



August 21, 2016

## Open Letter

To,  
The Editor – Scroll.in and Ms. Mridula Chari

Re: Rebuttal to the August 18, 2016 story published on International Parental Child Abduction (“IPCA”)

Dear Scroll.in Editorial Team and Ms. Chari,

We are writing on behalf of [Bring Our Kids Home](#), a U.S. based parent-led, children’s rights organization, seeking the return of abducted American children, illegally retained in India and advocating for systemic change to prevent future child abductions between the U.S. and India.

We commend Ms. Chari and Scroll.in for presenting a sensitive and growing issue of international parental child abductions to India. However we have serious concerns about the narrative and the characterization of IPCA in “[Why domestic abuse victims are opposed to India's new bill on international child abduction](#)”. While we don’t expect your publication to take sides on any issue, but when a serious public policy issue is presented in such a distorted manner, we as a children’s rights organization, felt compelled to set the record straight.

An uninformed reader may walk away with a rather simplistic view or worse a flawed understanding of international parental child abduction, and may not recognize the urgent need for reform within India to prevent child abductions.

### Outreach by Scroll.in

We were contacted by Ms. Chari, requesting an interview on the story, At the time of her request, Ms. Chari stated that she is “*working on a story on how the WCD ministry has introduced a bill in parliament to bring India in alignment with the Hague Convention on the Civil Aspects of International Child Abduction*”. Given that context, we agreed to make two representatives available for the interview. We were not informed of the title of the story, nor were we informed of the perspective the author will present. However we assumed there will be fair and balanced reporting, given the professional nature of the publication.

In the midst of the interview and after reading the story, we realized that thrust behind this article was coming from a group of abducting parents in India, mostly mothers of Indian origin, who have wrongfully removed children from the U.S. and retained them in India. Many cases are over 2 years old. *Bring Our Kids Home* is aware of the identities of some of the members of this group, which goes by “[India is Home for Our Kids](#)”, the name itself is misleading. Most of their cases involve abduction of American citizen children, who were born and lived in the U.S., until they were wrongfully removed and retained in India. Several of the claims reported in the story and in Court documents, have been vigorously challenged in Courts. In many cases these allegations have been proven false, in others litigation is ongoing.

The narrative of the article on “international parental child abduction”, became a narrative on “domestic violence”, distorted narrative about U.S. legal system, and negative stereotyping of left behind fathers, as abusive. The slant in the article would only benefit those who are seeking to derail moves by the Government of India, to put much needed protections for internationally kidnapped children, wrongfully retained in India. This article largely fails to inform its readers about the scale and nature of this serious human rights violation and crime.



## What is IPCA? Why do parents abduct their children? What consequences do victimized children and left behind parents face?

IPCA is an important, global, public policy challenge, and India's policy decisions will impact not only pending abducting cases, but also future generations of children and families in India and around the world. According to the U.S. Department of Justice<sup>1</sup>, more than half of abducted children were under age 8 and about a quarter were under age 4. It is evident that children less than 8 years of age are at highest risk of abductions, a key period of development for a child and when they are unable to protect themselves. For children to be wrongfully separated from the other parent at such tender age, could lead to serious, long term developmental issues.

As an organization focused on children's rights, *Bring Our Kids Home* is committed to ensure children are not subjected to the trauma of parental child abductions. Parental child abduction is child abuse and in 94 nations around the world, it is a violation of law. In many nations including the United States, it's a crime. The *modus operandi* used by abducting parents, regardless of gender or nationality, is to find a safe haven in the destination country. For many abducting parents of Indian origin, regardless of gender or nationality, India is a safe haven. In fact, India is the Top three (3) destination of child abductions from the United States based on 2014 and [2015](#) data released by the U.S. State Department. The reports also found that India has shown patterns of non-cooperation in returning abducted American children and has been called out in the 2015 & 2016 Department of State report.

The article also failed to convey to its readers, that there are numerous reasons why a parent abducts their children. By making alleged domestic abuse as the centerpiece of your article, your publication did a disservice to the genuine victims of international parental child abductions and your readers. This simplification leads to a distorted view of what IPCA is, and therefore results in flawed conclusions by a less-informed reader.

According to the [Canadian Center for Child Protection Inc.](#) ("CCCP"), parental child abduction may be the result of a parent feeling unjustly treated by the court process or frustrated with custody arrangements. It may be as a result of a contentious divorce or break-up, an effort to exert control over an ex-spouse or partner, or a way to deprive the other parent of access to the child. More complex reasons for parental child abduction may include one parent's safety concerns for themselves, or their child. Often it is a combination of multiple factors. Whatever the reasons, a parental child abduction sets in motion a series of events that can forever change the lives of the abducted child, their parents, as well as extended family and friends.

An in depth study by American experts<sup>2</sup>, corroborate these findings and have identified six (6) profiles of parents at risk for abducting their children. See footnote 2 below for more info about the study.

Most importantly, the article did not shed light on the significant consequences on victimized children, especially when a child is wrongfully separated for an extended period of time. Specifically, more than 50% of child abduction cases from the U.S. to India remain pending for 5 years or more, over 90% remain open 1 year or more. What your anonymous sources failed to state is that the longer these cases drag out, the more likely an Indian Court will grant them child

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<sup>1</sup> Janet Chiancone, Parental Abduction: A Review of the Literature U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention

<sup>2</sup> Janet R. Johnson and Linda K. Girdner. Family Abductors: Descriptive Profiles and Preventive Interventions (Washington, United States Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Oct 2001) .



custody and prevent the return of abducted children. According to CCCP, long term child abductions can cause harm to a child by:

- Alienating the child from the other parent
- Impacting the child's ability to form trusting relationships
- Preventing a very young child from ever forming an early childhood bond with the other parent
- Causing the child culture shock depending on where they are taken
- Isolating the child so much that they form an "unhealthy bond with the abductor"
- Subjecting the child to emotional, physical or sexual abuse
- Removing them from their home community and the stability of their surroundings
- Isolating the child — often these children are not placed in school and have limited social interactions for fear of being discovered

A peer reviewed study by Dr. Nancy Faulker, titled "[Parental Child Abduction is Child Abuse](#)", highlights the harsh realities of international parental child abduction on victimized children.

#### **So what should a parent do if they have a concern about their children?**

The CCCP recommends that a parent who feels that the current custody or access arrangements are no longer in the child's best interests or no longer meets the family's needs, should seek legal advice. A parent can either ask the court to make a formal order, change an existing order, or enter into a written agreement with the other parent. A parent that does not go through the proper legal processes to settle disputes will likely face far more problems on custody and access than a parent who goes through the proper steps. Parents abducting children are violating laws and will harm their children.

#### **Response to distorted narrative in the article**

In summary, presented below are our response to several misleading claims or distortions in the article:

- 1) **Story includes several oversimplify or misleading info in promoting the premise.** For example- the story's primary focus on "alleged" victims of domestic abuse, while largely ignoring the real victims of international parental child abduction, i.e. the children, who are the subject of the Hague Abduction Convention, as well as the MWCD Draft Bill
  - a. The author was informed by our representatives during the interview, that the Hague Convention's primarily objective is to protect children from the harmful effects of international parental child abductions, and yet the story is slanted towards allegations of domestic violence, which is a serious, but distinct issue from the subject of the Hague Abduction Convention and the MWCD's IPCA draft Bill;
  - b. The author was also informed by our representatives that the Hague Convention contains provisions to prevent return of abducted children to their countries of habitual residence, if victimized children face "grave risk" of physical or psychological harm, and that if parents were concerned about children's welfare, then the Hague Abduction Convention and the WMCD draft bill already covers that. However this was not reported;
- 2) **Extensive use of anonymous sources** - Identities of those accused of child abductions were protected, while choosing to identifying members of Bring Our Kids Home, who are victims of a serious crime. Did the author or Scroll.in consider anonymous sources' motives before promising anonymity? Explain why anonymity was



granted, other than for “protecting” their identities? Did the author independently corroborate claims made by the anonymous individuals;

- 3) **Criticism or allegations of wrongdoing remained un rebutted** - The story did not document response from any of the left behind parents, primarily fathers, against whom serious accusations were made by the anonymous sources. Thus left behind parents, especially fathers, were largely stereotyped as “abusive” or worse vilified in this story. The story thus, treated the genuine suffering of victimized children and left behind parents as largely inconsequential. Even the term “left behind”, which is a widely used term, was used in quotes, but the anonymous sources were not reported as “alleged victims”, thus further perpetuating the bias and stereotyping;
- 4) **Bias in Coverage** - The story has approximately 1,250 words. 66% of the content in the story is devoted to alleged domestic violence, from anonymous sources, validity of which cannot be ascertained. Mere 12% of the content discusses the issue of IPCA, Hague Convention and the MWCD’s draft bill. The remaining 22% of the content is devoted to present the left behind parents and victims’ perspective. Thus did not match up with the pretext of the interview (refer to page 1);
- 5) **Intersection of DV & IPCA** - Victims of domestic abuse deserve protection, and in countries like the U.S., legal and social welfare systems are largely effective and responsive. However, when it comes to IPCA, the focus isn’t about the parent, or any issues between the parents. Rather, the primary focus is on the victimized children. The challenge posed by IPCA, a form of child abuse and violation of the left behind parent’s rights, thus raises a moral and legal question. Can child abduction be a remedy for alleged domestic abuse against a parent? The answer ought to be NO, especially when children are abducted from stable, rules based societies. This is why the anonymous mothers’ arguments and that of the UC Berkeley study are flawed.

If every parent from around the world who abducts their children, claims domestic violence as defense, then the effectiveness of the Hague Abduction Convention will be jeopardized and will put thousands of children at grave risk each year! Similarly, if India amends the new IPCA Bill to deny return of children due to domestic abuse claimed by the abducting parent, what will stop every parent from making that claim after abducting their child or children to India?

- 6) **Jurisdiction of Courts** - The position of the abducting parents, that Indian Courts should protect them against alleged abuse, even when they may have occurred outside of India, doesn’t explain how any Indian court could prove or disprove abuse charges effectively given jurisdiction limits, and without the capacity to subpoena evidence or witnesses from abroad. We brought this up in our interview, but this was not reported. However the consequences of Indian Courts deciding DV charges in IPCA cases would significantly delay return of children or worse deny their return to their home countries, which may be based on incomplete or inaccurate evidence, thus only benefit child abductors and their aiders.

We discussed a variety of options that victims of DV have in the United States, and to suggest otherwise would be misinforming your readers. In [California](#) for instance, a parent convicted or found to have committed DV within the past 5 years of the custody decision, may become ineligible for child custody. The judge can give that person visitation rights, considering best interest of the child. Thus, to suggest that DV offenders in the U.S. will routinely get child custody is misleading at best.

- 7) **Parent in India will get stranded** - The assertion that once a parent has violated U.S. laws, they are then barred from entering the United States or face other barriers, is not accurate either. If the abducting parent, chooses to cooperate with U.S. officials in returning abducted American children, there are options for a safe passage, each



case is handled on its merits. The author could have obtained clarification from the U.S. Embassy in India to ensure a balanced narrative, instead of relying on anonymous individuals, who may not have the understanding of U.S. law or policy.

## **Conclusion**

To suggest that somehow child abductions to India are unique in nature, compared to child abductions to other countries, and therefore a global framework doesn't apply for India, highlights the flawed arguments put forth by the anonymous individuals. Why then has India signed the UN Convention on Rights of Children or any other global treaty? DV is a global issue, not confined to India or people of Indian origin. Same applies to international parental child abductions, why have double standards? Western nations have led the implementation of effective and responsive remedies for both. What the abducting parents are resorting to, is circumventing those laws and remedies in United States and other nations, to find safe haven in India.

For decades, India's refusal to recognize IPCA as a crime, has created a situation where India is the Top 3 destination of child abductions from the US and UK, which the story does not highlight. Any dilution of protections for children under the draft Bill, will essentially benefit child abductors, and continue the status quo.

We request that Scroll.in and for that matter the Government of India and the Indian public, take a broader look at the issue of IPCA and urge you to publish a story that also explains "Why India Must Sign the Hague Convention and Pass the New IPCA Bill". We sincerely hope, Scroll.in will continue to report on this serious and growing issue, in a fair manner and uphold high journalistic standards. The real focus of IPCA should be on victimized children, and protecting their rights. We also invite you to speak to varied stakeholders, including U.S. and other foreign government officials who have large number of their citizens wrongfully retained in India, child psychologist and IPCA legal experts around the world, instead of relying on claims made by anonymous individuals, who may have a vested interest in misleading or misinforming the general public.

We also request that our letter be published in its entirety as a response/rebuttal to the narrative put forth in your August 19, 2016 story.

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***Bring Our Kids Home***