International Child Abduction: Research on the Effects of Abduction and Reunification

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THE EFFECTS OF CHILD ABDUCTION AND REUNIFICATION - TODAY'S PRESENTATION

Abduction is usually harmful – even when children are with their primary or joint
primary carer parents, they often suffer many significant and harmful effects from the
abduction. There are occasions when returning the child to the State of habitual
residence may also be harmful to the abducted child.

TODAY we will:

- examine some of the long-term effects of abduction as reported by the previously abducted child who is now an adult and consider the effects, and the harms, which they highlight both when they have been, and when they have not been, returned;
- contemplate the lack of after-care and support provided for those who have been through an abduction event, i.e. the child(ren) and the families involved, as this is closely linked to the issue of harm/effects experienced, including during reunification.
- keep in mind whether, and if so how, a child is heard during the Hague Convention process, and whether a child is returned after expressing an objection to return in accordance with article 13(2), as these events may also impact on the effects of the abduction experienced by the child and family (although there will not be time to discuss this in detail today).

RESEARCH BACKGROUND

INTERNATIONAL CHILD ABDUCTION – THE EFFECTS*

May 2006 (The Effects Project)

Considered several categories of effects including on the leftbehind parent; the abducting parent; the wider family; the child.

Effects on the child considered from

- (i) the perspective of the interviewed parents AND
- (ii) the perspective of child concerned

EFFECTS ON CHILD FROM PERSPECTIVE OF PARENTS

High percentage of **interviewed parents** thought that there had been effects on the children from the abduction. These included:

- physical symptoms of stress;
- non physical symptoms like lack of faith in legal system and adults;
- learning of coping strategies like "blanking out";
- the acceptance of conflict as normal;
- a general lack of trust;
- difficulties with schooling due to time missed;
- bad behaviour and regression;
- tensions in familial relationships when living with non-abducted siblings and new family members on return;
- Friendships "no-one wants to be in the middle of all this fighting".

EFFECTS ON CHILD FROM PERSPECTIVE OF PARENTS CONTINUED

Psychological barrier created between abducted child and left-behind parent because both know that they survived this period of separation and life without each other, and both have now lost faith in their reciprocal need.

EFFECTS ON CHILD FROM PERSPECTIVE OF PARENTS CONTINUED

"The kids are back. That's the end of it".

Lack of post-return support impacting the children identified by both left behind and abducting parents

EFFECTS ON CHILD FROM PERSPECTIVE OF CHILDREN

- Child interviews conducted by 2 members of Cafcass (Children and Family Court Advisory and Support Service), experienced in child interviewing and abduction cases.
- Time away ranged from 6 weeks to 14 months, and in one case never returned.
- 70% abducted by their mothers. All of these described mother as primary carer. Did not experience mother as abductor.
- 30% abducted by their fathers. None of these considered father to be primary carer. These children tended to see father as abductor

EFFECTS FROM PERSPECTIVE OF CHILDREN CONTINUED

- Children yearned for an end to the ongoing proceedings.
- Children resented being caught up in the adult conflict
- Children did not want to hear negative things about either parent or to feel that they had to defend the other parent.
- Children did not feel they were taken seriously or that their views carried much weight.
- The return of the child can be as upsetting and stressful as the original abduction
- All children adversely affected in different ways notwithstanding age and stage of development. 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.

THE EFFECTS PROJECT – ADULTS ABDUCTED AS CHILDREN

- Described effects as "lasting".
- Problems at school
- Problems with violence and drinking was a "functioning, miserable, non-diagnosed depressive for many years".
- Extreme confusion and guilt felt towards abducting parent.
- Feelings of shame and self-hate emanating from the abduction, and from being torn and having to make decisions which destroy the lives of those you love.
- Problems of loneliness and self-harm, insecurity, "entirely attributable to the abduction.. which destroys your life".
- Importance of research "someone wants to know what happened".

PARENTAL CHILD ABDUCTION: THE LONG-TERM EFFECTS RESEARCH*

This was a small-scale qualitative study to find out about the lived experiences of those who had been through an abduction many years earlier, and to learn whether, and how, the participants felt that the abduction had affected their lives, and if those effects had continued long-term.

Baroness Hale, President of the Supreme Court of the United Kingdom, said in the Foreword to the report that: "[i]t is a study of the experience of people who were abducted in childhood, some of whom were reunited with their left-behind families, often after a considerable lapse of time, some of whom were not. They have some important stories to tell, from which some important lessons can be learnt".

Sincere gratitude is expressed to **TAKE ROOT**, a US organisation devoted to previously abducted children, for its assistance with obtaining the US component of this research sample, and whose help with this project has been of such great value. Appreciation is also expressed to the Faculty of Law, Governance and International Relations at London Metropolitan University for its initial financial support for this project.

^{*}Freeman, M. Parental Child Abduction: The Long-Term Effects (2014) www.icflpp.com

SAMPLE

- 34 adults participated in the study 33 had been previously abducted as children, and one was the non-abducted sibling of an abducted child participating in the research.
- The sample of 34 interviews related to 30 separate incidents of abduction.
- Each participant was interviewed by me as Principal Investigator (PI) during the period 2011–2012 with an opportunity provided to each participant to update the PI by email in July 2014.
- The sample was recruited primarily in the USA and UK although initial discussions with potential participants who did not eventually participate took place in other countries including South Africa and Spain.
- The sample was acquired through personal and professional contacts working in the field, word of mouth, media publicity, and via the assistance of Take Root, an organisation for previously abducted children, funded by the U.S. Department of Justice and located in Washington State

SOME RESEARCH SNAPSHOTS

- Male, 46 years old, abducted by father at 7 years of age. Has found it very hard to let people in. Makes him cry when thinks about the loneliness of not being close to both parents.
- Female, 37 years old, abducted by mother at 8 years of age. Not good at intimate relationships. Sometimes lonely, but safe not having to rely on anyone else. Never felt like a child afterwards. Constant sense of insecurity. Finds it hard to believe anything is going to carry on. "It was so dramatic, the idea of not seeing one parent again". Blocks things out. Self-harmed. Drugs. Worries may be like her mother. Does not want children, in case it is true.
- Female, 42 years old, abducted by father at 4 years of age. Numb for much of childhood, "just surviving". Yearns to find security and peace. Affects everything, parenting, relationships, career. Everything can so easily be taken away. Relationships completely coloured by fear. Eating disorder, mental health problems. Suicidally depressed.

- Female, 30 years old, abducted by father at 4 years of age. Has trust and rejection issues. Has no significant relationships with men as always "pulling back". Does not want relationship to break down or to be rejected. Hates conflict and will not address issues. Believes "it is always going to happen to me because it DID happen to me". Never feels secure because "anything CAN happen".
- Male, 30 years old, abducted by father at 4 years of age. Does not like to talk about past as makes him feel vulnerable. Cannot open up. Worries that is similar to father and capable of doing similar things. Finds relationships with older men extremely difficult.
- Female, 23 years old, abducted by father when 5 years old. Feels that everything in her life is chaos. She lacks confidence. Has never been able to talk about things so leaves things and hopes they will just go away. **Never feels safe or secure.** Difficult to make friends. Self-harmed. Problems at school as had to re-learn the language.

- Female , 45 years old, abducted by father when 22 months old. Several serious suicide attempts during youth. Depressed . Never felt accepted. Always felt that something was missing as a child. Doesn't trust anybody. Abusive marriage. Always scared that will lose own children to abduction by father in unhappy relationship. Thinks history repeats itself in terms of controlling relationships.
- Male, 63 years old, abducted by mother when two and a half years old.
 Always felt "not connected" to anyone. Felt separate, not part of anything, totally isolated. Painfully shy. Still has some sort of attachment problems.
 Abduction undermines your ability to attach.
- Female, 44 years old, abducted by mother when 4 years old. Not good at relationships. **Big issues with security because "something was taken away so abruptly".** "I was a big puzzle to myself and others". **Now has lots of trust issues**.

- Female, 45 years old, abducted first by father at 18 months, and then by mother at 3 years, and again by father at 5 years. Identity changed by father. Everyone is close and tight, but then they leave. **Abduction is misunderstood and seen as a non-issue. Has a ball of rage in the pit of stomach**.
- Female, 53 years old, abducted by father at 8 years of age. Identity changed. Abduction took her childhood as well as her identity. Lived as a ghost. Did not make friends, lived under the radar. It's unforgivable because they were supposed to protect me, and they have not. **Abduction is a crime, and has long term implications.**
- Male, 45 years of age, abducted by mother at 11 years of age. Mother turned him against father. Is haunted by treachery of choosing mother over father in court proceedings. Full of rage as child and as adult. Is defined by the abduction, not simply affected by it. It has shaped everything. Only a skeleton is left. Parents thinking of abducting their children need to know all of this.

- Female, aged 38 years of age, abducted by mother at 5 years of age. Mother turned her against her father. Husband now doubling up as father she never knew. Is in "a personal holocaust". Missing the building blocks. Waiting to be rescued even though with a parent. This information should not be hidden. The legal system does not deal with it.
- Female, 45 years of age, abducted by mother at 4 years of age as "misguided protection". Big issues with security and feeling loved. The most important people in your life could just go. There is a hole there, and when you grow up, you can't fill it. Support mechanisms stop as soon as child is found, but it never stops for the child. You are violated in way that is not sexual.. there is this way, too.
- Female, 35 years of age, abducted by father at 9 years of age. Abduction made me feel like I was not good enough to anyone. Even though father took her, feels that mother abandoned her because she was told that mother had left her, and the subject has never really been dealt with since between them. Abduction is not a victimless crime. Its so much worse because someone who loves and protects you does this to you. How can you recover from that? Abduction needs to be taken more seriously.

RESEARCH SNAPSHOTS - REUNIFICATION

- Female, 38 years old, abducted by father at three and a half years of age. Returned by court to mother at 8 years of age. Describes this event as "the kidnapping". Did not know her mother any more. Did not recognise her. Took about 3 months to realise this was permanent and was not going to be with "her family" again. Mother thought she was getting her young child back again. All the rules were different. At 14 she returned to live with father.
- Female, 57 years old, abducted by father at 5 years of age with 2 siblings. Returned with one sibling by father to mother at 12 years of age. Did not recognise mother. People were in your life, then out of your life. You just did your best to get through it. You just lived in the moment. Things would happen to me. I had to survive it. You had no control over anything. Became weirder and weirder in my head. As an adult, scared always scared. No trust of people, or of myself. No adult has validated feelings, so cannot trust herself. Reunification? Who are you being reunified with? People do not understand the situation

RESEARCH SNAPSHOTS – REUNIFICATION CONTINUED

- Female, 46 years old, abducted by father at 6 years of age. Initially exciting but started to miss mother. Father told her that mother did not love her, and didn't care about her otherwise she would find her. This became her reality. Bond between mother and child erased. Six years later, mother found her. Serious psychological problems in adulthood. "I need to become whole". One of the hardest things is to be acclimatised with the left behind family. The child in the adult still wants to know where that parent was, and why she was not protecting her. This is a lifelong thing. You play it out as an adult. The story never ends.
- Female, 36 years of age, abducted by mother at 4 years of age without her siblings. Identity changed. Returned to father at 12 years of age. Within 18 hours had a completely different life. Had to kill the new identity off in order to be her original self. People didn't understand me. I was a freak. Nonabducted siblings felt abandoned by mother. As an adult, she struggles with reality. Cuts things out of her life if she has no control over them. Does not trust anybody. Fear and insecurity have never left her. Identity crisis. Serious psychological issues as adult. Abduction is not just a domestic dispute.

RESEARCH SNAPSHOTS – REUNIFICATION CONTINUED

- Female, 34 years of age, abducted by mother at 8 months of age. Found at 10 years of age and returned to father. Banners on father's home welcoming home. "You know they need you to be happy too", but she was not happy on inside. Didn't know what was wrong with her. When a child is found, someone needs to mentor her. Need to know it is OK to love your new family. Need empathy. Nobody asks the kids.
- Female, 37 years of age, abducted by father at 4 years of age. Returned to mother by father 9 years later. "In another room full of strangers". Went back to father after some time. "Nobody can understand the pain". Want to be normal. Was not raised normal, and doesn't know what that is. Has to fight not to isolate. Does not feel worthy. Feels that neither parent thought she was worthy enough to stay with her. Never feels secure. Feels that the abduction makes her "too much" for most people. Cannot let her guard down. There needs to be more awareness of abduction, and why it matters, and why it is not OK.

OBSERVATIONS

Repeated references to problems with:

- Numbness, and blocking out
- Self worth
- Personal identity
- Mental health issues
- Depression
- Suicidal tendencies
- Personal relationships
- Letting people in
- Intimacy
- Believing anything can last
- Insecurity
- Trust
- Fear of being like the person blamed for causing these effects

ANALYSIS

For analytical purposes, the following classification system was used:

- (a) "Very significant effects" are those where the interviewee reported:
 - (i) Attempting to see, seeing, or having seen a counsellor, therapist, psychologist, psychiatrist or similar; or
 - (ii) being diagnosed with a condition like post-traumatic stress; or
 - (iii) having suffered a psychotic episode or breakdown; or
 - (iv) having been admitted to a hospital or other institution with mental health issues; or
 - (v) having suffered depression or attempted suicide.
- (b) "Effects" are those which do not fall into the above classification, but where the interviewee reported other discernible effects such as having problems with:
 - (i) trust in relationships; or
 - (ii) lack of self-worth; or
 - (iii) fear of abandonment; or
 - (iii) panic attacks.
- (c) "No real effects" are where the interviewee reported having had:
 - (i) minimal; or
 - (ii) no effects from the abduction.

FINDINGS: A NOTE OF CAUTION

- Caution must be exercised in the use of the report's qualitative findings as they result from the interviewees' personal perspectives both as to the cause of the effects described, and the degree of impact of those effects on their lives, as well as the author's system of data classification. Additionally, the sample numbers are relatively small and there was no opportunity for a control group in the project. It is not suggested that these qualitative findings are generalisable. The focus of the research is on understanding the effects of abduction on this sample of people as reported by themselves. (see Calvert, S. on the 'really significant data' obtained from research with small data sets where "the outcomes are reflective of the views of clinicians working both with children currently involved in these processes and with adults seeking help as adults", Children's Voices? Children's Welfare, Parental Conflict and the Legal System, AFCC Adelaide Workshop, August 2018)
- In line with the requirements of investigating long-term effects, abductions in this sample occurred between 10 years and 50+ years ago. Outcomes/effects may be different if surveyed at earlier points in time.
- Many (but not all) of the abductions occurred before the introduction of the 1980
 Hague Convention. It is possible that this may have affected the outcomes for these
 children in these cases.
- Reunification for the majority (68.76%) was more than 5 years after the abduction, with more than one third of the reunifications (34.37%) occurring after 10 years.
 Outcomes/effects may be different where reunification following an abduction occurred sooner.

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VERY SIGNIFICANT EFFECTS

Some examples of the very significant effects described by the interviewees:

- One female interviewee who was abducted at 6 years of age and reunified after another 6–7 years, reported having a psychotic breakdown in her mid 20's. She was admitted to a hospital for 4 months. She explained that she felt that she needed "to become whole". She has been in therapy for the last 18 months. She says that this is "a lifelong thing".
- One female interviewee who was under 3 years old at the time of the abduction, and was reunified after 6 years, had "a total breakdown" for which she was hospitalised. She then had further therapy afterwards.
- One female interviewee who was 4 years old at the time of the abduction, during which time her identity was changed, was reunified after 8 years. She suffered an identity crisis which led to a breakdown lasting between 12–18 months

EFFECTS

Some examples of the effects described by the interviewees:

- not being able to fill the hole in their lives left by the abduction;
- feelings of isolation and lack of self-worth;
- problems with attachment, security and mistrust;
- difficulties with personal relationships including lack of emotion;
- guilt towards the left-behind parent; and
- rejection by the left-behind parent on return because of the anger felt towards the child for not finding a way back.

NO REAL EFFECTS

Very low percentage of cases in sample

Circumstances of no real effects:

In one case, the child was three years old at the time of abduction by the primary carer mother, and recalled being on her mother's side and feeling then, as now, that her mother did the right thing in taking her.

In another case, the abduction was for a very short period of time (a matter of days).

BUT note the comment of another interviewee in this context:

"it takes time to know what it has done to you, and how you are feeling"

KEY FINDINGS

- 1. Very significant effects were reported by 25 interviewees (73.53%).
- Apparently high level of mental health problems in this abduction research sample.
- Note figures from Public Health England for Community Mental Health
 Profiles 2013: one in 4 people in the UK will suffer a mental health problem in
 the course of a year http://www.nepho.org.uk/cmhp/
- No direct comparison. Did these problems in the research sample occur within same time period? Useful for context?

KEY FINDINGS CONTINUED

2. Primary Carer Abductions

Sixteen interviewees reported abductions by either sole or joint primary carers (10 mother sole primary carers + 6 joint primary carers)

Thirteen of the sixteen interviewees who reported abductions by either sole primary carers or joint primary carers also reported suffering very significant effects from the abduction (7 sole primary carers + 6 joint primary carers)

2 sole primary carer abduction interviewees reported effects

1 sole primary carer abduction interviewee reported no real effects

KEY FINDINGS CONTINUED

3. Protective abductions

Do primary or joint primary carer abductions undertaken for protective reasons produce different outcomes in terms of the effects on the child?

- In the three interviews where the interviewee described the abduction by the primary carer or joint primary carer parent (two were mothers, and one was a father) as being, or perhaps being, for protective reasons towards the child one of the interviewees described having effects from the abduction, and the other two interviewees described having very significant effects.
- In each of the three "child protection" abductions, the interviewees doubted the reason for the abduction being protective, even if the abductor had thought that this was the case.
- In the only interview where the interviewee described the abduction by the primary carer mother as being to protect the mother from further abuse the interviewee did not report suffering effects from the abduction. She completely accepted her mother's reason for the abduction and thought her mother had acted correctly.

Where the abducted child knows, or believes, that the abduction is for protective reasons are the effects considerably lessened? No reliable conclusions can be drawn on this matter from this small data set. However, as Baroness Hale identified in her foreword to the report, this might be an area where more research is required.

KEY FINDINGS CONTINUED

4. Support and after-care

The lack of specialist knowledge and support for abduction victims - a recurring theme in the interviews.

- "..people think this is a victimless crime" means no validation for the impact and effects of the abduction suffered by the child.
- Vast difference in the ways that society views stranger abduction and parental abduction – "parental abduction is unimportant because they are with their parents.. no time invested in research to find out what the effects are for parental abduction".
- "no matter how good the abducting parents think they are it has some long term effects for the child"
- "There is no time limit to the need for aftercare because it takes time to know what it has done to you, and how you are feeling".

CONCLUSIONS

- A high proportion (73.53%) of the previously abducted children in this sample reported suffering very significant effects from their abduction in terms of their mental health. This percentage increases further (to 91.17%) when taking into account those reporting less significant, but still discernible, effects. Such effects were evident even where the abduction occurred at a very young age where it might be thought that, as the child had not yet had a chance to form a strong and enduring relationship with the left-behind parent, the effects might be expected to be correspondingly less severe.
- A very low percentage (8.82%) in this sample reported no real effects, and these
 were either related to very short abductions or to abductions where the
 interviewee supported the abduction or intention to abduct by the primary
 carer.
- The status of the abductor did not tend to alter the effects experienced by the abducted child.
- Those who reported very significant effects talked about the ongoing nature of those effects in their current adult lives, often very many years after the abduction.

CONCLUSIONS CONTINUED

These findings tend, therefore, to support those from earlier studies about the long-lasting negative effects of abduction which are emphasised in this project by the direct reporting of the abducted children, as adults, many years after the event, and build on the Effects report (2006) which had a smaller sample of child interviewees (10), where less time had passed between the abduction and interview (all abductions in 2006 project occurred over 5 years before the interview vs a minimum of 10 years and a maximum of 50 years in current sample) and where the time away before reunification where it occurred was far less (6 weeks to 14 months in 2006 project, few days to 42 years in current sample).

RECOMMENDATIONS

Focus of the recommendations: The need to protect children from the harmful effects of abduction

Preamble 1980 Hague Child Abduction Convention

"Firmly convinced that the interests of children are of paramount importance in matters relating to their custody,

Desiring to protect children internationally from the harmful effects of their wrongful removal or retention"

RECOMMENDATIONS – HOW TO ACHIEVE THE REQUIRED RESULT?

One way of protecting children from the harmful effects of abduction is to prevent abductions from taking place.

Whilst it is accepted that it is not possible (? desirable) to prevent all abductions, it is submitted that preventable abductions must be avoided. Recommendations are made regarding prevention.

PREVENTION RECOMMENDATIONS

- Most parents want to do the right thing for their children. Knowledge
 and awareness about the legal and socio-legal aspects of child
 abduction may affect the decisions which parents make about
 abduction. A global awareness-raising campaign should be undertaken
 some parents still do not appreciate that you can abduct your own
 child; some lawyers are still giving incorrect advice.
- Widely publicised establishment of body of abduction-specialist
 mediators able to provide appropriate information about abduction and
 its effects in family law cases to be available at reasonable cost if not
 publicly funded.
- Registers of abduction-specialist mediators to be kept by Central Authorities and should appear on the relevant websites.

RECOMMENDATIONS CONTINUED

Another way of protecting children from the harmful effects of abduction is to provide appropriate support and care for those who have been abducted.

Recommendations are made regarding support and care.

MEDIATION POST ABDUCTION

Specialist mediation services to work with parents and children. This can help the parties to find amicable solutions post abduction to avoid divisive court proceedings, but may also make preparing for outcomes by the parents more child focussed and safer for the child (The Honourable Justice Bennett, The Judges' Newsletter, Volume XX11 Summer-Fall 2018, 21-22).

Since April 2018 a mediation scheme operates in England & Wales under which non means, non merits tested, legal aid is available for mediation for applicant parents in cases under the 1980 Hague Convention. Participation is voluntary and without prejudice to the parties' right to invite the court the determine the issue between them. Mediation will not ground a defence of acquiescence. It operates in parallel with, but independent from, the proceedings and will be completed within the applicable timescales. The resulting memorandum of understanding will be drawn into a consent order for approval by the court. If mediation is unsuccessful, the court will proceed to determine the issue.

SUPPORT AND CARE RECOMMENDATIONS

- Child must be properly heard in abduction proceedings
- Prompt return of children where appropriate to help ameliorate the harmful effects of long-term abduction
- Prompt welfare determinations after return including leave to remove applications (relocation) so that child is not left in limbo and re-abductions less likely to occur
- Support required for abducted children who are returned, and for those who are not returned.
- Abduction support services to be made available and well publicised, including remote access through internet, making all abducted children the contact-makers. Funding? Should not deter some international co-ordinated effort, even on modest scale.

SUPPORT AND CARE RECOMMENDATIONS CONTINUED

- Authority effecting return to put in place monitoring system under which feedback is provided to the authority about the returned child for a defined period of time funding? Some modest form of follow-up would be better than the complete absence currently available.
- Mentor to be provided where children are returned. Mentor to be friend child and family and to assist in the reunification process. Mentor, where possible, to have experienced child abduction personally. Register of mentors to be created and kept in same way as mediators above. Register could be accessed by parties in informal return arrangement as well as when court-ordered. Need for support similar in both cases.
- Abduction training programmes to be devised and offered to schools, local authorities, police, judiciary, and mental health specialists. Information about effects of abduction to be included.
- Further collaborative longitudinal funded research to be undertaken on outcomes for abducted children

FINAL THOUGHT

Critically, therefore, we can do more, and we should.

The experiences they have encountered will inevitably alter the abducted child(ren), their parents and families, probably forever. This **impacts on society, not just the families involved**.

The legal process should be informed by our knowledge and understanding in 2019, including that relating to the effects of abduction and children's rights, as we purposively apply the 1980 Hague Convention to protect children from the harmful effects of abduction.

We must provide the necessary post-abduction support for the children and families involved.

In this way, we can truly protect children from the harmful effects of abduction as envisaged by the drafters of the Convention.

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