



TESTIMONY OF

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Before the

U.S. Senate
Committee on the Judiciary

Hearing

Abducted Abroad: Exploring the Plight of International Parental Child Abduction
and its effects on American Families

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Chairman Grassley, Ranking Member Feinstein, and distinguished members of the Committee, on behalf of my fellow parents of internationally abducted children, I sincerely thank you for bringing this issue to a hearing.

Last week, the Senate passed S Res. 431 naming April to raise awareness of, and opposition to, international parental child abduction. On behalf of thousands of American children and families who suffer from this crime, and crime of the heart, I extend our deep appreciation. This action opens new doors of opportunity which our organized parent community is prepared to walk through to bring our children home.

This scourge of international parental child abduction wreaks emotional and financial havoc on American families with alarming frequency, and we are energized that you have undertaken this issue to give it the full consideration and action that it requires.

This hearing brings the issue clearly into focus as a matter of justice for America's Stolen Children and as an opportunity to improve federal response and enforcement that brings them home, prevents more children from being taken, and holds abductors and nations accountable for violations of the internationally-recognized rule of law.

I would like to share my personal experience as a mother of an internationally-abducted child, and how my daughter came home by faith, the actions of a worldwide community of supporters and on the mighty strength of a whole-of-government response. I now use these experiences and lessons learned in league with other parents of iStand Parent Network and the Coalition to End International Parental Child Abduction to reform this issue at every level.

On Dec. 27, 2011, my four-year-old daughter, Muna, was kidnapped from our home in Morehead, Kentucky, and spirited away by her father, without my knowledge or consent, to his home country Mali, West Africa. Two months prior, a Kentucky circuit court judge issued a custody ruling granting us equal time and recognizing our fundamental right to parent our child, though we were no longer married. The judge also ordered that I retain possession of Muna's U.S. passport, because he understood my justifiable concern that her father would kidnap her.

On Christmas Day, I took Muna to a local restaurant for holiday time sharing with her father. He demanded her passport from me, which I refused to give because he did not provide a proper travel itinerary as required by the court order. Even then I knew what was about to happen, but I was powerless--- so I thought at the time--- to intervene because I had no proof that he was about to take her. I returned to the custody exchange location at noon on New Year's Day to pick her up. The minutes, then hours, ticked by, and I knew she was gone.

At that moment, I resolved that the only acceptable outcome was for Muna to come home. I contacted the Louisville office of the FBI, and an agent quickly confirmed that my ex-husband and daughter had flown to Bamako, Mali from JFK Airport. He also said something very important in that moment. He said "we

are going to work with you for your daughter. You need to know it will take some time but we are going to help.”

His response neither raised false hope nor turned me away. It simply said, “Your government is here to help.” My FBI agent was helpful throughout Muna’s abduction, but this is not the experience of most of the parents we know. There are some standout exceptions, but this Committee needs to know that more consistent response is needed in FBI field offices throughout the nation.

I reported Muna’s abduction to my local police, who refused to take action, telling me it was a custodial matter, not a parental kidnapping. It took 13 days, a state felony warrant for custodial interference and an order from the circuit judge before Muna and her father were entered into the National Crime Information Center (NCIC) database, clearing the way to flag them through INTERPOL. This is important because there are at least three federal statutes which stipulate that states shall not observe a waiting period before accepting a missing child case, and mandates law enforcement enter a missing child report within two hours and strenuously investigate every missing child case. This knowledge gap for local law enforcement can be closed through existing education and training programs offered by both the Dept. of State and Dept. of Justice.

I also opened cases with the U.S. Dept. of State Office of Children's Issues and the National Center for Missing and Exploited Children (NCMEC). My experiences with both agencies was critical to Muna’s return. Specifically, I had a great country officer in the Office of Children’s Issues who told me at the onset that I would have to be the primary driver for Muna’s case, but State could offer supportive resources as appropriate. She was also careful to underscore the challenges of working with another sovereign nation to resolve Muna’s abduction. Sadly, many of the parents we work with do not have the benefit of such proactive effort in the Office of Children’s Issues. We are working with State to address these inconsistencies and to improve parent-country officer interactions.

I tried to appeal to my ex-husband’s family. I contacted high-ranking Malian officials in the U.S. and in Bamako. I staged a protest in front of the Mali Embassy in Washington and traveled to New York to meet with the Malian ambassador the United Nations. Beyond the courtesy meetings, there was only silence from that nation.

All of that changed in November 2012, when my Kentucky congressional delegation stepped in to act with me for my daughter’s return. My representative, House Appropriations Chairman Hal Rogers, was the first to initiate contact with the Malian ambassador urging cooperation for her return. He would later raise our case with former Secretary of State John Kerry during an appropriations hearing, and during both of my trips to Mali, his office maintained close communications with the State Dept. here and in Bamako. Senator Rand Paul communicated with Malian officials to request their cooperation for her return.

But it was my senator, Majority Leader Mitch McConnell, who took our case most personally. He believed that my daughter had been unlawfully removed from the United States; that I had an inalienable right to be present in her life; and that she had the right to live free in her country and state of birth.

Over the next two years, my senator worked closely with me for Muna's return. His office communicated directly with the Office of Children's Issues and the FBI, and together we found creative ways to put pressure on Mali. I recall emails about his conversations with the Minister of Foreign Affairs, and I can only imagine how the Malian ambassador must have felt being summoned to Capitol Hill to meet with the Republican Leader--- over one child. It was the kind of full-throated, aggressive response that Muna needed from her government. It's the kind of response that all of America's Stolen Children need to bring them home.

I traveled to Bamako twice during Muna's abduction for court proceedings. In June 2013, I unsuccessfully petitioned the courts there to recognize U.S. custodial and return orders. It was also the first time I saw my sweet girl in almost two years. Even then, I had to overcome a biased court system, which my ex-husband had influenced, to visit with her. But I had the weight of the United States government behind me; and the U.S. Consulate, U.S. Ambassador, Senator McConnell and Chairman Rogers all were working on our behalf. Add to that a groundswell of global support for the Mission4Muna, and it was enough to even bring Malian officials to our side. When I returned home without her, we all just dug in deeper.

In July 2014, I traveled to Mali again, on the strength of escalating pressure from my delegation and close work with the State Dept. This time, the Mali courts ruled in our favor, upholding the U.S. custodial and return order, but still my ex-husband would not let her go. My children and I celebrated the 4th of July at the U.S. Embassy in Bamako, and six days later Muna, her sister and I were on a flight bound for home.

On July 10, U.S. Ambassador Mary Beth Leonard, a U.S. consular officer, Mali's Minister of Justice, my attorney, a translator and I all met in the Minister's office. Just a few minutes into our conversation, he said the words I'd longed to hear, "today, you will go home with your child". Hours later, my children and I were escorted to airport by Ambassador Leonard herself, flanked by two range rovers full of U.S. Marines. She sat and waited with us for our flight, and before we left, the Minister of Justice came to see us off, too.

For most of the flight home, I could only stare at Muna, thinking of how she suffered, and overcome with relief and gratitude for the many people who rallied for her in communities and at the highest levels of government. When we touched down at the Cincinnati-Northern Kentucky Airport, Senator McConnell was there to welcome us home.

Today, my family is whole again. Muna is a thriving 4th-grader and aspiring artist. Yet, she remains affected by this trauma, and despite four years of home and healing, she still bears the emotional scars of her abduction.

I'm told my story of Muna's remarkable return is unique, which is tragic. It doesn't have to be. If every member of Congress with internationally-abducted constituents would begin to regularly inquire of federal agencies and of the nations in which they are held, and also require enforcement of laws that we have to protect our children from this pernicious form of victimization, we would see an immediate surge in reunifications of children with parents.

If every presidential trip, every diplomatic delegation, and every congressional delegation to foreign nations raises the issue of these plight of these American children, and the untenable status of their unlawful retentions, they will come home. This is especially important for rogue nations such as India, Japan, Brazil that are persistently non-compliant in returning American children and flagrantly violate international child welfare norms while still enjoying all the economic, diplomatic and cultural privileges of relationships with the U.S. This would also create a strong deterrent for would-be kidnappers and put nations on notice that America will not tolerate the theft of its children.

My experience, those of fellow parents who have also have their children home, and especially of those still fighting for their return, offers an array of lessons and opportunities to improve local, state, federal and international response to IPCA and to prevent more of our children from being taken from this land.

Prevention is key to stemming the tide of parental kidnappings, and enhanced exit controls must be a key element of any meaningful, effective prevention strategies. In the same way that the Department of Homeland Security sets conditions for and monitors persons entering this country, it should employ equal or greater scrutiny of vulnerable children who are departing it.

Our Coalition leadership has a good working relationship with the National Targeting Center, and it's affirming to hear the number of potential abductions it has prevented. We also have direct access to personnel to whom we can refer parents for potential enrollment the prevention program. However, our referrals likely represent only a fraction of the children who might benefit from it. It is not widely-known as a resource for parents who suspect an international child abduction may occur. U.S. Customs and Border Protection can enhance the prevent departure program by:

- Adopting an unambiguous name, such as the "Prevent Abduction Program", for ease of parents finding and utilizing the program.
- Initiating a national public awareness campaign about the program's purpose, enrollment steps, and requirements.
- Permitting parents to conditionally enroll children in the Prevent Abduction Program pending obtaining custodial orders with specific travel restraint language. It is very difficult for parents to quickly obtain such orders through traditional legal processes. This conditional enrollment period could extend 60-90 days, while parents take the appropriate action, and, if appropriate documentation is not submitted, enrollment would be subject to termination.

My organization, in cooperation with the Coalition to End International Parental Child Abduction, recently began a partnership with the Transportation Security Administration (TSA) to create an awareness program to assist TSA officers in recognizing the indicators of a potential abduction. TSA agents are, quite literally, among the last government actors to see an American child before they are unlawfully removed from the country. Our shared goals are to create an awareness campaign that differentiates this type of crime from human trafficking through education and training opportunities.

We know that this can be accomplished in ways that do not constrain freedom of movement, but adds another layer protection for vulnerable American children. These types of innovative collaborations between federal agencies and NGOs represent a best practice for more robust IPCA prevention initiatives.

We heard today from Assistant Secretary Risch about the essential role of the State Dept. in utilizing civil and diplomatic remedies to resolve international parental child abduction. He rightly asserts the great challenges for resolving IPCA, but our children need the State Dept. to more fully embrace and better utilize tools in the Goldman Act that hold nations accountable and need Congress to enact diplomatic and economic sanctions when they are not.

Similarly, the U.S. Dept. of Justice also must further own its role in IPCA response and resolution. The International Parental Kidnapping Crime Act of 1993 (IPKCA) makes it a federal crime to remove a child from the United States or retain a child outside the United States with the intent to obstruct a parent's custodial rights, or to attempt to do so (See 18 U.S.C. § 1204). This crime is punishable by up to three years in prison and Justice is responsible for prosecuting these crimes against U.S. children and families.

My fellow parent, Dr. Chris Brann's case is an excellent example of cooperation among the FBI, U.S. Attorney, local law enforcement and parents to utilize the tools available to hold abductors criminally accountable. I know of several instances in which such an approach has also resulted in children's return. We're hopeful for this outcome for his son, Nico, and our parent community is emboldened by the precedent his case sets for other us to work cooperatively with these agencies to prosecute abductors, aiders and abettors and to seek justice for our children.

Unfortunately, our collective experience is that justice is slow and often denied for most of our internationally-abducted children. We have the law on our side, but we do not have justice for them. Congress hold the key, through its oversight of DOJ, to require more consistent, aggressive and effective response to international parental child abduction.

Our coalition has identified opportunities to achieve this goal. We respectfully request the Senate Committee on the Judiciary take these recommendations under advisement and assist American parents in gaining access to and greater response from the Justice Department. It begins with greater transparency and a full account of historical efforts to fulfill its mandate to address this crime. We respectfully recommend this Committee:

- Make a formal request to the Justice Department for comprehensive statistical data regarding IPKCA cases presented to the department, in accordance with what was requested by the 1999 Report to the U.S. Attorney General on International Parental Kidnapping, prepared by the Subcommittee on IPCA of the Federal Agency Task Force on Missing and Exploited Children.
- Invite U.S. Attorney General Jeff Sessions and appropriate representatives from the Department to give an account of IPKCA performance and update Congress on Justice Department efforts to assist American parents in the return of our children.

- Request an update on implementation of recommendations from the 1999 report and advise Congress of the actions it is undertaking to modernize and standardize IPCA response, enhance services for victims and enforce federal laws.
- Encourage the Office of the U.S. Attorney and the FBI to prioritize prosecutions of parental kidnappers, aiders and abettors under the International Parental Kidnapping Crime Act of 1993 (IPKCA).

These necessary steps will equip this Congress with a clearer understanding of historical and contemporary response to international parental child abduction and set the way forward for our children's return.

My daughter is home today because every public agency and actor with the authority, capacity and capabilities to intervene on her behalf was fully engaged in the Mission4Muna. All of America's Stolen Children deserve no less than this level of support. IPCA is not an intractable problem. Our government has abundant resources and solutions that will bring our children back and keep them safe at home.

We have great cause for optimism that true reform is in progress because of the intensified interest from this Committee and the Senate as a whole. More senators are coming alongside parents for their most vulnerable constituents. More Senate staff are taking this issue to heart and organizing among themselves to equip legislators with information and tools to elevate Congress' role in IPCA prevention and resolution.

I sincerely thank the Committee for your attention and commitment and for standing with us until all children come home.

Respectfully Submitted,

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