

The Congressional Missing and Exploited Children's Caucus Conference

**Washington, D.C.
March 23, 2000**

"Concurrent Resolution"

Thank you, Chairman and Congressman Lampson for formally inviting me to participate in this press conference today to highlight the issue of internationally abducted children. I want to take this opportunity to express my heartfelt appreciation to you and Congressman Chabot for introducing a House Concurrent Resolution that calls on Parties to the Hague Convention on the Civil Aspects of International Child Abduction to abide by the provisions in the Convention. I want to also thank the National Center for Missing and Exploited Children who supports the bill.

I am Tom Sylvester, the father of Carina Sylvester, my American-born daughter and only child, who was abducted by her Austrian mother from Michigan to Austria on October 30, 1995. That was her last day on American soil. She was then just 13 months old. She is now five and half years old and remains in Austria. In the intervening four years, I have worked unceasingly to be a substantial part of my daughter's life. Despite all my efforts, I have not been able to participate at all in her life. I was successful in obtaining a valid and final order affirmed by the Supreme Court of Austria to return Carina to the United States under the Hague Convention. However due to the abductor's refusal to comply with the return order and Austrian legal system's inability to coerce compliance, my child has not been returned. With the passage of time caused by my ex-wife's willful disobedience to her own Court's orders, the Austrian Courts determined that there would be no enforcement of the return order despite its continuing validity. The circular logic of the situation is that the child was not returned because the order was not enforced, now the order would not be enforced because the child was not returned. The Austrian Courts then gave custody of Carina to the abductor in contravention of a Michigan Judgment of Divorce from 1996 granting me custody of my daughter.

The Austrian Courts have turned a blind eye to the wrongful behavior of the abductor giving her everything she has requested of them. I am left now with only an access order to see my daughter in Austria under supervised conditions three times a year and there is no means of compelling compliance with it should my ex-wife not provide Carina for an ordered visit.

I have contacted hundreds of people concerning Carina's plight but nothing they or I have done has succeeded in helping me to bring Carina home. For me, the Hague Convention has failed in both of its objects set out in Article 1: to obtain the prompt return of abducted children to their countries of habitual residence and to obtain access to abducted children when access is otherwise being denied. I placed my trust in the Hague Convention and the judicial system that implements it. I relied on the Hague Convention and the workings of the courts both here and in Austria to achieve these objects to both Carina's and my detriment. That was a mistake.

I stand here before you four years after my daughter's abduction, a person who did everything right under the Hague Convention, including getting all the right orders both here and in Austria, a person who nonetheless has lost his daughter. It is not the law, but rather the abductor who is in complete control over Carina's life.

Carina is being denied her most basic human right – that of having both parents in her life. If you have rights that are not able to be exercised, it is as if you have no rights at all. She is not being exposed to this country, her native language or her extended family. She has the right to have a continuing relationship with me, her father.

I need help from the U.S. government and the media. It is essential to raise the awareness of international child abduction, take action to provide resources, pass legislation for change and apply pressure to foreign countries to abide by their obligations of the Hague Convention.

On October 1, 1998, I testified at a hearing entitled "U.S. Government Response to International Parental Child Abduction" before the U.S. Senate Committee on Foreign Relations. I emphasized that there is an immediate need for both the Department of State and the Department of Justice to prioritize these parental child abduction matters and assist with the enforcement of American orders and American arrest warrants to give support to parents like me who obtain affirmed valid and final orders for return under the Hague Convention which they themselves do not bring the children home.

My Senator Mike DeWine was at the hearing and notes that the government has no more important responsibility than to stand up for the rights of American citizens, especially when they cannot stand up for themselves. "We go after countries that steal our products or violate patent and copyright laws," he says, "but not when they are supporting the theft of American children. What does that say about us as a country?"

On October 14, 1999, I testified at an open hearing entitled "Implementation of the Hague Convention on the Civil Aspects of International Child Abduction" before the U.S. House Committee on International Relations. I told the Members of the Committee that I have discovered one fundamental difference between Austria and the United States. Austria forsakes international relations for the sake of its nationals whereas the United States forsakes its nationals for the sake of international relations. Or, as my ex-wife put it: "Tom, the difference between us is that my government protects me."

It is noteworthy that the Chairman of the Committee on International Relations, Congressman Ben Gilman, wrote to the Austrian Ambassador to the United States, Helmut Tuerk, on September 15, 1998: "You know that I am a good friend of the people and the government of Austria, and I write to you in that spirit. I urge you to do everything possible to end this miscarriage and travesty of justice so that Mr. Sylvester and his daughter can enjoy the normal relationship that a child is entitled to have with her father."

Despite an increasingly high level of Congressional and public concern in recent years, the tragedy of international parental child abduction and the wrongful retention of American children abroad, the situation facing American children and their left-behind parents in these cases has not improved and continues to be an international tragedy.

I agree with Congressman Lampson that it is time for the American people to focus their collective attention on the American children that are missing worldwide. So while I understand that the fate of Elian Gonzalez is on so many people's minds in the United States, we must not forget the thousands of American children who are overseas. We need to do what is best for the American children who are being held in foreign countries in violation of the Hague Convention on the Civil Aspects of International Child Abduction – and in countries which are not signatories to the Hague Convention – and against the wishes of their custodial parents.

I am grateful for the efforts in Congress to introduce a Concurrent Resolution urging full compliance with the Child Abduction Convention by States Parties and citing European civil law countries such as Austria, Germany and Sweden as consistent violators of the Hague Convention. I am confident that the Concurrent Resolution will pass quickly and unanimously in the House and Senate. It is my hope in adopting this Concurrent Resolution that we will send a strong signal to foreign governments to honor their international treaty obligations.

Thank you for listening to my story and showing support for this resolution.