

Action Report on
International Child Abduction

August 2017



**REPORT ON THE SPECIFIC ACTIONS TAKEN AGAINST COUNTRIES
DETERMINED TO HAVE BEEN ENGAGED IN A PATTERN OF NONCOMPLIANCE
IN THE 2017 ANNUAL REPORT ON INTERNATIONAL CHILD ABDUCTION**

AUGUST 2017

**SUBMITTED PURSUANT TO
THE SEAN AND DAVID GOLDMAN
INTERNATIONAL CHILD ABDUCTION PREVENTION AND RETURN ACT
22 U.S.C. §9111, ET SEQ.**

INTRODUCTION

The U.S. Department of State's Office of Children's Issues serves as the U.S. Central Authority (USCA) under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Convention). In 2017, the Department submitted its Annual Report on International Parental Child Abduction (Annual Report) pursuant to the Sean and David Goldman International Child Abduction Prevention and Return Act (the Act).

The Department submits, pursuant to 22 U.S.C. § 9122(c)(4), this report to Congress on the specific actions taken against countries determined to have been engaged in a pattern of noncompliance as defined by the Act.

In our Annual Report we reported on the Department's efforts to support the resolution of international parental child abduction cases involving children whose habitual residence is the United States. We also reported on our engagement with more than 215 countries and territories to promote procedures to encourage the prompt resolution of international parental child abduction cases with the aim that, in general, international custody disputes should be resolved in the competent court of the country of the child's habitual residence. The 2017 Annual Report also discussed the Department's efforts to prevent abductions, in coordination with foreign governments, law enforcement agencies, and airlines.

The Department's work does not end with the publication of the Annual Report. In countries that do not meet their Convention obligations, or fail to work with the USCA to resolve international parental child abductions, the Department takes appropriate actions as listed in the Act. In addition, the Department takes actions that are consistent with how we advance U.S. foreign interests in other high priority areas. We establish and maintain communications, we identify challenges, we exchange information and technical expertise, and we press countries to meet their Convention obligations and resolve abduction cases.

THE DEPARTMENT'S ACTION REPORT ON INTERNATIONAL PARENTAL CHILD ABDUCTION

Diplomatic engagement remains our most effective tool with all countries to assist in resolving international parental child abduction cases (IPCA). We take every appropriate opportunity to raise these cases with foreign government officials at the highest appropriate levels and to ensure the foreign government understands the U.S. government's concern for the welfare of U.S. citizens overseas, especially children.

The Department continues to refine strategies for U.S.

government engagement with numerous countries on international parental child abduction. These strategies provide a government-wide approach to combat and resolve abductions. Our strategy in each country is uniquely tailored to take into account that country's evolving political and cultural environment.

For countries that have not joined the Hague Abduction Convention, consular professionals work with government officials to encourage them to join, and to resolve existing abduction cases. For our Convention partners, we actively promote compliance with the Convention. These efforts are bearing fruit. For example, during 2016, officials from Egypt's Ministry of Foreign Affairs and the Justice Ministry engaged extensively with the United States to review methods for resolving cases under the existing Memorandum of Understanding, with the result that eight children returned to the United States. In one case, the Egyptian government helped to facilitate a U.S. parent's access to his children in Egypt; in another case, the Prosecutor General's Office recognized a left-behind parent's custody and allowed the child to return to the United States.

Following years of engagement, Pakistan officially acceded to the Hague Abduction Convention on March 1, 2017, becoming the 96th Party to this treaty; a huge step forward toward international cooperation on abduction matters. The Department is working with the Government of Pakistan to review the potential for future partnership.

The Department cited Colombia in our 2015 and 2016 reports because of performance problems with its central authority and judiciary. After focused U.S. diplomacy directed at officials at all levels of the Colombian government, Colombia adopted a new law to expedite case processing in Colombian courts to support Colombia's continued compliance with the Convention. In addition, the Colombian Central Authority (CCA) added staff members in 2016, allowing it to coordinate more closely with the Department and left-behind parents in resolving cases under the Convention. The CCA's efforts led to the resolution of an abduction case in 2016. Overall, the partnership between Colombia and the United States has improved, and Colombia resolves IPCA cases more rapidly.

In this Action Report, we share the specific actions the United States has taken with regard to the countries we cited in the 2017 Annual Report for demonstrating a pattern of noncompliance. We also report on developments in international parental child abduction cases in these countries.

Argentina

Country Summary:

The United States and Argentina have been partners under the Hague Abduction Convention since 1991. In 2016, Argentina demonstrated a pattern of noncompliance when judicial and law enforcement authorities in Argentina persistently failed to implement and abide by the provisions of the Hague Abduction Convention. As a result of this failure, 100 percent of requests for the return of abducted children under the Convention remained unresolved for more than 12 months. On average, these cases were unresolved for 69 months. Argentina has been cited as non-compliant in every annual abduction report since 2014.

Report of Actions Taken:

Although Argentina still needs to address judicial concerns, U.S. engagement in 2016 led to the resolution of a long-standing Convention case, where two children were returned to the United States.

High-level Department officials raised continuing U.S. concerns about the Argentine judiciary's failure to meet its Convention obligations in public and private fora. In September 2016, the Department's Special Advisor for Children's Issues formally raised U.S. concerns about Argentina's performance with senior Argentine officials, citing the high percentage of unresolved Hague Convention abduction cases. In June 2017, the Acting Principal Deputy Assistant Secretary for Consular Affairs delivered a demarche to the Argentine Ministry of Foreign Affairs, notifying the Argentine authorities that the Department had again cited Argentina in the 2017 Annual Report for demonstrating patterns of noncompliance during 2016.



Country Summary:

The United States and The Bahamas have been partners under the Hague Abduction Convention since 1994. The Department cited The Bahamas in the 2017 Annual Report because in 2016, the Bahamian Central Authority and the judicial authorities in The Bahamas persistently failed to implement and abide by the Hague Abduction Convention. As a result, fifty percent of requests for the return of abducted children under the Convention were on average unresolved for 42 months. We have cited The Bahamas annually since 2010.

Report of Actions Taken:

In June 2017, U.S. Embassy Nassau officially notified The Bahamas in a demarche that the Department cited the Bahamas as demonstrating patterns of noncompliance in our 2017 Annual Report. Earlier, in January 2017, the Department Spokesperson highlighted in a public statement our concerns with The Bahamas' performance on international parental child abduction.

Senior U.S. Embassy Nassau officials reiterated U.S. concerns directly with The Bahamas' Senior Assistant Secretary for the Legal Affairs Division of the Ministry of Foreign Affairs and Immigration and the Senior Case Worker at The Bahamas Central Authorities. Our Acting Deputy Chief of Mission also emphasized that The Bahamas needs to comply with its obligations under the Convention. As a result of our concerted efforts, the Bahamian Assistant Secretary of Legal Affairs from the Ministry of Foreign Affairs agreed to resume quarterly conference calls concerning the communication issues and delays that we cited in our Annual Report.

Toward improving the performance of the judicial authorities and the Central Authority, the Department successfully encouraged The Bahamas' participation in an international conference on international parental child abduction. In March 2017, a Hague Network Judge and the Senior Assistant Secretary at the Bahamian Ministry of Foreign Affairs and Immigration attended the Second Inter-American Meeting of Central Authorities and International Hague Network Judges on International Child Abduction in Panama City, Panama.



Country Summary:

The United States and Brazil have been Convention partners since 2003. In 2016, Brazil demonstrated a pattern of noncompliance. Specifically, the judicial authorities in Brazil persistently failed to regularly implement and comply with the provisions of the Convention. As a result of this failure, 68 percent of requests for the return of abducted children under the Convention have remained unresolved for more than 12 months. On average, these cases have been unresolved for 49 months. Brazil has been cited as non-compliant since 2005.

Report of Actions Taken:

In September 2016, the Special Advisor for Children’s Issues, traveled to Brazil to discuss long-standing cases and judicial delays with the President of the Supreme Court, the Director of the Brazilian Central Authority (BCA), and representatives from the Office of the Attorney General and the Ministry of Justice. The Special Advisor also delivered a demarche to the Ministry of External Relations regarding cases pending with the BCA for at least one year. In October 2016, then Assistant Secretary for Consular Affairs hosted the annual bilateral consular dialogue with Brazil in Washington D.C., alongside the Brazilian Undersecretary General for Consular and Legal Affairs. The Assistant Secretary pressed the Brazilians on the need to improve their performance under the Hague Convention.

In January 2017, the Department Spokesperson made a public statement calling the judicial delays in Brazilian Convention cases unacceptable. Then, in February 2017, during the G20 meeting in Bonn, Germany, Secretary of State Tillerson raised international parental child abduction (IPCA) issues with Brazilian Minister of External Relations.

The U.S. Ambassador to Brazil routinely raises IPCA issues with senior-level Brazilian government officials, including the Brazilian Minister of External Relations, the Undersecretary General for Consular and Legal Affairs, and the Interim Minister of Justice. The Ambassador has specifically noted our concerns with judicial delays and cases pending with the judiciary for more than 12 months. Brazilian government officials expressed their commitment to the rapid resolution of Convention cases and discussed initiatives within the Brazilian government to process cases more quickly. In March 2017, the Bureau of Western Hemisphere Deputy Assistant Secretary met with members of the Brazilian Supreme Tribunal of Justice to express our concerns with judicial delays, highlighting that roughly three out of every four cases takes longer than a year to resolve. In May, the Director of the Office of Children’s Issues met with a judge from the Brazilian Superior Tribunal of Justice to discuss how the Office of Children’s Issues processes Convention cases, and ways in which the Brazilian judiciary could more efficiently handle these cases.

In June 2017, the Acting Principal Deputy Assistant Secretary for Consular Affairs delivered a demarche to the Brazilian Ministry of Foreign Affairs, as well as the Ministry of Justice, notifying the Brazilian authorities that the Department had again cited Brazil in the 2017 Annual Report for demonstrating patterns of noncompliance during 2016, and pressing for action on delayed cases.



Dominican Republic

Country Summary:

In 2016, the Dominican Republic demonstrated a pattern of noncompliance. Specifically, the judicial authorities in the Dominican Republic persistently failed to implement and abide by the provisions of the Hague Abduction Convention. As a result of this failure, 33 percent of requests for the return of abducted children under the Convention have remained unresolved for more than 12 months. On average, these cases have been unresolved for 16 months. The Dominican Republic has been cited as non-compliant since 2014.

Report of Actions Taken:

In May 2017, the Consul General at U.S. Embassy Santo Domingo delivered a demarche to the Ministry of Foreign Relations, giving official notice that the Department cited the Dominican Republic for patterns of noncompliance.

The United States regularly presses the Dominican Republic directly to improve its performance. In 2016, the USCA instituted monthly conference calls with the Dominican Central Authority (DCA). As a result, the overall quality and frequency of communication with the DCA improved. With a better understanding of how the Dominican Republic processes Hague Abduction Convention cases, the Department addressed delays in the Dominican judiciary. In January 2016, U.S. Embassy Santo Domingo delivered a demarche to key government agencies, including the Dominican Ministry of External Relations, highlighting the lack of progress on longstanding cases and requesting an update on cases pending with the Dominican Supreme Court. The Embassy also delivered this message to the DCA and the Dominican Attorney General's Office.



Country Summary:

Judicial and law enforcement authorities in Ecuador persistently failed to implement and abide by the provisions of the Hague Abduction Convention in 2016, although the Central Authority was more responsive and improved its performance overall [as compared to the prior year]. On average, law enforcement officials took over nine months to locate abducted children. In courts, Hague Convention cases remained unresolved for over 13 months. The Department has cited Ecuador for demonstrating patterns of non-compliance with the Convention since 2014.

Report of Actions Taken:

In May 2017, in an official demarche from U.S. Embassy Quito to the Ecuadorian Ministry of Foreign Affairs, the Department officially provided notification that we were citing Ecuador for these patterns of noncompliance.

The Department continues to urge Ecuador to improve its performance and to understand its obligations under the Hague Abduction Convention. In July 2017, the Department included three Ecuadorian officials in an International Visitor Leadership Program designed specifically to educate participants on processing and resolving IPCA cases. The USCA established bi-monthly conference calls with the Ecuadoran Central Authority, law enforcement officials, and the Public Defender's Office to discuss case updates and strategies to improve how Ecuador implements the Hague Abduction Convention. In 2016, these conference calls resulted in more frequent communication between the U.S. and Ecuadorian central authorities.



Guatemala

Country Summary:

The United States and Guatemala have been partners under the Hague Abduction Convention since 2008. In 2016, Guatemala demonstrated a pattern of noncompliance. Specifically, the Guatemalan Central Authority and law enforcement authorities persistently failed to implement and abide by the provisions of the Hague Abduction Convention. The Guatemalan Central Authority has not sent Hague applications to the courts in a timely manner, and has provided some inaccurate updates to the U.S. Central Authority. These failures have resulted in serious delays in the processing of cases. Guatemala has been cited as non-compliant since 2011.

Report of Actions Taken:

In June 2017, the U.S. Ambassador to Guatemala formally notified Guatemala's Solicitor General, the Director of the Guatemalan Central Authority, that the Department cited Guatemala's continuing patterns of noncompliance in our 2017 Annual Report. The Ambassador directly raised the areas in which Guatemala has failed to meet its obligations under the Hague Abduction Convention. The Ambassador recognized that Guatemala participates in monthly conference calls with the Department. The Guatemalan Solicitor General stated that Guatemala is interested in judicial training to address the issue of judicial delays. The Ambassador and Guatemalan Solicitor General also discussed ways to minimize delays in the administrative processing of cases.



Country Summary:

India is not a party to the Convention and does not adhere to any protocols with respect to international parental child abduction. In 2016, India demonstrated a pattern of noncompliance. Specifically, the competent authorities in India persistently failed to work with the Department of State to resolve abduction cases. As a result of this failure, 66 percent of requests for the return of abducted children remained unresolved for more than 12 months. India has been cited as non-compliant since 2014.

Report of Actions Taken:

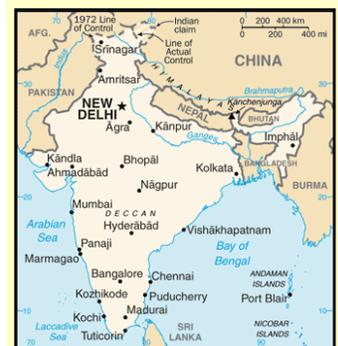
Throughout the year, officials at the highest levels of the Department encouraged India to resolve international parental child abduction cases and to take steps to facilitate rights of access for left-behind parents whose children have been abducted to India.

In December 2016, U.S. Embassy New Delhi delivered a demarche to the Indian government seeking India's assistance to resolve all open abduction cases. In February 2017, the United States delivered a demarche and letter to the Indian government urging India's accession to the Hague Abduction Convention. Initiated by the United States, the letter was signed by the Ambassadors or acting Chiefs of Mission from 33 Convention countries and the European Union.

The Minister Counselor for Consular Affairs, South and Central Asian Affairs (SCA) Acting Assistant Secretary, then SCA Assistant Secretary, and a former SCA Deputy Assistant Secretary reiterated messages on assistance with abduction cases and accession to the Hague Abduction Convention in numerous meetings and dialogues with Indian officials.

Most recently, officials from the Office of Children's Issues continued the Department's engagement with the Government of India. During a 2017 visit to India, senior U.S. officials underscored the need for the Government of India to work with the Department to resolve abduction cases. Additionally, senior officials from the Office of Children's Issues and Bureau of South and Central Asian Affairs met repeatedly with the Indian Embassy to underscore the need for the Government of India to work with the Department to prevent and resolve international parental child abduction cases.

Upon release of the 2017 Annual Report, U.S. Embassy New Delhi delivered a demarche to the Indian government noting that the Department had cited India in the 2016 Annual Report as demonstrating patterns of noncompliance and requested India's assistance with resolving reported cases.



Country Summary:

Jordan is not a party to the Convention and does not adhere to any protocols with respect to international parental child abduction. In 2006, the United States and Jordan signed a Memorandum of Understanding to encourage voluntary resolution of abduction cases and facilitate consular access to abducted children. In 2016, Jordan demonstrated a pattern of noncompliance. The United States formally notified the Jordanian government of nine abduction cases in January of 2016. These cases have been open for an average of four and a half years, with the longest open for more than 12 years. Jordanian authorities have not responded to the U.S. request for assistance in resolving these abduction cases. Jordan has been cited as non-compliant since 2014.

Report of Actions Taken:

Upon release of the 2017 Annual Report, U.S. Embassy Amman delivered a demarche to the Jordanian government noting that the Department had cited Jordan in the 2017 Annual Report as demonstrating patterns of noncompliance and requested Jordan's assistance in resolving reported cases, as well as identifying legal resources available to assist parents.



Country Summary:

Nicaragua acceded to the Hague Abduction Convention (Convention) in 2001 but the Convention is not in force between Nicaragua and the United States. As a result, there is no formal mechanism for resolving cases under the Convention at this time. In 2016, Nicaragua demonstrated a pattern of noncompliance because the competent authorities in Nicaragua failed to work with the Department of State to resolve abduction cases. In particular, the Nicaraguan government failed to respond to diplomatic communications from Embassy Managua on abduction cases. Thirty-three percent of requests for the return of abducted children remained unresolved for more than 12 months. On average these cases were unresolved for 24 months. Nicaragua has been cited as non-compliant since 2014.

Report of Actions Taken:

In May 2017, the Consul General at U.S. Embassy Managua formally notified the Minister of the Family, Adolescence, and Childhood that the Department cited Nicaragua's non-compliance in the 2017 Annual Report.

Embassy Managua routinely underscores the importance of responding to U.S. diplomatic notes in a timely fashion and working closely with the U.S. government on international parental child abduction cases. However, in May 2017, the Consul General referenced two U.S. diplomatic notes concerning abductions that Nicaragua did not answer in 2016.



Country Summary:

The United States and Panama have been partners under the Hague Abduction Convention since 1994. In 2016, Panama demonstrated a pattern of noncompliance. Specifically, the judicial authorities in Panama persistently failed to implement and abide by the provisions of the Hague Abduction Convention. As a result of this failure, 100 percent of requests for the return of abducted children under the Convention remained unresolved for more than 12 months. On average these cases were unresolved for 45 months.

Report of Actions Taken:

In June 2017, U.S. Embassy Panama City officially notified the Panamanian Ministry of Foreign Affairs, in a demarche message, that the Department cited Panama in the Annual Report as demonstrating patterns of noncompliance.

In March 2017, to address Panama's noncompliance, Department representatives met with Panamanian Central Authority personnel during a regional meeting on international parental child abduction and proposed continuing a collaborative dialogue with respect to Convention cases.



Country Summary:

The United States and Peru have been partners under the Hague Abduction Convention since 2007. In 2016, Peru demonstrated a pattern of noncompliance. Specifically, the judicial authorities in Peru persistently failed to implement and abide by the provisions of the Hague Abduction Convention. As a result of this failure, 28 percent of requests for the return of abducted children under the Convention remained unresolved for more than 12 months. On average these cases were unresolved for 27 months. Peru has been cited as non-compliant since 2014.

Report of Actions Taken:

In March 2017, Acting Assistant Secretary for Consular Affairs directly raised Peru's Convention noncompliance with the Ministry for Women and Vulnerable Populations, which oversees the Peruvian Central Authority, and other senior Peruvian officials.

In May 2017, the Department officially notified the Peruvian Ministry of Foreign Affairs in a demarche message that the Department cited Peru's patterns of noncompliance in the 2017 Annual Report.

In December 2016, U.S. Embassy Lima officially notified the Ministry for Women and Vulnerable Populations that three Convention abduction cases have been pending with Peruvian courts for more than one year.

The Department frequently raised concerns about the Peruvian judiciary's failure to meet its Hague Abduction Convention obligations in both public and private fora. Additionally, to improve communication between the U.S. and Peruvian central authorities, the State Department hosted bi-monthly conference calls with the Peruvian Central Authority.



Country Summary:

The United States and Romania have been partners under the Hague Abduction Convention since 1993. In 2016, Romania demonstrated a pattern of noncompliance. Specifically, law enforcement authorities in Romania persistently failed to implement and abide by the provisions of the Hague Abduction Convention. For example, in one particular case the authorities failed to enforce a return order that was issued in 2011. Romania has been cited as non-compliant since 2015.

Report of Actions Taken:

In November 2016, the Deputy Consular Chief from the U.S. Embassy in Bucharest met with officials from the Romanian Central Authority to discuss case specific issues as well as Romania's persistent failure to enforce Hague return orders.

In March 2017, the Department sent a diplomatic note to the Romanian Ministry of Foreign Affairs to express its concerns regarding a specific abduction case in which Romanian authorities have not enforced a valid return order.

Upon release of the Annual Report in May 2017, the Department notified Romanian authorities in a demarche that the Department had cited Romania in the 2017 Annual Report for demonstrating patterns of noncompliance.

In June 2017, the Department delivered a letter to the Romanian Central Authority to further explain the basis for citing Romania in the 2017 Annual Report. In this letter, the U.S. Central Authority proposed meeting with the Romanian Central Authority.



Country Summary:

In 2016, Tunisia does not adhere to any protocols with respect to international parental child abduction. In 2016, Tunisia demonstrated a pattern of noncompliance. Specifically, the competent authorities in Tunisia failed to work with us to successfully resolve open cases. As a result of this failure, 50 percent of requests for the return of abducted children have remained unresolved for more than 12 months. On average these cases have been unresolved for more than four years. Tunisia has been cited as non-compliant since 2014.

Report of Actions Taken:

Throughout the year, officials at the highest levels of the Department encouraged Tunisia to resolve international parental child abduction cases and accede to the Hague Abduction Convention. In March 2017, the Special Advisor for Children's Issues traveled to Tunis to meet with officials from the Ministries of Foreign Affairs and Justice, members of Parliament, and the Director of Child Protection Services.

Upon release of the 2017 Annual Report, U.S. Embassy Tunis delivered a demarche to the Ministry of Foreign Affairs noting that the Department had cited Tunisia in the 2017 Annual Report for demonstrating patterns of noncompliance and requested Tunisia's assistance with resolving reported cases.

The Department is pleased that after intense U.S. diplomatic efforts, the two cases pending with the Tunisian authorities for more than twelve months have been resolved with the return of the children to the United States. Further, the Tunisian Government acceded to the Hague Abduction Convention on July 10, 2017.

