements that could improve mediation and access provided to parents even as we continue to seek mechanisms to arrange for the child's return.

We see no difference between the rights of left-behind parents in cases involving Hague and non-Hague countries, and our aim is always the same, the return of the child to the United States. We must, however, work in the manner most likely to be effective in pursuing that aim, and we don't neglect those measures that, while they fall short in some instances of meeting that ultimate goal of return, nonetheless enable the left-behind parent to have a place in the child's life.

Every situation in this area is unique. There really is no tailor-made solution that can be applied across the board, but we will not hesitate to use every tool we have when we and the left-behind

parent believe them to be relevant and likely to promote a positive outcome. Our ambassadors and staffs will push foreign governments to recognize the rights of left-behind parents, to facilitate visitation, to help advance Hague compliance where that remedy is available, and constantly to remind foreign interlocutors that the U.S. Government cares about, supports, and works for the rights of left-behind parents. I have no higher responsibility in this job, sir, and I aim to fulfill it to the utmost.

I very much appreciate the opportunity to speak with the committee today and to try and answer your questions. Thank you, sir.

[The prepared statement of Assistant Secretary Harty follows:]

PREPARED STATEMENT OF HON. MAURA HARTY, ASSISTANT SECRETARY OF STATE,  
BUREAU OF CONSULAR AFFAIRS, DEPARTMENT OF STATE

Mr. Chairman, Members of the Committee:

I am pleased to be here today to report on the work done by the Department of State's Office of Children's Issues in the areas of international child abduction and international adoption. I believe that you can understand a lot about a society by the way it treats its most vulnerable members and I think that the time, energy, and attention devoted to children's issues at the Department of State and within the U.S. Government reflects well upon the United States as a society. We at the Department of State are rapidly approaching the tenth anniversary of the creation of the Office of Children's Issues—where we handle matters of international adoptions, abductions, and the return of children to their habitual residence under the Hague Convention. It seems an appropriate time to take stock of how far we have come in helping parents in this country and where we would like to go in the future.

Before I do that, however, I would like to note that the U.S. Congress has been of inestimable help to the Department in securing the return of abducted and wrongfully retained children from overseas through both your institutional and your personal efforts. The bill popularly known as the "Amber Alert" law, among its many other accomplishments, made the attempt to abduct a child from the United States a crime, while the International Parental Child Abduction Prevention Act of 2003 expands the Department's authority to refuse or revoke U.S. visas for certain family members of non-U.S. citizens who abduct American children. These are tools that add new teeth to my ability, and that of my officers in Children's Issues and in consular sections around the world, to raise the stakes for those who would defy a U.S. court order and kidnap their children from the United States. I also want to mention those members of Congress and specifically many members of this very committee who have backed our efforts to recover children abducted to foreign countries. You have eagerly raised these cases in your travels abroad, where you have access to the highest levels of leadership in the countries where many of our children are wrongfully retained. Your willingness to do so demonstrates convincingly to foreign governments that the United States is totally committed to the return of our most vulnerable citizens. I thank you for your willingness to deliver this message; it really helps us at the State Department to have your support.

When I came before this committee last October to ask for your confirmation in this job I spoke about abducted children and my commitment to their return to the United States. Before I describe our work in assisting Americans who choose to adopt overseas, let me discuss the question of international child abductions and the work I have done since my swearing-in, to make that commitment a reality. In January, I traveled to Saudi Arabia, Lebanon and Syria and raised the issue of international parental child abduction with government officials in each country. Since I made that trip we have seen seven Americans returned to the United States from those three countries. I visited Saudi Arabia again in April to emphasize the same concerns. We meet regularly with Saudi officials, both in Washington and Riyadh, to seek solutions in specific cases and to find more systematic ways to address the problem of international parental child abduction. I hosted a "Town Hall" meeting on February 24 that was attended by over 60 left-behind parents. Parents identified ways they think we can serve them better, and the meeting was extremely useful. We are planning a second such meeting for later this summer.

Results often are slow in coming and the wait for the left behind parent excruciating, but our efforts can produce success. In the month of April of this year, we have seen fifteen children returned from eight different countries, including two from Saudi Arabia. In May of this year, an equal number of children were returned

to the United States from abroad. I am certainly not here to claim personal credit for these cases. Where there is credit to be taken it properly belongs to the determination of the left behind parents to never abandon the fight to regain their children no matter what the odds. I do however want you to know that we never lose sight of the goal, nor of the fact that, so long as one child is wrongfully retained abroad, our job is incomplete.

We all know that institutional efforts are the most effective over time, which is why I began my testimony noting the ten years since the founding of the Office of Children's Issues. Since the U.S. became party to the Hague Convention on the Civil Aspects of International Child Abduction in 1988, the Department of State has worked to improve the Convention's implementation in this country. During the first year we created a new child custody division to coordinate our work in this area. In 1994 we consolidated our efforts on behalf of children abroad in our Office of Children's Issues, now an office of 28 people who devote all their time to helping in the international adoption process and assisting in the return of children wrongfully taken and/or retained abroad. Over the years, we have expanded our cooperative arrangement with the National Center for Missing and Exploited Children, formalized in an agreement between the Department of State, the Department of Justice, and NCMEC and signed on September 1, 1995, to provide additional assistance for parents and children in all international child abduction cases. They are our partners and our friends; NCMEC is an extraordinary organization.

When a parent takes or keeps a child from his or her home, and prevents the child from having a relationship with the other parent, the trauma to the child is immediate and compounded each day the child is not returned home. International child abductions are often complicated by the fact that many abducted children are from multi-cultural and multinational families. The children themselves are often citizens of both the United States and the country to which they were abducted. Our position, which I have made clear in my meetings with foreign government officials, is that a child abducted from the U.S. in violation of custody rights recognized under U.S. law should be returned. The taking parent should not be allowed to benefit from the abduction. Ultimately, however, the fate of these children is decided by the courts, or other authorities, in the countries to which they have been abducted or in which they have been wrongfully retained. U.S. court orders, as we all know, are often not enforceable abroad. Even when everyone involved is a U.S. citizen, these cases are often difficult to resolve once the child has been removed from the United States.

#### THE HAGUE CONVENTION

Recognizing that abductions are individual tragedies that the courts of most countries legitimately wish to resolve in good faith for the benefit of the affected children, the United States has long taken a lead in creating a mechanism for the return of children abducted internationally. The United States was instrumental in the negotiation of the Hague Convention. The Convention provides a civil legal mechanism in the country where the child is located for parents to seek the return of, and access to, their child. It applies only to cases where children habitually resident in a Hague Convention country have been abducted to, or wrongfully retained in, another country party to the Convention. The Bureau of Consular Affairs' Office of Children's Issues acts as the Central Authority for the Convention in the United States.

Under the Convention, a Hague proceeding does not decide custody; instead, it decides in which country a custody determination should be made. A Hague proceeding should, with very few and limited exceptions, result in an order from the court where the abducted child is located for return to the country of habitual residence so that the parents may pursue the resolution of custody there. While the Convention is far from 100% successful, it does provide a legal channel for left behind parents in a foreign court, and results in children's return to the United States. We also believe that the existence of the Convention's return mechanism has deterred an untold number of abductions.

Approximately 60% of the cases in which we provide assistance are now covered by the Convention. When the U.S. joined the Convention in 1988, only nine other countries were party. Today the Convention is in effect between the U.S. and 52 other countries. We encourage countries which embrace the Convention's basic principles to become members as the best possible means of protecting children from the harmful effects of abduction. As we look to improve the Convention's effectiveness, we must remember the many parents who wish that they had even this less-than-perfect mechanism to seek return of their children.

While The Hague Convention has facilitated the return of many children to the United States, and while it is a vast improvement over the lack of any international mechanism whatsoever, it is an imperfect instrument. The Hague Convention does not guarantee a satisfactory result for every left-behind parent. Compliance with the Convention varies among foreign jurisdictions. Even when the left-behind parent has filed an application in a timely fashion, hired legal counsel, and literally done everything “right”, that parent, and the United States, may be bitterly disappointed with the result. There have been some decisions by foreign courts in Hague cases with which we do not agree. However, these decisions are made by independent judiciaries in independent sovereign states. The Hague Convention cannot make a biased judicial system fair, or a nationalistic judge more objective, nor can it remove gender bias from a society or its judicial system.

This reality offers little comfort to the left-behind parents who have suffered the frustration and anguish of losing contact with a beloved child. Nor does it comfort the traumatized child who has been abruptly wrenched from the arms of one parent and asked in effect to choose sides. That is why we continue to work to improve compliance with the Convention. Among the steps we take to improve Hague compliance are:

- Contributions to the Hague Permanent Bureau’s “Good Practices” Guide;
- Provision of judicial training programs;
- Hosting visits by delegations from other Hague countries, to explain how we apply the Convention.
- Identifying instances where foreign courts in Hague Convention partners deny return of children to the United States for reasons that we believe are inconsistent with the Hague Convention so that we may raise these cases diplomatically with the relevant government.

#### HISTORY—OFFICE OF CHILDREN’S ISSUES

Since the U.S. became party to the Hague Convention in 1988, the Department of State has worked to improve the Convention’s implementation in the United States. During the first year we created a new child custody division to coordinate our work in this area. In 1994, we formed the Office of Children’s Issues, redoubling our efforts on this important subject and increasing the level of attention it received in the State Department. The Bureau of Consular Affairs saw the need for a comprehensive interagency coordinated response to address the scourge of international parental child abduction—from prevention, to recovery, to reunification.

In an effort to coordinate assistance to abducted children and their families, the Office of Children’s Issues entered into a cooperative agreement with the Department of Justice and the National Center for Missing and Exploited Children on September 1, 1995, to work together on these cases. While NCMEC had always helped us locate missing children, the agreement formalized this arrangement and expanded NCMEC’s work to include Hague cases in which children from other countries were abducted to, or retained in, the United States.

Interagency coordination and communication is critical. We have repeatedly seen examples of how our increased interagency communication has aided the return process. Children have returned home thanks to extensive interagency cooperation involving the FBI, Department of Justice, local law enforcement and NCMEC, efforts coordinated by Children’s Issues.

While the Hague Convention does not guarantee the return of all abducted or wrongfully retained children, the Convention provides us an invaluable tool that is absent in our efforts to resolve abduction cases from countries that are not Hague signatories and whose judicial system, cultural traditions, and family law are often radically different from our own. The Department, when dealing with such countries, works with other federal and state agencies and the foreign governments concerned to explore ways to recover the children. This may include withholding or revoking the U.S. visas of abducting parents, people who support them, and their family members; revoking U.S. passports at the request of federal law enforcement authorities if a federal warrant is issued for the arrest of a U.S. citizen; and pressing foreign governments for assistance in returning children and either deporting or extraditing their abductors. We also seek to visit abducted children to verify their well-being and facilitate communication between the parents. In some countries with legal systems and practices that vary drastically from those of the U.S., we are exploring the viability of bilateral consular arrangements that could improve mediation and access assistance provided to parents, even as we continue to seek mechanisms for a child’s return. We are working to expand and revise our Standard Operating Procedures to provide more comprehensive and consistent service to left-

behind parents. We will soon establish a Prevention Unit within CA/OCS/CI to focus more attention on this important function.

Let me be completely clear on the main question here: we see no difference between the rights of left behind parents in cases involving Hague and non-Hague countries and our aim is always the same, the return of the child to the United States. We must, however, work in the manner most likely to be effective in pursuing that aim and we should not neglect those measures that, while they fall short of meeting our ultimate goal of return, nonetheless enable the left behind parent to have a place in their child's life. Children, as they grow older, are far more likely to exert useful pressure towards reunion with the left behind parent if that parent is known to and important to them.

Let me close my discussion of international abductions with an observation that is perhaps obvious, but whose implications are not necessarily self-evident: every situation in this area is unique and there is no tailor-made solution that should be applied across the board. The coercive tools we have at our disposal are vitally important and we will not hesitate to use them when we, and the left behind parents, believe them to be relevant and likely to promote a positive outcome. Often, however, the most effective way to handle these cases is through the consistent use of our most vital resource: the persuasive power of our diplomatic efforts abroad. Our Ambassadors and their staff will push foreign governments to recognize the rights of left behind parents, facilitate visitation, help advance Hague compliance where that remedy is available, and constantly remind foreign interlocutors that the U.S. government cares about, supports, and works for the rights of left behind parents whose children have been wrongfully removed from the U.S. and retained abroad.

#### INTERNATIONAL ADOPTIONS

In FY 2002, Americans adopted over 21,000 children from overseas, more than the citizens of any other country. Families throughout the United States have been enriched by the addition of these children while the children themselves are afforded the opportunity to grow up in loving homes. Everyone wins in this work, and we are committed to providing the best service we can to adoptive parents overseas. Let me give you some examples of our commitment to this process at our two largest orphan visa-processing posts, Guangzhou and Moscow.

In Guangzhou, where we processed over 6,000 orphan visas last year, we modified our orphan processing procedures in short order to respond to the threat posed by the SARS epidemic. On an emergency basis, we allowed one parent to process their child's case in Guangzhou, minimizing the SARS risk to other family members (including the child being adopted). We also waived the requirement to bring the child to be adopted into our facilities for processing. The Chinese government subsequently suspended adoptions in order to cope with the danger of SARS, but we remain in close contact with them, with the CDC, and the adoptive parents to ensure that, once this danger has passed, we can quickly do our part to resume this vital work.

Centralizing Immigrant Visa processing for the Newly Independent States in Moscow made great sense in the immediate aftermath of the fall of the Soviet Union. The facilities and capabilities at our Embassy in Moscow were far superior to those available at newly established posts in the former Soviet Union. However, with time it has become clear that adopting parents traveling to many former Soviet Union nations were accruing greater and greater hardship in traveling to Moscow to complete their orphan cases, especially as visa regimes between Russia and several of the former Soviet Union states were tightened.

Accordingly, this year we have begun processing Kazakhstani orphan cases in Almaty and Georgian orphan cases in Thilisi. Based on last year's figures, this re-configuration of IV processing responsibilities will allow over 800 prospective American parents to avoid traveling to Moscow. We hope to implement a further devolution of visa processing from Moscow in the coming months and years, with our embassies in Almaty and Thilisi taking on cases from some neighboring countries.

During the past year, we also committed a significant increase in resources to better our training for consular officers overseas with regard to adoption processing. We added a new adoptions module to our Advanced Consular Course at the Foreign Service Institute, a course that is provided to consular officers going to their first management assignments overseas. And we held our first-ever Consular Affairs Bureau Workshop on International Adoptions, bringing back Immigrant Visa chiefs from our largest adoption processing posts for an intensive discussion of orphan visa issues with adoption experts from inside and outside the government.

Despite this significant progress, we realize that there are still adoption issues that have not yet been resolved. One of the most complicated of these issues over

the past two years has been the adoption situation in Cambodia. On December 21, 2001, the Immigration and Naturalization Service suspended adoption processing of Cambodian orphans after consular and immigration officers uncovered significant evidence of fraud and irregularities in the Cambodian adoption process. In order to assist those parents in the process of adopting Cambodian children when the suspension on adoption processing was announced, the INS and Department of State set up a special Joint Humanitarian Initiative in conjunction with the Cambodian government to investigate and process these cases.

On September 11, 2002, INS and the Department of State agreed to a final expansion of the criteria used to identify cases for this special humanitarian initiative. As part of this agreement, unlike the previous special humanitarian initiative cases that we have processed, the final expansion cases are being processed on a government-to-government basis in order to minimize fraud concerns. To date, the Department of State has issued 295 orphan visas under the auspices of the special humanitarian initiative. There are approximately 76 cases from the final expansion group that have not yet been completed. I believe that the end is in sight for those families still waiting to complete processing of Cambodian "pipeline" cases.

In conjunction with the international community and the Cambodian government, our Embassy in Phnom Penh has begun discussions regarding what steps Cambodia can undertake in the longer term to establish a transparent adoption process that would safeguard the interests of children, birth parents, and adopting parents and prevent child trafficking. When Cambodia establishes such an adoption process, the U.S. government will be ready to review a resumption of Cambodian orphan processing.

Another country that I know has been of concern to the international adoption community is Vietnam. In July 2002 the Government of Vietnam issued a new decree on international adoptions, which took effect on January 2, 2003. The decree imposes a number of new requirements on international adoptions, including the requirement that there be a bilateral agreement between Vietnam and each country whose nationals seek to adopt children from Vietnam before such adoptions can take place. The new Vietnamese law, if properly implemented, will go a long way toward protecting the rights of children, birth parents, and adoptive parents, and preventing baby selling. We are actively discussing with the Vietnamese Government a proposed bilateral arrangement on adoptions.

The Department of State is committed to the twin goals of rapid processing of international adoptions and the safeguarding of an adoption process free of fraud and baby selling. As with abductions, we believe that international adoption practices and procedures will be ameliorated by acceptance of The Hague Adoption Convention, to whose principles the United States is committed. In addition to legitimizing the principle that adoptions are superior to institutionalization for orphans, the aim of the Convention is to ensure that such adoptions take place when they are in the child's best interests and that the abduction of and trafficking in children and other abuses are prevented.

The CHAIRMAN. Thank you very much, Secretary Harty. The questioning period will now begin. I'm going to ask two questions that have been prepared by Senator Lincoln and her staff. She has four, and if we have an opportunity we will get to those, but I will then recognize my colleague, Senator Sam Brownback, who has joined us, for questions or comments that he may have as a part of this hearing record.

The first question I want to ask is, as you understand it, what is the current position of the Government of Saudi Arabia regarding the demand by the State Department that Heidi al-Omary be allowed to return to her rightful home in the United States?

Ms. HARTY. Well, I hesitate to speak directly for the Government of Saudi Arabia, Mr. Chairman. What I will say is that we have a very firm commitment to do something that I mentioned in my remarks, and that is to continue speaking about it and at the same time to try and provide as much access as possible so that there is at least a continued relationship between Mrs. McClain and her daughter.

It is for us not the final and the best solution. We believe that access is important, and so we have pressed for access. We continue to press for her return, sir.

The CHAIRMAN. Has the State Department received any communications from the Government of the Kingdom of Saudi Arabia that would indicate authorities in Saudi Arabia intend to comply with the demand from the U.S. Government that Heidi be returned to the United States?

Ms. HARTY. Sir, what we have from the Government of Saudi Arabia is the continued desire to help us arrange access, as we saw this summer, as Mrs. McClain traveled to Saudi Arabia. We do not have a firm commitment for the return of Heidi to the United States. I can guarantee you, sir, that it is a never-ending conversation. We will continue to press the point. We will continue to work as diligently as possible.

I thank Senator Lincoln for expressing concern about the time that I have spent on this particular case as well as others. It is time well-spent, sir. I simply won't stop doing it until we get the answers that we want to hear.

The CHAIRMAN. Senator Brownback, at the beginning of the hearing I mentioned that we would conclude the hearing at 2:50 because of the four stacked votes, the first of which has begun, so we have approximately 6 minutes left in the hearing, and I recognize you for comments or questions you may have at this time.

Senator BROWNBACK. Thank you, Mr. Chairman, and I want to include my full statement into the record, if that would be permitted.

[The prepared statement of Senator Brownback follows:]

PREPARED STATEMENT OF SENATOR SAM BROWNBACK

Thank you Mr. Chairman for your willingness to have this hearing. This issue, parents abducting their own children in contravention to international norms and standards, often wrongly protected by their home governments and to the detriment of the child, is an important issue to my colleagues and me.

I have some very serious questions about the role and commitment of the Department of State to helping Americans have access to their children. In addition, it is important for the committee to know the overall cooperation of our friends and allies on having laws that meet rational norms, and their commitment to enforcing their laws so that the rights of parents are protected.

I am concerned that the U.S. Government does not serve as an effective advocate for American parents and children. The Secretary of State is publicly committed to children and the Deputy Secretary has nurtured many children (including many adopted and foster children).

Despite four major congressional hearings, legislation, GAO investigations, and significant media attention, the State Department has a hostile approach to helping Americans with this regard and ensures that American children and their left-behind parents continue to face a two-front war.

Of the four left-behind parents who appeared before the Senate Foreign Relations Committee in its last full hearing on this subject on October 1, 1998, three of the four have made no progress in achieving the return of their children (Lady Catherine Meyer, Tom Sylvester, and Tom Johnson), and the fourth (Paul Marinkovich) only obtained the return of his child because the American abductor was foolish enough to leave her safe haven in Sweden.

Ultimately, most American left-behind parents who are not dealing with a common law country must choose between complete loss of the child or a rescue operation (with the risk of extradition by the U.S. back to the abductor's country).

I have been told that the State Department has prevented abducted American children and their left-behind parents from having an effective advocate by blocking the National Center for Missing and Exploited Children (NCMEC) from adequately assisting American parents, while at the same time using U.S. tax dollars to force

NCMEC to help foreign parents who already have ample support from their own governments and the U.S. Government.

In addition, I understand that the State Department refuses to report adequately the only statistic that matters—how many American children actually come home—and thus fails to inform American judges and law enforcement of the massive problems concerning international abduction and retention abroad of American children and the dangers of sending children to countries where there is no enforceable access or visitation for the American parent.

I am under the impression that we have done nothing to negotiate bilateral access and visitation agreements with the worst offending European countries (Austria, Germany, Sweden) or the worst Middle Eastern countries.

The State Department submitted 2001 and 2003 reports to Congress on Hague Convention compliance that ignored remedial legislation in the State Department Authorization bill, again violated 5 out of 7 paragraphs of the legislative reporting requirement, and was thus inaccurate and misleading in several respects.

I hope that Assistant Secretary Harty can address these points satisfactorily to the chairman and myself. This is a serious issue and it needs to be seriously addressed by the one institution representing the interest of Americans abroad. Again, I thank the chairman for seizing upon this important issue.

Senator BROWNBACK. I would like to submit several written questions to Ms. Harty as well, because we will not be able to get through all of it.

Ms. Harty, you and I have met extensively about this. I have questions about your coming into this position because of prior activities at the State Department that have been raised by a number of individuals. I continue to get complaints. I continue to get a number of complaints, and I want to go through some of those, and I want to hear your comments about it.

I understand the State Department refuses to report statistically how many American children have actually been abducted you get reported to you, and how many have actually come home. Now, is that correct?

Ms. HARTY. No, sir, not exactly. It is sort of a constant—

Senator BROWNBACK. I have a real short time. How many have been abducted that have been reported to the State Department?

Ms. HARTY. Sir, I will have to take the question and get back to you on a specific number. I'm not refusing to answer. It's just at any given time there are approximately 1,000 cases open. Sometimes people come back and we don't hear about it, sometimes people are abducted and we don't hear about it, so I'm somewhat loath to give a hard number, because we're never, in fact, sure of what the number is, but sir, I will give you a snapshot and we will send it to your office expeditiously.

[The following response was subsequently received.]

As of June 1, 2003, we were aware of a total of 904 current cases of abduction, the majority of them involving American citizen children. Please note that our database tracks cases, some of which involve more than one child. We estimate, therefore, that these cases involve approximately 1,500 children. In addition, we are aware of 156 open access cases, involving an estimated 270 children. Many but not all of these access cases involve a child or children abducted from the United States.

This count of children who remain overseas only includes "open" cases. Open cases involve instances in which the left-behind parent has informed the Department of State's Office of Children's Issues that a child was abducted to or unlawfully retained abroad, whether or not the parent has taken steps such as the filing of a Hague application to request the child's return. An open case is either "preliminary," "active," or "inactive." "Preliminary" cases include instances in which the parent has informed the Office of Children's Issues that a child has been abducted internationally but has not yet initiated steps, such as the filing of a Hague application, for the child's return or access to the child. "Active" is defined as a case of international abduction for which a final determination to grant or deny return or

access has not been made and in which the parent and the Department maintain continued contact to move the case forward. A case changes from “active” to “inactive” when the facts of the case do not allow, or the parent does not permit, a further reasonable pursuit of the child’s return or access to the child. Cases that have become inactive may be reactivated upon the left-behind parent’s request if further action is warranted.

Senator BROWNBACK. If you could, so that we at least have how many are reported to you, and so I can get some benchmark of how many have actually come home that you know about, or that you don’t have any tracking of still. Do you report when children have been returned home?

Ms. HARTY. Sir, in my opening remarks I mentioned, for instance, that 15 came home in May, 15 in April, and approximately 100 since November when I took the job, but I’m happy to give you a little bit more on that, sir. I will get a snapshot for you.

[The following response was subsequently received.]

Sir, in my opening remarks I mentioned, for instance, that 15 came home in May, 15 in April, and approximately 100 since November when I took the job. Our database indicates that, since 2000, we have had returns in a total of 700 cases, involving approximately 1,200 children. I should note that we are not always promptly notified when children return based on a voluntary arrangement between parents. The actual number of cases involving the return of children may therefore be higher than our statistics indicate.

Senator BROWNBACK. If you could, because this has been the subject of three congressional hearings, a GAO study, and media reports, and my guess is there are a number of people here in the audience that have children that have been abducted that are here because they are so passionate about it and continue to believe their government is not adequately responding, and that is why they’re here, and in my work and in my office, if people don’t think I’m fully engaged and behind it, they get pretty irritated, because that’s what my work is. I work for them, and you’re getting the same thing because they still don’t feel like you’re really leaning into it.

Let me cite an example to you. In 1999 testimony before the House International Relations Committee—and you were not in this job at this time, Mary Ryan was Assistant Secretary then. We had a series of cases. It said that the overall rate of return to the United States from other countries is about 90 percent, American children who have been internationally abducted. What was the rate of return in 1999, and what is it today? We don’t have those sets of numbers.

At a hearing of the four left-behind parents who appeared before the Senate Foreign Relations Committee at its last full hearing on the subject, October 1, 1998, three of the four have made no progress in achieving a return of their children. Katherine Myer, Tom Sylvester, Tom Johnson, the fourth, Paul Markinovich only obtained the return of his child because the American abductor was foolish enough to leave her safe haven in Sweden.

You were not in that job then, but people continue to believe we’re not advocating sufficiently.

I’m under the impression we have not done much to negotiate bilateral access treaties with visitation agreements with some of the worst offending European countries, like Austria, Germany, and

Sweden, or some of the worst of the Middle Eastern countries. Have we engaged in a pressing effort to get bilateral access and visitation agreements?

Ms. HARTY. Sir, in the time I've been in the job I've gone twice to the Middle East. In Saudi Arabia and in Syria and in Lebanon, each country, I left a draft document with a proposal for how we could work better, since they are non-Hague countries. We are working through those documents now.

Senator BROWNBAC. Are we negotiating bilateral access treaties with them?

Ms. HARTY. Not treaties, sir. We would like an arrangement, not a treaty per se.

Senator BROWNBAC. Bilateral access agreements?

Ms. HARTY. Actually, sir—

Senator BROWNBAC. Are those being negotiated?

Ms. HARTY. With specific reference to Saudi Arabia we already have an agreement, sir, that they will do two things. One is that adult American females who would like to leave the Kingdom may leave, and we have the Foreign Minister's personal guarantee that an American citizen who wants to go to the Kingdom to see his or her child—

Senator BROWNBAC. My time is so limited, what about Austria?

Ms. HARTY. I'm going to Austria, Sweden, and Germany next month. I have a trip already scheduled, sir.

Senator BROWNBAC. Do you have bilateral access and visitation agreements pending with those countries?

Ms. HARTY. Well, sir, those are Hague Convention countries, so there is both an access and a return clause in the Hague Convention, so we're going to go talk about those more, but basically we have a Hague Convention agreement with each of those countries.

Senator BROWNBAC. But that's as I have, and the numbers here, these are some of the worst offending European countries.

Ms. HARTY. That's why I'm going there, sir.

Senator BROWNBAC. Do you need to negotiate additional access and visitation over and above the Hague treaty?

Ms. HARTY. No, sir, I don't think so. I think the Hague is not a perfect instrument, but it is a good one and it works quite well. I need to have those conversations with those countries. I need to personally assess what the issues and problems are, and that's why I'm going there.

Senator BROWNBAC. Now, the State Department submitted 2001 and 2003 reports to Congress on Hague Convention compliance that, the information I have, ignored remedial legislation in the State Department authorization bill and violated five out of seven paragraphs of the legislative reporting requirements, thus, in the estimation of the people reviewing this, it was inaccurate and misleading in several respects.

Now, I hope these points can be adequately addressed, non-compliance by the State Department, and that you will take an aggressive look at these items, and Ms. Hartly, the reason I'm being so pointed on this is, this is something we talked about before your confirmation. I noted to you the strong feeling on a number of people's part that their government was not adequately advocating for

them, and I don't think anybody expects that you're going to solve all of these problems—

Ms. HARTY. But we owe you our best effort.

Senator BROWNBACK. They don't feel like we're giving them our best efforts, and in particular we've got three European countries that were having some of the most significant violations, and you understand people's hearts about this. This is involving their children, and we have to do everything we can to bend over backward to make this work for our people, and a number here would say that we are not doing that.

Mr. Chairman, I will submit other questions for the record. I do want to know the snapshot of what we believe are missing children, and how many American children are actually coming home on a regular basis, so that we can track here's how many are missing as of this date, maybe it's July 1, and here's how many are being reported back home, so we have some objective standard of measure, because as you can rightly say back to me, I'm being very subjective in my criticism, but it is because we don't have the objective numbers, and we need to have those objective numbers, and I would think you would want them for your office until you figure a way to measure it, you can't really determine how you're doing on it, and we need those numbers to be able to objectively measure, because otherwise you're going to, I think rightfully so, continue to get a lot of subjective criticism, so I really want you to work on, and I would really appreciate the objective numbers here.

The CHAIRMAN. I thank the Senator for his attention and participation.

Let me say that the record for the hearing will remain open through the close of business on Monday, and questions from Senator Brownback will come to you. There are 10 questions that I have that will come to you, and the additional questions from Senator Lincoln, and there may be others. Please respond so that our record will be complete, and so that we will have a basis, on your recommendations and our own, for further activity of the committee, but we thank you very much for coming today to testify, and for your preparation.

Ms. HARTY. Thank you so much, sir.

The CHAIRMAN. The hearing is adjourned.

[Whereupon, at 2:55 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

---

#### ADDITIONAL STATEMENTS SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF SENATOR CHUCK HAGEL, U.S. SENATOR FROM NEBRASKA

Mr. Chairman, I want to thank you and the committee for organizing today's hearing on International Parental Child Abduction, and the outstanding work of the Department of State's Office of Children's Issues in addressing this issue—from prevention, to recovery, to reunification.

The focus of today's hearing is a critical matter. I can think of no two individuals who are more committed to ensuring the safety and return of children who are victims of abduction than our two witnesses today—U.S. Senator Blanche Lincoln and Assistant Secretary of State for Consular Affairs, Maura Harty.

Our first witness, Senator Blanche Lincoln, has become a leader on this issue in the United States Senate. Just over one year ago, she began advocating for the safe return of Heidi Al-Omary—age 5—who was abducted from her home-town in Arkan-

sas by her father and taken to Saudi Arabia in 1997. I look forward to Senator Lincoln's testimony highlighting her first-hand experience with this case.

The committee will also hear today from Assistant Secretary of State for Consular Affairs, Maura Harty, in whom I have the greatest confidence and respect. She is an asset to America's diplomatic corps. The issue of international parental child abduction has always been one of Harty's highest priorities as Assistant Secretary of State for Consular Affairs. Assistant Secretary Harty has committed much of her time and energy, and many resources, to finding ways to better assist left-behind parents and children who have been victims of international parental child abduction.

Her conviction and capacity to deliver results in this area, and so many others, is remarkable. Since taking over as Assistant Secretary in November, 2002, approximately 100 children have been returned to their parents in the United States. I look forward to her testimony and that of our other distinguished witness.

---

PREPARED STATEMENT OF SENATOR GEORGE V. VOINOVICH, U.S. SENATOR FROM OHIO

I would like to thank the Chairman, Senator Lugar, for convening this hearing today to highlight the urgent need to address the issue of international parental child abduction.

As the witnesses will testify today, parental child abduction impacts too many parents in the United States, whose children are taken suddenly and unexpectedly from their lives. This is true for Thomas Sylvester of Cincinnati, Ohio, who lost his 13-month old daughter, Carina, when she was abducted by her mother to the Republic of Austria in 1995.

In the fall of 1998, this committee conducted a hearing to examine the issue of international parental child abduction in the context of the failure on the part of certain European nations to fulfill their obligations under the Hague Convention. At that time, Tom Sylvester was one of four parents who addressed the committee on the unfortunate aftermath of their children's abductions to Austria, Sweden and Germany.

Despite involvement at the highest level, including a phone call from Secretary of State Colin Powell to the Austrian Foreign Minister, I am disheartened to learn that no substantial change has occurred in the circumstances of Tom Sylvester since that hearing took place five years ago. There can be no doubt that a parental child abduction is a wrenching experience, be it to Europe, Asia, Australia, Africa, or the Americas. The matters addressed today concerning the Kingdom of Saudi Arabia are grave indeed. A solution to the problems there must be found.

However, let us not fail at this time to recognize those American parents who have fought for many years to obtain justice in such Hague Convention countries as Austria, Sweden and Germany and elsewhere in the world. In doing so, it is crucial that the U.S. Government do all that it can to assist those American parents who have been left behind.

We are in an advantageous position to do, particularly as to the Republic of Austria. It has been brought to my attention that Mr. Sylvester and his daughter Carina have successfully sued the Republic of Austria in the European Court of Human Rights in Strasbourg, France. That Court found that the human rights of both the father and daughter had been violated by Austria in failing without delay to take all reasonable measures to enforce the order entered by their own courts that Carina be returned to the United States.

Armed with this decision, I am hopeful that the State Department will call on Austria to explain fully and immediately how it intends to come into compliance with the Hague Convention and the European Convention of Human Rights.

It is my sincere hope that the Department of State will take action on what we will hear today to effectively assist American parents whose children are abducted to Saudi Arabia and elsewhere so as to restore to them a meaningful and rich family life.

Thank you, Mr. Chairman.

---

PREPARED STATEMENT OF THOMAS SYLVESTER, CINCINNATI, OH, PARENT OF AN AMERICAN CHILD ABDUCTED FROM THE UNITED STATES TO AUSTRIA

I am Thomas Sylvester, father of Carina Sylvester, my American-born daughter and only child who was taken by her Austrian mother from the United States to

Austria on October 30, 1995. That was her last day on American soil. She was then 13 months old. Despite my having won the litigation which ensued in Austria under The Hague Convention on the Civil Aspects of International Child Abduction, my daughter was never returned because Austria was unable to enforce its own court order. Carina is now eight years old and remains in Austria as a result.

I testified at length on the unfortunate aftermath of Carina's abduction to Austria at a hearing that was held before the Senate Committee on Foreign Relations on October 1, 1998. This Committee may recall that special hearing which was entitled "United States Responses to International Parental Abduction." I was one of four parents who addressed this Committee on the harsh reality of their children's abductions to Austria, Sweden and Germany. I am disappointed to report that over the past five years, no substantial change has occurred in the circumstances of three out of those four parents' cases. It was only due to the movement by the abductor in the fourth from Sweden to the U.K., which resulted in her capture and the child's return to the U.S. Had the abductor known to stay put in Sweden, she likely would have continued her safe haven there.

The Senate joined the House in unanimously adopting Concurrent Resolution 293 on June 23, 2000 addressing the issue of international parental child abduction in the context of the failure on the part of certain European party nations, including Austria, to fulfill their obligations under the Hague Convention. Specifically, the Resolution urges all contracting parties to the Hague Convention: (1) particularly Austria, Germany and Sweden, to comply fully with their international obligations; (2) to ensure their compliance by enacting effective implementing legislation and educating their judicial and law enforcement authorities; (3) to honor their commitments and return abducted or wrongfully retained children to their place of habitual residence without reaching the merits of any underlying custody dispute and to remove obstacles to the exercise of parental access rights; and (4) to further educate their central authority and local law enforcement authorities regarding the Convention, the severity of the problem of international child abduction, and the need for immediate action when a parent of an abducted child seeks their assistance.

The Department of State's Office of Children's Issues has taken action in responding to the international parental child abduction case of Carina Sylvester. Since the Senate hearing in the fall of October 1998, the former Director of Children's Issues, Mary Marshall and other representatives from the Bureau of Consular Affairs met with officials of Austrian Ministries of Foreign Affairs and Justice in Vienna to discuss the case on March 2, 1999. The former Assistant Secretary, Bureau of Consular Affairs, Mary Ryan, testified at a hearing held before the House Committee on International Relations on October 14, 1999 to address implementation of the Hague Convention and discuss this case. In working in coordination with former Secretary of State Albright, the former U.S. Ambassador to Austria Kathryn Walt Hall discussed the case in a meeting with me, my attorney and the Austrian Minister of Justice in Vienna on September 13, 2000. Former Secretary of State Madeleine Albright met with Congressman Steve Chabot, a representative from Congressman Rob Portman's office and me on September 21, 2000. Secretary Albright then discussed the Carina Sylvester case with the Austrian Chancellor and the Austrian Minister of Foreign Affairs.

Under the leadership of the current Administration, the Department of State's Office of Children's Issues has continued to respond to the international parental abduction case of Carina Sylvester case. The Department of State sent a delegation to participate in the Fourth Special Commission to the operation of the Hague Convention and took the opportunity to raise the Carina Sylvester case with Austrian officials at The Hague on March 22-28, 2001. Secretary of State Colin Powell met with Congressman Chabot and me on June 27, 2002. Secretary Powell promised during the meeting to: 1) contact the Austrian Foreign Minister, 2) continue to remain personally involved in Carina Sylvester case, and 3) do everything in his power to help resolve the situation. The U.S. Ambassador to Austria Lyons Brown met with the Austrian Minister of Justice to discuss the Carina Sylvester case on July 1, 2002. The Assistant Secretary of State Bureau of Consular Affairs Maura Harty met with the Austrian Ambassador to discuss the Carina Sylvester case on January 14, 2003. At the direction of the Department of State, U.S. Embassy in Vienna personnel met with officials of the Austrian Foreign Ministry on March 21, 2003. Assistant Secretary Harty approved a diplomatic note to the Austrian Embassy in Washington, D.C. on the case, which was sent on May 2, 2003.

The Department of State has published a Report on Compliance with The Hague Convention on the Civil Aspects of International Child Abduction on four occasions (April 1999, September 2000, April 2001 and May 2003). These reports identify those countries that the Department of State has found to have demonstrated a pattern of non-compliance or that, despite a small number of cases, have such systemic

problems that the Department believes a larger volume of cases would demonstrate continued non-compliance constituting a pattern. In addition, the Department recognizes that countries may demonstrate varying levels of commitment to and effort in meeting their obligations under the Convention. The Department of State considers that countries listed as noncompliant are not taking effective steps to address deficiencies. In all reports, Austria has been identified as "Noncompliant."

Despite all that has gone on both in Austria and the United States relative to this case, there continues to remain no meaningful progress toward resolution. I appreciate the efforts made by the Department of State's Office of Children's Issues on behalf of Carina and me; however, there have been no positive results to date. I request the Department of State to do everything possible to end this miscarriage and travesty of justice so that Carina and I can enjoy the normal relationship that a child is entitled to have with her father.

On April 24, 2003, The European Court of Human Rights in Strasbourg, France decided the lawsuit I filed on behalf of myself and my daughter against Austria for its failure to enforce the order entered under the Hague Convention that Carina be immediately returned to the United States for a custody determination here. The Court found in our favor, determining that Austria had violated our human rights as guaranteed by Article 8 of the European Convention of Human Rights. Money damages are now payable to me by the Republic of Austria. This decision, by an independent European tribunal, is unequivocal proof that Austria's participation in the Hague Convention fails to such an extent as to violate fundamental human rights.

Now that Austria has been adjudicated as having violated our human rights, I ask what specific, immediate actions will be taken by Austria to assist in the return of Carina Sylvester to the United States, if only for a visit? As we have learned from the decision in the European Court of Human Rights, delay can cause irremediable damage to a parent-child relationship. Given this decision, I ask the Senate Committee on Foreign Relations and the Department of State's Office of Children's Issues make demands of Austria to explain fully and immediately how it intends to come into compliance with The Hague Convention and Article 8 of the European Convention of Human Rights. I have done all that I can do and now it is up to the U.S. government to compel the Austrian government to ensure that Carina returns to the United States to meet her American family and see her homeland.

I want to thank the Senate Committee on Foreign Relations for holding a hearing on this very important subject. It is my hope that the Department of State's Office of Children's Issues will take action to effectively assist American parents whose children are internationally abducted so as to restore to them a meaningful and rich family life.

*Question:* In responding to the international parental abduction case of Carina Sylvester, the Department of State's Office of Children's Issues has conducted high-level meetings as well as scheduled future meetings with still no answers provided by the Austrian government. Given the continuous avoidance and delay by the Austrians, and now that Austria has been adjudicated by the European Court of Human Rights as having violated the human rights of Thomas and Carina Sylvester, why doesn't the Department of State demand answers from Austria and what specific, immediate actions will the Department of State's Office of Children's Issues take which compels Austria to cooperate in the practical aspect of bringing Carina back to the United States?

#### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Appendix 1. Questions submitted to the Department of State's Office of Children's Issues for the Town Hall meeting on February 14, 2003 that have not been answered.

Appendix 2. Chronology of the Department of State's Office of Children's Issues actions since the Senate Committee on Foreign Relations hearing on October 1, 1998.

Appendix 3. Case Summary.

Appendix 4. Biography.

## APPENDIX 1

QUESTIONS RELATIVE TO INTERNATIONAL PARENTAL CHILD ABDUCTION TO BE ADDRESSED AT THE DEPARTMENT OF STATE TOWN HALL MEETING ON FEBRUARY 24, 2003

Submitted by Tom Sylvester—February 14, 2003

(1) NOTIFICATION OF MEETINGS AND INFORMATION SHARING

In problematic abduction cases, would the State Department agree to inform left-behind parents of all contacts the State Department makes or plans with representatives of the country into which the child was abducted?

(2) PARENT PARTICIPATION/STATE DEPARTMENT PREPARATION

Will the State Department allow parents to directly participate in preparing members of the Department to meet with their colleagues of the countries to which the child was abducted and permit the left-behind parents to attend those meetings?

(3) CASE MANAGEMENT

Would the Department of State work as Central Authority be more effective if problematic cases were handled comprehensively with clearly defined objectives which could be implemented through the team approach including the Department of Justice, FBI, members Congress, NCMEC and always the parent as team members?

(4) THE HAGUE CONVENTION COMPLIANCE REPORT

(A) Will the Department of State publish a complete, accurate and renewed report on foreign government compliance with the Hague Convention on the Civil Aspects of International Child Abduction and disseminate such a report to American parents, judges, family law attorneys, and law enforcement authorities?

(B) What are the Department of State objectives in preparing the Hague Compliance report?

(5) HUMAN RIGHTS

What efforts will be taken to include information on each country's child custody and visitation system, including enforcement measures, if any, and the human rights aspects of international child abduction/retention cases and related access/visitation matters in the Children's Rights sections of the Department of State's annual country human rights reports?

(6) FREEDOM OF INFORMATION ACT

What actions are being taken by the Department of State to adhere to the law regarding giving parents documents in the files related to their case and within the established time frame as stated under the law?

(7) COOPERATION WITH NCMEC

What is the Department of State doing to ensure that the National Center for Missing and Exploited Children (NCMEC) is able to provide as much assistance to American parents of abducted/retained children as it does to foreign parents whose children are in the United States?

(8) ACCESS AGREEMENTS

Is the Department of State considering the negotiation of bilateral child access and visitation agreements with offending countries for parental access to abducted/retained children?

(9) CHILD SUPPORT

Will the State Department support measures to eliminate the possibility of a left-behind parent's being subject to income withholding for a child support order following his or her child's abduction to another country?

(10) FINANCIAL ASSISTANCE

What specific actions will be taken by the Department of State to help provide financial assistance for left-behind parents given that the Victims of Crime Compensation Program does not help with expenses related to international child abduction?

(11) PRIORITIZATION OF THE SUBJECT

What action will be taken to ensure that the subject of international child abduction of American children is given greater attention on the Department of State list of priorities?

## APPENDIX 2

## CHRONOLOGY

SINCE THIS COMMITTEE'S HEARING ON OCTOBER 1, 1998 THE DEPARTMENT OF STATE'S OFFICE OF CHILDREN'S ISSUES RESPONDING TO THE CASE OF CARINA SYLVESTER

- 10/01/98—Thomas Sylvester testifies at the Senate Committee on Foreign Relations hearing to review the U.S. government's response to international parental child abduction.
- 3/02/99—Director of Children's Issues, Mary Marshall and other representatives from the Bureau of Consular Affairs and Office of the Legal Advisor met with high officials of Austrian Ministries of Foreign Affairs and Justice in Vienna to discuss the case.
- 10/14/99—Assistant Secretary, Bureau of Consular Affairs, Mary Ryan testifies at the U.S. House International Relations Committee hearing on implementation of The Hague Convention on the Civil Aspects of International Child Abduction. She states: "Austria was found to be noncompliant due to an apparent lack of understanding in the Austrian judiciary about the aims of the Convention. This fact was most clearly illustrated in the case of Carina Sylvester, whose father, Thomas Sylvester, will be testifying today. The mother's refusal to comply with the return order has become the basis for the court's subsequent decision not to enforce the original return order. This outcome is a perversion of justice. The abducting parent must not be allowed to generate the justification for non-return of an abducted child."
- 9/13/00—U.S. Ambassador to Austria Kathryn Hall, Jan McMillan and Thomas Sylvester meet with the Austrian Minister of Justice in Vienna.
- 9/21/00—Secretary Albright meets with Thomas Sylvester in her office to discuss his case.
- 9/25/00—Secretary Albright calls to the Austrian Chancellor Schuessel to discuss the case.
- 11/08/00—Secretary Albright and U.S. Ambassador to Austria Kathryn Walt Hall meet with Austrian Foreign Minister Ferrero-Waldner and raise the Sylvester case.
- 11/26/00—Secretary Albright meets with Austrian Foreign Minister Ferrero-Waldner and the Austrian Chancellor Schuessel in Vienna and again raises the Sylvester case.
- 3/07/01—Secretary Powell remarks at the hearing before the House Committee on International Relations "These are terrible tragedies, each and every one of them, and these nations are acting irresponsibly. I was familiar with the Sylvester case."
- 3/22-28/01—Department of State sends a delegation to participate in the Fourth Special Commission to review the operation of The Hague Convention on the Civil Aspects of International Child Abduction at The Hague and raise the case.
- 6/27/02—Secretary of State Colin Powell meets with Thomas Sylvester in his office in Washington, D.C. Congressman Steve Chabot and Assistant Secretary Bureau of Legislative Affairs Paul Kelly are also in attendance. Secretary Powell promises to: (1) contact the Austrian Foreign Minister, (2) continue to be personally involved in the case, and (3) do everything in his power to help resolve the situation.
- 6/28/02—Secretary Powell contacts the Austrian Foreign Minister Ferrero-Waldner indicating to her his grave dissatisfaction with the status quo in the Sylvester case.
- 7/01/02—U.S. Ambassador to Austria Brown meets with the Austrian Minister of Justice Boehmdorfer to discuss the Sylvester case. Ambassador Brown hand delivers a letter dated June 10, 2002 which states: "This case poses a bilateral irritant to our countries' otherwise outstanding relations" and "I am sure you will agree with me that the Sylvester case needs a humane and just resolution."
- 1/14/03—Assistant Secretary Harty meets with Austrian Ambassador Moser to discuss the case of Carina Sylvester and urges the Austrian government to develop proposals to expand and normalize Tom Sylvester's access to his daughter. Ambassador Moser agreed to ask authorities in Vienna to help develop a workable access plan.
- 2/12/03—Secretary Powell hears remarks by Congressman Steve Chabot on the subject of international child abduction generally and the case of Carina Sylvester at the hearing before the House Committee on International Relations.

- 3/21/03—U.S. Embassy in Vienna personnel meet with officials of the Austrian Foreign Ministry to discuss the case per instruction from the Department of State to follow up on the meeting in Washington D.C. between Assistant Secretary Harty and Austrian Ambassador Moser on January 14, 2003. Jim Pettit, Consul General reviewed all of the many effort made thus far to obtain broader access rights, especially the right to unsupervised visitation both in Austria and the U.S. He told them that the Foreign Ministry needed to understand that this was an important bilateral issue and that the U.S. expected fresh ideas from the Austrian side on how to achieve these goals. The Austrians promised to look into the case further and provide a response to the U.S. Embassy and Washington in the near future.
- 3/26/03—Assistant Secretary Harty meets with Jan McMillan to further discuss the case.
- 5/02/03—Assistant Secretary Harty approves a diplomatic note to the Austrian Embassy in Washington D.C. forwarding a copy of The European Court of Human Rights unanimous decision which adjudicates Austria for its violation of human rights and respect for family rights in the Sylvester case, insisting that Austria urgently take steps to expand Thomas Sylvester's access to Carina Sylvester.

## APPENDIX 3

## CASE SUMMARY: ABDUCTION OF CARINA M. SYLVESTER

Thomas Sylvester married Austrian native Monika Rossmann in Cincinnati, Ohio in 1994. In that year, their only child, Carina, was born in Royal Oak, Michigan. When Carina was just 13 months old, Monika Sylvester abducted Carina from Michigan to Austria. On December 20, 1995, an Austrian trial court found Monika Sylvester to have violated the Hague Convention on the Civil Aspects of International Parental Child Abduction (Hague Convention), ordering her to immediately return Carina to Thomas Sylvester in Michigan as follows:

*The child's mother, Monika Sylvester, is ordered by otherwise forced action, to return Carina immediately to her father, Thomas Sylvester, in Michigan. . . . It should be expected from the child's mother, if she puts the well-being of the child higher than her own, that she returns with the child to the United States.*

Monika Sylvester refused to comply with the court order and did not voluntarily return Carina. She also ignored an Austrian court order requiring her to provide Thomas Sylvester with visitation with Carina on two occasions at Christmas that year. The Austrian Court of Appeals affirmed the order for Carina's immediate return. The Austrian Supreme Court likewise affirmed the return order stating:

*a return of the child to her father would not pose an immediate physical or psychological danger for the child . . . the goal is to restore the original conditions, until a decision about custody is made by the U.S. courts.*

Monika Sylvester ignored the appellate decisions and continued to refuse to comply with the return order. On May 10, 1996, Austrian judicial authorities made their sole attempt to enforce the return order by appearing at Monika Sylvester's house to ask for the child. They were unsuccessful when she denied that Carina was at home at the time.

In Michigan, Thomas Sylvester obtained a Judgment of Divorce on April 16, 1996 granting him sole physical custody of Carina in the U.S. Following the failure of the enforcement attempt in Austria, authorities in Michigan issued an indictment and warrant for Monika Sylvester's arrest for international parental kidnapping on May 29, 1996. Thereafter INTERPOL issued red and yellow notices.

In September 1996, at Monika Sylvester's request, the Austrian trial court agreed to reopen the Hague Convention case due to the passage of time. Although not permitted under the terms of the Hague Convention, an order was entered that the earlier return order would not be enforced and Carina would not be returned to the U.S. This order was based on the best interest of the child standard, stating that the child's best interests superseded the policies of the Hague Convention. That decision was affirmed by the Austrian Supreme Court stating that "*the concrete welfare of the child precedes over the aspired goal of the Hague Convention treaty.*" The Austrian trial court shortly thereafter awarded custody of Carina to the abductor and entered a child support order payable by Thomas Sylvester back to the date of the abduction. The Austrian courts insist that visitation with Carina be in Aus-

tria only and supervised by the child's mother for fear that Thomas Sylvester will abduct Carina to the U.S.

The European Court of Human Rights released its decision in the case of *Sylvester v. Republic of Austria* on April 24, 2003. The European Court determined that the Republic of Austria violated the human rights of both the father and daughter when it failed to enforce an order entered by the Austrian courts that Carina be returned to the United States under the Hague Convention on the Civil Aspects of International Child Abduction in December 1995. The European Court of Human Rights, the enforcement arm for the Convention for the Protection of Human Rights and Fundamental Freedoms in Europe, held that Austria had violated Mr. Sylvester's and Carina's fundamental right to a private family life by its failure to enforce the final Hague Convention return order. The decision of the seven-judge panel was unanimous.

Carina is now eight years old. She has lived in the home of her maternal grandparents in Graz, Austria for four of those five years, despite orders from both the U.S. and Austria that she be returned here. Monika Sylvester has been completely successful in derailing the workings of the Hague Convention in Austria. She wields absolute power over the Austrian and American courts, and Carina's life. Thomas Sylvester has seen Carina only occasionally under strict supervision since 1995.

#### APPENDIX 4

##### BIOGRAPHY

Thomas R. Sylvester was born in Covington, Kentucky on September 14, 1953 and is currently 49 years of age. He was raised in Cincinnati, Ohio and graduated from Ohio State University with a BSBA in 1975. He earned his MBA from the University of Cincinnati in 1976.

Mr. Sylvester is a business executive with extensive domestic and international experience in the automotive industry. He has achieved successful results in start-up activities in Asia, South America and Europe. He lived and worked in four countries over a 10-year period while an executive with Chrysler Corporation. He currently resides in Cincinnati, Ohio.

Mr. Sylvester married the former Monika Rossmann in Cincinnati, Ohio on April 4, 1994. His only child Carina Sylvester was born in Royal Oak, Michigan on September 11, 1994. Mr. Sylvester divorced Ms. Sylvester April 16, 1996.

Mr. Sylvester has testified before the U.S. Senate Committee on Foreign Relations and the U.S. House of Representatives Committee on International Relations regarding international parental child abduction. He addressed the White House Conference on Missing Children on the topic of international parental child abduction. His case has appeared in Reader's Digest, on the front page of local newspapers and has been covered in other publications throughout the country. He has been on ABC Nightline and CNN.

Carina M. Sylvester was born in Royal Oak, Michigan on September 11, 1994. She is now eight years old. Carina had not yet begun to speak at the time of her abduction to Austria by her mother on October 30, 1995. She now speaks only German and has lived in Austria with her mother and maternal grandparents since the abduction. From 1995 through 2002, she has been permitted to visit with her father on only 27 days in a supervised setting. She has only come to know her father as an infrequent visitor and cannot effectively communicate with her father whose spoken German has declined since his last assignment to a German-speaking country in the early 90s.

Monika M. Sylvester was born in Graz, Austria, as Monika Rossmann on April 29, 1962 and is currently 41 years old. Ms. Sylvester met her husband in 1990 when she was employed as his secretary in Graz, Austria. She married Mr. Sylvester on April 4, 1994 in Ohio. Her only child, Carina, was born in Royal Oak, Michigan on September 11, 1994. On October 30, 1995, Ms. Sylvester abducted Carina from her home in Michigan, taking her to Austria without Mr. Sylvester's knowledge and consent.

Since the abduction, Ms. Sylvester has lived with Carina in her parents' home in Austria. She has been completely successful in derailing the workings of the Hague Convention in Austria. She wields absolute power over the Austrian and American courts, and Carina's life.

---

## RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD

RESPONSES OF HON. MAURA HARTY, ASSISTANT SECRETARY OF STATE, BUREAU OF CONSULAR AFFAIRS, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question 1.* If an American child is determined to be at risk of being abducted to Saudi Arabia, a country that refuses to return abducted American children, what safeguards would you recommend that a U.S. Family Law Court implement to protect this American child?

Answer. State Department personnel are prohibited from discussing cases with judges or other court officials. Any conversations we have about a child custody case would be with the parents and/or their attorneys. In any custody case where a parent was concerned about an abduction, we would likely recommend that the parent seek appropriate custody and other orders to restrain the travel of the child. If the case involved a dual national child, we would likely recommend that a copy of the subsequent court order be sent to the appropriate foreign embassy, though we would caution that passport issuances by that embassy are governed by the laws of its own government. We would also recommend that a copy of the court order be sent to airline companies, which service the possible destination country. Finally, and irrespective of any court activity, we would strongly recommend to any parents fearing abduction of their U.S. citizen children that they enter their children's names in the Children's Passport Issuance Alert Program (CPIAP).

*Question 2.* If an American child is determined to be at risk of being abducted to Syria, another country that refuses to return abducted American children and a State Department-designated "state sponsor of international terrorism", what safeguards would you recommend that a U.S. Family Law Court implement to protect this American child?

Answer. State Department personnel are prohibited from discussing cases with judges or other court officials. Any conversations we have about a child custody case would be with the parents and/or their attorneys. In any custody case where a parent was concerned about an abduction, we would likely recommend that the parent seek appropriate custody and, other orders to restrain the travel of the child. If the case involved a dual national child, we would likely recommend that a copy of the subsequent court order be sent to the appropriate foreign embassy, though we would caution that passport issuances by that embassy are governed by the laws of its own government. We would also recommend that a copy of the court order be sent to airline companies, which service the possible destination country.

Finally, and irrespective of any court activity, we would strongly recommend to any parents fearing abduction of their U.S. citizen children that they enter their children's names in the Children's Passport Issuance Alert Program (CPIAP).

*Question 3.* Do you think it is reasonable to advise an American parent concerned about the abduction of his/her children to an Islamic Law country to go through the time, energy and money to try to obtain a Mirror Order in that country?

Answer. Our advice in this regard would depend on the particular case. There are circumstances in which such an order could help provide legal grounds for the return of a child.

*Question 4.* What can the Department of State do to assist parents in giving official notice to foreign embassies in a case where a U.S. court has prohibited issuance of a passport to a child the court believes is at risk of abduction? Is it standard procedure for the Department of State to submit a Diplomatic Note serving as official notice? If it is not standard procedure, why not?

Answer. When requested, the Department assists parents in contacting foreign embassies about these matters. We typically recommend that parents contact the appropriate foreign embassy directly to convey information and documentation about such a case and, when necessary, we have contacted the foreign embassy to facilitate parental contact. Passport issuances by a foreign embassy are guided by the laws of that embassy's government, so a U.S. court order cannot be enforced on a foreign embassy. That said, the Department believes foreign embassies should be aware of U.S. court orders concerning passport issuances to minor children and consider such orders in deciding whether a passport should be issued.

*Question 5.* What can the U.S. Government do about a foreign embassy or diplomat that issues a passport for a dual-national American child, who is later abducted; if evidence is presented that a parent, attorney, or U.S. court provided that embassy with court orders prohibiting issuance of a passport for that child?

Answer. Issuance of passports by a foreign embassy is guided by the laws of that embassy's government. The issuance of foreign passports is not governed by U.S. law. While the United States Government can help parents and local authorities inform foreign embassies of court orders related to a passport application, the U.S. Government has no authority to prevent a foreign government from issuing a passport to one of its citizens, even a dual national.

*Question 6.* Please provide a list of cases where a parent has submitted court orders to the Department of State because they fear that their child may be internationally abducted. Include case number, parties' names; court, county and state; foreign country involved and indicate whether supervised visitation was ordered or whether the child was abduction (if abducted, date of abduction and age of child).

Answer. The Department of State does not have that kind of information readily available for the more than 26,000 entries in the Children's Passport Alert Program (CPIAP) and active parental child abduction case files. Court orders are not required and, in fact, rarely submitted for a CPIAP entry to be made, but become relevant at such time as a passport application is submitted on behalf of the child. Court orders are also not required for an active abduction case to be established with the Abduction Unit.

*Question 7.* Is CA willing to strengthen the language on their Web site regarding the need for U.S. courts to order supervised visitation (by an independent visitation center) and sole custody when children are at risk of being abducted to Islamic Law countries?

Answer. The Bureau of Consular Affairs (CA) reviews on an ongoing basis the information provided on our Web site to ensure that we best inform members of the public about the potential for international parental child abduction and various prevention measures available to protect children at risk of abduction. CA gathers and posts information about foreign country laws and practices that might either increase the risk of international parental abduction or lead to the unlawful retention of a child. For example, we have flyers on both Sharia Law and Marriage to Saudis that provide information relevant to custody issues and parental rights. We encourage parents and their attorneys to bring potential risk factors to the attention of relevant U.S. courts. We strongly advise parents to share with courts hearing custody or access cases the information the Department posts regarding foreign country laws and practices, particularly for those countries with laws that could hinder recognition or enforcement of a U.S. court order; pose barriers to a U.S. parent's ability to maintain access to his/her child; prevent the return of a child to a parent; or otherwise hinder the operation of a U.S. court custody decision. We will continue to review and update the information provided on our Web site to assist parents, attorneys, judges and others to understand obstacles posed in certain countries to enforcement of U.S. orders.

*Question 8.* Both California and Texas have now enacted laws enabling courts—where there is substantial, credible risk of international parental abduction—to order that only supervised visitation may take place between the child(ren) and the non-custodial parent either in the presence of a third party or in a designated "safe house." Could the Department list both laws under the "Legislation" section on its otherwise thorough Web page?

Answer. We appreciate this useful suggestion and have added the links to our Web page.

*Question 9.* I commend the Department of State for reinstating information on "Marriage to Saudis" on its Web site. What other ways do you believe the Department of State can help advise American women prior to marrying a national of an Islamic Law country about the impact on their and their children's lives, e.g. that their children would be considered nationals of that country subject to their laws, and that American women and children can be restricted from exiting. (For example, "provide them a fact sheet when they apply for a Fiancé Visa?")

Answer. The Bureau of Consular Affairs, through our Consular Information and Outreach Programs, attempts to provide all interested Americans with factual information that will enable them to make informed decisions about potential risks in traveling or living overseas. The interpretation and application of Islamic law varies widely from country to country. The Marriage to Saudis leaflet states that "The information in this circular relating to the legal requirements of specific foreign countries is obtained from past experience and is not necessarily authoritative. Questions involving interpretation of specific foreign laws should be addressed to foreign counsel."

We have posted general information on marrying abroad on the State Department Web site, with links to specific information on many countries. We also have a flyer entitled "Islamic Family Law" that is a basic primer on marrying into a Muslim family. Again, since practices vary so much from country to country, and within a country, we can only provide a general guide. We encourage Americans to consult a lawyer on specific laws and regulations in different countries.

The Department of State is always looking for new ways to provide information to Americans traveling and living abroad. We will soon include a flyer with contact information for the State Department and our Web site with all new passports. The passports, themselves, will soon have the Department of State's Web site address—*www.travel.state.gov* printed on the inside cover. We would welcome suggestions on this subject from any interested member of the ommittee.

*Question 10.* Has Department of State staff or contractor provided expert testimony in court cases regarding international parental child abduction? If so, please provide a list of all cases, with cause number, parties' names; court, county and state; foreign country involved; Department employee or contractor who testified; and dates of testimony.

Answer. Department staff and contractors have not provided such testimony.

*Question 11.* Has Department of State staff or contractors made public presentations regarding international parental child abduction? If so, please provide a list including name of presentation, contact information for sponsoring organization, date, and name(s) of Department employee/contractor(s) who presented.

Answer. Department of State representatives, including employees in the Office of Children's Issues, often speak publicly as part of our outreach efforts. This includes presentations at meetings and conferences held by bar associations; judicial training programs; and Town Hall meetings for left-behind parents. We believe such outreach to be an important function in our efforts to increase awareness of the issue of international parental child abduction, and inform the public of the resources available in combating the problem.

*Question 12.* What more can the State Department do with regard to improving the dissemination of information and training programs for U.S. Family Law courts and individual State Bar Associations on this issue (e.g., through the National Council for Juvenile and Family Law Judges, American Bar Association, etc.?).

Answer. We agree that additional outreach and training for U.S. judges is important to U.S. Government efforts to address the problem of international parental child abduction. Working with other U.S. Government agencies as well as judicial and legal associations, we participate in training programs on a regular basis, and will continue to do so. We also provide informational materials to judges and attorneys through our Web site, and will be exploring ways to make these materials more useful.

*Question 13.* How many abducted American children remain in:  
Saudi Arabia?  
Syria?  
all other Islamic Law countries?

Answer. Although your question refers specifically to abducted children, in order to be most responsive, we are providing information on abduction and access cases in which Department assistance has been requested. Current active abduction and access case records maintained by the Office of Children's Issues as of mid-September 2003 identify 35 U.S. citizen children under 18 years of age who remain in Saudi Arabia and 30 who remain in Syria. Most, but not all, of these children were abducted from the United States or are retained abroad against a U.S. parent's wishes. Active cases involving another 137 U.S. citizen children remaining in other non-Hague Convention countries in the rest of the Middle East. The Office of Children's Issues has reports of 24 abducted or wrongfully retained children in the South and Southeast Asian countries of Bangladesh, Indonesia, Malaysia and Pakistan, where custody decisions are often based on Islamic legal principles.

*Question 14.* Have any children been returned from Saudi Arabia, Syria, and other Islamic Law countries through legal means (not those arranged privately by the parents)? Please provide specifics on those cases.

Answer. During the past twelve months, approximately thirty-five children have been returned from countries in which Islamic Law predominates, including Saudi Arabia, Jordan, Egypt, Lebanon, the West Bank, and Indonesia. The circumstances leading to the return of these children included law enforcement efforts (arrest in the U.S. of the abducting parent), U.S. Embassy intercession to facilitate the return

of the children, action by the left-behind parent to bring the children back without the abducting parent's consent and, in one case involving two children, direct assistance from the host government when there was credible evidence of neglect by the abducting parent. Most of the cases involved some form of Department assistance in facilitating the return, including one or more of the following: temporary Embassy refuge, escort, travel documentation, and access to USC crime victim assistance.

*Question 15.* What is the Department of State doing about the case of Amjad Radwan (b. 1983), a U.S. citizen (daughter of U.S. Citizen Monica Stowers) who would like to have the ability to leave Saudi Arabia but is being denied that right?

*Answer.* We are holding the Government of Saudi Arabia to a commitment made in September 2002 that adult American women would be free to travel out of Saudi Arabia to the U.S. We have raised several such cases with the Foreign Minister. To date, five American women have received exit visas, several more have been promised permission to leave should they request it, and one woman has departed Saudi Arabia against the wishes of her male guardian, after receiving exit permission from the Government of Saudi Arabia.

The Government of Saudi Arabia issued Ms. Radwan an exit visa to travel to the U.S. in September 2002, but she chose not to travel at that time. Ms. Radwan attempted to travel with her uncle to Bahrain recently, but Saudi border guards prevented her departure. The Embassy has repeatedly tried to contact Ms. Radwan and her mother by telephone and in writing to see if she needs further assistance. Ms. Radwan has not returned our messages. We stand ready to offer any and all consular services to her, including assistance in departing Saudi Arabia if she wishes to do so.

*Question 16.* In response to Question for the Record number 2 for House hearings on October 2, 2002, the Department of State reported that only one visa request has been denied in Saudi Arabia to an abductor since 8 U.S.C. §1182(a)(10)(C)(ii) was added to the U.S. Immigration and Naturalization Act in October 1998. What are the latest figures and why haven't more visas been denied?

*Answer.* A check of our look-out system shows that there are nine entries of various nationalities indicating potential inadmissibility under 212(a)(10)(C)(ii).

In order to deny someone a visa under section 212(a)(10)(C)(ii), they must first make an application. We believe that many of those who have abducted American citizen children abroad, or family members who have aided or abetted an abduction, are reluctant to apply for U.S. visas. Others may not require visas for travel to the U.S., either because they are legal permanent residents or already possess U.S. citizenship. This may account for the relatively low number of denials under this provision.

In addition, however, our ability to use this provision is often dependent upon: (a) the left-behind parent or other person choosing to make the Department of State aware of the abduction; or (b) the left-behind parent or other person choosing to provide us with information sufficient to identify persons potentially inadmissible under the INA.

The relatively few visa denials under Section 212(a)(10)(C)(ii) should therefore not be seen as an indicator of our determination to use this provision of the law against child abductors. On the contrary, we have made it clear that we will use every legal tool at our disposal to resolve cases of international parental child abduction, including denial of visas to abductors and those who aid and abet them.

*Question 17.* The Department of State Web site states that "one important factor in obtaining custody in Syria is whether the Syrian parent has registered either the marriage or the child's birth with Syrian authorities." What can the Department of State do to assist parents in obtaining this information? Is CA willing to add to this Web page the fact that even if the child has not been registered at the time of inquiry, the Syrian parent can register the child at any time thereafter, and obtain a Syrian passport for the child, without notice to the other parent?

*Answer.* The Department of State can attempt to verify whether a marriage or a child's birth has been registered with Syrian authorities. The parent would need to provide us with specific information, such as the child's full name, including the father's complete family name and a date of marriage and where the marriage ceremony was performed. Syrian authorities may decline to provide us with this verification, but we are willing to try on behalf of an American citizen.

We welcome your suggestion that we update the country flyer on Syria concerning child registration and passport issuance to reflect the fact that a Syrian parent can register the child at any time to obtain a Syrian passport for the child, without no-

tice to the other parent. We will confirm that this is the case in Syria, and if so, will add that information to the flyer.

*Question 18.* There is concern about the fact that an individual associated with, or recommended by, the Department of State's Bureau of Consular Affairs works to undermine efforts to prevent abduction. According to an e-mail from the Office of Children's Issues dated 8/15/02, staff recommend Kristine Uhlman as "an excellent resource and can help you with things like changing your name and preventing an abduction." It is unclear what criteria the Department of State uses to make these types of recommendations. Kristine Uhlman herself in court testimony represents herself as a consultant to the Department of State. However, in the case of *Lauderdale v. Kabbani* in Houston, TX in 2002, she represented a dual national Syrian who had threatened to abduct their two young daughters, against an American mother who was concerned for the girls' safety and was requesting protection from the court. Please clarify what Ms. Kristine Uhlman's affiliation is with the Department of State, past and present.

*Answer.* We are not aware of the referenced email, or the context in which it was sent. Along with several other left-behind parents, on two occasions Ms. Uhlman has spoken about her experience with international parental child abduction to consular officers enrolled in the State Department's advanced Consular training course. She has not had and does not have any other affiliation with the Department of State.

*Question 19.* Can you describe for us how the abduction process works in reverse, in other words, when parents abduct their children from their home of residence overseas and bring them here to the United States? What is the Department's role in these cases and how many are there? How many children have been returned from the U.S. to their country of habitual residence?

*Answer.* In cases where the country of the child's habitual residence does not have a treaty relationship with the United States under the 1980 Hague Convention on the Civil Aspects of International Child Abduction ("the Convention"), the Department of State's Office of Children's Issues generally is not directly involved in the case. Instead, the parent may seek the assistance of an attorney in pursuing U.S. court enforcement of a foreign custody order or a U.S. custody ruling. The parent may seek his or her own government's assistance in checking on the child's welfare or in working through local law enforcement to initiate appropriate INTERPOL alerts regarding the child and or the taking parent. The parent may also seek the assistance of the National Center for Missing and Exploited Children to locate the child or file a request with the Office of Children's Issues that he or she be notified if a U.S. Passport application is filed for a U.S. citizen child.

In cases involving a child whose habitual residence is in a country that does have a Hague Convention treaty relationship with the United States, federal regulations specify that the National Center for Missing and Exploited Children Act will act under the direction of the Department's Office of Children's Issues (the U.S. Central Authority under the Convention) to receive and process Hague return and access applications. However, not all such Hague applications for access or return are processed through the National Center. Under the Convention, the requestor may either file the Hague application with the Central Authority of the country where the child is believed to be located or directly with a competent court. In the U.S., applications may be submitted to either the federal or state court in the area where the child is located. The National Center is not always aware of cases not submitted through their office for processing.

The National Center's International Division vets Hague applications submitted to them, helps locate a child whose U.S. whereabouts are unknown, and provides the foreign parent with information about obtaining legal representation to file a return or access request with an appropriate U.S. court. The National Center also provides the foreign Central Authority in the country of habitual residence with status reports on the progress of the return application through the U.S. courts.

Statistics on total returns of children from the United States to their countries of habitual residence are not available. However, National Center case records for recent years indicate that the following numbers of children were returned to fellow Hague Convention countries after a Hague application was received by the National Center:

Year	Court Ordered Return	Voluntary or Negotiated Return	Total
2000	80	99	179

Year	Court Ordered Return	Voluntary or Negotiated Return	Total
2001	109	67	176
2002	85	84	169

*Question 20.* Has the regulation requiring both parents' consent for a child to obtain a U.S. passport, or for a single parent to prove that they have sole custody helped prevent abductions, or are there easy way around this provision?

Answer. We believe that the regulation, which has been in place since July 2, 2001, has helped to prevent international child abductions. However, the new requirement is not fool proof and we are aware of a number of cases where the provision's existence has not prevented a determined parent from obtaining passports without the required consent. Moreover, the requirement does not prevent parents of dual-national children from applying for and receiving passports of their other nationality, if they are entitled to do so.

The Children's Passport Issuance Alert Program (CPIAP) is a valuable additional tool that assists parents to prevent passport issuance to U.S. citizen children at risk of international abduction. Once a child is enrolled in the program, a requesting parent will receive notification if a U.S. Passport Agency or a U.S. embassy or consulate abroad receives a passport application for that child. Information about the program is posted on the CA Web site and discussed with parents who contact the Office of Children's Issues or U.S. consular sections abroad to express concern about possible international abduction. The Office of Children's Issues, which processes requests for enrollment in the program, receives hundreds of new enrollment requests each year. Parents are encouraged to enroll their children to prevent U.S. passport issuance to a minor child without their knowledge.

*Question 21.* How much training do junior Consular Officers receive prior to their assignments overseas? What about more senior Consular Officers and Deputy Chiefs of Mission?

Answer. Officers going to consular assignments for the first time are trained for International Parental Child Abduction (IPCA) work as part of the "American Citizens Services" component of the Basic Consular Course. Our Consular Training Division is presently working on a separate module, to be included in the Basic Course, focused entirely on international parental child abduction. Mid-level officers going to assignments as consular managers take a three-week consular management course that includes a session on international parental child abduction. Finally, either the Assistant Secretary for Consular Affairs or a Deputy Assistant Secretary addresses the subject in both the Ambassadorial and Deputy Chief of Mission Seminars.

*Question 22.* How are U.S. customs and immigration officials alerted to parental child abductors, or their agents, at points of entry?

Answer. U.S. border inspectors currently have access to namecheck data bases that can alert them to foreign citizens applying for U.S. entry who are ineligible for visas as child abductors. In addition, passports of all travelers arriving at U.S. ports of entry can be namechecked against data that includes fugitives and individuals with outstanding federal warrants against them. While it is important to be able to identify abductors when they attempt re-entry to the United States, it is even more important to prevent international abductions in the first place.

The Department of Homeland Security is developing U.S. entry/exit controls and we have highlighted to them areas in which new controls could assist law enforcement agencies to prevent the departure of an abducted child (or runaway) child. We remain engaged with the Department of Homeland Security and other agencies tasked with creating an effective entry/exit control system to ensure that it includes the ability to intercept children and their abductors before they depart the U.S.

*Question 23.* Israel is the only country in the Middle East that has ratified the Hague Convention. In the five years, how many involving U.S. children abducted to Israel have been resolved with the return of the child(ren) to the U.S. parent? What is the status of the children of Jonah Gelernter, who were abducted to Israel by his wife even though he was awarded custody by a U.S. judge? What has been the level of Israeli cooperation in this and other cases?

Answer. In the last five years, the Office of Children's Issues is aware of thirty-seven children who have been returned to the United States from Israel. There may be other returns of which we are not aware because the parent filed directly, through an attorney, with an Israeli civil court. Concerning the status of the children of Jonah Gelernter, the Israeli court issued an order of return on November 24, 1998. On January 13, 1999, after attempts to locate the children and their mother had failed, the Court issued another order instructing the police to locate the children. To date, all efforts undertaken by Israeli police have failed to locate the children. The level of Israeli cooperation in this and other cases is good.

---

RESPONSES OF HON. MAURA HARTY, ASSISTANT SECRETARY OF STATE, BUREAU OF CONSULAR AFFAIRS, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR SAM BROWNBACK

*Question 1.* Please submit the agreement(s) we have with Saudi Arabia regarding child abductions?

Answer. Saudi Arabia is not a party to the Hague Convention on the Civil Aspects of International Child Abduction, nor are there international or bilateral treaties in force between Saudi Arabia and the United States dealing with international parental child abduction.

We are working with the Saudi Government on a bilateral proposal for consular cooperation to improve access by parents to their children in our respective countries. A final text has not yet been agreed.

*Question 2.* Who, specifically, was involved in the decision to remove Sweden from the three lists of countries about which the U.S. has "concern" regarding Hague compliance in the report submitted to Congress this year, even though at least 14 U.S. citizen children are still held in Sweden? And, what role did foreign policy considerations play with regard to the listing of particular countries in various categories as Hague "violators" or "partially compliant" or "of concern"?

Answer. The decision to remove Sweden from the list of countries considered non-compliant, not fully compliant or of concern was not a decision made by any one person. The evaluation of each country's performance was made in consultation with appropriate offices in the Department and the relevant posts abroad. Assistant Secretary Harty cleared the final report.

Sweden was listed in our first compliance report in 1999 as noncompliant. At the time of the first compliance report, Sweden had recently demonstrated a pattern of delay in locating abducted children and had denied the return of a child notwithstanding a pre-existing U. S. court order that included a consensual agreement that the U.S. would remain the child's state of habitual residence and the U.S. state court would maintain exclusive jurisdiction to resolve future custody issues. In 2000, Sweden was listed as not fully compliant, reflecting ongoing difficulty with certain cases, but also progress made in resolving some cases and returning children. In the 2001 report, Sweden was listed as a country of concern. Although more children previously abducted to Sweden were returned to the U.S., concerns remained regarding Sweden's commitment to locate abducted children expeditiously and to enforce return and access orders issued under the Convention.

The 2001 compliance report was the last report to provide specific discussion of problems related to individual return cases. The removal of Sweden from the categories of noncompliant and not fully compliant in 2001 reflected the extent to which Sweden had been responsive to the concerns raised in earlier reports when processing new Hague applications during the reporting period. A review of Sweden's performance in 2001 and 2002 in response to new return requests forwarded by the U.S. Central Authority indicated no issues of concern related to recent action taken on those cases and led to Sweden's removal from the list of countries of concern. As noted in the 2003 report, the Office of Children's Issues continues to monitor closely Sweden's actions in each new case.

As the compliance report is now issued on a yearly basis, successive reports have become a means to evaluate actions taken during the reporting period on cases of which the Department is aware and to reflect sustained, improved or deteriorating performance according to cases processed during the reporting period compared with a country's earlier actions.

Several parents of children who are currently the subject of non-Hague custody and access proceedings in Sweden have voiced concerns that more U.S. citizen children in Sweden require Department action on their cases. We stand ready to work with parents and encourage left-behind parents to contact the Office of Children's

Issues to request appropriate assistance. Future Compliance Reports will also include discussion of how countries enforce access orders.

*Question 3.* Why was the description of Amanda Johnson's case, which appeared in the three previous reports, deleted altogether from the 2003 Hague compliance report? And who, specifically, was involved in that decision, and who made the final decision?

*Answer.* In deciding what case discussions to include in the main body of the 2003 compliance report, an evaluation was made based on a country's recent performance and whether discussion of a specific case would illustrate a particular problem that currently exists. It was not a decision made by any one person, but in consultation with appropriate offices in the Department and the relevant posts abroad. Assistant Secretary Harty cleared the final report.

In the Amanda Johnson case, Mr. Johnson's Hague return application was considered by the Swedish courts in 1995 and 1996. The Department protested the Supreme Administrative Court's May 1996 decision to deny Amanda's return. Since then, Mr. Johnson has pursued non-Hague custody and visitation proceedings in the Swedish courts. Embassy and Department officials have discussed Mr. Johnson's case with him. We stand ready to work with Mr. Johnson in support of his efforts to have improved access and contact with Amanda.

*Question 4.* Exactly how many children have been abducted, year-by-year, since 1980? How many children have been returned, year-by-year, since 1980? How many cases are considered active?

*Answer.* The Department of State began collecting statistics on international parental child abductions in 1996, but these statistics reflect only those cases reported to us. Parents are not obliged to inform the Department of State or any other government agency when they initiate inquiries and actions to seek the return of a child taken abroad. In countries that are not party to the 1980 Convention on the Civil Aspects of International Child Abduction (the "Hague Abduction Convention"), legal remedies involve filings in foreign courts for which no Department of State or U.S. embassy intervention is required. Some parents attempt to settle disputes involving children through private civil extra-judicial methods like mediation and reconciliation without requesting assistance or informing the Department.

When the Office of Children's Issues was created in 1994, it created a database primarily geared toward tracking action taken in a particular case rather than collection of statistics for reporting purposes. Beginning in 1996 the Office restructured the database to count the number of cases opened and closed, but did not reflect why a case was closed. Cases were closed when a child was returned to the United States but they were also closed for a variety of other reasons, such as the U. S.-resident parent withdrawing the request for return or the parent's decision not to pursue a case after a foreign court denied return. During this period, each case opened or closed represented one child. A case opened in one year may have been closed that same year or in a subsequent year. Thus, it is possible for the number of closed cases to exceed the number of open cases, as occurred in 1999. As already stated, the number of "closed" cases does not necessarily mean the children were returned.

The pre-2000 database provides the following information about known abduction/retention cases:

Year	Cases Created	Cases Closed (for any reason)
1996	67	10
1997	338	280
1998	401	398
1999	410	441

In 2000, the Office of Children's Issues began using a new case management tracking system to monitor international parental child abductions known to the Department. The chart below summarizes the data from this tracking system.

Year	Children Abducted Unlawfully Retained	Children Returned
2000	510	146
2001	557	280

Year	Children Abducted Unlawfully Retained	Children Returned
2002	455	190
2003 <sup>1</sup>	169	102

<sup>1</sup> January-early August 2003

Again, these figures only reflect cases and events that have been reported to the Department's Office of Children's Issues. The totals may not reflect instances where the child has been returned but the return was not reported to the Department.

The Department continues to work on enhancing its statistics gathering capability.

*Question 5.* How does the State Department make the determination that a case is still active? Can a U.S. citizen child abducted to a foreign country be considered no longer active even if the child has not been returned to the U.S.?

*Answer.* An abduction or access case remains active as long as the child remains abroad, and the left-behind parent, working with the Office of Children's Issues, continues to pursue the child's return or access to the child through various possible remedies. There are also instances where the Office of Children's Issues, working with the parent, will open an active prevention case even after a child's return to the U.S.

Circumstances under which the Office of Children's Issues closes cases include: (1) the child returns to the U.S.; (2) the left-behind parent requests that the case be closed; (3) the left-behind parent cannot be located for over two years, despite efforts to maintain contact; or (4) the child turns age 18, at which point the Bureau of Consular Affairs would maintain interest in the person's welfare, but he/she would be treated as an adult and handled by the Office of American Citizens' Services (ACS).

*Question 6.* In the State Department's annual Hague Convention compliance reports to Congress, why has Consular Affairs decided to consider cases "resolved"—and thus not reportable to Congress—as soon as the foreign government makes a final decision not to return a child?

*Answer.* The Office of Children's Issues reports as "resolved" cases that are determined by the U.S. Central Authority to be "closed" as Hague cases or "inactive." This is a technical designation, and does not necessarily mean an end to the Department's involvement in seeking a resolution. Like other signatory countries, the U.S. Central Authority closes or inactivates Hague cases for a variety of reasons. These include: return of child; parental reconciliation; withdrawal of a request for assistance; inability to contact the requesting parent after numerous attempts over a two-year period; exhaustion of all judicial remedies pursuant to the Convention; or access rights granted and enforced. In all such cases, regardless of the outcome, no further proceedings pursuant to the Convention are anticipated. Considering these cases "resolved" and closing them as Convention cases is consistent with the practice of other Convention signatories. More specifically, we will close a Hague case if the circumstances definitively require it, such as the return of a child or upon the specific request of the parent. We will "inactivate" a case when, in the absence of such definitive circumstances, the facts of the case do not allow, or the parent does not permit, a further reasonable pursuit of central aspects of the case. Two years after inactivation, and in the absence of further relevant initiatives by the left-behind parent, the case will be closed.

The exhaustion of all judicial remedies pursuant to the Convention may result in a case that is "closed" under the terms of the Convention, but that has been resolved in a way that is unsatisfactory to the U.S. and the left-behind parent. The resolution of the case may or may not have been consistent with the Convention's requirements, independent of whether the left-behind parent is satisfied. Even when the Hague return aspects of a case have been closed, however, the U.S. Central Authority stands ready to provide assistance to the left-behind parent by facilitating access (which may be sought under or independently of the Convention), reporting on the welfare of the child, or assisting the parent to achieve a more satisfactory solution. When a foreign court decision on the Hague aspects of a case indicates a disregard for or failure to properly apply the Convention's provisions, the U.S. Department of State may register its concern and dissatisfaction with the decision through the Foreign Central Authority or diplomatic channels. The Secretary of

State, other senior Department officials and U.S. Ambassadors have raised international parental child abduction issues and specific cases with foreign government officials on numerous occasions.

We work with the left-behind parent to determine whether there are further actions, for example the pursuit of an access order or mediation between the parents, with which the Office of Children's Issues can assist. If the parent wishes to pursue other avenues for access to or return of their child, we stand ready to provide appropriate assistance. There have been cases where left-behind parents have continued to pursue custody or access in foreign courts and not kept the Office of Children's Issues informed or requested any assistance. In such cases, and in the absence of information from the parent on these actions, the case will be "closed" to enable our officers to focus their attention on those cases in which their involvement and assistance has been requested.

*Question 7.* Which countries have the means in their legal systems to enforce access/visitation or actual return orders for abducted American children? Why is such a listing not on the State Department's Web site and why is it not included in the Hague compliance reports despite congressional interest in this point?

Answer. The Department of State continues to gather information regarding family law procedures in Hague partner countries. For many of our 52 partners, this information has been posted in country-specific flyers on the Department of State Web site. We realize that a number of our Hague partners are not currently covered by a flyer and we have requested information from our embassies and consulates in Hague partner countries' to enhance the information that we make available on those partner countries. The Hague Compliance Report covers problems with Hague partner countries enforcement or other problems in their ability to meet their Hague treaty obligations.

*Question 8.* Do you agree that left-behind American parents of abducted children have a right to know (and see in documentary form) everything their government has done or failed to do to bring their children home? If so, how do you explain the extreme difficulties and delays experienced in this area (including Freedom of Information Act requests) by American parents? For parents who sign a Privacy Act waiver, will you make a commitment to make case files completely open and available to left-behind parents, and to share them with NCMEC if the parents so request?

Answer. We do agree that left-behind U.S. citizen parents have a right to know what their government has done and is continuing to do on their behalf to secure the return of their abducted children.

Difficulties parents may have experienced obtaining copies of records relating to their children have been due primarily to the many requests for information that have been submitted to the Department. The Department is actively engaged in attempting to reduce the backlog of both Freedom of Information Act and Privacy Act requests.

We can assure you that parents who sign Privacy Act waivers on behalf of their minor children have been able and will continue to be able to access their children's files in a manner consistent with the provisions of the Privacy Act. We would have no objection to sharing information with the NCMEC at the behest of the left-behind parents as we currently share such information with the Center pursuant to the Privacy Act's "routine use" condition of disclosure.

*Question 9.* How do you explain the disparity in Hague Convention return rates between the U.S. (90 percent) and civil law countries (i.e. countries other than the UK, Canada and Australia), where it is probably less than 20 percent? What pressure does the State Department bring to bear on such governments and how is this decision affected by foreign policy considerations?

Answer. Each return application case involves unique circumstances and a decision to return or deny return must be based on the issues raised in each individual case. For that reason, we believe it is misleading to look only at the statistic of how many times a court denied return versus how many returns were granted. Under the Hague Convention there are legitimate reasons for a court to deny a child's return. Over time, some Hague Convention partner countries and their courts have taken positive steps to educate local government and judicial officials, with the result that there has been a decrease in the number of returns that are denied for reasons that are inconsistent with the aims of the Convention.

When a foreign court denies the return of a child under the Hague Convention, the Department reviews the text of the court's decision to determine if the reason(s) given for denial are permitted under the Convention. In cases where the Department determines that a court decision conflicts with the principles and objectives

of the Convention, the Department voices its concerns to the foreign Central Authority that coordinates implementation of the Convention and requests foreign Central Authority assistance in pursuing available remedies, such as appeals.

In some instances, courts hearing Hague return applications inappropriately consider custody issues that should be reserved for consideration in the courts in the child's habitual residence. Compliance can be improved by educating judges about the Hague Convention. The Department has been working with The Hague Permanent Bureau and countries such as the United Kingdom, Germany, Australia and Mexico to provide judicial training workshops that improve judicial understanding of the Convention. This fall we hope to expand this effort to include judges from several other European countries.

*Question 10.* Why did the State Department exclude American left-behind parents from the U.S. Delegation to the 2001 Hague Convention Review Conference?

Answer. The considerations that go into putting together a delegation vary, but generally include considerations of size and the most effective way to represent the interests of the United States. In the case of the 2001 Hague Special Commission Meeting, when several left-behind parents expressed an interest in participating on the U.S. delegation, we did not have a mechanism to select just one or two parents in a way that was equitable and that would be accepted by those parents not selected to participate.

We do recognize, however, that there may be Special Commission Meetings at which parents' views and participation would be valuable to the U.S. delegation. Parents are also able to attend such meetings, regardless of the topic to be discussed, as part of non-governmental organizations' delegations.

---

RESPONSES OF HON. MAURA HARTY, ASSISTANT SECRETARY OF STATE, BUREAU OF CONSULAR AFFAIRS, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR GEORGE V. VOINOVICH

*Question 1.* As Austria has been adjudicated as having violated the human rights of Thomas and Carina Sylvester, what specific actions will the Office of Children's Issue take to persuade the Austrian Government to assist in the return of Carina Sylvester to the United States—even if for just a visit to her father? How quickly will your plans be implemented?

Answer. We are extremely frustrated by the Austrian Government's non-responsiveness on the Sylvester case. Secretary Powell, Ambassador Brown, and many others have emphasized to all levels of the Austrian Government the importance of restoring meaningful contact between Tom and Carina Sylvester. Vienna has responded by offering up arguments that have been refuted or conditions that Mr. Sylvester has already met or agreed to meet in return for reasonable access to his daughter.

One of my first meetings as Assistant Secretary was with the Austrian Ambassador. I pressed him to look at ways to bring Tom and Carina Sylvester together. The Ambassador indicated he would raise the issue with his government in Vienna. That meeting was in January 2003.

I have received no response. Austria has also not responded formally to our request for information about how the Austrian Government intends to respond to the April decision by the European Court of Human Rights, to which your question refers.

On July 14, 2003, I met with the Austrian Central Authority and the Ministry of Justice with mixed results. The meeting with the Austrian Central Authority regarding this case was disappointing. The Central Authority expressed the belief that Mr. Sylvester was receiving adequate access to his daughter, which was certainly not the case, and maintained that he was not receptive to suggestions to try to improve the situation. On the other hand, the Minister of Foreign Affairs and her staff appeared to recognize that the Sylvester case needed attention and have begun to explore how they might seek progress. We expect to consult with them in September, and will press them to do whatever is necessary to bring Tom and Carina closer together.

*Question 2.* What specific actions will be taken to improve the situation for abducted/retained American children and their left-behind parents, and to ensure that the subject of international child abduction of American children is given greater attention on the Department of State list of priorities.

Answer. Thanks in no small part to the interest of Congress, the public and, of course, the left-behind parents themselves, international parental child abduction is

already an important issue for the foreign policy of the United States. The need for high-level concern and involvement in recovering these children has been made clear to our Chiefs of Mission and senior Department leaders. Instruction in the handling of parental child abduction cases is increasingly a part of the Department's training and pre-departure consultations for officers headed overseas. Parental child abduction cases increasingly rise above the level of the desk officer and consul and now involve more senior foreign policy managers, both in the Department and at our missions overseas.

Difficult cases are now more likely to be raised with host governments as a significant element of our bilateral relationship.

*Question 3.* In problematic abduction cases, would the State Department agree to inform left-behind parents of all contacts State Department makes of plans with representatives of the country into which the child was abducted?

Answer. Department officers make every effort to keep the left-behind parents in all our cases informed of what actions are being undertaken to recover their children. This should certainly be the case regardless of whether a case is problematic or not. I believe it is largely being done, but we will most certainly ensure that it is happening as part of our standard procedures.

*Question 4.* Will the Department of State publish a complete, accurate and renewed report on foreign government compliance with the Hague Convention of the Civil Aspects of International Child Abduction and disseminate such a report to the American public?

Answer. The Department's annual Hague compliance report to Congress is provided to the public on the Bureau of Consular Affairs Web site, [www.travel.state.gov](http://www.travel.state.gov). This report is now an annual requirement.

*Question 5.* What efforts will be taken to include information on each country's child custody and visitation system, including enforcement measures, if any, and the human rights aspect of international child abduction/retention cases and related access/visitation matters in the Children's Rights sections of the Department of State's annual country human rights reports?

Answer. We are examining this issue in conjunction with the Bureau of Democracy, Human Rights, and Labor, which is responsible for monitoring human rights issues and preparing the Department's annual Human Rights Report, as well as with other interested bureaus in the Department.

---

RESPONSES OF HON. MAURA HARTY, ASSISTANT SECRETARY OF STATE, BUREAU OF CONSULAR AFFAIRS, TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR BLANCHE L. LINCOLN

*Question 1.* As you understand it, what is the current position of the government of the Kingdom of Saudi Arabia regarding the request made by Secretary of State Colin Powell in October, 2002 that Heidi Al-Omary be allowed to return to her rightful home in the United States? Please articulate any response or responses received from the Saudi government regarding the request.

Answer. The Saudis have created an interministerial commission to work with us towards solutions to the problem of abducted and illegally retained children, including Heidi Al-Omary, and we continue to push at every level for action. The Office of Children's Issues and our Embassy in Riyadh worked closely with the interministerial commission to establish parameters that enabled Heidi's mother, Margaret McClain, and her two adult children to obtain a family visit visa to Saudi Arabia to see Heidi. In May, Ms. McClain spent five days with Heidi in Saudi Arabia. While we welcome the Saudi government's cooperative efforts in facilitating Ms. McClain's access to Heidi, we nonetheless continue to remind the Saudi government that our ultimate goal is Heidi's return to the United States.

*Question 2.* Has the State Department received any communications from the government of the Kingdom of Saudi Arabia that would indicate authorities in Saudi Arabia intend to comply with the request from the U.S. government that Heidi be returned to the United States?

Answer. We have yet to receive an official response to our requests that the government of Saudi Arabia assist in returning Heidi to the U.S. However, Foreign Minister Saud al-Faisal has assured the Department of his personal commitment to resolving these cases. We will continue to seek a favorable response to individual cases, such as Heidi's.

*Question 3.* Please articulate in English the message that was transmitted to the government of Saudi Arabia regarding the formal request that Saudi Arabia surrender custody of Heidi Al-Omary. In what manner and from whom has this message been communicated? Please attach a copy of any written communications regarding this matter.

*Answer.* Each time a Department principal has traveled to Saudi Arabia to press for the return of all abducted or illegally retained American citizen children in the Kingdom, we have provided the Saudis a Diplomatic Note which includes summaries of each case, including that of Heidi Al-Omary. In addition, Department of State principals, including Secretary Powell, Assistant Secretary Maura Harty, and Ambassador Robert Jordan, have verbally sought Heidi's return in their meetings with Saudi officials.

*Question 4.* What steps has the State Department taken since Secretary Harty took office to ensure that Heidi Al-Omary is returned to her rightful home in the immediate future? Please list any follow-up communications relating to efforts by the State Department to return Heidi to the United States.

*Answer.* In January and again in April, Assistant Secretary Harty traveled to Saudi Arabia to raise the issue of international parental child abduction, including the case of Heidi Al-Omary, with Saudi government officials. Since those trips, and the establishment of the Saudi interministerial commission in January, we have seen ten Americans returned to the United States from Saudi Arabia.

Department officials have been speaking with and meeting regularly with Saudi Embassy officials to press for the return to the U.S. of the abducted children, including Heidi. Since the beginning of the year, Saudi Embassy officials have met with Department representatives frequently about these cases, and we intend to meet with these officials on a regular basis until all the cases are resolved.

*Question 5.* Please list the names and titles of Saudi government officials with whom Secretary Harty has met in Saudi Arabia in an effort to recover Heidi Al-Omary and other abducted American children from Saudi Arabia.

Please articulate the results, if any, of those communications regarding the case of Heidi Al-Omary?

*Answer.* During her visit to Saudi Arabia in January 2003, A/S Harty raised the issue of international parental child abduction and wrongful retention with officials from the Ministries of Foreign Affairs and Interior. On her trip to Saudi Arabia in April 2003, A/S Harty raised the cases of abducted American citizen children, including Heidi Al-Omary, with high Saudi government officials including Foreign Minister Saud Al-Faisal; Deputy Foreign Minister and Chairman of the Interministerial Commission Ibrahim Al-Khurashi; Assistant Minister of Interior Mohammed bin Naif; Governor of the Eastern Province Mohammad bin Fahd; and Director General of Makkah Region Dr. Abdulaziz H. Al-Sowayegh.

A/S Harty highlighted the U.S. and Saudi Arabia's shared commitment to addressing the problem of international parental child abduction in her meeting with Foreign Minister Saud Al-Faisal. She also requested his assistance in resolving cases of American women who wish to depart Saudi Arabia.

In her meeting with Deputy Foreign Minister Al-Khurashi, A/S Harty expressed the USG's thanks for the efforts put forth by the Interministerial Commission in conjunction with the U.S. Embassy in Riyadh on cases, including Heidi Al-Omary, who have been abducted to, or wrongfully retained in, Saudi Arabia, as well as on behalf of American women who wish to depart Saudi Arabia despite the objection of their male guardian. She emphasized, however, that greater cooperation is required and that access in any given case is no substitute for the return of a child—our ultimate goal.

A/S Harty requested Governor Mohammad bin Fahd's assistance in ensuring the success of the visit by Margaret McClain to Heidi.

*Question 6.* Does the Executive Branch have the authority, without additional Congressional authorization, to impose sanctions on Saudi Arabia for failing to comply with official requests to return abducted children like Heidi Al-Omary? If not, are there other reasons upon which sanctions against Saudi Arabia can be imposed under current law?

*Answer.* The Department of State never stops pressing for return to the United States of American children abducted or wrongfully retained abroad, in whatever country the abduction or retention occurs. These cases are not limited to Saudi Arabia.

In furthering our foreign policy goals, economic sanctions are just one of many foreign policy tools that might be available to the Administration, depending on the

circumstances. For example, under the International Emergency Economic Powers Act (IEEPA), the President may impose various economic sanctions against foreign entities or individuals. The authorities provided to the President by the IEEPA, however, may be exercised only if the President declares a national emergency with respect to an unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy or economy of the United States.

*Question 7.* What punitive actions do you think are appropriate against Saudi Arabia when it refuses to comply with U.S. requests to return abducted children? At what point after a request has been made and not responded to do you believe punitive measures should be pursued or at least actively considered?

*Answer.* The Department of State will never stop pressing, within the parameters of current law and practice, for our goals in resolving cases of international parental child abduction and wrongful retention. Our goals are and will continue to be nothing less than the return of children abducted abroad or access for left behind parents to their children in foreign countries. Our preference is to achieve these goals through progressive negotiation and diplomatic mediation rather than through punitive measures.

*Question 8.* Under the current policy in Saudi Arabia (as you understand it), are you confident that adult female U.S. citizens who were abducted in violation of a custody order issued by a court in the United States will have a meaningful opportunity to leave the Kingdom upon reaching the age of majority (age 18 or older) without the permission of a male relative?

*Answer.* The Government of Saudi Arabia made a commitment in September 2002 that all adult American women would be free to travel out of Saudi Arabia. We understand this commitment to apply to all adult American women, including adult U.S. citizens abducted as children in violation of a custody order. In every case we have raised with the Foreign Minister since his government made this commitment, Saudi authorities have granted permission for the American citizen woman to depart. Until Sarah Saga departed Saudi Arabia, none of the women who have been granted such permission had chosen to leave.

*Question 9.* Under the current policy in Saudi Arabia (as you understand it), do you believe that the children of female U.S. citizens who were abducted in violation of a custody order issued by a court in the United States would be provided an opportunity to leave the Kingdom with their U.S. citizen mother (without the permission of a male relative) when said mother attains the age of majority (age 18 or older) and expresses a desire to leave?

*Answer.* The commitment of the Saudi Government to permit U.S. citizen women to leave the Kingdom has not extended to the children of these women. In Saudi Arabia, any child who is residing with his or her Saudi-citizen father requires that father's permission in order to obtain an exit visa to leave the country. This often puts women who wish to leave Saudi Arabia in the difficult position of deciding whether to leave alone, to remain in Saudi Arabia with their children, or to negotiate the father's agreement to permit the children to travel to the United States either permanently or for periodic visits.

*Question 10.* Under current law, what legal status would a minor child who was born in Saudi Arabia to a U.S. citizen have under U.S. law?

*Answer.* We assume that this question relates primarily to the citizenship status at birth of a child in the circumstances given. Under U.S. law, children born in Saudi Arabia are treated for citizenship purposes as children born in any other foreign country. If one of the child's U.S. citizen parents has fulfilled the appropriate physical presence requirement to transmit U.S. citizenship, then that child is an American citizen at birth. This means that for children born abroad after November 14, 1986, at least one U.S. citizen parent must generally have resided in the United States or its outlying possessions for a period or periods totaling not less than five years prior to the child's birth, at least two of which were after the age of fourteen.

Since the passage of the Child Citizenship Act of 2000, which the Department supported, a child who does not acquire U.S. citizenship at birth is generally eligible to obtain U.S. citizenship while under age 18 by either:

- (1) residing in the U.S. in the legal and physical custody of a U.S. citizen parent pursuant to a lawful admission for permanent residence, or
- (2) for children residing outside of the U.S. in the physical and legal custody of a U.S. citizen parent, by coming to the United States temporarily, for the specific purpose of being naturalized as a U.S. citizen, provided the U.S. citizen parent has filed an application with the Bureau of Citizenship and Immigration

Services of the Department of Homeland Security and that application has been approved. To qualify under this provision, either the U.S. citizen parent or his/her U.S. citizen parent (i.e., the child's grandparent) must have been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after the age of fourteen, and the child must be admitted lawfully and be maintaining such lawful status.

Certain cases may present added complexity. We will be glad to review individual cases to determine if and how a child born abroad to an American parent who does not obtain U.S. citizenship at birth might do so at a later time.

And, of course, regardless of the nationality of the child of an American citizen, we will, always work assiduously to get that child back to the United States.

*Question 11.* What legal status would a minor child who was born in Saudi Arabia to a female U.S. citizen (who was abducted in violation of a custody order issued by a court in the United States prior to age 14) have under U.S. law? If the mother does not automatically transfer citizenship to her child in this instance, how, under current law, can a child in this circumstance obtain U.S. citizenship if the mother wished to return to her home in the U.S. with her child?

Answer. Under current U.S. law, a U.S. citizen parent whose spouse is not a U.S. citizen must generally have spent a total of 5 years in the United States, 2 of which were after the age of 14, prior to the birth of his/her child in order to transmit U.S. citizenship to a foreign-born child at the child's birth. Since the passage of the Child Citizenship Act of 2000, which the Department supported, a child who does not acquire U.S. citizenship at birth is generally eligible to obtain U.S. citizenship while under age 18 by either:

(1) residing in the U.S. in the legal and physical custody of a U.S. citizen parent pursuant to a lawful admission for permanent residence, or

(2) for children residing outside of the U.S. in the physical and legal custody of a U.S. citizen parent, by coming to the United States temporarily, for the specific purpose of being naturalized as a U.S. citizen, provided the U.S. citizen parent has filed an application with the Bureau of Citizenship and Immigration Services of the Department of Homeland Security and that application has been approved. To qualify under this provision, either the U.S. citizen parent or his/her U.S. citizen parent (i.e., the child's grandparent) must have been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after the age of fourteen, and the child must be admitted lawfully and be maintaining such lawful status.

Certain cases may present added complexity. We will be glad to review individual cases to determine if and how a child born abroad to an American parent who does not obtain U.S. citizenship at birth might do so at a later time.

*Question 12.* Under current U.S. policy, would a minor child who was born in Saudi Arabia to a female U.S. citizen (who was abducted in violation of a custody order issued by a court in the United States) be given help and assistance by U.S. diplomatic personnel to leave the Kingdom if the mother requested assistance? Is this true if the mother was not able to transfer U.S. citizenship to her children under U.S. law?

Answer. Embassy and consulate staff lend all support possible to get a child of a U.S. citizen back to the U.S., regardless of that child's citizenship status. The commitment of the Saudi Government to permit U.S. citizen women to leave the Kingdom has not extended to the children of those women. According to our understanding of Saudi law, any child who is residing in Saudi Arabia with his or her Saudi-citizen father requires that father's permission in order to leave the country. This often puts women who wish to leave Saudi Arabia in the difficult position of deciding whether to leave alone, to remain in Saudi Arabia with their children, or to negotiate for the father's consent to the children's travel outside the country.

Finally, children in this situation, who are not American citizens can become U.S. citizens through the following process, and we would make a point to help move that process along should the mother be allowed to leave Saudi Arabia.

Since the passage of the Child Citizenship Act of 2000, which the Department supported, a child who does not acquire U.S. citizenship at birth is generally eligible to obtain U.S. citizenship while under age 18 by either:

(1) residing the U.S. in the legal and physical custody of a U.S. citizen parent pursuant to a lawful admission for permanent residence, or

(2) for children residing outside of the U.S. in the physical and legal custody of a U.S. citizen parent, by coming to the United States temporarily, for the spe-

cific purpose of being naturalized as a U.S. citizen provided the U.S. citizen parent has filed an application with the Bureau of Citizenship and Immigration Services of the Department of Homeland Security and that application has been approved. To qualify under this provision, either the U.S. citizen parent or his/her U.S. citizen parent (i.e., the child's grandparent) must have been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after the age of fourteen, and the child must be admitted lawfully and be maintaining such lawful status.

Certain cases may present added complexity. We will be glad to review individual cases to determine if and how a child born abroad to an American parent who does not obtain U.S. citizenship at birth might do so at a later time.

*Question 13.* As you understand it, what is the position of the government of the Kingdom of Saudi Arabia regarding the ability of adult female U.S. citizens who wish to leave Saudi Arabia if they initially traveled to Saudi Arabia voluntarily?

Answer. The Government of Saudi Arabia made a commitment in September 2002 that all adult American women would be free to travel out of Saudi Arabia. We understand this commitment to apply to all adult American women, including those who initially traveled to Saudi Arabia voluntarily. See question 8.

*Question 14.* What is the U.S. policy regarding adult U.S. citizens who wish to leave Saudi Arabia if they initially traveled to Saudi Arabia voluntarily? In this circumstance, would a U.S. citizen receive assistance from U.S. diplomatic personnel to exit the Kingdom if they requested it? What kind of assistance would a U.S. citizen in this situation typically receive? Would assistance be limited to cases where the U.S. citizen was in potential danger?

Answer. U.S. diplomatic personnel will assist all adult U.S. citizens who wish to depart Saudi Arabia in every way necessary to facilitate their departure. This includes interceding on their behalf with the Saudi government for issuance of exit permission, where required under Saudi law, contacting family in the U.S., granting of repatriation loans when needed, alerting social services in the U.S. to assist in their resettlement here, and necessary protection for U.S. citizens in danger.

*Question 15.* Since June 2002 has any U.S. official demanded that any U.S. citizen being held in Saudi Arabia be allowed to return to the U.S.? If so, please specify all such demands, including to whom they were made, who they related to, by whom they were made, and when they were made.

Answer. Privacy Act concerns limit our ability to describe in detail the subjects of all demands for return. However, in October 2002, Assistant Secretary Burns raised the importance of cooperating to resolve abduction and wrongful retention cases with Saudi Foreign Minister Saud Al-Faisal. Also in October, the U.S. Consul General in Riyadh met with the Consular Affairs Section Chief at the Saudi Ministry of Foreign Affairs to urge that two American Citizen children being wrongfully retained in Riyadh be promptly returned to the U.S. The Embassy submitted a diplomatic note to the Saudi Ministry of Foreign Affairs requesting the Saudi government repatriate all American citizen children abducted to or wrongfully retained in Saudi Arabia in violation of a U.S. court order. Secretary Powell wrote to Foreign Minister Saud Al-Faisal in November 2002 to express his wish to see the resolution of abduction cases in Saudi Arabia. In January and in April 2003, A/S Harty traveled to Saudi Arabia and raised the issue of international child abduction with Foreign Minister Saud Al-Faisal and with high-level officials from the Ministries of Foreign Affairs and Interior. Secretary Powell raised the issue of American children abducted to Saudi Arabia when he met with Foreign Minister Saud Al-Faisal on May 12, 2003.

*Question 16.* Since countries like Saudi Arabia consider girls adults for purposes of marriage at age twelve, has the State Department asked the Saudi government to consider girls as adults at age twelve for purposes of receiving exit visas without the permission of a husband or a father?

Answer. The Department of State has not asked the government of Saudi Arabia to consider girls as adults at age twelve for the purpose of receiving exit visas. We are not aware of any cases where U.S. citizens or children of U.S. citizens in Saudi Arabia have married at age twelve.

*Question 17.* Would additional resources from Congress enhance the ability of the State Department to successfully recover abducted U.S. citizens from other countries? If so, please specify what resources or authority would be helpful.

Answer. We would never tell Congress that we don't need more resources. Additional staffing would allow us to be more proactive and responsive in handling individual cases, as case officers could dedicate more time to each parent. It would also allow us greater ability to accommodate in-service training and staff development without creating staffing gaps.

Continued Congressional support and interest on specific abduction cases as well as the general issue of international parental child abduction is also extremely helpful. Members of Congress have personally raised cases with foreign leaders, and emphasized the significance that Congress and the American public place on the issue.

Fifteen years after enactment of the International Child Abduction Remedies Act, we, along with other USG agencies, are interested in reviewing that legislation to identify ways it can be made even more effective. We will certainly share our thoughts and ideas on this matter with interested Members of Congress.

*Question 18.* Based on my observations, personnel changes in the Office of Children's Issues are stressful and disruptive for left-behind parents. Do you have any suggestions on how to minimize this problem?

Answer. The Office of Children's Issues has grown fairly rapidly during the last five years, largely in response to a growing caseload and the increasing importance of international parental child abduction in U.S. foreign policy. We have often had to move fast to meet the workload and drawn from a limited pool of personnel and temporary staff resources. We have also lost staff unexpectedly, when individual officers had to leave for reasons beyond their control.

We very much regret the problems these unavoidable transitions have caused for left-behind parents and, we are happy to report, that we have been able to stabilize our personnel picture. We have recently brought on board several new long-term employees. While there will of course be personnel changes in the future, we are now better able to manage those more smoothly, with much less disruption for left-behind parents.

*Question 19.* How many active cases involving parental child abduction and/or wrongful retention is the Office of Children's Issues currently handling?

Answer. As of early August, the Office of Children's Issues was handling approximately 900 cases involving children who were abducted or wrongfully retained. In addition, the Office was handling approximately 150 access cases, some of which involve children abducted or wrongfully retained but whose left-behind parent is seeking access, rather than return. Statistics on the number of children abducted or wrongfully retained abroad, as well as those returned, based on records maintained by the Office of Children's Issues, are provided below.

Year	Children Abducted/ Unlawfully Retained	Children Returned
2000	510	146
2001	557	280
2002	455	190
2003 <sup>1</sup>	169	102

<sup>1</sup>January-early August 2003.

*Question 20.* How many active cases involving U.S. citizen children who have been abducted to Saudi Arabia are being handled by the Office of Children's Issues? For these cases, how many involve, abducted female U.S. citizens?

Answer. As of August, 13, 2003, the Office Of Children's Issues is handling 10 cases of abduction to and wrongful retention of children in Saudi Arabia, of which 7 involve female children.

*Question 21.* How many active cases involving adult U.S. citizens who were abducted to Saudi Arabia as children are currently being actively handled by the Office of Children's issues or other office in the State Department?

Answer. We are, as of August 13, 2003, monitoring two cases, involving three women, of now-adult U.S. citizens who were abducted to Saudi Arabia as children. These citizens have been advised of their claims to U.S. citizenship and of their right to seek exit permission from the Saudi Government. One of these individuals was granted an exit visa by the Saudi government and the Department issued her a U.S. passport. She has decided not to depart Saudi Arabia at this time.

*Question 22.* Approximately how many active child abduction and wrongful retention cases does each caseworker handle in the Office of Children's Issues?

Answer. Each caseworker presently handles an average of sixty active abduction and wrongful retention cases.

*Question 23.* Secretary Harty, do you support adding additional staff to the Office of Children's Issues?

Answer. There is no doubt that increased staffing in the Office of Children's Issues would allow us to be more proactive and responsive to parents, since officers would have more time to dedicate to each case. It would also allow us to provide more opportunities for in-service training and professional development that would, ultimately, make officers more effective in their jobs.

It is important to note that the Office of Children's Issues has grown significantly since it was established in 1994. From a small staff of four employees, it now has a staff of 28, including twelve abduction case officers who dedicate their time and energy to assisting left-behind parents. In addition, we are working to establish a prevention unit that will allow us to focus resources on this important function, which is now handled by abduction case officers.

Having added new staff, our focus is now on staff development and training, as well as on establishing Standard Operating Procedures that will enhance each officer's ability to serve parents and children.

*Question 24.* When and under what circumstances does the State Department consider a case involving an abducted U.S. citizen closed or inactive? Does the status of a case change when the abductee attains the age of majority or a custody order expires? If cases are generally considered closed or inactive after an abducted child attains the age of, 18 or 21, does the same rule apply to female abductees in Saudi Arabia?

Answer. Child Abduction cases are closed in the Office of Children's Issues when the child turns 18 or when the Left Behind Parent requests the office to close the case. Cases are also closed if a child is returned to the United States, though in cases where the parent believes there is potential for re-abduction, the case is kept as an active prevention case. The State Department's interest in active cases does not end on a child's 18th birthday. Necessary efforts to ensure the well being of a now-adult American citizen are undertaken by the Office of American Citizen Services in the Bureau of Consular Affairs until that adult informs us that he or she does not require assistance.

*Question 25.* Secretary Harty, you have stated that U.S. citizens have been recovered from Saudi Arabia since you took office. Please describe each case. Also, can you please describe what actions the State Department undertook to facilitate the release of these U.S. citizens including any negotiations with foreign governments, actions such as issuing passports, or threatening action against a foreign government that is not acting in accordance with appropriate laws?

Answer. Since the beginning of the year and as of July 7, 2003, ten children have been returned from Saudi Arabia, closing two abduction and two access cases in the Office of Children's Issues. Due to Privacy Act considerations, we are unable to provide names or other specific information about these cases.

In March 2003, a six year old child who had been abducted to Saudi Arabia in February 2002, was returned to the U.S. The Left Behind Parent had no contact with the child since her abduction. Embassy Riyadh located the child in February 2003 when the Taking Parent appeared at the embassy requesting a routine notarial service. The embassy took physical possession of the Taking Parent's U.S. passport and informed her that a federal warrant had been issued for her arrest. The Taking Parent arranged with the FBI and U.S. Attorney's offices to return the child voluntarily.

Two teenage American citizens departed Saudi Arabia for their home in Phoenix, Arizona on Saturday, April 5, 2003, accompanied by a consular officer from Embassy Riyadh. The boys were abducted to Saudi Arabia by their non-custodial Saudi father on July 26, 2002. After learning that the boys were being neglected and that they risked being abused by their father, Saudi government officials issued exit visas for the boys without consulting the father. USG officials worked closely with the Saudi Ministry of Interior to resolve this case. The Saudi government's cooperation with the USG in this case provided useful precedent to help resolve remaining active abduction cases.

In June 2003, an AmCit mother returned with her two teenage children who had been held by their father in Jeddah since the mother left the Kingdom in 1998. The children were put into boarding school in Durban, South Africa in 2001. In May,

the American Consulate General in Durban substantiated physical abuse of one of the children by the father. The Consulate in Durban provided a letter for South African immigration to assist the children to depart on their American passports since they had entered the country on their Saudi passports.

A Left Behind Parent notified the Office of Children's Issues on July 7, 2003 that her American citizen teenage sons had arrived in the U.S. on July 6, 2003. Until 2002, the mother had not seen either one of her sons since 1994 when their father refused to allow them to leave Saudi after a two-week vacation. The older boy was allowed to spend last summer with his mother, but she had not seen her younger son until now. The father had refused all Embassy requests for consular access to the boys, and the Saudi government repeatedly refused the mother's requests for a family visit visa. She was finally granted a visa late last month, after repeated requests to the Saudi government by the Office of Children's Issues and U.S. Embassy Riyadh. She was in the process of making travel plans when she learned that the boys had used money she sent to them to buy plane tickets to the U.S. Over the past year, the mother had kept in surreptitious contact with her older son, and the boys had renewed their U.S. passports with the assistance of Embassy Riyadh. The Left Behind Parent reported to the Office of Children's Issues that she believes the USG's constant demands for access led her husband to allow the boys to leave the Kingdom.

A Taking Parent and his three children, all dual-national U.S.-Saudi citizens, sought protection and assistance in returning to the United States from Embassy Riyadh. The embassy worked with Saudi authorities to have exit visas placed in the children's and the father's U.S. passports. The children were reunited with the Left Behind Parent in the U.S. on July 18, 2003. The Left Behind Parent lived in Saudi until 1998 when the Taking Parent's brother forced her to leave and the Taking Parent divorced her. The Taking Parent's brother confiscated all travel documents for the Taking Parent and the children. Consular access to the children had been denied since 1999.

*Question 26.* In September 2002, Prince Saud al-Faisal, the Saudi Foreign Minister, wrote to Secretary Powell and suggested that in four cases, U.S. citizens had abducted children out of Saudi Arabia in violation of Saudi law. It is now clear that in at least two of the referenced cases, the referenced children live in Saudi Arabia, and are not able to leave to the United States. Prince Saud also falsely accused the U.S. military of assisting Miriam Hernandez Davis in "abducting" her daughter Dria from Saudi Arabia. Has Prince Saud or any other Saudi official provided any correction or clarification to the September 17, 2002 letter? Has the State Department requested any clarification on this letter?

*Answer.* We have not received a clarification or correction of the September 17, 2002 letter from Foreign Minister Saud al-Faisal, nor have we requested such clarification.

*Question 27.* Has the Saudi government demanded that any of its citizens who have kidnapped Americans return the kidnapping victims to the U.S.?

*Answer.* To the best of our knowledge, the government of Saudi Arabia has never ordered a parent to return American citizen children abducted to or wrongfully retained in the Kingdom, except in the case of clear neglect or abuse. The government has, however, pressured Saudi families to find a way to resolve cases of wrongful retention or abuse. In cases involving sexual or physical child abuse, the Saudi government has pressured Saudi fathers to allow mothers to depart the Kingdom with their children. In April, responding to the USG's insistent requests for intervention in the case of two abducted American citizen children, the Saudi government granted them exit visas to return to their mother in Arizona. The boys had been victims of abuse and neglect at the hands of their Saudi father.

*Question 28.* In 1990, the U.S. Embassy in Riyadh ejected Monica Stowers and her children out of the Embassy when they came seeking refuge from her abusive husband. Since that time Monica and her children have spent years living under difficult conditions in Saudi Arabia.

However, last year Ambassador Jordan pledged that no American seeking refuge in the Embassy would be ever be thrown out again.

Recently, the State Department began urging Americans in Saudi Arabia to consider leaving the country because conditions in the Kingdom are not considered safe for Americans.

Therefore, assume hypothetically that there is an American woman who is living in Saudi Arabia with her American children, and that she and her children are being abused by their Saudi husband, and that the woman wishes to leave Saudi Arabia with her children, but her Saudi husband will not give his consent to do so.

Could the American woman bring her children to the Embassy and receive refuge in the Embassy until she was to leave, Saudi Arabia?

Can you guarantee that an American woman in these circumstances would not be removed from the Embassy like Monica Stowers?

Answer. Not only can we guarantee that a woman and her children in such circumstances would receive appropriate protection, we can demonstrate that American citizens facing similar situations are now receiving needed protection in our Embassies and Consulates. Through mid-July of 2003, 5 American women, 1 American man and 10 children, mostly fleeing abusive family situations, have sought protection at the U.S. Embassy and consulates in Saudi Arabia. Several more are in contact with the Embassy or Consulate and know that refuge is an option, if needed. In a separate case a man and three children have also sought protection. While at the Embassy, the Americans are provided food at no cost to themselves, essential items and services, such as laundry, and whatever entertainment and comforts are available, such as DVD facilities. It is made clear that they are welcome to stay at the Embassy or compound as long as necessary to ensure their safety or until their repatriation to the United States.

*Question 29.* Secretary Harty, under what circumstances have you interacted with parents of abducted children? Please explain.

Answer. Shortly after I became Assistant Secretary of State for Consular Affairs, I wrote to all of the left-behind parents in our active case files. In that letter, I confirmed the importance of resolving parental child abduction cases as a U.S. foreign policy interest, and invited the parents to meet with me. On February 24, 2003, I met with sixty-four left-behind parents at a Town Hall meeting in Washington, DC. I met with left-behind parents again in Chicago on July 28, 2003. I plan a similar meeting later this year on the west coast. In addition to those meetings, I have met with a number of individual parents to discuss their cases. My travel to the Middle East since becoming Assistant Secretary of State afforded me the opportunity to meet with abducted and retained children and report back to their left-behind parents. In one case, I had the privilege of actually meeting with a left-behind mother who had come to the Middle East to try to recover her children (she succeeded). Finally, even when events direct my attention elsewhere, the Office of Children's Issues keeps me fully briefed to the status of the many active cases, and gets me involved whenever necessary.

*Question 30.* Please indicate the dates Sara Saga resided with her children at the U.S. consulate in Jeddah. During her stay did the State Department provide Ms. Saga and her two children with food, liquids and other essential items? Did the State Department request payment for items provided to Ms. Saga and her children from Ms. Saga or anyone else? If so please explain. Also, please attach any documents or communications (including emails) from the State Department requesting payment.

Answer. Sara Saga and her two children occupied the modest quarters of the Consulate's staff apartment from June 16 to 23, 2003. Ms. Saga and her children were provided with all essential items, including laundry service as well as nonessential items that were available to make her stay more comfortable, e.g. DVD player and DVDs, books, access to internet, and some children's toys. At the time of Ms. Saga's arrival, a funding mechanism was not in place to provide essentials to Americans without financial means who seek refuge on the Consulate compound. Others who have sought refuge on the Consulate compound prior to Ms. Saga arrived with either sufficient funds to cover any essential items or family members in the U.S. opened an Overseas Citizens Services (OCS) Trust with the State Department. This is standard procedure when an American is in need of financial assistance and family members are able and willing to help. In the case of Ms. Saga, the consulate requested that her mother open an OCS Trust, and she agreed. Ms. Saga used OCS Trust funds for the first three days of her stay. Within days, a funding mechanism was provided by the Department, Sara was reimbursed for her expenses, and subsequent expenses were paid by the Department. Documents regarding payment requests are enclosed.

*Question 31.* After Sara Saga requested assistance from U.S. officials at the consulate in Jeddah, please list the highest ranking State Department official who communicated the U.S. government's position to Saudi officials regarding Ms. Saga's request for assistance in leaving the Kingdom with her children. Please articulate the message the U.S. government delivered and to whom in the Saudi government it was delivered?

Answer. Margaret Scobey, Charge d'Affaires, a.i., met with His Royal Highness, Prince Saud Al Faisal, Minister of Foreign Affairs, on June 18, 2003. Ms. Scobey urged that the government of Saudi Arabia approve the departure of Ms. Saga and her two children, pointing out that Ms. Saga had been abducted to Saudi Arabia as a small child and that she desired to be reunited, with her children, with her own mother. The Foreign Minister approved Ms. Saga's departure immediately, keeping his commitment that any adult American citizen woman may leave the Kingdom freely. He maintained that the children (who were born and have lived their entire lives in Saudi Arabia, and are citizens of that country) could depart if they did so legally, which would require either a court order or the agreement of their father. Although Ms. Saga could have departed Saudi Arabia without his permission, her husband did agree that she could enter and depart the Kingdom at her own initiative for the five-year validity of her Saudi passport. Ms. Saga departed Saudi Arabia on June 24, 2003.

*Question 32.* According to press reports, Ms. Saga, while in the U.S. consulate, met with officials from the Saudi Foreign Ministry. What were the names of these men and what were their official positions within the Saudi government? What were the names of the officials from the U.S. consulate in Jeddah, who accompanied these Saudi officials into Ms. Saga's room at the consulate? Who, specifically, was involved in the decision to allow the Saudi officials into the consulate to meet with Ms. Saga?

Answer. On June 19 at the Consulate, Sara Saga met with Abdulaziz H. Al-Sowayegh, Director General of the Makkah Region, Ministry of Foreign Affairs; Bander Jameel, Chief of Protocol of the Makkah Region, Ministry of Foreign Affairs, and Majed M. Al-Harazy, Special Assistant to the Director General of the Makkah Region, Ministry of Foreign Affairs. From the U.S. Consulate, in attendance were Gina Abercrombie-Winstanley, Consul General; Laurie Darlow, Security Officer; and Loren Mealey, Chief of American Citizen Services.

Ms. Saga, also a Saudi citizen, was requested by officials of the Ministry of Foreign Affairs to have a brief meeting with officials prior to her departure from the Kingdom, so that they could hear from her directly as to her wishes. Rather than take Ms. Saga off the Consulate grounds for the meeting, the Charge in Riyadh asked the Consul General to ask the Saudi officials to meet with Ms. Saga on Consulate grounds. They agreed, and Sara was agreeable to the meeting.

Although the meeting was arranged on short notice, Sara knew well in advance that the visit was going to take place that day. The meeting was in her room because that was where she and the children were at the time. U.S. Consulate officials, three women, were there to ensure that she was not intimidated or coerced and so she would not feel her children might be taken from her forcefully. Consulate officials stressed to Sara that it was her choice whether to meet with the foreign ministry officials at all and that she could stay on the compound.

*Question 33.* Did any State Department or other U.S. government employee read or review the document that various press accounts report that Ms. Saga signed regarding her parental rights? If so, please name all such individuals. If so, did those U.S. officials provide any advice to Ms. Saga or recommend that she seek counsel before signing a document that could possibly be construed as a legally binding document?

Answer. At the conclusion of the meeting described above, the Director General of the Ministry of Foreign Affairs presented Ms. Saga with a document. He asked her to sign it so that the Ministry had a record of her understanding of the implications of her decision to depart the Kingdom. The Consul General asked to review the document. The Consul General ("CG") read the document to Ms. Saga slowly, stressing that she did not have to sign it. Ms. Saga was then given the document to read. The CG asked if she understood the document's contents. Ms. Saga said that she understood it, and that she was willing to sign it. The CG offered that she could make any additions or deletions that she felt did not accurately describe the meeting. Ms. Saga responded that she had no changes to make, and signed the document.

CG and an American Citizen's Services ("ACS") Officer suggested to Ms. Saga and her family members present at the Consulate (an aunt and uncle who Ms. Saga invited to see her on the Consulate grounds and who were supportive of Ms. Saga's desire to travel to the U.S.) that she may wish to consult with an attorney. A list of local attorneys was provided to Ms. Saga. Ms. Saga did not retain an attorney or ask the Consulate staff to contact an attorney for her.

Ms. Saga later told the ACS Officer that her uncle advised her to seek a written agreement with her husband directly. At Ms. Saga's request, her husband wrote out

and signed in front of an official of the Ministry of Foreign Affairs a document stating his agreement to Ms. Saga's future access to the children whenever she is in the Kingdom.

*Question 34.* According to reports, Ms. Saga signed a document that forfeited many of her parental rights to her children. Does the State Department feel that the agreement was valid? Also, does the State Department feel that it was proper to allow Saudi officials to meet with her and encourage her to sign the agreement?

Answer. The Department of State does not know what legal effect, if any, the document described above may have in Saudi Arabia or anywhere else. Our Consulate personnel, who are not lawyers, did their best to inform Ms. Saga that she did not have to sign that document and that she could add or delete anything in it. Ms. Saga chose to sign it. In later consultations with post, the Department drafted a second document for Ms. Saga to sign that clarified that she had not intended to relinquish her rights to her children. U.S. Consulate personnel delivered this document to the MFA.

We do believe that arranging a meeting between Ms. Saga and Saudi officials was proper. Ms. Saga and her children are Saudi citizens, and we recognize that the Saudi government believed it had an obligation to ensure that Ms. Saga was not being coerced into leaving Saudi Arabia and to attend to the interests of her children. Our consulate personnel did not pressure or encourage Ms. Saga to sign anything that she did not wish to sign and did their best to arrange a setting for the meeting that was comfortable and non-threatening.

*Question 35.* Please indicate the dates another U.S. citizen resided with her children at the U.S. consulate in Jeddah during the same time period. During her stay at the consulate, did the State Department provide her and her children with food, liquids, and other essential items? Did the State Department request payment for items provided to her and her children from her or anyone else? If so, please explain. Also attach any documents (including emails) from the State Department requesting payment.

Answer. An American citizen woman and her three Saudi-American children sought refuge at the Consulate from June 2 through June 17. As is the procedure in cases of Americans in need of financial assistance, an OCS Trust fund with the State Department was established by the parents of the American woman to cover the cost of meals. Procedures are now in place so that Americans granted refuge will normally not have to pay for basic necessities. Documents regarding payment are enclosed.

*Question 36.* After this American citizen requested assistance from U.S. officials at the consulate, who communicated the U.S. government's position to Saudi officials regarding her request for assistance in the leaving the Kingdom with her children? Please articulate the message the U.S. government delivered and to whom in the Saudi government it was delivered.

Answer. In Jeddah, Consul General Gina Abercrombie-Winstanley called on Abdulaziz H. Al-Sowayegh, Director General of the Makkah Region, Ministry of Foreign Affairs. In Riyadh, Chargé Margaret Scobey called on the Assistant Minister of the Interior, Muhammad bin Nayif. Also present was the Deputy Minister of the Interior, Dr. Ahmad Al-Salim.

*Question 37.* Does the United States government request payment from a foreign government or anyone else for food and other items provided to Saudi Arabian nationals being detained by the United States at Guantanamo Bay Cuba? Please explain.

Answer. No foreign governments are permitted to pay for food or other items provided to their nationals detained by the United States at Guantanamo Bay, Cuba.

*Question 38.* In late April or early May 2003, State Department personnel informed Margaret McClain that the Saudi Embassy spokesperson, Adel Al-Jubeir, volunteered to pay for her two adult children and her to travel to Saudi Arabia to meet with Heidi. Do you know who initiated Al-Jubeir's offer? Did the State Department suggest that Al-Jubeir make such an offer?

Answer. At Ms. McClain's request, the Office of Children's Issues queried the Saudi Embassy about the possibility of Saudi funding for Ms. McClain and her adult children to travel to Saudi Arabia. It is our understanding from the Saudi Embassy in Washington that no Saudi government fund exists to pay for such travel; nonetheless, the Department is aware that the Saudi Embassy will attempt to find a private sponsor or benefactor for persons who request such funding and demonstrate financial need.

*Question 39.* Secretary Harty, please explain why you decided to meet personally with Mr. Al-Omary prior to Ms. McClain's recent trip to the Kingdom instead of communicating directly with high level Saudi government officials to ensure Ms. McClain would have access to her daughter during her most recent visit?

Answer. I feel that every chance for dialogue that might result in an abducted child's maintaining a relationship with a Left Behind Parent is worth pursuing. In each meeting we have had with Mr. Al-Omary, he has gradually developed a less adversarial role with us. It has been our feeling that if Mr. Al-Omary felt that his side of the story was being listened to, even if disagreed with, the chances for progress in this case would increase. I met with Mr. Al-Omary in order to attempt to convince him that allowing Ms. McClain to have a meaningful visit with Heidi was in the best interest of the child. The Office of Children's Issues and our embassy in Riyadh also worked closely with the Saudi interministerial commission to ensure Ms. McClain's visit.

*Question 40.* Are you concerned that meeting personally with a child abductor you could unnecessarily elevate his stature with Saudi government officials? If not, please explain.

Answer. Every chance for dialogue that might result in an abducted child's maintaining a relationship with a Left Behind Parent and which may lead to our ultimate goal, the return of that child to the United States, is worth pursuing.

*Question 41.* Why did Ms. McClain have to personally negotiate the terms of her visit with Heidi upon her arrival in Saudi Arabia? In the future, will you insist that the terms of visitation between left-behind parents and child abductors for which arrest warrants have been issued be negotiated between government officials if the left-behind parent makes that request?

Answer. It was the Department's understanding prior to Mrs. McClain's departure for Saudi Arabia that the Saudi interministerial commission had negotiated the visit parameters with Mr. Al-Omary, and that Mr. Al-Omary had agreed to allow Mrs. McClain to see Heidi. However, Mr. Al-Omary apparently at the last minute insisted on a meeting at the office of the governor of the Eastern Province on the day of Mrs. McClain's arrival as a condition of allowing the visits to Heidi. Present at the meeting were Mr. Al-Omary, Mrs. McClain and her adult children, USG officials from the Embassy in Riyadh and the Consulate in Dhahran, as well as Saudi government officials.

*Question 42.* Did U.S. diplomatic personnel agree to allow the meeting with Ms. McClain, Mr. Al-Omary and Saudi officials to discuss the terms of visitation between Ms. McClain and Heidi to be videotaped? Who proposed that this meeting be videotaped?

Answer. The Deputy Chief of Mission to Saudi Arabia, Margaret Scobey, objected strongly when Mr. Al-Omary stated that he wished to record the meeting at the governor's office, and the camera was removed. USG officials had no prior knowledge of the video camera in the conference room.

*Question 43.* In April and June of 2003, Ms. McClain presented her case to the United Nations Human Rights Commission in Geneva. When the legal Counsel for Ms. McClain and other victims of kidnapping presented their cases before the Working Group on Contemporary Forms of Slavery between June 16-20, 2003, in Geneva, they met privately with two Saudi delegates to Geneva. The Saudi representatives stated that there existed a "bilateral protocol" between the United States and Saudi Arabia on solving cases like Heidi Al-Omary's. The Saudi officials claimed that they had ratified the agreement and that it was now awaiting ratification by the United States government. Does such a protocol or framework exist? If so, please explain and attach a copy of the protocol and/or agreement.

Answer. We are currently working with the Saudis on a bilateral proposal on access by parents to American Citizen children in Saudi Arabia, based on common principles and consular responsibilities. The proposal does not address resolving of cases of abduction; instead, it provides a framework in which both governments can operate to ensure that Left Behind Parents have meaningful access to their children. The document is currently in draft form and has not yet been finalized.

*Question 44.* As the State Department has discussed any agreements or other arrangements with Saudi Arabia regarding the resolution of child abduction cases, have you consulted with left-behind parents about how the agreement or framework should be crafted? Please explain.

Answer. Please see the answer to question 43 above, We are currently working with the Saudis on a bilateral proposal on access by parents to American Citizen

children in Saudi Arabia. The proposal, which is still in draft form, does not address resolving of cases of abduction. The Office of Children's Issues maintains an open dialogue with all the left-behind parent's with whom we have active cases; however, until agreements or other mechanisms for resolving cases are finalized, we do not discuss them with left-behind parents.

*Question 45.* Are you familiar with a document referred to as "Solomon's Protocol?" If so, please explain. Also, please explain if the State Department participated in drafting this document.

Answer. "Solomon's Protocol" is a document written by a left-behind parent. We are aware of the document, which we understand was prepared under a contractual arrangement for the National Center for Missing and Exploited Children. It has not yet, to our knowledge, been published. At an early stage, we were asked to review the document and provide comments. We do not know if those comments were incorporated, or what the current status of the document is.

*Question 46.* On Ms. McClain's last day in Saudi Arabia during her visit in May, Secretary Powell raised Heidi Al-Omary's case with Saudi officials. To whom did Secretary Powell speak regarding this case? Has the Saudi government provided any response to this meeting? Please explain.

Answer. Secretary Powell met with Foreign Minister Saud al-Faisal in Riyadh on May 12, 2003, to raise the issue of child abductions to Saudi Arabia, including Heidi Al-Omary. Unfortunately, the Secretary's meetings with the foreign minister were cut short by the tragic bombings that occurred in Riyadh the same day.

*Question 47.* What does the Department of State do to try to prevent international parental child abductions?

Answer. Country officers in the Abduction Unit spend a significant amount of time helping parents prevent the abduction of their children by the other parent. In fact, the volume of requests for such assistance has increased to the point where the Abduction Unit is forming a team focused solely on prevention. Parents who request prevention assistance are guided to a wide range of legal remedies and options, contacts with law enforcement, and other sources of information and assistance. If the case is urgent, such as an abduction-in-progress, country officers or after-hours Department duty officers will help the parent contact local and Federal law enforcement, as well as other authorities who may be able to help recover the child. Regardless of whether the case is urgent or not, country officers will continue to advise and assist the parents until abduction is no longer a threat or until the parents no longer seek our guidance.

One of the most effective prevention measures we can recommend to parents is the Children's Passport Issuance Alert Program (CPIAP), by which a parent can request that their U.S. citizens' children's name be placed in a worldwide lookout system. Over 25,000 children's names are presently listed in the CPIAP database and the Abduction Unit receives approximately 40-50 new requests for entries every week. CPIAP entries have helped us identify children for whom passports were applied without the knowledge of one parent and, on occasion has actually helped us locate and recover abducted children. CPIAP does not identify applications for foreign passports; the Abduction Unit refers parents whose children might be eligible for foreign passports to the appropriate foreign agency.

The "Amber Alert" law, which includes a provision making attempted international parental child abduction a federal crime, will significantly enhance our ability to prevent abductions, as well.

*Question 48.* If an American child is determined to be at risk of being abducted to countries such as Saudi Arabia and Syria, countries that refuse to return abducted American children, what safeguards would you recommend that a U.S. Family Law Court implement to help prevent an abduction?

Answer. State Department personnel are prohibited from discussing cases with judges or other court officials. Any conversations we have about a child custody case would be with the parents and/or their attorneys. In any custody case where a parent was concerned about an abduction, we would likely recommend that the parent seek appropriate custody and other orders to restrain the travel of the child. If the case involved a dual national child, we would likely recommend that a copy of the subsequent court order be sent to the appropriate foreign embassy, though we would caution that passport issuances by that embassy are governed by the laws of its own government. We would also recommend that a copy of the court order be sent to airline companies which service the possible destination country. Finally, and irrespective of any court activity, we would strongly recommend to any parents fearing

abduction of their U.S. citizen children that they enter their children's names in the Children's Passport Issuance Alert Program (CPIAP).

*Question 49.* What more can the State Department do with regard to improving the dissemination of information and training programs for U.S. Family Law courts and individual State Bar Associations on this issue (e.g., through the National Council for Juvenile and Family Law Judges, American Bar Association, etc.?).

Answer. We agree that additional outreach and training for U.S. judges is important to U.S. Government efforts to address the problem of international parental child abduction. Working with other U.S. Government agencies as well as judicial and legal associations, we participate in training programs on a regular basis, and will continue to do so. We also provide informational materials to judges and attorneys through our Web site, and will be exploring ways to make these materials more useful.

*Question 50.* Do you think it is appropriate to advise an American parent concerned about the abduction of his/her children to an Islamic Law country to go through the time, energy and money to try to obtain a Mirror Order in that country? It is my understanding that is what staff members of the Office of Children's Issues have advised some parents.

Answer. Our advice in this regard would depend on the particular case. There are circumstances in which such an order could help provide legal grounds for the return of a child.

*Question 51.* What can the Department of State do to assist parents in giving official notice to foreign embassies in a case where a U.S. court has prohibited issuance of a passport to a child the court believes is at risk of abduction? Is the Department of State willing to submit a Diplomatic Note in each case?

Answer. When requested, the Department assists parents in contacting foreign embassies about these matters. We typically recommend that parents contact the appropriate foreign embassy directly to convey information and documentation about such a case and, when necessary, we have contacted the foreign embassy to facilitate parental contact. Passport issuances by a foreign embassy are guided by the laws of that embassy's government, so a U.S. court order cannot be enforced on a foreign embassy. That said, the Department believes foreign embassies should be aware of U.S. court orders concerning passport issuances to minor children and consider such orders in deciding whether a passport should be issued.

*Question 52.* What can the U.S. Government do about a foreign embassy or diplomat that issues a passport for a dual-national American child, who is later abducted; if evidence is presented that a parent, attorney, or U.S. court provided that embassy with court orders prohibiting issuance of a passport for that child?

Answer. Issuance of passports by a foreign embassy is guided by the laws of that embassy's government. The issuance of foreign passports is not governed by U.S. law. While the United States Government can help parents and local authorities inform foreign embassies of court orders related to a passport application, the U.S. Government has no authority to prevent a foreign government from issuing a passport to one of its citizens, even a dual national.

*Question 53.* Please provide a list of cases where a parent has submitted court orders to the Department of State because they fear that their child may be internationally abducted. Include cause number, parties' names; court, county and state; foreign country involved and indicate whether supervised visitation was ordered or whether the child was abduction (if abducted, date of abduction and age of child).

Answer. The Department of State does not have that kind of information readily available for the more than 26,000 entries in the Children's Passport Alert Program (CPIAP) and active parental child abduction case files. Court orders are not required and, in fact, rarely submitted for a CPIAP entry to be made, but become relevant at such time as a passport application is submitted on behalf of the child. Court orders are also not required for an active abduction case to be established with the Abduction Unit.

*Question 54.* I understand the Department of State has included information on "Marriage to Saudis" on its Web site. What other ways do you believe the Department of State can help advise American women prior to marrying a national of an Islamic Law country about the impact on their and their children's lives, e.g., that their children will be considered nationals of that country subject to their laws, and that American women and children can be restricted from exiting. (For example, provide them a fact sheet when they apply for a Fiancee Visa?).

Answer. The Department believes that this type of information is very important, regardless of the country involved, and already provides considerable information to American citizens about travel, citizenship, and abduction issues. In addition to the "Marriage to Saudis" flyer, the Department's Consular Affairs Web site provides specific guidance on child abduction issues for many countries, including Saudi Arabia and others where Islamic Law serves as the basis for family law. Country-specific Consular Information Sheets also provide much of this information. Information relating to dual nationality is included in all U.S. passports. Marriages of U.S. women to Saudi nationals most often occur after the Saudi national has a valid U.S. visa, so a fiancé visa is not necessary.

*Question 55.* Has Department of State staff or contractor provided expert testimony in court cases regarding international parental child abduction? If so, please provide a list of all cases, with cause number, parties' names; court, county and state; foreign country involved; Department employee or contractor who testified; and dates of testimony.

Answer. Department staff and contractors have not provided such testimony.

*Question 56.* Has Department of State staff or contractors made public presentations regarding international parental child abduction? If so, please provide a list including name of presentation, contact information for sponsoring organization, date, and name(s) of Department employee/contractor(s) who presented.

Answer. Department of State representatives, including employees in the Office of Children's Issues, often speak publicly as part of our outreach efforts. This includes presentations at meetings and conferences held by bar associations; judicial training programs; and Town Hall meetings for left-behind parents. We believe such outreach to be an important function in our efforts to increase awareness of the issue of international parental child abduction, and inform the public of the resources available in combating the problem.

*Question 57.* Have any children been returned from Saudi Arabia, Syria, and other Islamic Law countries through legal means (not those arranged privately by the parents)? Please provide specifics on those cases.

Answer. During the past twelve months, approximately thirty-five children have been returned from countries in which Islamic Law predominates, including Saudi Arabia, Jordan, Egypt, Lebanon, the West Bank, and Indonesia. The circumstances leading to the return of these children included law enforcement efforts (arrest in the U.S. of the abducting parent), U.S. Embassy intercession to facilitate the return of the children, action by the left-behind parent to bring the children back without the abducting parent's consent and, in one case involving two children, direct assistance from the host government when there was credible evidence of neglect by the abducting parent. Most of the cases involved some form of Department assistance in facilitating the return, including one or more of the following; temporary Embassy refuge, escort, travel documentation, and access to USG crime victim assistance.

*Question 58.* Is the case of Amjad Radwan (daughter of U.S. citizen Monica Stowers) considered active or inactive by the Department of State? Please explain.

Answer. Amjad Radwan's case is an active case handled by our Office of American Citizens Services and Crisis Management. The government of Saudi Arabia issued Ms. Radwan an exit visa in the summer of 2002, but she chose not to travel to the United States. We stand ready to offer any and all consular services to her, as we would to any other American abroad who requests them.

*Question 59.* Are the cases of Aisha and Alia Gheshtayan (Pat Roush's daughters) considered active or inactive by the Department of State? Please explain.

Answer. The Department of State will continue to urge the Gheshtayan women to meet with their mother in the U.S. In a meeting with the women in August 2002, a female consular officer noted to the sisters that the United States government considers them American citizens and therefore has an ongoing interest in their welfare and wishes. She reiterated that as U.S. citizens, the sisters were entitled to seek assistance and protection at any U.S. mission should they require it. Aisha and Alia Gheshtayan stated clearly to the consular officer that they are happy with their lives in Saudi Arabia, do not wish to come to the United States at this time, and that they do not want to meet with their mother, Pat Roush. We stand ready to offer any and all consular services to the sisters, as we would to any other American abroad who request them.

*Question 60.* In Calendar Year 2002 and Calendar Year 2003 (to date), how many Saudi nationals applied for U.S. visas in Saudi Arabia? How many visas were issued? How many were refused? Please provide a month-by-month breakdown.

Answer:

NON-IMMIGRANT VISAS ISSUED TO SAUDI NATIONALS IN SAUDI ARABIA  
FY-2002

Jeddah	Issued	Refused	Total	Refusals Overcome
October	728	30	758	13
November	65	61	126	13
December	299	98	397	79
January	431	62	493	54
February	188	55	243	32
March	384	84	468	32
April	560	121	681	48
May	565	171	736	97
June	787	237	1,024	120
July	483	445	928	279
August	246	190	436	88
September	225	181	406	74
Grand Total	4,961	1,735	6,696	929

Riyadh	Issued	Refused	Total	Refusals Overcome
October	335	82	417	60
November	176	104	280	47
December	499	223	722	149
January	686	227	913	185
February	336	168	504	175
March	608	488	1,096	313
April	815	691	1,506	328
May	1,278	1,129	2,407	714
June	1,255	1,163	2,418	1,021
July	982	706	1,688	912
August	465	502	967	140
September	357	177	534	126
Grand Total	7,792	5,660	13,452	4,170

NON-IMMIGRANT VISAS ISSUED TO SAUDI NATIONALS IN SAUDI ARABIA  
FY-2003 <sup>1</sup>

Jeddah	Issued	Refused	Total	Refusals Overcome
October	239	377	616	96
November	203	244	447	144
December	201	160	361	109
January	243	250	493	147
February	153	113	266	107
March	176	167	343	141
April	236	177	413	113
May	357	268	625	202
June	569	515	1,084	354
Grand Total	2,377	2,271	4,648	1,413

Riyadh	Issued	Refused	Total	Refusals Overcome
October	663	179	842	264
November	464	169	633	202
December	317	181	498	156
January	441	180	621	160
February	315	267	582	137
March	373	473	846	153
April	484	260	744	194
May	414	252	666	179
June	772	581	1,353	369
Grand Total	4,243	2,542	6,785	1,814

<sup>1</sup> First nine months of fiscal year.

