

INTERNATIONAL CHILD ABDUCTIONS: THE CHALLENGES FACING AMERICA

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INTRODUCTION: THE PROBLEM

International child abductors often escape domestic law enforcement and disappear without consequence or resolution. International child abductions occur too frequently; in the United States alone, the number of children abducted abroad every year has risen to over 1,000.¹ Currently, 11,000 American children live abroad with their abductors.² These abductions occur despite international treaties and the Congressional resolutions that have significantly stiffened the penalties for those caught. Effectively combating international child abductions requires drafting resolutions that are acceptable across the diverse societies and cultures of the international community. Without such resolutions to fill the gaps of current treaties this problem will continue and the suffering endured by children being uprooted and hidden from one of their parents will continue.

The rise in both international marriages and divorce rates along with increased ease of travel has correlated with the rise in child abductions.³ Statistics from the Missing Children's

¹M. Winterbottom, *The Nightmare of International Child Abduction: Facing the Legal Labyrinth*, 5 D.C.L. J. INT'L L. & PRAC. 495, 497 (1996), (citing *State Dept. Broadens Role in Child Custody Abductions*, Seattle Post-Intelligencer, Oct. 11, 1996, at 3A; *DOJ Announces New Program to Reclaim Abducted Children Abroad*, U.S. Newswire, Oct. 8, 1996; See Nancy Ayala, *World Group Tracks Child Abductions*, USA Today, Oct. 13, 1993, at 7A).

²Laura C. Clemens, Note, *International Parental Child Abduction: Time for the United States to Take a Stand*, 30 SYRACUSE J. INT'L L. & COM. 151, 168 (2003) (citing Timothy W. Maier, *Kidnapped Kids Cry Out for Help*, Insight on the News, May 10, 1999, at 14; Timothy W. Maier, *Stolen Kids Become Pawns in Terror War*, Insight on the News, Dec. 17, 2001, at 20; Timothy W. Maier, *State Abandons Kidnapped Kids*, Insight on the News, June 14, 1999, at 12).

³Winterbottom, *supra* note 1, at 497, (citing *see* Tom Harper, Comment, *The Limitations of the Hague Convention and Alternative Remedies for a Parent Including Re-abduction*, 9 EMORY INT'L L. REV. 257 (1995); *see also* Daniel J. Clifford, *What to do about International Child Abduction (with checklist)*, 42 No. 4 PRAC. LAW. 39, 39 (1996), *see also* Susan L. Barone, Note, *International Parental Child Abduction: A Global Dilemma with Limited Relief—Can Something More be Done*, 8 N.Y. INT'L L. REV. 95, 96 (1995); *see also* Julia Todd, Note, *The Hague*

Registry show that abductions by parents are five times greater than by strangers.⁴ The Justice Department reported that of the 358,700 children abducted in the U.S. each year 354,100 were abducted by one of their parents.⁵ Law enforcement agencies' reluctance to get involved in international child abductions, though understandable, is regrettable as it leaves the vast resources of these agencies off limits to left-behind parents.⁶ The cost of locating an international child abductor is very high, especially for a third world nation with strapped resources struggling to adequately combat "local murders, inner city crime and 'real' kidnappings."⁷ Finding ways to offset resource utilization and for participation of these crucial nations is necessary for more effectively combating international child abductions.

I. THREE INTERNATIONAL CHILD ABDUCTION TREATIES

To understand how current treaties are ineffective at eliminating international child abductions and to objectively determine how improvements can be made it is important to trace the historical and cultural context of these treaties. The first noteworthy treaty to combat international child abductions was a Western European treaty, the Hague Convention of 1961 on the Protection of Minors (hereinafter "1961 Hague Convention"). Its purpose was to combat the growing problem in Western Europe of child kidnapers crossing from one European nation to the next. In recognition of both its shortcomings and the growing world-wide problem of international child abductions, the treaty was metamorphosed from a regional to a world-wide treaty, the Hague Convention on the Civil Aspects of International Child Abduction of 1980 (hereinafter "1980 Hague Convention"). An international standard for basic child rights, the

Convention on the Civil Aspects of International Child Abduction: Are the Convention's Goals Being Achieved, 2 IND. J. GLOBAL LEGAL STUD. 553 (1995)).

⁴ *Id.* (quoting Sharon Doyle Driedger et al., *Abductions by Parents Far Outstrip Those by Strangers*, *Maclean's*, July 24 1995, at 42).

⁵ *Id.* (citing Tom Curley, *Child Abductions Difficult to Tabulate with Accuracy*, *USA Today*, Jan. 19, 1996, at 3A).

⁶ *Id.* (citing Joseph R. Hillebrand, Note, *Parental Kidnapping and the Tort of Custodial Interference: not in a Child's Best Interests*, 25 IND. L. REV. 893, 894 (1991)).

⁷ *Id.* at 498 (citing Clifford, *supra* note 3, at 43).

Convention on the Rights of the Child (hereinafter “CRC”), was drafted in 1989 by the United Nations and ratified by 191 nations out of the 193 nations in the world.⁸ Despite these treaties, the high number of international child abductions in the U.S. every year indicates that the problem has not been completely solved.

A. 1961 Hague Convention

After World War II, the number of marriages between citizens of different Western European states increased. As the divorce rate climbed, so too did the number of international child abductions; this rise in kidnappings was the impetus for drafting the 1961 Hague Convention. The 1961 Hague Convention was a Western European creation and functioned primarily as a result of their shared societal and cultural views. This treaty was adequate in many respects as long as abductors never crossed the boundaries of Western Europe and into nations with different cultural views and policies on children. Since this treaty was only between Western European nations, an immigrant who had dual citizenship could easily abscond with his and his wife’s children to a nation where the treaty was inapplicable.

Another primary problem with the 1961 Hague Convention was that if a child was abducted from his country of habitual residence to another country, the country he was abducted to decided who would have custody over him, instead of the country he was abducted from.⁹ Ultimately, this did not deter completely international child abductions, because an abductor absconded with the child to a particular country on account of his belief that it was a safe

⁸ Clemens, *supra* note 2, at 168-69 (citing Office of the United Nations High Commissioner for Human Rights, Status of Ratifications of the Principal International Human Rights Treaties (Aug. 2002), available at <http://www.unhchr.ch/pdf/report.pdf> (last visited Oct. 11, 2002) [hereinafter Status of Ratifications]).

⁹ *Id.* at 155 (citing Germany: Constitutional Court Decision in Case Concerning the Hague Convention on the Civil Aspects of International Child Abduction, Including Memorandum Prepared by the Permanent Bureau of the Hague Conference on Private International Law for Submission to the Constitutional Court, 35 I.L.M. 529, 538 (1996) [hereinafter Germany]).

haven.¹⁰ In addition, each nation's courts determined what was the "best interests" of children abducted into their country.¹¹ Therefore, a child that was a resident of England and was abducted to Germany would be subject to the definition of best interests of the child by the German court where his custody case would be held.

B. 1980 Hague Convention

With ever increasing marriages and divorces between Western Europeans and non-Western Europeans, the 1961 Hague Convention became increasingly inadequate. The 1980 Hague Convention was an attempt to strengthen the 1961 regional treaty by rewording certain mandates and by extending the treaty from just Western Europe. Currently, the 1980 Hague Convention has expanded from 40 nations in 1997¹² to 62 signatories in 2003.¹³

The 1980 Hague Convention "applies in cases of removal or retention of a child when such removal or retention is in breach of custody rights of another entity."¹⁴ These rights are obtained under the child's country of habitual residence prior to removal.¹⁵ It requires each member of the treaty to "appoint a Central Authority to handle the cases that arise under the [1980 Hague] Convention."¹⁶ To obtain the goal of the voluntary return of the kidnapped child, the treaty mandates that each signatory create a Central Authority to receive petitions for return and for access, for finding the child, for providing information about the child and the state's

¹⁰ *Id.*

¹¹ *Id.*

¹² Lara Cardin, Comment, *The Hague Convention on the Civil Aspects of International Child Abduction as Applied to Non-signatory Nations: Getting to Square One*, 20 HOUS. J INT'L L. 141, 156n.117 (1997).

¹³ Clemens, *supra* note, at 156 (citing Executive Summary: Common Law Judicial Conference on International Child Custody (Sept. 17-21, 2000), at <http://travel.state.gov/execsumm.html> (last visited Oct. 18, 2002); General Accounting Office, Status of U.S. Parental Child Abductions to Germany, Sweden, and Austria (2000)).

¹⁴ *Id.* at 157 (quoting Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, art. 3, T.I.A.S. No. 11,670, 1343 U.N.T.S. 89, available at <http://travel.state.gov/haguechildabduction.html> (last visited Oct. 18, 2002)).

¹⁵ *Id.*

¹⁶ *Id.* (citing Hague Convention, *supra* note 14, at art. 6; William Rigler & Howard L. Wieder, *The Epidemic of Parental Child Snatching: Attempts to Prevent Parental Child Abduction, Applicable United States Laws, and the Hague Convention*, at <http://travel.state.gov/jeprevention.html> (last visited Oct. 9, 2002)).

laws, to initiate necessary proceedings for the return of the child, to give legal aid to the parties, and to make the necessary administrative arrangement for the liberation of the child from the abductor.¹⁷

1. Implementation of the 1980 Hague Convention

In addition to appointing a Central Authority, the 1980 Hague Convention needs signatories to implement national legislation in order for the treaty to function. The U.S. enacted the International Child Abduction Remedies Act (hereinafter “ICARA”) to implement the 1980 Hague Convention.¹⁸ ICARA is the procedural mechanism that implements the 1980 Hague Convention in the U.S.¹⁹ and does “broaden the jurisdiction in which a person seeking the return of an abducted child may present the abduction claim”;²⁰ ICARA states that anyone ““seeking to initiate judicial proceedings under the [1980 Hague] Convention for the return of a child’ may file a petition in any court having jurisdiction.”²¹ What this means is that an American parent with custody rights may file in any American court that has personal and subject matter jurisdiction, in addition to filing under the designated Central Authority in the U.S.

Unfortunately, although ICARA does implement the 1980 Hague Convention and provides for some minor expansions, it is not intended to supplant or to work apart from it. Therefore, “while ICARA enables a parent to seek relief under an international agreement, it does not bestow substantive rights itself.”²² Hence, ICARA is practically ineffective in regards to kidnappers who seek refuge in non-signatory nations.

¹⁷ *Id.* (citing Hague Convention, *supra* note 14, at art. 7).

¹⁸ *Id.* at 157-58 (citing Rigler & Wieder, *supra* note 16; International Child Abduction Remedies Act (“ICARA”), 42 U.S.C. §11601(b)(1-2)(1995)).

¹⁹ Anna I. Sapone *Children as Pawns in Their Parents’ Fight for Control: The Failure of the United States to Protect Against International Child Abduction*, 21 WOMEN’S RTS. L. REP. 129, 132 (2000) (citing *see* International Child Abduction Remedies Act (“ICARA”), 42 U.S.C. §11601(b)(1)(1995)).

²⁰ *Id.*

²¹ *Id.* at 133 (quoting ICARA, 42 U.S.C. §11603(b)).

²² Cardin, *supra* note 12, at 159 (citing *Mohsen v. Mohsen*, 715 F. Supp. 1063, 1064 (D. Wyo. 1989)).

2. Shortcomings of the 1980 Hague Convention

Even though the 1980 Hague Convention is an improvement over its predecessor, it nonetheless has shortcomings. The main problem is that the treaty is still not ratified by many nations outside of Europe or North America. The 131 nations that have not ratified the 1980 Hague Convention include most East Asian, Middle Eastern, South Asian, Latin American, and African nations. While the 1961 treaty was formed and functioned as a Western European treaty, the intent of the 1980 treaty was world-wide in scope but in practice it has simply functioned mostly as a North American and European treaty.²³

Lisa Nakdai mentions four primary problems with the convention.²⁴ First, there is an absence of a threat of criminal charges. Second, both countries must be signatories for the 1980 Hague Convention to function. Only in cases where both the nation of habitual residence and the nation to which the child is abducted are signatories can the 1980 Hague Convention apply.²⁵ Given that only 62 nations are signatories to this treaty shows how easily an abductor can evade the treaty.²⁶ In order for an abducted child to be returned from one signatory nation to the other, “there must be an extradition treaty set up between the two countries” and “it must contain international parental child abduction as grounds for extradition.”²⁷ An extradition treaty “only works to return the abducting parent, not the child.”²⁸ Therefore, return of the child is voluntary, not compelled. Whereas the parent may be forced to return to the signatory nation, the return of the child is not forced so long as the abductor is willing to undergo any penalties upon being

²³ *Id.* at 156n.117

²⁴ Lisa Nakdai, *It's 10 P.M., Do You Know Where Your Children Are?: The Hague Convention on the Civil Aspects of International Child Abduction*, 40 FAM. CT. REV. 251, 258-59 (2002).

²⁵ Cardin, *supra* note 12, at 156 (citing Patricia Wynn Davies, *Britain to Get Tough on Child Snatching*, *Indep.* (London), Sept. 18, 1996, at 6 (news section), available in LEXIS, World Library, Allnws File.

²⁶ Cardin, *supra* note 12, at 156 (citing *id.*).

²⁷ Nakdai, *supra* note 24, at 259 (citing Jacqueline D. Golub, *The International Parental Kidnapping Act of 1993: The United States' Attempt to Get Our Children Back—How Is It Working?* 24 BROOK. J. INT'L L. 797, 806 (1999)).

²⁸ *Id.*

extradited. Third, each nation has its own set of laws and viewpoints on how to implement the 1980 Hague Convention. This leads to a vast lack of uniformity in the application of the treaty's mandates. Fourth, the excessive use of the exceptions clauses, ultimately, undermines the treaty.

3. The Exceptions

Another key problem with the treaty is the exceptions clauses. Each exception clause weakens the power of the 1980 Hague Convention primarily by creating a system of arbitrariness and inconsistency.

i. Article 13(a)

Article 13(a) states that if a left behind parent did not have custody rights at the time of the abduction, then the signatory nation to which the child was taken is not compelled to return the child.²⁹ Ultimately, this leaves the left behind parent at the mercy of a court that may be naturally biased to the abductor. After all, if the parent knew she had good chances of losing custody, she would likely abscond with her child prior to court proceedings in the child's country of habitual residence.

ii. Article 13(b)

Article 13(b) "creates the largest amount of judicial discretion"³⁰ by giving judges the authority to avoid returning an abducted child if she deems that if returned the child would be subject to "grave risk" of "physical or psychological harm or otherwise [would be] place[d] . . . in an intolerable situation."³¹ The problem with this exception is that grave is not defined; it is subject to the interpretation of the individual court and influenced by the views of a particular

²⁹ *Id.* at 254 (citing Overall Conclusions of the Special Commission of October 1989 on the Operation of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction (1989), *reprinted in* 29 I.L.M. 219, 223 (1990)).

³⁰ Harper, *supra* note 3, at 259 (citing The Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, 19 I.L.M. 1501 (1980), art. 13(b)).

³¹ *Id.*

nation.³² While the grave risk of harm clause “focuses solely on the family in which the child will be placed, the ‘intolerable situation’ language connotes both a societal and familiar element.”³³ Hence, intolerable situation exception is more prone to abuse than the grave risk to harm exception.

iii. The Consent Exception

The consent exception is another controversial exception in Article 13(b), that “permits a judge to refuse to return a child if the judge finds that ‘the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.’”³⁴ The most obvious problem with this is where does one draw the line? What are the criteria for making such a judgment? Each judge’s bias and her society’s bias play a major component in determining whether a child is mature enough. As is obvious, this exception “allows judges to make subjective decisions.”³⁵

v. Article 12--One-Year Limitation Statute.

The courts where the abducted child has been taken has the discretion to not force extradition, if one year has lapsed since the child was abducted and the court believes that the child has “settled” in his new environment.³⁶

vi. The Age Limit

One final problem is that if the child reaches the age of 16 the custodial parent may not invoke the 1980 Hague Convention and the child may be kept by the non-custodial parent.³⁷

Another primary shortcoming of the treaty is that it only applies to children who have not

³² *Id.* at 260-61

³³ *Id.*

³⁴ *Id.* at 262 (quoting Hague Convention, *supra* note 30, art. 13)

³⁵ *Id.*

³⁶ Nakdai, *supra* note 24, at 254 (citing Hague Convention on the Civil Aspects of International Child Abduction, S. TREATY DOC. 11, 99th Cong., 1st Sess. 9 (1980), *reprinted in* 19 I.L.M. 1501)

³⁷ Harper, *supra* note 3, at 264 (citing Hague Convention, *supra* note 30, at art. 4).

reached 16 years of age.³⁸ This is a problem because different countries have different ages at which one becomes a legal adult.

vii. Article 20

One final exception is Article 20, which states that a child does not have to be returned if it “would not be permitted by the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms.”³⁹ From 1980 to 1997 this has been used only twice and has only been used with utmost care.⁴⁰

C. Convention on the Rights of the Child (CRC)

CRC “is a multilateral treaty adopted by the General Assembly of the United Nations in 1989, after almost 10 years of drafting.”⁴¹ Currently, 191 of the 193 nations in the world have ratified this treaty.⁴² Although the U.S. has signed the treaty seven years prior, it still refuses to ratify it.⁴³ Somalia, which has been racked with civil war and tribal feudalism for over a decade, is incapable of “becoming a party to a treaty such as CRC.”⁴⁴ CRC seeks to set a basic standard for children’s human rights on “a wide range of issues, including discrimination, religious freedom, sexual exploitation, abortion, child labor, capital punishment, corporal punishment, use of children in armed conflict, education, and many others.”⁴⁵ Lauded as ‘the most comprehensive statement of children’s rights ever made and the first to give such rights the force

³⁸ *Id.* at 264 (citing Hague Convention, *supra* note 30, at art. 4).

³⁹ Nakdai, *supra* note 24, at 255 (quoting Hague Convention, *supra* note 36, at art. 20).

⁴⁰ *Id.* (citing Report of the Third Special Commission Meeting to Review the Operation of the Hague Convention on the Civil Aspects of International Child Abduction, par. 78 (march 17-21, 1997), available at <ftp://hcch.net/doc/abduc97e.doc>).

⁴¹ Clemens, *supra* note 2, at 168 (citing Germany, *supra* note 9, at 538; Alison Dundes Renteln, *Who’s Afraid of the CRC: Objections to the Convention of the Rights of the Child*, 3 ILSA J. INT’L & COMP. L. 629, 630 (1997)).

⁴² *Id.* at 168-69 (citing Status of the Ratifications, *supra* note 8).

⁴³ *Id.* (citing Status of Ratification, *supra* note 8, at 9; Susan Kilbourne, Student Research, *The Convention on the Rights of the Child: Federalism Issues for the United States*, 5 GEO. J. FIGHTING POVERTY 327, 328 (1998) [hereinafter *Federalism Issues*]; Susan Kilbourne, *Placing the Convention on the Rights of the Child in an American Context*, 26 HUM. RTS. 27, 27 (1999) [hereinafter *American Context*]).

⁴⁴ *Id.* at 169n.147.

⁴⁵ *Id.* (quoting Michelle Z. Hall, *Convention on the Rights of the Child: Has America Closed Its Eyes?*, 17 N.Y. SCH. J. HUM. RTS. 923, 923 (2001)).

of international law’⁴⁶ it is a bit perplexing that our nation which had such a strong say in the drafting of the treaty, has refused to ratify it.

1. Obstacles to Passage of CRC in U.S.

There are several objections to U.S. ratification of CRC. First, many fear that it will undermine U.S. sovereignty over American children.⁴⁷ Second, some argue that what the treaty would require our federal government to mandate is the prerogative of the state governments.⁴⁸ Third, opponents argue that the treaty undermines the authority of parents over their children.⁴⁹ Some proponents of this argument fear that their children would be able to have abortions, even against parental objection. Plus, they fear that parents would be subject to criminal penalties if they prevented their children from exercising any of the rights enumerated in CRC.⁵⁰ Fourth, proponents fear that corporal punishment of children will be outlawed.⁵¹ And finally, they fear that capital punishment of children will be outlawed and this would go against certain state governments in the U.S. that allow capital punishment of children as young as 16.⁵² Ultimately, many of these objections are due to one of two assumptions: 1) that our individual freedoms guaranteed by our Bill of Rights will be undercut by CRC, and 2) the federal government will be forced to undermine state authority to enact CRC.

2. Intersections between CRC and the 1980 Hague Convention

The Permanent Bureau of the Hague Conference on Private International Law wrote a memo examining the four main intersections between the 1980 Hague Convention and CRC.⁵³

First, the 1980 Hague Convention “serves as a means of ensuring the dictates of Article 10,

⁴⁶ *Id.* (quoting *id.*)

⁴⁷ Clemens, *supra* note 2, at 170 (citing Hall, *supra* note 45, at 925; American Context, *supra* note 45, at 27).

⁴⁸ *Id.* (citing *Federalism Issues*, *supra* note 45, at 29-30).

⁴⁹ *Id.* (citing *American Context*, *supra* note 45, at 28; Renteln, *supra* note 41, at 635; Hall, *supra* note 45, at 926).

⁵⁰ *Id.* (citing *American Context*, *supra* note 45, at 28.)

⁵¹ Clemens, *supra* note 2, at 171 (citing Renteln, *supra* note 41, at 634).

⁵² *Id.* (citing Hall, *supra* note 45, at 927).

⁵³ *Id.* at 172 (Germany, *supra* note 9, at 537, 538, 542-547).

paragraph 2 of CRC.⁵⁴ While Article 10, paragraph 2 of CRC maintains that a child who has parents living in different nations has the right to have “personal relations and direct contacts with both parents,”⁵⁵ the 1980 Hague Convention provides, with the required accompanying national legislation, the means to do so. Second, Article 8 of CRC maintains “State Parties will ‘respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.’”⁵⁶ Abduction, obviously, is deemed such a deprivation. Paragraph 2 of Article 8 requires the State Parties to cooperate to speedily bring about an end to this deprivation. In addition the Permanent Bureau states, “‘the [1980] Hague Convention works to strengthen and protect the identity or personality of the child against wrongful infringement.’”⁵⁷ Third, the Permanent Bureau interprets Article 11 of CRC as encouraging nations to join international child treaties such as the 1980 Hague Convention.⁵⁸ Fourth, the Permanent Bureau argues that CRC’s “best interest of the child” clause, is consistent with the 1980 Hague Convention⁵⁹

⁵⁴ *Id.* (citing *id.*)

⁵⁵ *Id.* (quoting Convention on the Rights of the Child, Nov. 20, 1989 (entered into force Sept. 2, 1990), G.A. Res. 44/25, U.N. GAOR, 44th Sess., Supp. No. 49, U.N. Doc. A/44/49, reprinted in 28 I.L.M. 1488 (1989) [hereinafter CRC]).

⁵⁶ Clemens, *supra* note 2, at 172 (citing *Id.*)

⁵⁷ *Id.* at 173 (quoting Germany, *supra* note 9, at 544).

⁵⁸ *Id.* (citing Germany, *supra* note 9, at 544).

⁵⁹ *Id.* (citing *id.* at 544-546).

CONCLUSION: POTENTIAL SOLUTIONS

Overall, the world has made tremendous progress in combating international child abductions. Since the implementation of the 1980 Hague Convention and with the increased number of nations that have signed on to the treaty, U.S. international child abductions seems to finally be leveling off to about 1,000 per year.⁶⁰ Despite this, this number is double what it was just over a decade before.⁶¹ The problems with the 1980 Hague Convention ultimately lies in its exceptions clauses and limited membership.

CRC, although a beacon of hope in combating international child abductions, has not been signed by the U.S. primarily due to powerful groups within the U.S that fear that our individual freedoms, including right to privacy, guaranteed by our constitution and state rights will be undermined. Although it seems very unlikely that CRC will be passed in the immediate future, a grassroots campaign to allay these fears might be successful. The U.S. learned the difficulty of working apart from the international community, when working on its own Congress passed the International Parental Kidnapping Crime Act of 1993 (hereinafter “IPKCA”) to curb international abductions to nations that were non-signatories to the 1980 Hague Convention.⁶² While adding criminal penalties to international child abduction is a welcomed move as it is lacking in the 1980 Hague Convention, the impact of IPKCA was muted

⁶⁰ Compare Clemens, *supra* note 2, at 151 (“An estimated 1,000 new abductions are reported in the United States each year.”) (citing Federal Response to International Parental Child Abductions: Hearing before the House Comm. on International Relations, 106th Cong. (Oct. 14, 1999) (statement of Jess T. Ford, Associate Director, International Relations and Trade Issues, National Security and International Affairs Division, U.S. General Accounting Office), available at http://www.house.gov/international_relations/106/full/106first/testimony/ford.htm (last visited Oct. 8, 2002) [hereinafter Federal Response]) with Sapone, *supra* note 19, at 137 (“About a thousand U.S. children are smuggled out of the country each year, double the rate a decade ago.”)(quoting Elizabeth Fernandez, *Custody Flouters to Pay Dearer: Senate Sanctions Respond to Plight of Children*, San Fran. Examiner, June 19, 1997, at A8).

⁶¹ Sapone, *supra* note 19, at 137 (citing Elizabeth Fernandez, *Custody Flouters to Pay Dearer Senate Sanctions Respond to Plight of Children*, San Fran. Examiner, June 19, 1997, at A8).

⁶² See *id.* at 134-35.

because of its unilateral nature.⁶³ To more effectively combat international child abductions, the U.S. needs to cooperate further with the rest of the world by ratifying CRC.

Although this paper has not examined the full complexities of CRC nor examined its effectiveness in reducing the international child abduction rates between the 1980 Hague Convention signatories and non-signatories, CRC promotes and encourages the more stringent 1980 Hague Convention. Perhaps, if a grassroots campaign could address the fears of opponents to CRC, the U.S. will eventually ratify. Ultimately, this might encourage non-signatories to the 1980 Hague Convention to follow our example in cooperating.

Beyond the current treaties, there are a number of things that our government can do to reduce the number of international child abductions. First, the U.S. should try to encourage non-members to sign the treaty.⁶⁴ Second, the U.S. should sign bi-lateral agreements with non-signatory nations, working to draft a treaty that avoids what that particularly nation finds unacceptable in the 1980 Hague Convention, and design one that achieves some level of cooperation from that nation.⁶⁵ Third, the U.S. can use pressure in the form of economic sanctions, political sanctions, and travel sanctions to encourage non-cooperative nations to cooperate.⁶⁶ Although progress has been made worldwide and in the U.S., the U.S. needs to utilize these suggestions so that it can more easily retrieve the 11,000 children that are stranded abroad and more effectively prevent more international child abductions from occurring.⁶⁷

⁶³ *See id.*

⁶⁴ *See Nakdai, supra* note 24, at 259.

⁶⁵ *See Harper, supra* note 3, at 280.

⁶⁶ *See Sapone, supra* note 19, at 137-138.

⁶⁷ Clemens, *supra* note 2, at 151 (citing Federal Response, *supra* note 60).