INTERNATIONAL CHILD ABDUCTION

THE EFFECTS

Marilyn Freeman
for
The reunite Research Unit

Funded by the Department for Constitutional Affairs

May 2006
As before, we dedicate this report to the families concerned. They had so little, and we had so much, to gain from their involvement. We are very grateful.
FOREWORD

Research of the nature detailed and analysed in this report on the Effects of International Child Abduction is invaluable. Yet that value cannot be measured. The data gathered is necessarily anecdotal, although the participants speak for themselves. It is not susceptible to scientific tests for objectivity for the experiences listed are intensely personal, dictated by and from each individual's perspective. The sample sets are small. But to list these supposed deficiencies is to miss the point.

The section dealing with the adults' interviews is in the nature of a follow-up to earlier contacts made and contributions noted in reunite's 2003 report of research into the Outcomes for Children Returned Following an Abduction. It is striking how in so many cases issues arising for the grown-ups from the abduction experience have at best over the intervening period remained latent, or at worst have festered for them and thus inevitably for their children.

The interviews with children are particularly striking and poignant. Their accounts again demonstrate the long-lasting effect of abduction on the children and young persons involved, as they grow and develop.

Taken together the insights afforded by this research underscore the essential message: that abduction almost invariably fractures the lives of all concerned and their immediate families. Time is an inadequate healer. Prevention must be better than cure. Greater and wider public and professional perception and understanding of the downside of abduction are a significant and may be the best deterrent. This Report makes an important contribution along that way.

Mr Justice Singer
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INTERNATIONAL CHILD ABDUCTION
THE EFFECTS

INTRODUCTION

Background

The reunite report on the Outcomes for Children Returned Following An Abduction ("the outcomes report") was the culmination of the second stage of the research project being undertaken by the reunite Research Unit into the outcomes for children who had been subject to an abduction and had subsequently been returned. In “the outcomes report” the question of including child interviews within the scope of that project was addressed and rejected for the reasons explained therein; nonetheless, reunite remained committed to the need to know about the child’s abduction experience from the child’s perspective. reunite’s ethical guidelines made it imperative to undertake such work in partnership with those who were not only properly qualified and experienced in this field, but who also shared reunite’s fundamental aim of making the best provision possible for the families caught up in the emotional storm that these matters often produce. We, therefore, greatly welcomed the involvement of John Mellor and Nicky Hale of

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1 This research project was undertaken by reunite’s Research Unit and was led by Marilyn Freeman, Head of the reunite Research Unit and Senior Family Law Lecturer at London Metropolitan University, who is the author of this Report. Particular appreciation is expressed to Henry Setright Q.C. for his much valued comments and guidance on an earlier draft.
2 September 2003, see www.reunite.org
3 The third and final stage is to be a global examination of the issue which has been largely restricted to date to cases where the child(ren) concerned has “ended up” in a European jurisdiction, although a small sample of South Australian cases was included within the “outcomes” study by way of comparative data, see “outcomes report”.
4 See Methodology, “the outcomes report”, 4.
CAFCASS, and have valued the sensitivity and skill that they have brought to this part of the research project.

“The outcomes report” was received with great interest from commentators in many diverse areas of concern, both in relation to its findings on undertakings and the lack of specialist legal and other help in these matters which severely affects those who rely on their existence, and from those who supported our quest for more child involvement. We believe this latter point to be particularly important in view of the growing appreciation of the need to take account of a child’s views in decisions affecting a child’s life and, especially, as we are not aware of any previous European abduction research which has included child interviews in the absence of both parents, the

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5 Service Manager, CAFCASS, and Family Court Advisor, CAFCASS, respectively.
7 E.g. Killerby, Council of Europe, former Head of the Private Law Department, the Legal Advice Department and Treaty Office, now Head of the Department of Crime Problems, who wrote on 26th October 2003 of her interest in “the outcomes report” and stated, “I note that child interviews will be included in the next stage of the research. This is very good”.
8 See Liverpool Children’s Fund Early Experience Report, September 2002 Evaluation, produced by The Centre for the Study of the Child, The Family and The Law on the theme of child participation at 4: “[t]he views of the child are often at best the last to be taken into account and at worst, and perhaps more commonly, the first to be completely ignored”. Also, Harold and Murch, Inter-parental Conflict and Children's Adaptation to Separation and Divorce: Theory, Research and Implications for Family Law, Practice and Policy, CFam 17 2 (185) 1 June 2005, discussing recent research findings from developmental psychology which point to the need to take account of children's views and perceptions of inter-parental conflict. Also see, Every Child Matters, Cm 5860 (Department for Education and Skills, 2003) which stresses the importance of involving children and young people and listening to their views. The Association of Lawyers for Children Newsletter, October 2004, Issue 32, at 6, details the blueprint Project set up by Voice for the Child in Care (VCC) with support from the National Children’s Bureau (NCB) and which identifies four central messages, the first of which was “We have to focus on the child in everything we do, putting their needs and interests ahead of those of agencies involved and adults around them”. Albeit a project relating to the domestic care system, it provides evidence of the wide-spread identification of the principle of the need to listen to children in matters affecting them. Greif (University of Maryland) has researched extensively in the area of international child abduction. See e.g. A Parental Report (“Parental Report”) on the Long-Term Consequences for Children of Abduction by the Other Parent, Child Psychiatry and Human Development, Vol 31(10 Fall, 2000) which details the results of 32 parental reports concerning their impression of their children’s situations and the parent/child relationship about 10 years after the recovery of the child; Also see Treatment Implications for Adults Who Were Parentally Abducted When Young, Family Therapy, Volume 20, Number 3, 2003. Greif’s continued research with one of the 32 participants in the “Parental Report” was the subject of a video film shown at a meeting in Leicester 15th October 2004 attended by the author and which included film of two children being interviewed with their mother.
9 Agopian M.W., Parental Child Stealing, Lexington, M.A.:Lexington Books, 1981 interviewed 5 children recovered after abduction. Being intra-American research, Agopian’s study may be distinguished from this project which considers the issue of the effects of international child abduction.
child’s experience therefore being largely unexplored and unknown.\textsuperscript{10}

The initial challenge of obtaining the research sample was encountered and met in the second stage of the project and detailed in “the outcomes report”.\textsuperscript{11} It was, indeed, a significant challenge and, although the resultant sample was relatively modest,\textsuperscript{12} it was sufficient to enable “helpful information to be obtained and useful conclusions to be drawn, particularly, as to our knowledge, no previous study of this type has been undertaken, which can perhaps be explained by the undoubted obstacles in obtaining a larger sample.”\textsuperscript{13}

Although, therefore, it would have been possible to obtain a new sample over a period of time, it was felt that the existing sample, gathered and used in “the outcomes” stage of the project, could provide extremely valuable additional data on the effects of abduction\textsuperscript{14} as well as some longitudinal data on the overall issues. It was also hoped that, as trusting links had been established in “the outcomes project” with the families concerned, to be able to include the child participation that had not previously been possible. Use of the existing sample would mean that the research into the effects of abduction could be undertaken far more quickly than if a new sample had to be obtained and the desired child participation could also be achieved without further delay.\textsuperscript{15} In the event, our hopes were realised in that several of the parents gave permission for their children to be involved and we have been able, for the first time, to gain an insight into the abduction experience from the abducted child’s perspective.

\footnotesize
\textsuperscript{10} Greif, G.L. & Bowers, D. have recently undertaken research which provides an interesting insight into the experiences of non-abducted siblings of abducted children, The Legacy of a Sibling Being Kidnapped, under review. (Legacy).
\textsuperscript{11} At 5.
\textsuperscript{12} 22 cases.
\textsuperscript{13} “the outcomes report”, 10.
\textsuperscript{14} For longitudinal research in this area, see, e.g. Greif, “Parental Report”, fn 8 supra.
\textsuperscript{15} We are extremely grateful to the Department for Constitutional Affairs for the support provided and offer special appreciation to Colin Pipe of the Department for Constitutional Affairs for his commitment to this project.
Although the researchers in both parts of the project have worked closely together, the interviews, analysis and reports of the adult and the child components have been independently undertaken by the relevant researchers.

This report will therefore feature separate sections for adult and child data, with a jointly drafted concluding section.

**Methodology**

The original sample in “the outcomes project” related to 22 cases, involving 33 children. 30 interviews were conducted (both parents were interviewed in 8 cases).\(^{16}\)

For the current project, letters were sent to all participants in the original sample, bringing them up to date with our progress, and inviting further participation in the new research project into the effects of international child abduction. Permission was sought for the participation of the child(ren) concerned through interviews with skilled therapeutic practitioners. Letters were also sent to those parents in the 22 cases who had declined to take part in the original research. Extensive efforts were made to contact those parents in the 22 cases with whom contact had not previously been possible.

Of the original 30 interviewees, 25 agreed to take part in the new research project. There was no response from 2 of the original interviewees and it seems that they may no longer be living at the same addresses. 2 of the original interviewees agreed to take part but subsequently withdrew due to the personal on-going circumstances of their cases. One of the original interviewees declined to take part.

\(^{16}\) See p10 “the outcomes report”.
As a result of the publication and dissemination of “the outcomes report”, we were contacted by a small number of adults who were abducted as children and who asked to take part in our research activities and, in particular, into the effects of abduction. Although a small number, it was decided to include the 3 cases concerned as their experiences might assist in understanding the lasting nature, or otherwise, of any effects of abduction, as well as assessing any commonality of experience of those abducted.

Similarly, one grandparent of an abducted child in the original sample indicated a keen interest in taking part, as well as a non-abducted sibling in another of the original 22 cases. Again, it was decided to include these 2 interviewees to take the broadest possible account of the effects of abduction in our sample on those concerned.

In all, 30 adult interviews were conducted in this new project, 25 of which were with either abducting or left-behind parents. The other 5 adult interviews were with “others”, i.e. 3 adults abducted as children, one non-abducted sibling, one grandparent of an abducted child. These interviews related to 22 separate cases, of which 3 concerned adults abducted as children, involving 33 children (including the 3 adults abducted as children). Of the 19 cases which concerned “current children”, both parents were interviewed in 6 cases. In the other 13 cases, it was only possible to interview one parent.

As before, we were disappointed to be able to interview both parents in a relatively low number of cases, on this occasion in only 6 of the 19 cases concerning “current children” (31.6%). However, notwithstanding the 2-3 years that had passed between ”the outcomes project” and this latest research exercise, there was still profound bitterness and misery in many of the cases which prevented the number of “both parent” interviews

17 The other 3 of the 22 cases involved adults abducted as children. A similar result was achieved in “the outcomes project” where we were able to interview both parents in 8 of the 22 cases involved, i.e. 36.36% of the overall sample.
being increased. That state is, in itself, worthy of note in this type of research. Where the primary interviewee refused to give us contact details for the other parent, we respected that position and accepted that we would not be able to include the other parent in our research. Where the primary interviewee was not able to provide contact details for the other parent, but was tolerant of the concept of that other parent being contacted by us, strenuous efforts were made to locate that other parent and offer the opportunity of taking part. On several occasions, the other parent chose not to do so, sometimes emphatically so.

As before, the interviews were based on a structured interview format. Some questions that had been posed in the original interview (“the outcomes project”) were put again in this interview to test the longevity of the issue in question. Where comparative data has been obtained in this way, it has been incorporated within the current report (“the effects project”).

Some questions were directly related to the effects of the abduction, whilst others were designed to produce data from which conclusions regarding effects may be drawn. Some questions asked for the parental perspective of the effects on the children and, where it has been possible to interview the child, it has been especially interesting to compare the parental view on
this matter against that of the child herself.\textsuperscript{18} \textbf{reunite} views abduction as being about suffering families and families in crisis, rather than about winning or losing a battle which has been fought out through the abduction of the child. However, the experience of those who deal practically with these issues, through the \textbf{reunite} Advice Line, is that parents very often do view the abduction in terms of winning and losing, and of exercising power and control. We therefore asked the interviewee to consider the effects on the other parent, and on any other person who may have been affected, to ascertain whether those involved recognise the wider impact of any effects of the abduction in which they have been involved.\textsuperscript{19} We also included a question on the issue of contact during the time of the removal or retention between the abducted child and the left-behind parent\textsuperscript{20} in order to consider whether, as is often suggested, children are routinely prevented from having contact with the left-behind parent in an effort to alienate the child from that parent.

Different interview formats were designed for the parents taking part, the children taking part, and the “others” taking part.\textsuperscript{21} As with “the outcomes” research however, it was our clear intention that the structured interview format was to provide a consistent framework within which each individual interview would be based, but would need to give way to the particular circumstances of the specific case. A combination of closed and open questions were used.

Analytical questionnaires were constructed to question the data produced by the interviews which, in the case of adults, usually took between 2-4 hours. The child interviews usually took less time and were conducted in ways in which the children concerned felt most comfortable, but always in private and without the presence of either of their parents.

\textsuperscript{18} See Overall Conclusions at 63.
\textsuperscript{19} See Effects on Parents at 26 and Conclusions Adult Report at 46.
\textsuperscript{20} See Left Behind Parents at 29 and Conclusions Adult Report at 46 et seq, also Child Report.
\textsuperscript{21} Our appreciation is extended to Dominic Raeside, Family Law in Partnership, for his most helpful and constructive assistance in the drafting of the structured interviews.
Having “lost” 3 mothers and 2 fathers from the original sample,\textsuperscript{22} it is interesting to note that our 25 interviews in this research project with the parents of abducted children comprised of 16 mother interviews (64%) and 9 father interviews (36%). However, as we stated in “the outcomes report”,\textsuperscript{23} although we had made contact most easily with mothers, we are unable to draw any reliable conclusion from this fact.

The “spread” of countries involved, is as set out in “the outcomes report”,\textsuperscript{24} subject only to the changes in the loss of 5 members of the original sample (representing the loss of only 3 cases as the other parent in 2 of the 5 cases remained in our sample) and the acquisition of 3 new cases through the adults abducted as children who joined our sample (where 2 of the abductions were between the United States and European jurisdictions and the other concerned an intra-European abduction).

The locations in which the interviews took place are the same as in “the outcomes report” subject to the loss of 5 of the original sample and the “gain” of the 5 “others”. As before, we have taken great care to avoid the identification of our research subjects, which includes the provision of information from which identification would be possible. For this reason, and also because some parents have indicated that they do not wish the other parent to know whether or not they have taken part in the research, we are not providing the details of these locations.

Before turning to the specific findings, it is interesting to note once again the comparative statistics between father and mother abductions. 12 of the 19 cases concerning “current” children involved an abduction by the mother of the child(ren) (63.15%), the remaining 7 cases involving an abduction by the father (36.84%). In the additional 3 cases concerning adults abducted

\textsuperscript{22} See methodology supra.
\textsuperscript{23} At 13.
\textsuperscript{24} At 13.
as children, all 3 related to mother abductions. In the overall
sample of 22 cases, therefore, 15 cases involved an abduction by
the mother of the child(ren) (68.18%) and 7 involved an
abduction by the father (31.18%). Once again, an unsurprising
statistic but one which supports the previous research findings
of reunite.\textsuperscript{25}

Some of the parents were clearly doing much better now than at
the times of their earlier interviews. Their relationships with the
other parent had improved to the point of, at least, civility and,
in some cases, good co-operation in parenting. They had
managed to get on with their lives and the abduction was now
forming a part of the background, rather than the all-consuming
framework within which their lives operated as before.
However, in other cases, the wounds had deepened even further
and the relationship had become more difficult and
uncompromising with the inevitable fall-out on the children that
such attitudes produce.

\textsuperscript{25} See, e.g., Research Project Concerning Return Orders, Primary Carers and Their Children,
September [2001] IFL1
THE ADULT REPORT

The following preliminary points can be made:

1. 16 of the 25 adult interviews were with mothers of the abducted child(ren);

2. 9 of the 25 adult interviews were with fathers of the abducted child(ren);

3. 9 of the 25 adult interviews were with the abductors;

4. 16 of the 25 adult interviews were with the left-behind parents;

5. 9 of the 16 mothers who took part in the adult interviews were the abductors. This means that all the abductors who took part were mothers. There was, once again, no opportunity within the spectrum of cases which presented themselves for any interview to take place with a father abductor;

6. 7 of the 16 mothers who took part in the adult interviews were the left-behind parents;

7. All the 9 fathers who took part in the adult interviews were therefore left-behind parents;

8. 5 ‘others’ took part in the research. 3 of these were adults abducted as children, one was a grand-parent of an abducted child, the last was a non-abducted sibling of an abducted child;

9. 2 of the adults abducted as children were female, 1 was male;
10. In all, 33 children were involved in the 22 cases studied, including the 3 adults who were abducted as children;

11. 17 of the 33 children involved in the 22 cases had been between 0-5 years (including those aged 5) when the abduction occurred, 12 had been between 6-10 years (including those aged 10) when the abduction occurred, 4 had been older than 10 years when the abduction occurred;

12. At the time of the interviews, only 1 child remains in the 0-5 age bracket (including those aged 5), 14 are currently aged between 6-10 years (including those aged 10), 15 are currently aged over 10, the eldest being 17+ years. The 3 adults who were abducted as children range currently in age from 20 – 37 years of age.

**Adult Interviews**

![Bar chart showing adults interviewed]

- **Abductors**
- **Left-Behind Parents**
Children's Ages At The Time Of Abduction

- 0-5 Years: 18
- 6-10 Years: 12
- 10+ Years: 2

Children's Ages At The Time Of Interview

- 0-5 Years: 1
- 6-10 Years: 14
- 10+ Years: 16
- 20-37 Years: 0
ADULT FINDINGS

1. **Memory**

In 15 of the 25 previously interviewed adult interviews (60%), the interviewee recalled the relevant dates differently from the first interview. The relevant dates, for this purpose, include the dates of the abduction, the return and court orders. There did not seem to be any connection between the status of the interviewee as either abductor or left-behind parent and those who recalled the dates in either the same way or differently. It is, perhaps, not completely surprising that these dates lose their sharpness over a period of time. At the time of the first interviews, however, the majority of returns (60%) had already occurred between 1-3 years earlier, the remainder having occurred from 4-7 years before. Some of those periods of time were therefore already quite substantial. It could be tempting to assume from this that the memory of the traumatic abduction events remains “live” for at least those periods and only fades at later times. However, for this to be true, it would firstly be necessary to accept that the interviewee gave the correct information at the time of the first interview and, secondly, that the difference in recollection results from the amelioration of the effects of the abduction, rather than the simple passage of time. It is not possible to reliably make these two assumptions and we are not therefore able to draw any safe conclusions from this, albeit interesting, data.

One event of the abduction which seemed memorably traumatic for those concerned, and which was raised many times in the second set of interviews, was the lack of contact for many parents with their children during the period that they were away. This was often because the left-behind parent did not know the child(ren)’s whereabouts. One residential parent did not know where her child was for 2 years. That child reports to his left-

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26 Outcomes report, 8.
behind parent that the abducting parent would get cross and tell
him off whenever he would ask when the left-behind parent was
coming to get him. Another residential parent did not know
where the children were for nearly 18 months while they were
away. They have reported to that parent their belief during that
time that she had died\(^27\) which was not denied by the abducting
parent. A non-residential father, who no longer has contact with
his daughter since the mother was given leave to remove from
the jurisdiction, (in spite of detailed contact arrangements that
were put in place by the Court granting leave to remove to the
mother) did not have contact at all during the 1-year period that
the child was abducted to the United States before being
returned to his care. Several abducting parents admitted
avoiding contact between the child(ren) and the other parent as
they had thought the child(ren) would not have to see the other
parent again and, therefore, avoided contact so that the
child(ren) could more easily forget the other parent.

In this context it is illuminating to consider the comments of one
of the adults abducted as a child who described how she had no
contact with the left-behind parent while away. She explained
that she began to believe what the abducting parent told her
about the other parent regarding the purported domestic violence
that the abducting parent had suffered. She said that she forgot
about the left-behind parent and that the time away felt like a
holiday but, when she saw the left-behind parent again, she
realised how much she had missed him. Another of the adults
abducted as a child reported being told how dangerous the left-
behind parent was and coming to believe this\(^28\).

These insights give an indication of the motives that may lie
behind the keeping of a child from the other parent. Such
actions may, of course, be protective and, in some cases, a

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\(^27\) The child interviews are confirmatory regarding this issue.

\(^28\) One of the child interviewees said that he thought the reason he had been abducted when so young
was precisely because he was not able to keep in contact with the left-behind parent and did not have a
mobile phone or any way of independently making contact.
persuasive case may be made for so doing.\textsuperscript{29} However, in other cases, it is a misguided attempt to subvert the child and ensure the child’s whole-hearted support for the abducting parent. Those parents interviewed who had suffered this loss of contact remember it vividly and with horror. The adults abducted as children remember it with guilt and remorse. Many years after the abduction has ended the lack of contact appears to remain a “live” issue with all those concerned, including the children, who revealed their regret regarding this issue during the child interviews.\textsuperscript{30}

2. **Moving Forward**

(i) **Settlement:**

Only 4 of the 19 current cases were settled, in terms of there being no on-going issues between the parties regarding contact, residence or leave to remove from the jurisdiction, often resulting in litigation. All 4 cases involved left-behind parent interviewees, 2 were cases where the child(ren) was now living with the left-behind parent and 2 were cases where the child(ren) was living with the other parent. In all of those 4 cases the child(ren) was having no contact or very limited contact with the other parent. In the other 15 current cases, since the last interview there had been on-going disputes and changes in terms of contact, residence and leave to remove from the jurisdiction. 14 of the 25 previously interviewed adult interviewees (56%) stated their dissatisfaction with current contact (either the arrangements or the frequency); some of these parents complained about the lack of contact between the child and the other parent, some of them expressed sadness at the paucity of contact but realism about what was possible when 2 parents live separately and, sometimes, in different countries,

\textsuperscript{29} See, e.g., Bruch, The Unmet Needs of Domestic Violence Victims and Their Children in Hague Child Abduction Cases, GPSolo, September 2005 (American Bar Association) where she states: [i]n some cases, however, there are what have been called objective, justifiable reasons for a child’s removal”.

\textsuperscript{30} See Child Report below.
on different continents. Where the family has ceased to exist as such, the situation in these cases is settled. However, it seems that where families are fragmented but extant, the dynamics of the unit continue to be subject to change and challenge.

(ii) **Compromise:**

We looked for evidence of whether parents were more prepared to compromise on the issues discussed above after a period of time had elapsed following return. This seems to depend on the strength of the feelings between the parties and the characters of those involved. In some cases the passage of time appeared to do nothing to encourage compromise so that, for example, where there had been no contact between the non-residential parent and the child for a considerable period at the time of the first interview, this unfortunate situation had not changed and the father has now not had contact with the child since 2001. In several cases, contact is still being fiercely argued and litigated 4 and 5 years after the abduction. More hearteningly, there have been cases where contact has been commenced between the non-residential abducting parent and the child after a period of 4 years and, in another case, the residential parent is preparing for contact between the children and the abducting parent, notwithstanding her own desperate pain and anger at the way in which the abducting parent conducted himself during the abduction and subsequently, because she believes that it is the children’s best interests for that contact to take place.

There have been examples of real progress and enlightenment where, in one case, the non-residential parent suddenly agreed to the residential abducting parent returning “home” with the child from the State of habitual residence, 5 years after the abduction, admitting that they had all been “wasted years”. This experience is not, however, general and one abducting parent has not been allowed to leave the home jurisdiction 3 years after the abduction, with the issue being no nearer resolution now than 2 years earlier at the time of the first interview. This is
despite the abducting parent not receiving any maintenance from the other parent, who cannot afford to pay, and not being able to pay her own rent, so that she must keep moving homes, causing more stress and instability for the children who, she says, “are poor and depleted from going through years of this stuff”. She describes her worry at knowing that she has nothing in reserve, so that if she became sick or had an accident and was unable to work, she does not know what would happen to the children. She wants to leave so that she can return to her family, where she has support and help. She is willing to agree a contact regime with the other parent but, with few resources available to them, international contact is a luxury that would be difficult to finance.

There are other cases where one parent believes that things are settled but the other parent expresses dissatisfaction and is searching for answers to the imperfect predicament that describes most separated families.

(iii) **Objectivity:**

We asked the interviewee parent whether they thought that contact with the other parent, if and when it happened, worked well.

Most parents seemed to accept that the child(ren) wanted contact with the other parent and enjoyed those times, although there were some criticisms of the way in which the other parent chose to spend the contact periods and the manner in which the “hand-overs” took place so that the child(ren) did not feel free to enjoy both parents without criticism. Non-residential parents spoke of the perceived changes in the child(ren) at the beginning and end of contact periods when the child(ren) was more tense and restless, and of how the child(ren) kept the 2 parents apart, seemingly understanding that they have 2 separate lives. One father described how the child could not initially deal with going back after a contact visit to her residential parent because she
thought that she was being abandoned. A mother described the aggressiveness of the child(ren) towards her after having spent the weekend with the non-residential father but still accepted that (s)he enjoyed being with him. Another parent spoke of the light in the child’s eyes when she knows she is going to see the other parent and the melancholy that she seems to suffer afterwards.

None of this is remarkable in the realms of separated families. More noteworthy is the ability of residential parents to objectively recognise both the need for their child(ren) to have contact with the other parent, even when the child(ren) has previously been abducted by that parent, as well as the child’s enjoyment of these occasions. That is not to say that the residential parent does not think about, or fear, a further abduction. Many parents spoke in terms of their continued anxiety on this matter and, even though they did not believe that it would actually happen, they spoke of their inability to put the thought of re-abduction out of their minds.

3. **The Effects**

(i) **The Child(ren):**

This issue was approached in this part of the research from the perspective of the parent being interviewed. We were trying to identify whether, how often, and in which way the child(ren) spoke to that parent about the abduction and the events which occurred during the time that (s)he was away, and whether that parent felt that the abduction had had an effect on the child(ren). Where that parent did feel that the abduction had affected the child(ren), we tried to identify the areas in which that effect is thought to have occurred.

The concern with this line of questioning is that the left-behind parent being interviewed may associate all problems and
difficulties that the child(ren) is experiencing with the abduction, whilst the abducting parent being interviewed may associate none of those problems with the abduction. Although this parental perception may, in fact, be an accurate reflection of the situation, it may be, and often is, a result of the prejudice with which these parents continue to view what has happened and may be coloured by the past, and sometimes the continuing, relationships between the parties.

Nonetheless, the view of the interviewed parent on the effects of the abduction on the child(ren) is of some real significance in investigating the effects of abduction because, not only can it shed some light on the effects on the child(ren), especially where that view is compared with the view of the child herself, but it may also provide some indication of the effects on that parent.

(a) **Discussions and Recall:**

27 interviews were conducted concerning current cases (i.e. the 25 previously interviewed adult interviews + 2 “others” concerning current cases).

17 of the 27 interviewees (62.96%) said that the child(ren) does not discuss with the interviewee the events which occurred when they were away. Some of those interviewed reported attempts to discuss these issues with the child(ren) which were rejected by the child(ren) who asked why that party wanted to “keep on about it”. One interviewed parent explained that abduction is “too big for most people” and that, therefore, the child(ren) often did not want to discuss it with other people, even their friends. Children do not usually like to be different and abduction makes them very different.

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31 See Overall Conclusions.
32 See above for description of the interview participants.
Where both parents were interviewed, the experience of the 2 parents in this respect was different in 2 of the 6 cases involved. In the first of these 2 cases the abducting parent states that the children were angry at the time of the abduction and have since asked why that parent abducted and why that parent did not prepare them for what was being planned. The other parent in this case states that the children do not discuss their feelings and says that they do not remember anything about that time. In the second of these 2 cases, the abducting parent states that the child talks about the place where they stayed during the time they were away but not about the underlying issues of what brought them there. The other parent in this case has not had any discussions with the child regarding the abduction.

Where the interviewed parent did report discussions with the child(ren) on these matters, the discussions have included, in addition to those comments set out above in the cases where the parents’ experiences have not coincided on this matter:-

(i) expressions of anger from the child towards the interviewed left-behind parent for not coming to collect the child,

(ii) the distress of the child when hearing people refer to the interviewed abducting parent as an abductor,

(iii) questions from the child to the left-behind interviewed parent about the possible consequences for the other parent as a result of the abduction,

(iv) statements from the child(ren) to the interviewed parent regarding their confidence of seeing that parent again and reports of excitement at being the centre of attraction while away with the other parent,
(v) discussions of the uncertainty the child felt about ever seeing the left-behind interviewed parent again and the loneliness (s)he experienced while being away and alone,

(vi) explanations from the child(ren) to the interviewed parent of the reasons that the child(ren) had not been able to contact that parent and the amount of times the child(ren) had asked to see that parent during the time away,

(vii) descriptions from the child(ren) to the interviewed parent of the “holiday feeling” experienced during the time away,

(viii) confirmation from the child(ren) to the abducting interviewed parent of understanding the reasons why that parent had abducted the child(ren).

In the cases of the adults abducted as children, the interviewees expressed anger with the abducting parent and guilt towards the left-behind parent, as well as feelings of excitement experienced during the time away.

(b) Physical and/or Emotional Effects on the Child(ren):

It might have been predicted that the abductor parent interviewees would not have thought that the abduction had affected the child(ren) and the left-behind parents would have thought that the abduction had done so. However, as can be seen from what follows, there were abductors who thought the abduction had affected the child(ren) and left-behind parents who did not think this was the case. Care must be taken, however, with the understanding that is given to the phrase “the abduction” in this context. Although parents may have stated their view that the abduction had caused effects, deeper probing produced evidence that “the abduction” had a more global meaning to many of those who had been through the experience and the “ancillary matters” detailed below form every bit as
much a part of “the abduction” to these people as the physical abduction incident itself.

(i) 18 of the 25 previously interviewed parents (72%) thought that there had been effects on the children from the abduction. Of these 18 parents, 6 were abductors and 12 were left-behind parents.

Although some of these 6 abducting parents accepted that the effects they described resulted from the abduction itself, others felt that the effects resulted from “ancillary matters” to the abduction, rather than the abduction itself. Various examples were cited of these “ancillary matters”:

(a) the “endless court cases initiated by the abduction”,

(b) not being able to be where the child wanted to be (having been returned to the State of habitual residence in Hague Convention proceedings and not being granted leave to remove the jurisdiction by the Courts of the home country),

(c) the length of time taken by the Courts in reaching a conclusion,

(d) the continuing conflict between the parents post-return, and

(e) the absolute upheaval caused by the return order only to be swiftly followed by a successful leave to remove application in the home State.

(ii) One parent interviewed (4%) did not know if there had been any effects as he has had no contact with the child.
Six of the 25 parents interviewed (24%) thought there had been no effects from the abduction on the children. Of the 6 interviewed parents who did not think the abduction had affected the child(ren), 3 were abductors and 3 were left-behind parents. It is interesting to consider the statements of the left-behind parents in this context:

(a) One of the left-behind parents stated that there were currently no obvious effects from the abduction and that it would be difficult, in the future, to attribute any difficulties the child(ren) encountered to the abduction, rather than adolescence.

(b) Another left-behind parent thought there had been no effect from the abduction but admitted that the abducting (now residential) parent believed that harm had been suffered by the child. This resulted from the child being returned by the requested Courts so that the child missed schooling there which then had to be made up when the requesting State granted the abducting parent and child leave to remove.

(c) The other left-behind parent did not think the abduction had affected the child(ren) other than through the “ancillary matters” which occurred once the child(ren) was returned – reflecting the statements made by some of the abducting parents above.

(iii) Some of the effects on the child(ren) cited by the interviewed parents were:

(a) physical symptoms of stress, for example sickness, headaches for several weeks after return, alopecia, clinginess, rashes, crying, stomach pains, bed-wetting, nervous coughs, high temperatures,

(b) non physical effects, for example:
(i) the lack of faith felt by the child(ren) as a result of having been failed, in the child(ren)’s view, by the legal system and the adults involved,

(ii) the feeling of helplessness experienced by the child(ren) in the events in which they were involved,

(iii) the unwillingness of the child(ren) to take any risks and wanting everything to “feel safe”,

(iv) the unwillingness to sleep alone,

(v) the learning of coping strategies like “blanking out”, or distancing, from the unhappy circumstances and the resultant ability to cut off from those they love so that they do not miss them and are unable to show affection to them,

(vi) guilt towards one or both parents for not “choosing” to be with that parent,

(vii) the loss of childhood which has been “stolen” by the events that occurred so that the children have to be older than their years,

(viii) the acceptance of conflict as normal and the attitude that there is no need to get on with the people in their lives, instead fighting their way through these problems,

(ix) the inability to deal with stress,

(x) a lack of trust,

(c) difficulties with schooling due to time missed,

(d) extremely bad behaviour with regression to toddler-type temper tantrums,

(e) nightmares and disturbed sleep,
(f) apprehension towards males where the abductor had been the male parent,

(g) hostility towards the nationality and to things associated with the nationality of the abductor,

(h) general lack of confidence and a need for constant reassurance from the interviewed parent,

(i) a need to be fully aware at all times of the movements and whereabouts of the interviewed parent,

(j) a need to test the interviewed parent in terms of the parent/child relationship,

(k) the failure to keep up with the language of the left-behind parent so that a practical barrier exists now between that parent and the child(ren),

(l) general insecurity and a need for acceptance and to be the centre of attention,

(m) sibling jealousy where living with others who were not abducted and which is related to the attention the abducted child(ren) receives.

One interviewed left-behind parent graphically described how a psychological barrier has been created between that parent and the returned child(ren) because everyone involved knows that they survived this period of separation and life without each other and have now all lost faith in their reciprocal need.

Some of these effects have been short-lived, lasting for 6 months or 1 year. Others are described by the interviewed parent as on-going and current, therefore lasting, in their view, several
years after the event of the abduction and return.\textsuperscript{33} This is confirmed by the accounts of the adults abducted as children who describe some of the effects of the abduction as “lasting”. One described him/herself having had problems at school and subsequently with violence and drinking and of being “a functioning, miserable, non-diagnosed depressive for many years”; another describes the extreme confusion and guilt that (s)he feels towards the abducting parent and the pattern of loneliness and self-harm in which (s)he has engaged and the insecurity that (s)he feels today, entirely attributable, in his/her view, to the abduction which, in his/her words, “destroys your life”. (S)he is sure that the feelings of shame and self-hate which (s)he experiences emanate from the abduction and from being torn and having to make decisions which destroy the lives of those you love.

The few positive effects of abduction on the abducted child that have been reported have centred on the way that the abduction incident, as with many traumas in life, makes the child stronger but this has been tempered, in each case, by the overwhelming description by the same interviewee of the negative effects of the abduction on the child.

(ii) The Parents:

This was considered from the perspective of the left-behind or abducting parent, depending on the relevant status of the interviewed parent, in relation to any possible effect on that parent, as well as any effects that may have occurred in the other parent, discerned either through personal observation or intellectual application by the interviewed parent.

All the parents interviewed felt that they had been affected by the abduction. Few of the interviewed parents were able,
however, to comment on the possible effects on the other parent or to accept that such exist.

(a) Abducting Parents:

Many left-behind parents expressed the view that the greatest effect of the abduction which they had suffered was attributable to the shock of the abduction itself. This is not to say that the left-behind parents were not aware of the familial unhappiness and discord which may have prompted the abduction but, rather, that they were not expecting the other parent to leave with the child(ren) or, even if they had considered that this might occur, they were not expecting it at that time.

The actual abduction incident did not have the same effect for the abducting parent as for the left-behind parent as, naturally, the event did not come as a shock in the same way as it had for most of the left-behind parents. The fact of the abduction usually came as a relief to the abducting parent who found strength and empowerment at reaching perceived safety in the abducted-to State. For abducting parents, the shock was, almost universally, in being returned to the State of habitual residence and the greatest of the effects of the abduction to these parents has been the event of return. Most of the abductors have described their disbelief and anger at being returned to jurisdictions where they, and their children, continued to suffer the issues which had caused them to abduct, without the support from their families that they had temporarily found in the abducted-to State. They have spoken of feeling “vulnerable and alone”, of being “totally isolated and impoverished”, and “terrified and distraught” on being returned. They were usually without funds to finance the proceedings in the home State, including those to enforce the undertakings which had been given to the returning Court and upon which the return order had been made. One abductor describes the return to the home State as “the single most violent thing which has ever happened

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34 See below.
to me”, and the Hague hearing, at which the return was ordered, as feeling “like a guillotine”. Many described the impact on their health suffered at the time of the return, with the accompanying loss of weight, stress and the need for medical interventions.

Some of these abducting parents were subsequently able to obtain leave to remove from the home jurisdiction and, although grateful to be able to do lawfully what they had attempted to do unlawfully, they felt bemused at what they saw as the waste of time, funds and emotion in the fruitless legal exercise which, in the end, brought about the same result. Many times these parents asked, “what was the point, and where is the best interests of the child in all this”? Where the abducting parent has unsuccessfully sought leave to remove from the home jurisdiction, they speak of long-term depression and the feeling of impotence in their lives, where their freedom of movement has been (in their view) restricted and where they have lived unstable lives with their children. One such parent asked why this had happened when all the other parent had actually wanted was contact with her and had been able to achieve that through the mechanism of the Hague Convention.

There can be few greater effects of abduction than the loss of custody of the child(ren) concerned where, in addition to the physical and emotional loss suffered by that parent, there is also the practical difficulty experienced, particularly for a mother, who would usually be expected to have her children with her, in having to explain her childless living situation to other people. One such mother has spoken of being judged by other people on this basis because of the disparity between the perception of a mother’s and a father’s absence from a child’s life, and being treated as “guilty until proven innocent” in this regard. She also described how she had to find a completely new persona for herself as a part-time mother who lived apart from her children. Another such mother described the loss of her child in this way as being “like death but without the ability to grieve as in death”.

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She explained how there were no support groups for those who had lost a child who is still living.

It was common to hear from these abducting parents that they now felt unable to trust people and never felt able to “let their guard down”.

(b) Left-behind Parents:

These parents, in general, accept that all separations and divorces have an effect but are adamant that the abduction increased many times over the magnitude of these effects.

Most (75%) of the left-behind parents knew where the child(ren) was during the time that the child(ren) was away. Of these, many described the complete and utter devastation of finding that the child(ren) had been taken. One such mother spoke of the shock she suffered as being worse than the death of her parents. A left-behind father said that it was the worst thing that a father could face. Some interviewees disclosed having thoughts of extreme violence at that time as well as finding solace through religious faith. Others talked of their inability to settle while knowing that the child(ren) was somewhere else and of feeling constantly depressed and ill. Examples of this were given when these parents spoke of:

- losing their hair,
- physical sickness,
- becoming dependant on pills and alcohol,
- feeling suicidal,
- being unable to function properly,
- the feeling of helplessness,
- feeling “in limbo”, as if waiting for a medical diagnosis and
- the fear of having lost the child(ren) for ever.

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35 Greif found that nearly half of the parents in his survey found support through religious practices, “Parental Support” at 69.
Many told of being unable to focus on work and of losing their jobs, and the consequent economic and social difficulties they suffered, like losing their homes. In some cases, these problems have been impossible for the interviewed parent to climb out of and have made it so difficult to do what was necessary to retrieve the child(ren) and to then attend to the child(ren)’s needs when suffering so badly themselves.

Where left-behind parents did not know the child(ren)’s whereabouts during the entire period of absence (25%), One mother described the time that the child(ren) was away, during which time she felt, unlike in death, there to be no right to grieve, as being “beyond the boundaries of humanity”. Others worried about the child(ren)’s welfare, especially where the child(ren) needed special attention or medication, and the left-behind parent was unable to ensure that the child(ren) was being properly looked after in this respect. One mother spoke of the only contact with her child being through the snippets of news from those who responded to public appeals for information and her distress at hearing of the poor physical condition of her child at that time and about which she was unable to do anything.

Many of the left-behind parents spoke of the effects that they suffered once the child(ren) had been returned, including a failure in health, exhaustion and hospitalisation. There appears to be consensus amongst these parents that the return of the child is not the end of the abduction process and, in many cases, marks the beginning of a new stage of management, far more taxing than anything that has come before. This often includes a constant fear of re-abduction and the prospect of having to finance proceedings in those countries where, like the United States, legal aid is not available for the seeking parent. There is acute relief at getting the child(ren) back, but this is tempered by having to take care of the child(ren)’s needs whilst feeling depleted and drained personally from the experience, as well as feeling angry but without the avenue for expression.
When the abducting parent eventually obtains leave to remove from the jurisdiction, the left-behind parent often views this as another effect of the abduction. Some left-behind parents think that the courts in the home State are affected and influenced in their decision-making by the abduction and give permission to relocate because of the background to the case, rather than because of what is truly in the best interests of the child(ren). One such parent says that he does not know where he gets the motivation for living and likens his situation to being a prisoner, hoping one day for freedom. He realises that the child he misses, and for whom he pines, does not exist anymore. He explains how “you know it’s your kid but he is a stranger to you” and says that it is “a horrible, horrible life”. He further states that his only happy moments are when he can forget the child but that all he thinks about from morning to night is how to get the child back. He speaks of “the madness in the brain” that he has to fight so as not to give in to stupid ideas about how to get the child back again. One mother, whose child now lawfully lives abroad with the abducting parent, describes herself as “damaged”, and feels the constant need to protect herself. Her personality has changed and she accepts that she is, in real terms, out of her child’s life so that she has become used to being on her own and her child no longer fills her thoughts. Another father in this position explains how he wants to be part of society but, in fact, stays away from it as he believes that society looks down on those who do not have their children with them. He feels lost with no work, no money and no family. He says that everything deteriorates, and his life is like a wound that keeps opening up each time he remembers what he has lost.

(c) Common Effects:

The effects of abduction on the parents appear to be far-reaching and long-lasting in certain respects. Both abducting and left-behind parents spoke consistently of the lack of security that they now feel in their lives, of “never feeling sure, of never taking anything for granted”. One parent graphically referred to
it as “an absolute torture that you never get over”. A mother discussed the fear of re-abduction, many years after the initial event, so that she worries during the school day that she may not see the children again at the end of the day. This was a consistent concern and echoed by many parents. They also describe the lack of trust that they feel now, and anger and resentment, especially towards the opposite sex. Several parents discussed their unwillingness to form new relationships because of this lack of trust and the fear that the same thing could happen again if more children were born to the new relationship. Even where new relationships have been formed, parents insist that it is not based on real trust and that “the barriers remain up”. The experience has become part of who these parents now are. Several parents say that they are now different people to those that they used to be. They have been unnerved by the experience and have become suspicious as a result. One parent admits to hurting relationship partners to pay them back for what was done when the child was taken from her by the other parent. As one mother explained, “you think you have got through it but, in some way, you go under”.

Depression seems to be a frequent effect suffered by both the abductors and the left-behind parents and often this appears to be related to the guilt felt at putting the child(ren) through such traumatic times. One mother linked her depression to being unable to stop the conflict in her child(ren)’s life, explaining that at least she has a past which was free from conflict but that conflict is all her child(ren) knows. Many parents speak negatively of their experiences with the social workers, lawyers and legal system encountered, and feel let down by “those in authority” with whom they had dealings during the abduction process.

36 The unwillingness or inability to form adult personal relationships may not be limited to the parents or the abducted child. Greif and Bowers, Legacy, supra, state that some participants in their study of siblings of abducted children found it difficult to form love relationships with significant others.
Some parents are able to find positive effects, albeit muted ones, from the abduction. These include:

- a heightened awareness of family conflicts,
- greater personal knowledge,
- greater understanding of human nature,
- an increased ability to see things from the other person’s perspective,
- an inducement to recognise what is really important and to spend more time with those who matter.

Although these are important effects, they are dwarfed by the enormity of the sentiments expressed above and were, in all cases, offered by way of contrast to the detailed deleterious effects already described by the parents concerned.

(d) Age, Marital Status and New Relationships:

We considered whether any of the above issues impacted on the effects of abduction.

15 of the 22 cases concerned married parents, 6 cases concerned unmarried parents and it was not known in the other case whether the parents had been married or not. Unsurprisingly, there did not appear to be any correlation between the marital status of the parents and the severity of the effects suffered. Similarly, there was no apparent connection between the ages of those interviewed and the extent of the effects suffered.

The only area in which there was an apparent connection between the effects of the abduction and the issues set out in the current heading was in the existence of new relationships for the parents concerned. 12 of the 25 parents interviewed had formed new relationships, only 1 of these resulting in marriage. Several of these 12 interviewed parents felt that the effects of the abduction informed the new relationship, highlighting the suspicion and lack of trust which they now felt, resulting in an unwillingness to fully commit to the relationship, even where
there was no apparent reason in the relationship for the interviewed parent to take that view. Amongst those 12 cases, some relationships had failed to survive, although it is clearly difficult to draw any reliable conclusions from this. On occasion, the interviewed parents gave credit to their new partners for helping them through the turmoil of the effects of the abduction, and spoke well of the other parent’s new partner, recognising the positive contribution made by that person to their child(ren)’s well-being. Those who had not formed new relationships often spoke of the emotional exhaustion they still felt and their perceived need to remain focused on the child(ren) as they did not feel that things were completely settled in the matter. This, coupled with their hesitation to put themselves in a position of trust and reliance again, meant that they were not willing to enter new relationships.

(e) The Wider Effects of Abduction:

Almost all the interviewed parents spoke of the wider negative effects of the abduction on those other than themselves and the child(ren) concerned. One left-behind mother explained that “these effects are long lasting and they will never go away”. There was only one possible positive wider effect noted which was the appreciation by local society, when a child was returned, that abduction is usually not successful.

In many cases, the interviewed parents discussed the serious effects on their own parents, including illness, stress and hospitalisation. In a few cases the interviewed parent revealed that the grandparent had either committed suicide as a result, in the view of the interviewed parent, of the abduction or that the grandparent would have committed suicide if the child(ren) had not been returned. One such parent said of his mother, “Getting [the child(ren)] back gave her back her life”. In one of the “adults abducted as children” cases, the interviewed party spoke of seeing writing on her grandmother’s wall, years after the

37 See Settlement, at 15 supra.
abduction, in which the grandmother had written repeatedly, for every day that the children were away, “no car, no (daughter), no grand-children”. In cases where the child(ren) has not been returned, the interviewed parent has spoken of the additional burden of having to watch aged parents coming to terms with the permanent loss of their grandchildren, knowing that they will probably die without ever seeing them again, which the interviewed parent has identified as “the biggest pain of all” to bear.

Most of the interviewed parents believe that other family members have been affected. Non-abducted siblings have been affected in terms of the loss of family life they have suffered, the change in their relationship with the searching parent who, in the view of the non-abducted child, “is obsessed with” the abducted child, and the tensions in familial relationships when the abducted child has been returned and where the searching parent, who has given all his/her attention to the non-abducted sibling, now has to attend to the needs of the newly found and returned child.

New partners have been affected as the relationship is coloured by the abduction and the weariness of the continual litigation spawned by the abduction itself. Some relationships have been unable to survive the stress. In one case, where the new relationship resulted in the birth of a child, the abduction, in the view of the interviewed parent, resulted in the breakdown of the new relationship and thus the loss to the new partner of his new family.

Friendships, too, have been affected because, as one parent explained, “no-one wants to be in the middle of this fighting”. One friend of the interviewed parent, who no longer has contact with the abducted child, in spite of undertakings which provide for him to do so, spoke of his shock at finding out how the system works and how vindictive people can be.

38 See further Greif and Bowers, Legacy, supra.
4. The Legal Machinery for Dealing with Abduction

For many of those interviewed, their involvement with the legal mechanisms which control abduction, both domestically and internationally, have contributed towards the effects that they have suffered and which they attribute to the abduction itself.\textsuperscript{39} They have repeatedly referred in this context to the operation of the Hague Convention, as well as to the quality of the legal advice that they received. Although these issues have evoked both positive and negative comments, it must be said that the concern voiced regularly by experts in the field, of the imperative ab initio requirement of speedy and knowledgeable legal advice to both abducting and left-behind parents, has been borne out by the experiences of the interviewees.

The need for specialist advice was a recurrent theme throughout the parent interviews, either because the parent had not received it or because they had, and realised that they were in a fortunate position which they believe had affected the outcomes of their cases. Some abducting parents spoke of the initial poor legal advice received while still in the eventual abducted-to State, regarding the legal position of bringing the child(ren) back from the State of habitual residence should the parties’ marriage fail, and which had led directly to the abduction incident. Other left-behind parents spoke of being “talked out of” their request for protection and being ignored when they pleaded for supervised, rather than unsupervised, contact between the non-custodial parent and the child(ren). One left-behind parent insists that this led to the abduction which should, and could, have been avoided. She says, “prevention is very much better than cure”. Another left-behind parent spoke of the original erroneous legal advice received regarding the other parent’s alleged right to take the child out of the jurisdiction for 3 months without consent which

\textsuperscript{39} Greif found that law enforcement officers were not viewed as particularly helpful by those in his survey, “Parental Report” supra at 69.
he believes led to the successful abduction. Others interviewed spoke critically of the need for lawyers to be better informed because people usually have no experience in this or any other area of law and will think, as in this case, that they “just had to leave things to the legal team”. This interviewee said that the initial legal advice sought and received was both wrong and negligent, with no knowledge of Hague matters. Even comparatively recently, the Citizen’s Advice Bureau in the jurisdiction concerned with this case had apparently not even heard of the Hague Convention. One mother said that “getting to the right people was a problem” and, in some cases, this seemed a matter more of luck than judgement. Several people reported hearing about reunite from radio or television programmes which they, or someone they knew, happened to have heard. They felt strongly that this was a piece of good fortune but that this was far too important an issue to have been merely left to chance. Several parents spoke of the disparity in the quality of knowledge and advice provided from those experienced and those who are not experienced in abduction matters. One father argued for a mentoring system which would help to avoid this problem and would give confidence to those using the services of more general lawyers in these matters.

Time and again left-behind parents spoke of consulting lawyers when their children were taken, only to be told that there was nothing that could be done. This was in spite of the State of habitual residence being both within Europe and a Signatory State to the Hague Convention. Another left-behind parent was given incorrect legal advice and told to commence domestic legal proceedings in the abducted-to State, notwithstanding that that State was within the European Union and a Signatory State of the Hague Convention. This added enormously to the time and expense in obtaining the eventual return of the child(ren) concerned and to the uncertainty and instability for all parties.

40 This confirms the very strong anecdotal evidence that specialist practitioners have provided to the author on this point relating to recent advice given by various authorities to those whose children have been abducted and have been told that there is nothing that can be done, notwithstanding the existence of the Hague Convention and the revised Brussels 11 Regulation.

41 This is a current concern for reunite into which we hope to be looking further in the near future.
especially the child(ren). Other left-behind parents who had received proper legal advice told of employing the Hague Convention successfully, whilst knowing that the abducting parent was being improperly advised in the abducted-to State by lawyers who did not really understand the Hague process.

Abducting parents report seeking legal advice both in the State of habitual residence pre-abduction and then, again, in the abducted-to State post-abduction and, on both occasions, being told that they were not acting contrary to any law in abducting the child and, with the full knowledge of the child’s abduction, of being advised to apply for custody in the abducted-to State and, in some cases, of being encouraged by their legal advisers to return in order to do so. One abducting parent was re-assured by her legal advisers on her arrival in the abducted-to State, and for several weeks thereafter, that “everything was fine” and was shocked to learn, only one week before the Hague hearing, that she was going to be sent back “because I had broken the law”.

Abducting parents have admitted that, if they had been given the correct information before leaving the State of habitual residence, that they would never have taken the child(ren) as they would then have been aware that this might result in the loss of that child(ren)’s custody. It was a risk, these parents stated, that they would never have taken. Support for this statement of principle may be found in the actions of some abducting parents who, once they were properly informed of the legal position, returned voluntarily to the State of habitual residence. One abducting mother suggested that there should be warnings at airports and other points of exit regarding the possible consequences of abducting your own child in terms of the potential to lose custody. She stated that better and more accurate information must be available at the early stages as this may mean that some abductions would not happen. Several parents stated that people are still not aware that you can abduct your own child.
Several abducting parents disclosed their feelings of abandonment and disbelief at being returned to the requesting State from their own “home country”. They ask what was achieved by returning children to a country where they were put at risk because the undertakings given by the left-behind parent were immediately broken and the abducting parent had no money to pursue their enforcement. A similar question was asked where there was no system of legal aid in the requesting State to fund proceedings on serious charges against the left-behind parent, and which the abducting parent could not afford to self-finance, facts which were well known to the returning Court. Several of those interviewed stated their belief that the left-behind parent would not have insisted on the return of the child (and the abducting parent) if the left-behind parent would have had to pay for the proceedings. They expressed the view that the left-behind parent was simply playing “a trump card” which had been provided by the Hague Convention but with no desire or intention of daily, or even frequent, involvement with the child on return. In some ways, the legal mechanisms for returning the child allowed the left-behind parent to push himself into a corner when all that he had ever wanted was good contact, which could have been provided without returning the child (and the mother). One mother explained that “the whole thing just got out of proportion. The father just changed his mind and wanted me to go back. I wanted time. He then started Hague proceedings. He did it because it was available to him”.

The non-enforceability of provisions in return orders was addressed many times in the interviews, both by abducting and left-behind parents. One abducting parent described how the left-behind parent referred to the undertakings he had given to the English court as “toilet paper”. Another left-behind parent explained how he had expected the English court order to be respected by the authorities in the State of habitual residence when the child(ren) was returned but found that “the police did
not want to know”. Some returning parents complained that, once the Hague machine was set in motion, “people stopped listening”. These parents say that they knew what would happen on return but they were not believed and what they said was not taken into account by the returning Court. These parents state that they knew the system in the home State and tried to inform the returning Court of what would happen, including the lack of respect which would be paid to the undertakings given by the left-behind parent, but felt that they were not heard in the returning Court’s attempts to ensure comity.

One issue which concerned many interviewed parents was the lack of provision for post-return contact. The idealised notion of contact proceedings taking place in the home State does not reflect the reality for many parents who have identified the very real possibility of there being no further proceedings once the child has been returned. This may occur where there are severe difficulties in obtaining legal aid and where the parent seeking contact has been depleted, both emotionally and financially, through the events which have occurred thus far. One such parent described this as “abduction by the authorities” as, having returned the child, there was then no effective mechanism which provided for post-return contact in such cases, especially where the other parent was prepared to use all legal tactics to delay the case and where the child was now living on a different continent. Delays, often lengthy and unexplained, were experienced by some of those interviewed in bringing domestic contact

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42 The impact of the Revised Brussels 11 Regulation provides scope for detailed comity in the making of return orders as well as for judicial co-operation in identifying the court in the home jurisdiction which will be dealing with the case on return. As far as Europe is concerned, therefore, the concerns about undertakings should be capable of being dealt with in a European case (save for Denmark) because the Revised Brussels 11 Regulation is likely to assist in formalising and rendering more easily enforceable conditions attached to a return in that the court of the requested State can rely on the provisions of the revised regulation and, if need be, to look to something more substantial than undertakings and appropriate inter-court co-operation. The return order is not, however, intended to have long lasting effect and there is an argument that a provision designed to be of benefit to the left-behind parent, as in this case, should not have been part of the return order. If the terms of the return order are not complied with once in the State of habitual residence, this is a matter for the domestic courts and the costs of enforcement continue to be a matter for concern where legal aid is not easily available.

43 This may apply to a non-custodial abducting parent seeking contact to a child returned to another jurisdiction or to an abducting primary carer parent who wishes to formalise custody arrangements on return to the requesting State.
proceedings in the other State. These parents felt that the system had been manipulated against them by determined and unreasonable “opponent” parents and their lawyers. It is recognised that allegations of this type are often made in litigation which has not gone the way that the litigant would have wished. However, in abduction issues the parties are, by definition, often at different ends of the world and without funds at a time of profound emotional turmoil, when they are least able to cope with the demands of inter-country litigation, and there is no doubt that systemic manipulation is possible in circumstances such as these.

Left-behind parents complained that, on the return of the child(ren), the Courts in the home State worked too slowly in determining the substantive child issues. Some left-behind fathers now question whether, rather than insisting on the return of the child(ren) from the abducted-to State, it would have been better to have gone to live in that place to be near the child(ren) and to have had good contact with him/her. The return proceedings have caused such tensions for all those involved, and such severe financial consequences, including loss of work and the inability to pay for the maintenance of the child(ren) in some cases, that good relations between the parties are not now possible and this has caused extreme pressures for the child(ren) in all cases.

Others complained that there was no legal aid in the home State for them to pursue the substantive child issues and that, because of this, article 13 of the 1980 Hague Child Abduction Convention has to be expanded so as to be more applicable to the real needs of those involved. The lack of legal aid and the inability to finance continual litigation featured time and again as an issue causing some of the worst problems for many parents who might be forced to accept situations which they did not believe to be in the child(ren)’s best interests through lack of

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44 See supra.
45 This provides for very limited and strictly defined defences against a return to the State of habitual residence. Now see Revised Brussels II Regulation which further limits defences against return.
resources. Some expressed themselves to be “very angry with the system”.

One mother explained how she believed that the effect of the Hague Convention has been to stunt her growth in that she and her children were returned to the State of habitual residence from which she has now been given custody, but not leave to remove from the jurisdiction, so that the return order was, to her, a sentence of imprisonment from which she cannot escape.

Notwithstanding the excellent record that the jurisdiction of England and Wales enjoys in dealing with Hague applications, this is not reflected in all Hague jurisdictions and the unevenness of the playing field continues to be felt by many of those involved in the process. Some parents interviewed spoke of the lottery of pro bono representation in those countries where legal aid is not provided for abduction cases. One left-behind parent had chosen to pay for expert legal representation in such circumstances so as to avoid the delay and the uncertain quality which can be experienced in pro bono representation. This caused financial stress in this particular case but, in others, self-financing proceedings may not even be a possibility so leaving the parent with no choice in the matter. One mother stated that “non-availability of legal aid for the seeking parent can be completely devastating”.

5. **Other Aspects of the Abduction Process**

The lack of after-care support was a recurrent theme with those interviewed. Parents spoke of the “lonely struggle” of having to find support for themselves at a time when it was difficult to deal with their own emotions. This was contrasted, by many parents, with the very welcome support and assistance they had experienced through the reunite parent support network during

the time of the abduction. Abducting parents, particularly, perceived a specific lack of interest in them after the abduction ended in the return of the child. One abducting mother explained how she was fighting to survive when she and her child were returned to the State of habitual residence, how the undertakings which had been given were all broken, and how she felt that she was “being pushed out to sea and the door being shut against” her. She stated that she was too busy just trying to survive to deal with the enforcement of the breached undertakings and that there was complete confusion between what she had been told in the returning jurisdiction and what actually happened in the State of habitual residence. She repeated many times that she just had to survive. Another abducting mother stated that personal support is needed to enable her, and those like her, to move on. She points out that, having lived abroad for a considerable time, you are like a new immigrant to the home jurisdiction when you arrive, having obtained leave to remove. It is assumed that you will be able to cope simply because you once lived there but, in the view of this mother, you need help in the same way as those who are new arrivals to the country. Although help may be available to those who need it and are able to source it, many of those who need help are not aware of the need, do not wish to ask for it, or do not know where to obtain it, and this includes the children. She described how “everything is finished and you are suddenly dumped, shunted from pillar to post. You get worn down having to crawl and fight to get information and it is easier to bring down the shutters”.

Left-behind parents also spoke about the lack of after-care and the “absolute need for monitoring children on their return”. In one case, the left-behind parent observed the lack of protection for the returning mother with no follow-up from the returning Court which, he felt, was not a good thing. He pointed out that “people want revenge” and that when someone has abducted a child and is returned to the former place of residence, that such protection and surveillance is necessary in the interests of the
child(ren). This left-behind parent passionately argued the case for after-care support for the returning parent and child. One left-behind mother described the attitude as “the kids are back, that the end of it”. She reiterated the view expressed by so many parents that the return is, in fact, the start of the trauma but said that few people recognise that. She insists that you need as much energy when the children are returned as you did when you were looking for them. She points out that you may have forgotten how to “mother” the children if they have been away for a long time. The children may also compare your care to that they have received while away and that this may be very undermining and cause resentment in the parent-child relationship. Some argued that the need for professional support should be recognised and put in place by the returning Court and one mother felt that experience-sharing sessions for parents of abducted children would be beneficial and could form part of the crucially important prevention work undertaken by reunite. This view was echoed many times by other interviewed parents, some of whom felt that the experience-sharing sessions should be extended to the children involved who, it was felt, would avail themselves of such a facility if it were readily accessible. One of the adults abducted as a child supported this view by explaining how much guilt she had carried with her for the abduction and how important it would have been for her if support had been available immediately after the abduction. She stated her view of the importance of this research and what it meant to her “that someone wants to know what happened”.47

An extremely important issue was raised by several left-behind fathers who discussed the need to do more relating to the prevention of abduction. They question the assumption that following the break-down of a relationship, international (and often inter-continental) relocation of a child is practically inevitable where one parent wishes to return to her country of

47 Greif and Bowers, Legacy, supra, gathered data from 5 adults who attended a 2-day focus group convened at the National Center for Missing and Exploited Children in November 2005. The authors state that this focus group was the first opportunity the participants had ever had to tell their story to others with experiences so similar to theirs and that the experience of being a member of a group enabled them to describe their feelings and thoughts they had rarely or never shared with others.
origin, and to take with her the child from the relationship who has been born in the home State of the other parent, and is a citizen of that country. They argue that such relationships should not be entered into lightly and that there should be an understanding that, in the event of relationship breakdown in these circumstances, the presumption should be in favour of the child remaining in the jurisdiction of his/her birth. The willingness of the Courts to allow relocation in these cases was seen by these fathers as judicial encouragement to the acceptability of such expectations. If both parties understood at the outset that leave to remove the child permanently from the jurisdiction was unlikely to be given before the child reached his/her majority, these parents suggest that the parent wishing to return home would be less likely to abduct the child believing, as may currently be the case, that, even if returned by the Court of her home State, she would soon obtain legal permission to take the child. Whether this is true is open to debate but there is no question that it is an area which concerns many of the parents involved in these cases.48

48 This debate centres on the best interests of the individual child. There is a tension between the desire to provide for and promote the free international movement of people and the desire not to stand in the way of the legitimate motives of well intentioned primary carer parents to move their lives forward, which may involve emigration, with the need to maintain contact with the child’s non primary carer parent who remains in the jurisdiction in which the child was living before a separation. The test in the Revised Brussels I Regulation is one of habitual residence which is also the “baseline” for relocation, rather than nationality or country of birth. The facts will be different in every case relating to international relocation. If presumptions against relocation, such as those proposed above, were applied, it may, conversely to that suggested, actually tend to increase the risk of international child abduction as the parent wishing to return home may abduct the child simply because she felt she had nothing to lose, being unable to obtain legally what she desired from the State of habitual residence. Similarly, if a presumption in favour of relocation were applied, it could equally tend to increase the risk as the parent opposing relocation might feel that he had nothing to lose by abducting as the custodial mother would inevitably get leave to remove. The guiding principle must be the best interests of the individual child.
CONCLUSIONS – ADULT REPORT

The findings in this project confirm those already identified by Greif in that it is clear that abduction and its effects linger for many years after the ending of the abduction.49

It is beyond doubt that the lack of contact between parents and children during the period of the abduction is a source of immense continuing anxiety for those concerned, many years after the abduction, and even when those parties have been reunited. Many of those interviewed were keen to discuss this issue. Several of the parents explained how they shunned society during the time that the children were away because they found that everything in society revolves around children and, not even knowing where their own children were, they did not want to be part of a child-centred lifestyle, nor did they feel entitled to be so. They describe how thoughts of the children occupied all their waking time, and a good deal of their sleeping time, too. They blamed themselves for the disappearance of the children and for not preventing it, often attributing the guilt to their selfishness at having separated from the abducting parent, which they saw as the catalyst leading to the abduction. They felt they had done something wrong and, therefore, deserved to have the children taken away. They felt full of grief but did not feel entitled to grieve because they did not believe their children were dead, they felt isolated and at the very edge of society. These parents talk of having to face the fact that they may never see the child(ren) again or, if they did meet again, that the child(ren) may not want anything to do with the left-behind parent. They describe feeling such fear about these issues that they did not believe they could survive as they challenged the questions these thoughts raised about their own identities. One left-behind mother, who had no contact with her abducted children or knowledge of their whereabouts during a very lengthy absence, describes how everything hurt her at that time – even walking in the sun hurt her - and says that she felt so

49 “Parental Report”, supra at 70.
vulnerable and open, that it was as if she had no skin on her body.

There is some evidence in the parent interviews, as well as very substantial anecdotal evidence, to suggest that the lack of contact between abducted children and the left-behind parent is often deliberately contrived by the abducting parent in the hope that that child will forget the left-behind parent.\textsuperscript{50} This, in some cases, results from ignorance and misunderstanding and, when diligent and experienced lawyers are involved, who explain the likely consequences on a return to the State of habitual residence that such a lack of receptiveness to contact might invoke, many parents become more generous to the concept of contact during this time. A hard core of parents do not respond in this way and, in this respect, those parents who continue to reject contact to the left-behind parent are thinking in such crude terms that they are not understanding the whole purpose of the Hague Convention, i.e. to restore the child speedily to the State of habitual residence for litigation to take place, rather than the detailed resolution of the welfare issues concerning the child. This is parental alienation in its most extreme form and is deeply counter productive. It might be argued that abductors are, by definition, alienators but such alienation does not usually work. In most cases, the child(ren) will be returned and the rejection of contact will often count against the abductor in subsequent welfare proceedings. In the extremely rare cases where a return order is not made, such alienation will only work where contact is not ensured between the child and the left behind parent and, in these circumstances, it is imperative that efforts are made to secure contact arrangements between the child and the left behind parent in line with the best interests of the individual child. The Revised Brussels 11 Regulation toughens up the Hague Convention in European cases allowing for the reliable enforcement of Hague Convention principles so it may be that, within this context, it becomes less likely that abducting parents will want to run the tactical risk of refusing

\textsuperscript{50} See Adult Findings, supra.
contact when this will be likely to count against them in the almost inevitable return to the State of habitual residence. For those outside the scope of the Revised Brussels 11 Regulation, this issue may continue to cause concerns. However, for those abducting parents who manage successfully to hide the abducted child, such parental alienation will continue with the predictable agony for the left-behind parent and, usually, the abducted child.

All the interviewed parents believe that they have been adversely affected by the abduction experience, but most of those interviewed were unable or unwilling to contemplate the existence of effects from the abduction on the other parent. This may simply be a symptom of the acrimonious nature of the relationship breakdown and, in this respect, be no different from the behaviour of those involved in many cases of divorce and separation where no abduction is involved, each blaming the other, each unwilling to see the other side of the story. However, many of the interviewed parents spoke of the significant additional dimension that abduction brings to a separation or divorce. Greif’s findings in relation to how children fare post-divorce and post-abduction may be helpful in this regard. He found, by comparison with another longitudinal study considering families 10 years after divorce, that the families of abducted children in his sample seemed to be doing worse than the divorce sample in the other study. The children in the abduction sample may be “doing worse” because of the additional burden placed on them by the abduction. It may therefore also be reasonable to deduce that the abduction experience adds a general layer to the effects felt by other separated or divorced parties and may account for the emotional

51 Greif reports, “Parental Report” supra at 68, that 40% of the respondents in his sample indicate that they still experience rage an average of 10 years after the abduction, with a desire for revenge, depression and anxiety also present. He states, [t]he upshot is that the impact of the abductor and the abduction on the respondent and child .. continues for over a decade”.
52 “Parental Report” supra at 70.
54 Greif concludes that the available research suggests that “the abduction experience, particularly when combined with a divorce or some other trauma, has the potential for significantly affecting normal development”. Treatment Implications For Adults Who Were Parentally Abducted When Young, Family Therapy, Volume 30, Number 3, 2003 at 153.
inability demonstrated to see the situation from the other’s point of view.

Most parents (72%) believe that their child(ren) has been adversely affected by the abduction experience.\textsuperscript{55}

Many suffer from illnesses. One mother describes how, when her children were first returned, they had constant ailments, needing the biggest form of care for the most insignificant ailment. The children wanted the mother to “mummy” them as she had when they had been taken, a long time earlier, and she admits that, at that time, that was all that she wanted as well. Some children continue suffering from illnesses, long after return. Parents speak of headaches, stomach cramps and high temperatures which do not appear to have an organic cause and have been medically diagnosed as anxiety related.\textsuperscript{56}

One custodial mother describes how her child now rejects cuddling and closeness. She says that the child is “too busy, coping” for such intimacy which is “all too close, too personal, too near the spot”.

It does not appear from the data provided that issues such as the age of the child when abducted or the gender of either the parent or child, make any significant difference to the quality of the effects suffered.\textsuperscript{57} Children often do not choose to talk about the abduction. Caution should be employed however in interpreting this as meaning that there are no unresolved issues for the children. For some, it is just as likely to be as a result of

\textsuperscript{55} See supra. Greif, “Parental Report” supra at 65 states that parents were asked to compare their child with peers by indicating whether they had more, less or the same difficulty in certain areas: “[t]he most clearly troublesome area revolved around intimate relationships”. He states at 70 that two-thirds of his sample said they believed the children were permanently scarred.

\textsuperscript{56} Greif, “Parental Report” supra at 69 states that children may be manifesting their problems physically as, in his sample, almost half of the parents perceived the children to have more physical ailments than peers.

\textsuperscript{57} Greif found that although, over time, significant problems continue for a minority of children, “the length of time the child had been missing prior to recovery and the amount of time elapsed since recovery were .. not related to problematic behaviour. The age of the children.. the number of children abducted in any one family, the gender of the parent, the gender of the child, the amount of education of the parent, or the amount of visitation with the abductor were not related, “parental report” supra at 67.
embarrassment or a disinclination to engage in some areas of conflict which the abduction raises in their minds. One parent described the way her child seems to “shut it all away” and how not even all the child’s friends know about the abduction because “it is just too big for most people”.

Greif identified that these children remain an “at risk” population for emotional and possible physical problems as they enter late adolescence and young adulthood. Some support for this statement may be found in the reports of the adults abducted as children who took part in this project. One of the adults abducted as a child says that the abduction, and the feelings of unworthiness it created in her, made her “incredibly lonely as a teenager” and led to incidents of self-harming and drug overdose. She describes how, even when she was taken to hospital by ambulance, she refused to talk to anyone about what was making her feel the way that she did. As an adult, she has had drink problems, has had to take anti-depressants and thinks of herself as a depressed person. She still uses drugs and says that she would like to stop because “it doesn’t seem right to need to smoke pot every night after work” (original emphasis). She explains that she has a problem trusting people, which she attributes to the abduction. She gets very angry and feels very insecure each time her boyfriend goes away, although at other times she wants him to go away and leave her alone. She says that these feelings of insecurity come from the abduction and the thought that you can just be picked up and moved on at any moment and that there is no point in trying to settle because “it can all be undone at any time”. Another of the adults abducted as a child describes how he became involved with football violence and excessive drinking and that this continued until about 20 years after the abduction. He says that he “spent a long time fighting back” and that for many years he did not understand himself.

58 See Greif, “Parental Report” at 69.
59 “Parental Report” at 70.
Another repeated message from the adult interviews concerns
the lack of after-care facilities available to those who have been
through the abduction process and the desperate need for such
provision for all parties involved, including those who may have
lost custody, those who are suffering ill-health and loss of
livelihood or home, those who have recovered their children and
the children themselves. Many parents expressed their desire
to see such after-care provision made available to all those
involved in these cases. There is also a perceived need for
monitoring the situation of children who are returned to the
State of habitual residence in terms of observing whether the
conditions upon which return has been ordered have been
complied with and assisting, where possible, with
implementation.

One of the issues concerning many parents is the lack of
specialist advice and knowledge that is easily accessible to those
in urgent need in these cases. The serious consequences for
those unable to secure such expert guidance at the outset were
often reported, including the abduction incident itself which, it
would seem, could sometimes be avoided where such reliable
information and advice is provided.

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60 This echoes Greif’s findings regarding the need for an availability of knowledgeable mental health
services to service families that have experienced an abduction, “Parental Report” supra at 64.
61 Greif found that “reading and hearing about others’ experiences is also helpful to the parents” and
suggests that support groups dealing with abduction are appropriate interventions “Parental Report”,
supra at 69.
62 The Revised Brussels 11 Regulation allows effectively for mirror orders and for the judge in the
requested State to ensure conditions. Additionally, through Court co-operation, it is possible for the
returning Court to be reassured that a specific Court in the State of habitual residence will be hearing
the case on a specific date post-return. The returning State has no legitimate interest in what is decided
once the child has been returned to the requesting State. This is emphasised in the Revised Brussels 11
Regulation which provides greater security on the immediate arrangements and for ensuring that the
case is suitably entrenched in a specific court in the State of habitual residence. Undertakings may still
occur when deemed appropriate by the returning Court, for example when the circumstances are fairly
trivial and it might not be thought necessary to trouble the Court in the State of habitual residence to
make an order. However, where, for example, there is a need for social services involvement, or where
it is thought that the left-behind parent may renegade, a returning Court is very unlikely to use
undertakings. There is no central monitoring system in place because it is inherent in the Hague system
that the returning State places its trust in the requesting State. For suggestions on how local monitoring
might assist, see Overall Conclusions.
63 This is especially important as some returned abducting parents found that they were unable to
pursue domestic proceedings because of the lack of legal aid in that State and their inability to finance
the proceedings privately. Others were certain that they would never have abducted if they had been
aware that they risked the loss of custody of their child. These are matters which they stress should
have been made known to them from those from whom they sought advice. Although some parents
suggested that such expert early assistance may ensure a willingness to accept a speedy and less acrimonious return than might otherwise be possible, as well as identifying the exceptional cases where defences may be available and rigorously pursued. There were many strong expressions from parents about the continued need to raise societal awareness of abduction matters in order to avoid the preventable consequences of abduction which can be caused by these incidents.  

An equally emotive issue for some of those who took part was that of post-abduction contact. Although it is accepted that this is a matter for the competent authorities of the State of the child’s habitual residence, some concern has been raised regarding the way in which the abduction has affected the issue of continuing contact between the child and the non-custodial parent and that parent’s wider family. The importance of maintaining contact with both parents and both families, where in the child’s best interests, is a cornerstone of most family law systems and is especially important where the child may have already been deprived once of such contact, during the abduction. It is crucial that children are not encouraged to view these important figures in their lives as dispensable, nor to insulate themselves from the benefits of inter-dependence which these relationships confer, but are supported in their continued

expressed complete confidence in the legal advice provided, it was clear that this was not the common experience and was usually when a specialist adviser had been involved from the beginning.

64 reunite commenced an awareness campaign in 2002, funded by the Department for Constitutional Affairs, due to the concern felt about the lack of information on abduction which was being made available to the general public. As part of this campaign, a documentary was made and disseminated and prevention information was distributed to Courts, Citizens’ Advice Bureaux, Libraries and other advice agencies. reunite has also developed a website on which its prevention guides are published which have been very successful in raising awareness of prevention issues. reunite is continuing to raise awareness through ethnic community projects, and now has an Asian language speaker available on its Advice Line, as well as through a media campaign scheduled for the Summer of 2006, and the continuation of its national poster campaign.

65 This may relate to when the child has been returned to the care of the left-behind parent and where the abducting parent and wider family desire contact with the child, or where the child remains in the care of the abducting custodial parent following leave to remove from the jurisdiction and where the left-behind parent and wider family similarly desire contact. In the former case, the interpretation of article 21 of the Convention may be significant. In the latter case contact provisions are likely to form part of the order allowing relocation and, within the States of the European Union (other than Denmark) may now be enforced through the revised Brussels 11 Regulation. See further article 50 regarding legal aid.
relationships with both parents by the custodial parents and the relevant competent authorities, recognising the valuable and irreplaceable contribution that each has to make in their lives.66

The relationship between the grant of leave to remove the child permanently from the State of habitual residence and international child abduction was explored several times during the parental interviews. It is unhelpful to compare a domestic separation with one with an international perspective because of the obvious distinctions between a separation within the same jurisdiction and one which spans several thousands of miles, in terms of the continuing regular contact possibilities between the child and the non-custodial parent. Some parents have argued that the ease with which custodial parents commonly obtain leave to remove from the jurisdiction is detrimental to the best interests of most children as it encourages the incidence of abduction; custodial parents believing that, ultimately, they will be granted leave to remove even if they have abducted their child(ren) and have been returned to the State of habitual residence, the abduction serving to demonstrate the imperativeness of the custodial parent’s wish to relocate; non-custodial parents believing that the only chance they have of living with their children is to abduct them either before the child is given leave to live abroad or once that has taken place. Whilst recognising the significant implications for the freedom of movement of the custodial parent and his/her private and family life which a refusal to leave the jurisdiction may create, some non-custodial parents argue that this was a choice entered into freely by that parent when the decision was taken to have a child in a foreign jurisdiction with a national of that country and that this exercise of self-ordering should be respected thereafter.

Although this is an interesting and wholly understandable human reaction, it is unlikely that any presumptive approach to these matters is properly acceptable in that what is ultimately

66 There is nothing to prevent parents agreeing that there will be a provision in the Hague return order for contact on return although the competent authorities in the State of habitual residence will be in control of the future decisions relating to this issue.
important in these cases is to consider the welfare needs of the specific and individual child in the light of that child’s specific and individual circumstances. Within the jurisdiction of England and Wales, such applications will be considered in the light of the best interests of the child, with due weight being given to the reasonable plans of the custodial parent.\footnote{Poel v Poel [1970] WLR 1469, Payne v Payne [2001] EWCA Civ 1166} Both parents must recognise on separation that they are part of an international relationship and that, in these circumstances, the child may have to live in a country other than that of the habitual residence. The child’s best interests must determine this issue.
THE CHILD REPORT

The Research

The objective of this part of the research was to capture the experiences of the children and young people themselves. Hearing from them directly, and independently of their parents, we hoped to gain a better understanding of the effects on children of international parental abduction. We were also interested in whether these differ in any way from the effects of parental separation and divorce in general. We hoped to be able to identify from what the children and young people themselves had to say any lessons that are to be learned by parents and professionals.

The research was conducted by semi-structured face to face interviews with the children. We used a basic questionnaire but allowed the children to range more widely and explore issues with us relating to the abduction and its aftermath not necessarily catered for within the questionnaire. Consent was secured at the time of the interview from the parent with care. The non-resident parents were also aware that we were hoping to interview their children. Each of the children and young people interviewed agreed to participate. Interviews were conducted in this country and in three different jurisdictions abroad. The children themselves, together with the parent with care, chose the venue. All the interviews took place within the primary home except in one instance, where the child chose to come to London for a meeting at a CAFCASS office. Most of the sibling groups interviewed were seen jointly, a choice exercised by the children concerned. They were each given the option to be seen individually but only one sibling pair availed themselves of the opportunity. The interviews were all conducted in private. One child, a younger sibling, preferred not to participate. He was aware that his sibling was being interviewed but avoided the room in which this was taking place.

The Sample

Ten children were interviewed from seven of the families participating in the study. Of these 60% were male and 40% female. Their ages at time of interview ranged from ten years to eighteen years. At the time of abduction, 40% of the children were aged four years and under, 50% were aged between five years and nine years, and 10% were over fourteen years of age. In the group of children and young people studied, age and gender seems not to have been the major determinant of how they were affected. All of the children were adversely affected in different ways notwithstanding their age and stage of development.

All of the children were abducted with their siblings. There was just one only child in the sample and she, of course, was abducted alone. In all cases the abduction event occurred over five years ago. The time the children spent away ranged from six weeks to fourteen months and in one instance the child has never returned to live in his country of residence. With only one exception, all of the children are of white European extraction, the other child being black Afro-Caribbean.
The Abduction Event

It is worth detailing the children’s perceptions of the event itself before examining how their significant relationships were affected and how the children coped in the aftermath.

In two instances the children were abducted by their fathers. This involved three children, 30% of the sample. None of these children considered their father to have been their primary carer. The remaining 70% were abducted by their mothers. These children all defined their mother as their primary carer, though one young person felt that his father was equally but differently responsible for his upbringing. These children appeared not to experience their mother as an abducting parent, whereas those children taken by their father tended to see him in this way. One child, who was only three at the time of what was the most protracted abduction, spoke of having been “stolen”. He recalled spending his fourth and fifth birthdays without his mother. He came to think that “she must be dead.” His older sibling told him that his mum was too young to die. He asked his dad, but his inability or refusal to answer made him think, “it must be true.”

Eight (80%) of the children clearly remembered the circumstances of their abduction. In most cases it was initially presented to them as an extension of a holiday or outing and the children viewed it with some initial excitement. One child said, “I was at home with mum one day and dad came to pick me up. We went to McDonalds and stuff. He took me shopping and got me loads of stuff. We were walking, walking for ages. We were walking round and round and he got me some toy cars. I used to love toy cars. I’ve still got a lot of them. I still like to play with them sometimes. After ages when I was really tired we went back to where dad was staying….I went to sleep. It was like going to sleep at night except it was in the middle of the day. When I woke up I was in …. I don’t remember anything about going there. I woke up at an airport and thought dad had taken me to see the planes…..”

There was a striking exception to this. One child was twice abducted by the same parent, who explained to him what was going on both times. He knew he was not going on a holiday. He came to feel considerable unhappiness and a greater sense of betrayal about his legally enforced return to his country of habitual residence to be with his non-primary carer than about the abduction event. He identified the country to which he was initially removed as “home”. He refuses to name the event as abduction and only refers to it as “the court case”. Three other children thought that they were returning “home” and did not see themselves as having been abducted. Four children felt a sense of growing unease and anxiety about their non-return. Two boys actively wanted to remain with their mothers in the country to which she had taken them. For one boy, that country felt like home. The other, an older child at the time of abduction, stated a preference not to return to his country of habitual residence. In one family, the two children remember very little of the event. Two siblings in another family were both unhappy about being separated from their father, but thought that their mother was right to leave.

Seven of the children attended school or playgroup during the period that they were away. Three were pre-school age. Most of them found going to school helpful. One
specifically recounted how it helped him to take his mind off thinking about his father. He distracted himself from his sense of unease by “getting on with other stuff, concentrating on stuff I enjoyed like making new friends, it was all quite new and exciting”. This child found it confusing to be returning to school after the holidays, when he had been expected to leave and his class had held a special farewell ceremony for him. Those children who had been taken to a country where the language was different identified difficulties in communicating and making friends during the period away. One child said that his dad “knew that if we don’t go to school he’ll get stopped”, meaning that the authorities would question their non-attendance which might have adverse consequences for his father. One child recalled attending a playgroup where some other children were English-speaking ex-patriates in similar circumstances. She said that she enjoyed going there.

For some children there were also significant difficulties in making the adjustment on their return. One, who was in another country for some considerable time during a significant stage of language acquisition, had particular difficulties on his return and recalled crying every day. The discomfort he feels about education and schooling endures to this day. Another had specific practical difficulties with school immediately upon his return to his country of residence as his parents, through lawyers, had agreed shared residence with him attending different schools according to which parent he was staying with. This arrangement, seemingly negotiated so as to achieve a return to the appropriate jurisdiction, made absolutely no sense to the child concerned. It was, not surprisingly, short lived but was extremely confusing and stressful for the child at the time and is a period vividly and unhappily recalled by the young person concerned. Six children found that they were able to retain friends even over a long period of time, which helped them to re-adjust. In one instance the child concerned was not allowed to text or phone anyone, but former friendships were of such substance that they endured. This made for greater ease of re-settlement which was striking in view of the length of time this child had been away. In several cases the children returned to their schools and resumed their friendships. This they valued, identifying friends and peer relationships as important to them.

**Emotional Responses to the Abduction**

All of the children recalled their feelings about the abduction fairly clearly, although it was not always readily discernible how much of this was their own independent recollection and how much had become an accepted family version of events. All but one of the children felt close to their abductor. One, however, recalls feeling very scared of antagonising her father and resentful of his partner’s attempt to act as a substitute. She said that she and her children were nice to her but “I think their mum tried to be like my mum. I didn’t want their mum, I wanted my mum.” She was very scared to even ask her father about her mother or to say that she missed her. Her anxiety about kidnap and pronounced fear of the unexpected continues to this day. “I remember I was frightened if anyone knocked on our door. My mum got people to knock on the window instead so we could see who it was…I was really scared if ever there was a knock on the door, scared that I might be kidnapped. I’m still a bit scared now.”

Another said that he felt fine with his abducting parent, but described worsening physical symptoms of stress and anxiety such as nausea, headaches and actual
vomiting which increased the longer he was away. He described using strategies to
distract himself from thoughts of his left-behind parent and all that he was missing
during his illegal retention. Two siblings were allowed to believe that their mother
was dead and remember their father’s new partner crying on finding out they had a
mother. Their reunion with their left-behind parent was described as traumatic. It
took place in a police station. They did not immediately recognise her and to begin
with the younger child believed that she had adopted them.

**Effects on the Children’s Relationships**

Most of the children were denied contact to the left-behind parent and any other
siblings during the period of the abduction. Also lost to them at that time were
relationships with extended family, close friends and peers. For some of the children,
three in particular, this caused sorrow and regret because, although they had aligned
themselves with the abducting parent and invested heavily in the change of
environment, they missed siblings and other family members. One sister and brother
recalled the loss of extended family on their abducting parent’s side especially. They
said that they were not allowed to phone or text anyone and that the only grandparent
that they were able to see was very ill. “We did not even see anyone else from the
family for birthdays and Christmas”. They liked their stepmother and the friends they
had made and this in turn was experienced as a significant loss on their return to their
left-behind parent in their country of residence. They now have restored relationships
with their maternal extended family which are significant to them. One young person
has found that his relationship with his left-behind father was very difficult for a time
and, as a consequence, contact with his younger siblings who remain with their father
has been minimal. This causes him concern for the future of his younger brother’s
relationship with their mother.

Most of the children are able to have some contact with the parent with whom they no
longer live, whether they are the abductor or not. Only one has no direct face to face
contact with her non-resident parent. In the case of three children contact is very
much constrained by the continuing need for supervision and the refusal of the non-
resident parent to abide by required conditions. Although one child now lives with
the abducting parent, his trust in the other parent is significantly compromised, largely
because he believes that this parent would remove him and indeed has tried to remove
his sibling from school. As well as a lack of trust, these children express some anger
and irritation with the non-resident parent for not making more effort to satisfy the
courts or resident parents of their trustworthiness. One said that “Dad won’t talk to
mum, doesn’t return us on time from contact and puts mum in a difficult position.” He
would like to go and visit his dad but explains, “He’s refused to sign the court papers
so I can’t be sure that I will be able to come back. He even bought a ‘plane ticket for
me but then at the last minute refused to sign the papers so I couldn’t go. I was
disappointed as it wasn’t just him I was going to see, it was everyone else.”

All of the children describe emotional pressures placed on them by one or other parent.
One especially finds it difficult to talk to her abducting father without him becoming
angry. Another said that his father tells him that his granddad is sick, that he may not
get to see him again, that no-one there will like him anymore as he’s been away too
long and that he is going to emigrate and will not see him again.
All of the children still expressed a wish that their parents could be together. They all wanted their parents to be able to have trust and believe in each other. A brother and sister worry about their primary carer mother as she is anxious and they resent their father who is angry and blaming and does little with them when they do visit. However they enjoy summer holidays at his home and like seeing their wider family. Similarly another pair of siblings enjoy their contact, not least because the extended family is very important to both of them. Both wish that their father specifically would do more with them.

**Coping with the Aftermath**

Only one child found it very hard to settle on being returned. He was too young to be in school when removed and was away for more than a year. Consequently he had no established friendships that he was able to pick up on return and did not speak the language of his return country at all well. He very sadly said that he found it hard to make friends and cried a lot. Another child described both joy and relief at being reunited with her left-behind parent. She recalls seeing the abducting parent being taken away in a police car in handcuffs and waving and smiling at him. She said she was “not bothered about what would happen to him”. The oldest child said that everyone in his family had suffered in different ways, although he was happy that his academic progress had improved in recent years and was making plans for a gap year in the future which would include a visit to his father and siblings. Even where there was a significant loss of trust and emotionally fraught relationships between the children and one of their parents, they all, with only one exception, wished their parents were back together happily. All of them said that they wanted to have contact with the non-resident parent and, for some, the supervision of contact and other constraints were very restrictive. One child said that he wished he could see his left-behind father in his own country because “Dad feels uncomfortable here and if he feels uncomfortable, so do I”.

Four of the children had either seen, or were still seeing, a counsellor, psychologist or psychiatrist (they were not always clear in their own minds about the status of the person they saw). Just one of them reported finding this helpful. All the others expressed a preference for talking to friends or family. The oldest liked to “just have a beer with his mates”. He was scathing about the help offered to him by his lawyers. He thought that children were the “lowest priority” for lawyers. “They didn’t seem to care, because you’re just a legal aid case”. He was rarely able to talk to his solicitors because of the time difference between his home country and the UK and they took a long time to answer e-mails. Another child however found his solicitor a great help, very available to him and also easier to talk to than the counsellor. He said, “She made me feel that she was really doing what I asked for and fighting my corner.” Just one child has been seeing her counsellor over an extended period of time and has come to view her as a friend. She thought that the comings and goings during the period of the Court hearings, when they were made to live in the requesting State, were very confusing. She identified this as the most problematic time for her and her brother.
**Lessons for Parents**

The lessons for parents in this situation are similar to those going through separation and divorce without the added complication of different countries of residence, i.e. that children need to be protected from conflict and not to have parental burdens and pressures placed on them. Children value having comprehensible and age appropriate explanations of what is happening in their lives. They dislike being made to feel that they have been misled. They want to be listened to and to have a say in decisions that affect their lives.

The abduction event in itself appears not to have been traumatic for most of the children because it was presented as a holiday. However when that was not the reality, dawning realisation that this was not a holiday and that they were to live with the abducting parent permanently came to feel like betrayal, a deception. This together with anxiety about the left-behind parent had long lasting, adverse consequences for all of the children. Even those children who did not see themselves as having been abducted felt angry and confused by the court battle and the insecurity of their living arrangements. Their trust in one of their parents, and sometimes both, was compromised. For one child in particular her anxiety has been long lasting. This was absent for those children whose abductors had been clear with them about their intentions. Two children were similarly unaffected as they were too young. Both were only three years old at the time of the abduction, younger than those children who had more clear memories. The complete denial of contact in the absence of an understandable explanation was for three children corrosive of their ability to trust. Where contact was denied but explained to the children concerned they were not happy about it, and stated that they missed the other parent, but they were able to accept it as a necessity.

All of the children valued their relationship with both parents. In interview, all said that they were either enjoying contact with their non-resident parent or, if having no contact, wanted to find a way to make it happen safely. They very definitely want it to be made safe. Several of the children talked about their anxieties that, if contact were unsupervised, the abducting parent might remove them again. One child described an event in which one parent tried to remove his younger sibling from school after proceedings were completed. Even those children who did not consider themselves to have been abducted said that they did not want it to happen again and yearned for an end to the ongoing proceedings. Two children from different families were aware of continuing proceedings which caused them anxiety and which they wanted to end. One child said, “The court case was not necessary. Dad could have just accepted it in the first place, that I wanted to live here”. He went on to say, “It will be with me forever. It will never go away”. By way of contrast, one young person pointed out that, for him, it was probably not much different than for many children who simply emigrate with their parents. The children were all clear that they resented being caught up in the adult conflict and did not want either to hear negative things about either parent or to feel that they had to defend the other parent. Some of them talked about their concerns for the parent who they perceived as suffering the most.
What did become clear, and is also clear from the study done by Wade and Smart, is that children need to be involved in the process and told what is going on. They are not passive and demonstrate various coping strategies of their own. One child, for instance, was able to articulate how he coped, by focussing on school, making new friends and moving house. Another found talking to his solicitor and the support that she offered helpful. Wade and Smart believe that children use diversionary activity and talking to specially selected people as a means of coping and of cheering themselves up. Their findings were that adults tend to think that children are not aware of the situation and continue in their usual activities with little sign of disturbance. However Wade and Smart found that the adults in their study did not appear to realise that the children were using these activities as deliberate strategies to cope with and avoid distress.

**Lessons for Professionals**

One young person articulated this very clearly. In his view, moving countries was not the major stress. He stated the real problem to be thus: “It’s the way decisions are made”. He did not think that children were taken seriously or that their views carried much weight. He further commented that not enough care was given to contact between separated siblings. For him, problems around his relationship with his sibling continue to be a source of distress.

Apart from one child, those who received professional help found that they benefited less from that than from talking to specific family members and/or friends of their choosing. This is consistent with the finding of Wade and Smart that for most children a “counsellor” is of little value unless the child is actively involved in the decision to see such a professional. Such therapeutic work with children is considered as requiring a high level of specialist skill, not appropriate for volunteers. In the same study Wade and Smart found that the intervention of Court appointed practitioners on a short term basis was not helpful to the children other than in the context of enabling the Court process to run smoothly. They concluded that therapeutic rather than investigative interventions are more likely to be supportive. The two children in our study who identified a solicitor and a counsellor as helpful seemed to find them so, at least in part, because they felt that those professionals were on their side and really listening to them. One child said that she felt she could talk to her counsellor and that the counsellor “doesn’t make me feel stupid for the way that I feel”.

The account of the return to their mother of one set of siblings highlights the care and sensitivity that need to be exercised. In some circumstances the return can be as upsetting and stressful as the original abduction. Another child emphasised the seemingly obvious, but frequently overlooked, point that dealing with the abduction by returning a child to the country of origin in itself rarely achieves a resolution of the problems as defined and experienced by the children themselves. In particular they may not necessarily be returned to or have any contact with the other parent and family. This child believed that nobody could have done anything to have made it better because “it’s not something that can be made easier”.

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69 Facing Family Change, supra, at 18-23.
70 Facing Family Change, supra, at 41.
71 Facing Family Change, supra, at 38.
Conclusion

The main themes that seem to emerge from these interviews are that the children concerned were most secure with their primary carer and were not happy about being separated from that carer. Where it was the primary carer who had abducted them, they did not seem to see it as abduction. For all of the children there was dislocation and stress. It was the uncertainty, insecurity and conflict between their parents that caused the most distress. Children who felt that their parents had explained the situation seemed a little happier about the event itself than those who thought they had been deceived by the abducting parent into believing they were going on an outing or holiday. For all of the children their dependence on their carers was such that they felt that they had to align themselves with the person who was primarily responsible for that care at any given time, no matter how unhappy they may have felt.

Most of the children were able to use school and friends as a means of distraction, but all were uncomfortable with the insecurity of their practical living arrangements and the upheaval of frequent moves. It was not always easy to determine how much of each account was that of the child derived from their own direct experience and how much was influenced by parental feelings and accounts which had become the accepted narrative within their immediate family circle. At some level all of the children seemed aware of their parents’ feelings. Some experienced this as emotional pressure on them and articulated it as such; others were very sensitive to parental anxiety that was, in turn, causing them anxiety.

The clarity and compelling quality of the children’s accounts suggest that for all of them the event was vivid and remained very much alive.
OVERALL CONCLUSIONS

Abductions take many forms and, in most cases of international parental child abduction, the children are well cared for physically during the time away and are living with a parent who is well known to them, and to whom they feel close, albeit not always in a custodial role. It appears that children abducted by their primary carers usually do not perceive the experience as one of abduction but, when abducted by their non-primary carers, they do. Nonetheless, very few children seem to be afraid during the times away, even if they are not with their primary carer.

It is with good reason that children often view the time away as an exciting extended holiday as, for many children, the environment to which they have been taken is not unknown and, indeed, may have been the place where family holidays were taken previously and where family members live. However, where contact is denied between the child and the left-behind parent and family, it appears that more difficulties may be experienced as doubts begin to enter the child’s mind about the justification of being away from home and the well-being of the left-behind parent. It is also the case that some children experience language difficulties which can cause further problems on return.

It is the return of the child which seems to produce a pattern of more profound effects, some of which are long-lasting. It is true that return brings into focus the familial problems which were escaped during the time, and through the event, of the abduction and which must now be addressed. However, it is more than just facing up to these issues which creates the effects which have been detailed in this report; the abduction incident creates an additional dimension to the difficulties which these families face and which is, then, thrown into this already boiling cauldron.
One of the themes which emerged through the interviews, both with parents and children, was the difficulty in trusting that they experienced after the abduction\textsuperscript{72}. Adults discussed this in terms of their personal relationships, some felt completely damaged by the abduction experience which now informed all their friendships and relationships, including those with their children. Children expressed this in terms of being unable to fully trust their parents or other adults in their lives, including those acting in a professional capacity, of whom they felt suspicious and who they see as partisan. One interviewee explained that the adult might try to “use the conversation in some way so that I would have to think about everything I am saying”. This is particularly evident when there are continuing legal proceedings which, in many cases, go on through the remaining years of childhood.

The question of post-abduction contact between children and their families is one which causes concern. Where continued contact is not facilitated and encouraged between separated siblings and other separated family members it appears to result in complete misery for those involved. It also appears to lead to an undesirable ability to detach, as some of the data has revealed. This can be seen in the words of one child interviewee who does not have contact with previously close members of her family. She explains that she has learned a lot, in particular to be independent. She describes herself as being suspicious and says that she has lost a lot of people she cared about in her life and it makes her want to hold back. She does this with everyone and describes herself as having a “lack of feeling”. She says she does not care about what happens to friends or family and that she does not want to trust anyone else or have the need to have any personal connection. She says that, although at one time she did not think it was possible, she now knows that she can live

\textsuperscript{72} This is supported by the findings of Bowers and Greif, Legacy, supra, who state: “Throughout the discussions we learned these adults’ ability to trust had been fundamentally shaken by the abduction experience. They described losing trust in their parents (and sometimes family members), in their belief that their environment was safe, and in law enforcement. The loss of trust continued into their adulthood and permeates to varying degrees their relationships with their siblings, significant others, children and authority figures”.

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without even those that she would like to have in her life. This sentiment, which was repeated in parental interviews, has a deeply disturbing effect on those who experience it.

It has been interesting to compare the views expressed by the children in their individual interviews on the effects of the abduction with those expressed by the parents in their own interviews. Largely, the custodial parent’s perception has been an accurate reflection of the child’s view. The effects of the conflict seem to be the greatest problem for the children, one child insisting that this will remain with him forever, “[i]t will never go away”, and another child stating, many years after the abduction and return, that a day never goes by when she does not think about it at some point.

Some of these issues are, sadly, inevitable in familial breakdown where a once-united family must make new, fragmented, lives. However, all that can be done must be done to prevent abductions taking place. Where they do occur, it is crucial to ensure that contact is maintained (both during the time away and after the return) between the abducted child and the important people in her life, and that after-care provision is made to enable these sometimes tormented families to cope

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73 Some possible ways in which this may be achieved are
(i) through the continued raising of awareness,
(a) for those families at risk of the possible implications of abduction for the abductor and families,
(b) with legal advisers throughout the jurisdiction and
(c) with legal advisers in other jurisdictions,
(ii) through continued debate on the implications of relocation in cases of familial breakdown.
It is hoped that the availability and dissemination of this report may contribute towards fulfilling this aim.

74 There is provision within art 7 of the Hague Convention (combined in the jurisdiction of England and Wales with the Child Abduction and Custody Act 1985 (CACA), Ch. 60, s. 5), for contact orders to be made in the pendency of Hague proceedings without need to resort to domestic proceedings, see Cannon v Cannon [2004] EWCA Civ 1330, [2004] 3 FCR 438 Court of Appeal (Civil Division). S5 CACA relates to interim powers: “Where an application has been made to a court in the United Kingdom under the Convention, the court may, at any time before the application is determined, give such interim directions as it thinks fit for the purpose of securing the welfare of the child concerned or of preventing changes in the circumstances relevant to the determination of the application”. However, although this may be good practice, it is important not to get diverted away from concentrating on the aim of returning the child to the State of habitual residence. The greatest attention should focus, as already discussed, on the continued contact, post return, between the child and all important family members in both sets of families.

75 It is unlikely that such services could be anything other than locally provided and administered and, as such, will depend upon the resources which are available in individual jurisdictions and the
importance with which such matters are viewed by those concerned. There are many and various types of after-care provision and, although it may seem trite to say so, almost anything would be an improvement for the families concerned on the complete lack of provision which prevails today. Parents have indicated that they would welcome a forum where they could share their experiences with others, as well as professional guidance in terms of parenting their abducted, now returned, children and support in dealing with their own, very mixed, emotions. Parents have also expressed concern regarding the effects that the abduction has had on their children and whether difficulties will surface later on in the children’s lives. Often parents say that the children do not want to discuss the abduction event or their feelings. Parents have expressed their wish for a child centred forum where the children could share experiences with others who could understand their feelings and where the children could feel able to “let go” safely. This accords with the findings in the Child Report (supra) that the coping strategies developed by children may be deliberate strategies to cope with and avoid distress. The children in this sample seem to prefer to talk to friends, rather than counsellors. A support group for children may provide the “friendly” environment that would benefit children who prefer a less formal situation than a conventional one-to-one counselling session. It is possible also that the Special Educational Needs Co-ordinators in schools in the jurisdiction of England and Wales might have a useful role to play in monitoring and providing opportunities for children to speak about these issues. In England and Wales, CAFCASS may also be able to provide valuable therapeutic support but it is recognised that the more usual investigative role played by CAFCASS may inhibit its acceptability to some children.

One form of after care which may be most valuable for the children, and ultimately the families, who need to adjust to their lives post-abduction, is that which would enable the parents to manage the conflict between them and thus, in turn, enable contact to work beneficially and safely for the children, who almost always wish to have contact with the abducting parent and the wider family with whom they feel a close connection. Some jurisdictions, e.g. Australia, Canada, Germany and some States in the United States are developing co-parenting programmes which are designed to address these issues in order to produce the best outcomes for the children in terms of the quality of the contact they can enjoy. Teams from the Centre for Research on the Child and Family at the University of East Anglia carried out research into three in-court conciliation schemes as well as the year-long family resolutions pilot project in London, Brighton and Sunderland (See Making Contact Happen or Making Contact Work? The Process and Outcomes of In-Court Conciliation, Trinder, Connolly, Kellett, Notley and Smith, March 2006, Department for Constitutional Affairs Research Series 3/06, Evaluation of the Family Resolutions Pilot Project, Trinder, Kellett, Connolly and Notely, Research Report RR720 for Department for Education and Skills). While conciliation helps to reach agreement, the researchers say it does not teach parents how to handle conflicts in co-parenting. They recommend the introduction of US-style co-parenting programmes which help parents to understand how conflict harms their children and to manage their continuing relationship as parents. These include programmes tailored to high-conflict cases, which "aim to shift thinking and behaviour by raising parents' awareness of the impact of the dispute on their own children". See Parents in Battles Over Contact Need Help in Reducing Harm to Children, Clare Dyer, Legal Editor, The Guardian, Monday 27th March 2006. Also see Hunt and Roberts, University of Oxford Family Policy Briefing No.3, January 2004, quoting Pryor and Rodgers B (2001) Children in Changing Families, Life after Parental Separation (Oxford) a meta-analysis of international research, who state: "Examination of the whole body of international research tends to show that it is the nature and quality of parenting by the contact parent that is crucial, not contact in itself."

It may be that co-parenting courses could be pursued more widely within the Hague community but research will be required into the effectiveness of such schemes before they are more widely used. See Hunt and Roberts, University of Oxford Family policy Briefing No 4, Sept 05 "Intervening in litigated contact: ideas from other jurisdictions" which concludes, "If any of the interventions covered in this paper are considered to be worth pursuing here it is important that they are carefully designed and evaluated so that a body of knowledge can build up as to what works, for whom and why".

Although it is accepted that the Hague Convention is premised on the exchange of trust within the Hague signatory states, a system of initial monitoring of children returned following an abduction would be welcomed by most of those interviewed, including both abducting and left-behind parents. It need not be seen as a challenge to the mutual trust described above, but rather as a mutual service, and could be organised through bi-lateral or multi-lateral arrangements between participating States. This would admittedly mean that there were some States in which there was better post-return provision than others but, as there is already an acknowledged unevenness of the playing field in abduction
with the maelstrom of emotions which have been produced by the abduction.

matters, the non-universality of such provision should not prevent its introduction if it is thought necessary and will improve the future lives of those concerned, especially the children.