REPORT ON THE SPECIFIC ACTIONS TAKEN AGAINST COUNTRIES DETERMINED TO HAVE BEEN ENGAGED IN A PATTERN OF NONCOMPLIANCE IN THE 2018 ANNUAL REPORT ON INTERNATIONAL CHILD ABDUCTION

July 2018

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


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

In our 2018 Annual Report we reported on the Department’s efforts to support the resolution of international parental child abduction (IPCA) cases involving children whose habitual residence is reported to be the United States. We also reported on our engagement with foreign governments and authorities to promote procedures to encourage the prompt resolution of existing IPCA 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 2018 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. This report outlines these actions and dialogues undertaken to address systematic obstacles to resolution and deterrence of international parental child abduction.

THE DEPARTMENT’S ACTION REPORT ON INTERNATIONAL PARENTAL CHILD ABDUCTION

Diplomatic engagement remains our most effective tool with all countries to assist in resolving IPCA cases. We take every appropriate opportunity to raise these cases with foreign government officials at the highest appropriate levels and to ensure that 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 IPCA. These strategies provide a government-wide approach to combat and resolve abductions. Our strategy for each country is uniquely tailored to that country’s evolving political and cultural environment.

For countries that have not joined the Convention, consular professionals work with government officials to encourage them to join the Convention, and to resolve existing abduction cases. For Convention parties, we actively promote compliance with the Convention. In many countries, these efforts are producing results. In the 2018 Annual Report, the Department removed Guatemala, Nicaragua, Panama, and Tunisia from the list of noncompliant countries because of improvements each country made in handling parental child abduction cases.

The Guatemalan Central Authority (GCA) markedly improved its communication with the Department in 2017 and 2018.

In July 2017, Tunisia acceded to the Convention and by year’s end, resolved all open abductions with the return of the children to the United States.

During 2017, Nicaragua conducted specialized training for judges on how to make decisions that are compliant with the Convention.

Panama also took proactive steps to educate its officials and judges, hosting the 2nd Inter-American Meeting of Central Authorities and International Hague Network Judges on International Parental Child Abduction in March 2017. In addition, two cases of children taken from the United States to Panama were resolved.

(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.
INTRODUCTION

We also seek to partner, when appropriate, with countries that have already joined the Convention. In December 2017, the United States accepted Armenia’s accession to the Convention, which entered into force between our two countries on March 1, 2018, making Armenia our 78th Convention partner. Parents reporting new abductions to and from Armenia will now be able to apply for their children’s return under the Convention, and parents who are without access to their children in Armenia can apply for access under the Convention.

In this Action Report, we share the specific actions the United States has taken with regard to the countries cited in the 2018 Annual Report for demonstrating a pattern of noncompliance. We also report on other developments related to international parental child abduction in these countries.
Country Summary:

The Convention has been in force between the United States and Argentina since 1991. In 2017, Argentina demonstrated a pattern of noncompliance. Specifically, Argentina’s judicial branch regularly failed to implement and comply with the provisions of the Convention. As a result of this failure, 40 percent (two cases involving two children) 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 five years and five months. Argentina has been cited as noncompliant since 2014.

Report of Actions Taken:

Department of State officials raised continuing U.S. concerns about the Argentine judiciary’s failure to meet its Convention obligations in public and private fora. In August 2017, during an official visit to Argentina, the Department formally raised U.S. concerns about Argentina’s performance with senior Argentine officials, citing the high percentage of unresolved Convention abduction cases. In the same visit, a Department official met with a representative from the Hague Conference on Private International Law to convey the Department’s support for a mechanism to expedite judicial resolution of Convention cases, such as the proposed national procedural law.

In September 2017, Department officials met in Argentina with officials from the Argentine Supreme Court and child welfare advocates. These officials participated in a Convention-focused International Visitor Leadership Program in the United States earlier in 2017. The participants demonstrated increased understanding of the U.S. justice system as it relates to international parental child abduction and the safe return of children to the United States.

In December 2017, the U.S. embassy provided a forum for the International Visitor Leadership Program participants to share with the Argentine Central Authority what they learned about U.S. Convention implementation. The participants made recommendations and suggestions to the Central Authority for improved implementation of the Convention in Argentina.

In a February 2018 digital video conference, senior U.S. Central Authority officials met with Argentine Ministry of Foreign Affairs officials and the newly installed Argentine Central Authority Director to address the Department’s concern for resolving longstanding Convention cases. This meeting strengthened central authority cooperation.

In May 2018, the Consul General of the U.S. embassy met with the Hague Conference on Private International Law and the Argentine Central Authority to discuss procedural reforms for improving Argentine compliance. In a digital video conference that month, the Department pressed senior Argentine officials on the status of the draft procedural law that seeks to expedite judicial resolution of Convention cases. The Department commended Argentina for the increased adoption, among Argentine courts, of voluntary judicial procedural guidelines for
In June 2018, the Consul General of the U.S. Embassy in Buenos Aires met with the Argentine Hague Network Judge to discuss a joint effort to provide trainings to the Argentine judiciary on the expeditious processing of Convention cases. In the same month, the Consul General delivered a demarche to the Argentine Ministry of Foreign Affairs, notifying the Argentine authorities that the Department cited Argentina in the 2018 Annual Report for demonstrating a pattern of noncompliance during 2017. Following the demarche, the U.S. embassy undertook a related media campaign, conducting an interview with a local media outlet and publishing a series of social media posts to raise awareness among the public of Argentina’s noncompliance.
Country Summary:

The Convention has been in force between the United States and The Bahamas since 1994. The Department cited The Bahamas for demonstrating a pattern of noncompliance in the 2018 Annual Report. Specifically, the Bahamian Central Authority regularly failed to fulfill its responsibilities pursuant to the Convention, and the Bahamian judicial branch regularly failed to implement and comply with the provisions of the Convention. As a result, 50 percent (two cases involving two children) 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 seven years and two months. The Department has cited The Bahamas as noncompliant since 2011.

Report of Actions Taken:

In June 2018, U.S. Embassy Nassau officially notified The Bahamas in a demarche that the Department cited The Bahamas for demonstrating a pattern of noncompliance in the 2018 Annual Report. Senior U.S. Embassy Nassau officials reiterated U.S. concerns directly with senior officials at the Bahamian Ministry of Foreign Affairs and the Bahamian Central Authority. They also emphasized that The Bahamas needs to comply with its obligations under the Convention.

In June 2018, representatives from the Department met with the Ministry of Foreign Affairs and the Bahamian Central Authority in an effort to improve coordination between our offices. The Department discussed the importance of improving communication, best practices in implementing the Convention, and how both countries fulfill their obligations under the Convention.
Brazil

Country Summary:

The Convention has been in force between the United States and Brazil since 2003. In 2017, Brazil demonstrated a pattern of noncompliance. Specifically, Brazil’s judicial branch regularly failed to implement and comply with the provisions of the Convention. As a result of this failure, 35 percent (seven cases involving eight children) 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 five years and 11 months. Brazil has been cited as noncompliant since 2006.

Report of Actions Taken:

Throughout the year, officials at the highest levels of the Department engaged with the Government of Brazil on the issue of international parental child abduction. The U.S. Ambassador to Brazil, Assistant Secretary for Consular Affairs, Minister Counselor for Consular Affairs, and the Special Advisor for Children’s Issues pressed Brazil to assist with resolving abduction cases and to address the ongoing issue of judicial delays.

In June 2017, Department officials traveled to Brazil and met with senior officials from the Ministry of Foreign Relations (MRE) and Ministry of Justice (MOJ) to discuss Brazil’s noncompliance with the Convention. The MOJ Secretary acknowledged U.S. concerns over the long-standing IPCA cases and officials at MRE and MOJ both supported hosting a judicial symposium on IPCA.

In July 2017, Department officials met with the Brazilian Ambassador to analyze progress on bilateral agenda items including IPCA.

In August 2017, senior officials from U.S. Embassy Brasilia met with the Brazilian Central Authority (BCA) and a Brazilian Hague Network Judge to discuss pervasive compliance issues and to support judicial symposium initiatives.

In November and December 2017, Brazilian IPCA stakeholders, including officials from the BCA, the MRE, the Association of Federal Judges, and a Hague Network Judge, held two Convention-specific judicial symposia. The Office of Children’s Issues and U.S. Embassy Brasilia attended the symposia and sponsored the participation of three Convention experts: two U.S. Hague Network Judges, and a representative from the Hague Conference on Private International Law.

In January 2018, the Assistant Secretary for Consular Affairs traveled to Brazil to participate in the Annual Bilateral Consular Dialogue. The dialogue addressed the detrimental effects judicial delays have on Convention cases and the steps the Brazilians are taking to improve compliance, including judicial outreach and consolidation of jurisdictions in the judiciary.
In March 2018, senior officials from U.S. Embassy Brasilia met with a senior Minister of the Brazilian National Council of Justice to discuss judicial delays and possible procedural reforms that could prioritize and streamline Convention case processing in the judiciary.

In April 2018, the Special Advisor for the Office of Children’s Issues traveled to Brazil to discuss IPCA and Brazil’s efforts to comply with the Convention. The Special Advisor met with senior Brazilian judicial and executive branch officials who discussed enacting procedural guidelines to expedite and prioritize Convention cases in the judiciary.

Upon release of the 2018 Annual Report, U.S. Embassy Brasilia delivered a demarche to the Brazilian government noting that the Department had cited Brazil in the 2018 Annual Report as demonstrating patterns of noncompliance and once again requested Brazil’s assistance with resolving longstanding cases.
Country Summary:

China does not adhere to any protocols with respect to international parental child abduction. In 2017, China demonstrated a pattern of noncompliance. Specifically, the competent authorities in China persistently failed to work with the Department to resolve abduction cases. As a result of this failure, 75 percent (three cases involving three children) of requests for the return of abducted children remained unresolved for more than 12 months. On average, these cases were unresolved for two years.

Report of Actions Taken:

In August 2017, senior officials from U.S. Embassy Beijing raised abduction issues with counterparts from China’s Ministry of Foreign Affairs.

In October 2017, the Assistant Secretary for Consular Affairs met with China’s Ministry of Foreign Affairs Director General as part of the 2017 U.S.-China Consular Dialogue, where he urged China to join the Convention.

In December 2017, an official from the Office of Children’s Issues spoke with an official from China’s Ministry of Justice at the Hague Seminar in Tokyo regarding the Convention. An official from U.S. Embassy Beijing met with the Ministry of Justice official again in March 2018 to discuss China’s concerns about the Convention.

In April 2018, a U.S. Embassy Beijing senior official highlighted the importance of the Annual Report with his counterpart at the Ministry of Foreign Affairs.

In May 2018, a U.S. Embassy Beijing senior official met with representatives from China’s Ministry of Foreign Affairs ahead of the 2018 U.S.-China Consular Dialogue, where he conveyed that China had been cited in the 2018 Annual Report.

Upon release of the 2018 Annual Report, during the U.S.-China Consular Dialogue, the Assistant Secretary for Consular Affairs delivered a demarche to the Chinese government noting that the Department had cited China in the 2018 Annual Report as demonstrating a pattern of noncompliance and requesting that the Chinese government engage in dialogue with the Department on the Convention.
Country Summary:

The Convention has been in force between the United States and the Dominican Republic since 2007. In 2017, 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 Convention. As a result of this failure, 20 percent (one case involving one child) 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 noncompliant since 2014.

Report of Actions Taken:

The United States regularly presses the Dominican Republic directly to improve its performance. In 2017, the USCA nominated the Director of the Dominican Central Authority (DCA) for the International Visitor Leadership Program. In April 2018, an official from the Office of Children’s Issues traveled to the Dominican Republic, met with the DCA and discussed ways to improve communication. During this meeting, the DCA and USCA agreed on a method for improving the overall quality and frequency of communication between our Central Authorities.

In June 2018, the Consul General at U.S. Embassy Santo Domingo delivered a demarche to the Dominican Ministry of Foreign Relations, giving official notice that the Department cited the Dominican Republic for demonstrating a pattern of noncompliance. The demarche also highlighted the lack of progress on long-standing cases, and requested an update on a case pending with the Dominican Supreme Court.

The embassy delivered both messages to the DCA and the Dominican Attorney General’s Office.
Country Summary:

The Convention has been in force between the United States and Ecuador since 1992. In 2017, Ecuador demonstrated a pattern of noncompliance. Specifically, Ecuador’s judicial branch and law enforcement authorities regularly failed to implement and comply with the provisions of the Convention. As a result of this failure, 13 percent (one case involving one child) of requests for the return of abducted children under the Convention remained unresolved for more than 12 months. More specifically, this case has been unresolved for four years and 11 months. Ecuador has been cited for noncompliance since 2015. The Ecuadorian Central Authority moved from the Ministry of Economic and Social Inclusion to the Ministry of Justice in June 2017, and a new director was appointed in mid-November 2017.

Report of Actions Taken:

The Department has reinforced efforts urging Ecuador to improve its Convention implementation. In January 2018, the USCA increased the frequency of digital video conferences with the Ecuadorian Central Authority, Ecuadorian law enforcement officials, and the Public Defender’s Office to monthly meetings. During these conferences, participants discussed case updates and strategies on improving implementation of the Convention in Ecuador. Such conferences also increased understanding among the different offices involved in abduction cases in Ecuador and therefore improved communication, coordination, and cooperation.

The Department also plans to invite Ecuadorian officials to participate in a new International Visitor Leadership Program (IVLP) tentatively scheduled for summer 2018. The IVLP will specifically address the judicial components of processing and resolving Convention abduction cases.

In June 2018, U.S. Embassy Quito delivered a demarche to the Ecuadorian Ministry of Foreign Relations, giving official notice that the Department cited Ecuador for demonstrating a pattern of noncompliance.
India

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 2017, India demonstrated a pattern of noncompliance. Specifically, the competent authorities in India persistently failed to work with the Department to resolve abduction cases. As a result of this failure, 90 percent (44 cases involving 50 children) of requests for the return of abducted children remained unresolved for more than 12 months. On average, these cases were unresolved for one year and ten months. India has been cited as noncompliant since 2014.

Report of Actions Taken:

Throughout the year, officials at the highest levels of the Department engaged with the Government of India on the issue of international parental child abduction. Several senior Department officials pressed India to assist with resolving abduction cases and to accede to the Convention.

In January 2018, U.S. Embassy New Delhi and the Department hosted a digital video conference between a U.S. Hague Network Judge and an Indian committee reviewing draft legislation to address IPCA. The discussion addressed common concerns and misconceptions about IPCA and the Convention.

In February 2018, the Special Advisor for Children’s Issues traveled to India to meet with government officials, legal experts, and members of India’s civil society to address common concerns regarding IPCA and the Convention. The Special Advisor pressed the Indian government to assist with resolving abductions and to accede to the Convention.

Upon release of the 2018 Annual Report, U.S. Embassy New Delhi delivered a demarche notifying the Indian government that the Department had cited India in the 2018 Annual Report as demonstrating a pattern of noncompliance and once again requested India’s assistance with resolving reported cases.
Japan

Country Summary:

The Convention has been in force between the United States and Japan since 2014. Since then Japan has made measurable progress preventing and resolving cases of international parental child abduction. The number of abductions to Japan reported to the Department has decreased since the Convention came into force for Japan. Despite this progress, in cases where taking parents refused to comply with court return orders, there were no effective means to enforce the order, resulting in a pattern of noncompliance. As a result of this failure, 22 percent (two cases involving five children) 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 one year and 10 months. The Department continues to urge Japan to resolve the 21 pre-Convention abduction cases that remained open at the end of the year, all of which have been outstanding for many years.

Report of Actions Taken:

In July 2017, senior Department officials delivered a demarche to the Japanese Ambassador requesting that Japan enforce Convention return orders and resolve all pre-Convention IPCA cases.

In November 2017, senior Department officials delivered a demarche to the Embassy of Japan’s Political Minister, expressing their concern that Japan was not upholding its Convention obligations in failing to enforce Japanese court return orders. In September, October, and November, a U.S. Embassy Tokyo senior official met with senior Japanese Foreign Ministry officials to express those same concerns.

In December 2017, the U.S. Ambassador to Japan delivered a demarche with the same points to Japan’s Deputy Chief Cabinet Secretary. Also in December, the Special Advisor for Children’s Issues met in Tokyo with Japanese government officials to encourage Japan to create measures for enforcing Convention return cases and resolve pre-Convention abduction cases.

In January 2018, U.S. Embassy Tokyo high-level officials met with relevant Japanese authorities, highlighting U.S. concerns regarding enforcement of Convention court orders, and the importance of cross-ministry collaboration to solve the problem.

In February 2018, the Special Advisor for Children’s Issues met with the Japan Central Authority Director in Washington, D.C., to raise concerns on enforcement and to review all pre-Convention cases.

In April 2018, high-level officials from the Department and the U.S. Embassy in Tokyo met in Tokyo with Japan’s Consular Affairs Director General, reiterating concerns regarding enforcement and the need for a whole-of-government approach to fix it.
Following the release of the 2018 Annual Report, U.S. Embassy Tokyo delivered a demarche to Japanese authorities stating that the Department had cited Japan in the 2018 Annual Report for demonstrating a pattern of noncompliance because of the persistent failure to enforce judicial decisions. The U.S. embassy urged the Government of Japan to review and address the impediments that result in enforcement failures, and provide the Department with an update on the actions it intends to take in order to promptly enforce Convention return orders and the timetable for such reforms.

The embassy further requested Japan’s assistance in specific Convention and pre-Convention cases. The Department is considering the use of further tools under the Act if Japan continues its pattern of noncompliance in failing to promptly enforce Convention court orders.
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 2017, Jordan demonstrated a pattern of noncompliance. Specifically, Jordanian authorities persistently failed to work with the Department to resolve abduction cases. As a result, 50 percent (two cases involving two children) of requests for the return of abducted children remained unresolved for more than 12 months. On average, these cases were unresolved for one year and 11 months.

Report of Actions Taken:

In September 2017, officials from U.S. Embassy Amman met with the Jordanian Acting Director of Consular Affairs. The embassy reiterated the Department’s request for appropriate assistance to parents seeking resolutions to the abduction of their children. The embassy delivered a diplomatic note requesting resources available to parents seeking the return of their children from Jordan.

In April 2018, an official from the Office of Children’s Issues traveled to Amman to meet with the Government of Jordan. During the meeting, attended by representatives from the Jordanian Ministries of Foreign Affairs, Interior, and Justice, Jordanian officials provided responses to questions posed by the Department via diplomatic notes and demarches. Further, they offered to provide free mediation services to parents of abducted children in order to assist in the resolution of abductions. U.S. Embassy Amman is following up with the Ministry of Foreign Affairs to confirm the process by which a parent could request this service from the Government of Jordan.

Country Summary:

The Convention has been in force between the United States and Morocco since 2012. In 2017, Morocco demonstrated a pattern of noncompliance. Specifically, the Moroccan Central Authority and law enforcement authorities in Morocco failed to take appropriate steps to locate a child in one case for more than one year after a Convention application was filed.

Report of Actions Taken:

In September 2017, U.S. Consulate General Casablanca built upon the prior spring’s visit by the Office of Children’s Issues to urge officials in the Moroccan Central Authority (MCA) to improve central authority functioning with regard to locating children and to communicating with the U.S. government. U.S. officials discussed the Act, including citations, to stress the importance of improving collaboration with the United States under the Convention.

The U.S. Consul General in Casablanca met with the Director of the MCA at the Ministry of Justice in December 2017 on the continued inaction by the Government of Morocco. In April 2018, the Assistant Secretary for Consular Affairs traveled to Rabat to meet with senior Moroccan officials. During this meeting, the officials agreed to exhaust all resources available to the Moroccan government to locate children and improve communication with the United States.

Upon release of the 2018 Annual Report, U.S. Consulate General Casablanca delivered a demarche to the Moroccan government noting that the Department had cited Morocco in the Annual Report for demonstrating a pattern of noncompliance.
**Country Summary:**

The Convention has been in force between the United States and Peru since 2007. In 2017, Peru demonstrated a pattern of noncompliance. Specifically, Peru’s judicial branch regularly failed to implement and comply with the provisions of the Convention. As a result of this failure, 36 percent (four cases involving five children) 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 23 months. Peru has been cited as noncompliant since 2014.

**Report of Actions Taken:**

In October 2017, the Department sponsored an International Visitor Leadership Program (IVLP) that brought Peruvian officials to the United States to discuss the Convention with U.S. officials and judges, and to learn about how Convention cases are handled in the United States. IVLP participants included Peruvian judges and officials from the Peruvian Central Authority.

In August 2017, and again in June 2018, U.S. Embassy Lima delivered demarches notifying the Peruvian Ministry for Women and Vulnerable Populations about Convention abduction cases that have been pending with Peruvian courts for more than one year.

In June 2018, the Department delivered a demarche to the Peruvian Ministry of Foreign Affairs stating that the Department cited Peru in the 2018 Annual Report for demonstrating a pattern of noncompliance.

The Department has frequently raised concerns about the Peruvian judiciary’s failure to meet its Convention obligations in both public and private fora. Additionally, to improve communication between the U.S. and Peruvian Central Authorities, the Department conducts bi-monthly conference calls with the Peruvian Central Authority.
**Country Summary:**

The United Arab Emirates does not adhere to any protocols with respect to international parental child abduction. In 2017, the United Arab Emirates demonstrated a pattern of noncompliance. Specifically, the competent authorities in the United Arab Emirates persistently failed to work with the Department of State to resolve abduction cases. As a result of this failure, 50 percent (two cases involving two children) of requests for the return of abducted children remained unresolved for more than 12 months. On average, these cases were unresolved for two years.

**Report of Actions Taken:**

Upon release of the 2018 Annual Report, U.S. Embassy Abu Dhabi delivered a demarche to the Emirati government noting that the Department had cited the United Arab Emirates in the 2018 Annual Report for demonstrating a pattern of noncompliance.