

## Bouncing Back

### The wellbeing of children in international child abduction cases





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### **Part I**

Quantitative research survey with parents

01/12/2016 - 31/05/2017

### **Part II**

Qualitative interviews with children

01/12/2016 - 31/05/2017

### **Part III**

Case law analysis

15/05/2017

This report contains the results of a three-part research project conducted in the framework of the project **Enhancing the Well-being of Children in Cases of International Child Abduction (eWELL)**.



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## Introduction

This report contains the results of a three-part research project conducted in the framework of the project Enhancing the Well-being of Children in Cases of International Child Abduction (eWELL).

Part I contains an overview of the results of a quantitative survey conducted among parents who have been in a situation of international parental child abduction. The quantitative survey data collection was financed by the European Commission and was undertaken by the University of Antwerp in collaboration with Centrum IKO, CFPE-Enfant Disparus, Child Focus, the French Central Authority and Missing Children Europe (MCE, the European umbrella organization for missing children).

Part II provides an overview of the qualitative interview results conducted with children who were taken by to another country by one parent without the consent of the other. The qualitative data collection was co-financed by the European Commission and undertaken by the University of Antwerp, Centrum IKO, Child Focus, CFPE-Enfant Disparus, and in collaboration with the French Central Authority and Missing Children Europe (MCE, the European umbrella organization for missing children).

Part III examines international parental child abduction court rulings, jurisdictions and the application of Art. 13 (2) of the 1980 Hague Convention on the Civil Aspects of International Child Abduction in Belgium, France and the Netherlands. It discusses age and maturity attainment and assessment; the involvement of intermediaries; the definition of the child's objections to return and other relevant matters.



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## **Part I**

### **Quantitative research survey with parents**

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## Chapter 1. Background and Goals

The increasing political focus on the rights of the child, stipulated in the UN Convention on the Rights of the Child and the European Convention on the Exercise of Children's Rights, amplifies the necessity of collecting information on the needs and wishes of children in all matters affecting them directly. The EWELL project ('Ensuring the wellbeing of children in judicial cooperation in cases of international child abduction') aims to provide a better understanding of factors that influence the wellbeing of children in international parental child abduction cases. This report presents the results of an online survey conducted among parents who have been in a situation of international parental child abduction in Belgium, France and the Netherlands. The topics of international parental abduction and 'child wellbeing' are introduced in the first chapter where the goals of the study are set out. The second chapter reviews the survey's methodology and survey population and the findings are discussed in chapters three to eight. Chapter nine summarizes how abduction affects the child's wellbeing by responding to 12 hypotheses that were made at the start of this project. The hypotheses were drawn from previous studies about the impact of general marital discord or separation as well as abduction related ones, and were validated by the steering committee of the project.

### 1.1. International parental abduction

Every year, thousands of children in the EU and more than 100,000 throughout the world become victims of a wrongful removal to or wrongful retention in another country by a parent due to situations arising from cross-border marriages and the changing institution and function of families (Cancedda, Day, Dimitrova, & Gosset, 2013; Paul & Kiesewetter, 2014). Contemporary communication technologies, which have increased ease of travel and mass migration, have expanded possibilities for transnational relationships and the complexities of conflicts arising from the dissolution of marital or sentimental ties (Greif, 2009). In Europe, more than 170,000 bi-national divorces are registered each year. However, parental conflict inevitably escalates if one of the parents returns to the home country with the child(ren) (Paul & Kiesewetter, 2014). An 'international parental child abduction' occurs when a child is taken by one parent without the other parent's (or person legally accorded parental authority) consent (Hammer, Finkelhor & Sedlak, 2002).

This report provides an overview of factors based on five stages that potentially influence an abducted child's wellbeing. The first stage consists of a culminating process that leads to planning the international parental abduction. Families in which abduction has occurred are likely to have experienced pre-stressors, i.e. stress related to life before the abduction of their child/children. Typical pre-stressors include: separation or divorce, child visitation arrangements and rights, domestic violence, and financial insecurities. Severe stress is potentially then added to these past stresses when a child is abducted (Freeman, 2014).

The second stage is the period between the start of the removal or retention and the time before the return or non-return of the child to the country of habitual residence (i.e. country from which the child was abducted). The length of this period can vary greatly: some abductions are solved in a matter of days while others last several years. There are many factors to consider with respect to the child's wellbeing in this stage including: the contact that the child did or did not maintain with the other parent and/or with other family members, and the level to which the child integrated in the new country (in which he or she might not be staying) (Plass, Finkelhor & Hotaling, 1996). Abducting parents may not have a specific source of emotional or financial support when they move frequently. This is a contrast to parents who are part of a community while in hiding (Greif, 2009).

Third, there are different pathways in reaching a solution if parents disagree about parental authority and/or visitation rights. The two most common legal instruments are The Hague Convention on the Civil Aspects of International Child Abduction (1980) and the EU Council Regulation 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (Brussels II bis, 2003). The principle underlying the Convention and Regulation is the return of the child to his/her natural place of residence from which he/she was unlawfully taken, as rapidly as possible. This objective is consistent with the welfare of the child in that the abduction from his/her natural place of residence is disruptive for his/her wellbeing. The custody of children who have been abducted by one of the parents shall be determined only by a court in the child's permanent place of residence. Accordingly, as a rule, the court in the country to which the children have been abducted shall promptly arrange for them to be returned to their country of habitual residence. There are exceptions to this principle, but they must be applied strictly and with caution (Kruger, 2011).

Emergent realities of global family relations call for alternative dispute resolution methods to the traditional judicial way. As such the Brussels II bis regulation stresses the need for mediation in international cross-border family cases, including child abduction. Mediation aims to restore healthy

relationships within the family while empowering the parties to come to a mutually acceptable agreement that always takes into account the best interest of the child (Martín, 2015).

The fourth stage specifically focusses on the moment of the child's return to the State of his or her habitual residence (i.e. the country where the child was abducted from) and in most cases to the left-behind parent (or person having parental authority). It is possible, in some cases, that the child is (initially) placed in foster or institutional care.

The final and fifth stage marks the period after the abduction. In some cases, children remain with the abducting parent, while others return to their country of habitual residence back to the left-behind parent (or person legally accorded parental authority). Administrative authorities, and sometimes welfare agencies, may have closed their files by the time the child enters a new chapter of adaptation: a different school, a different family situation, different friends and often a different language (Freeman, 2014).

## 1.2. The wellbeing of the child

Wellbeing is generally defined as the quality of people's lives and is a dynamic state that is enhanced when people can fulfil their personal, as well as social goals. It is to be understood both in relation to objective measures (e.g. educational resources, health status) and subjective indicators (e.g. happiness, life satisfaction) (Statham & Chase, 2010).

Yarcheski et al. (1994) describe wellbeing as "a multidimensional construct incorporating mental, psychological, physical, and social dimensions" (p. 288). This type of consistent approach leads to a more comprehensive definition spanning multiple domains and influences. Five distinct domains of wellbeing are: physical, psychological, cognitive, social, and economic. Physical wellbeing refers to physical health problems, health-related and risky behaviour. The social domain includes sociological perspectives, for example having good relationships with family and others, family structure and family history. The psychological domain includes indicators that pertain to emotions, mental health, or mental illness, while the cognitive domain includes those indicators that are considered intellectual or school-related in nature. Children's economic wellbeing is defined through parents' work and socioeconomic status, and families' level of affluence. Indicators for each domain can be divided into negative, such as anxiety or depression, and positive clusters, such as happiness and self-esteem (Pollard & Lee, 2003; Amerijckx & Humblet, 2013).

Previous studies concerning international child abductions provided evidence that the abduction phenomenon can have seriously negative and long-lasting effects on the children involved (Freeman, 2014). For instance, in a study conducted by Greif (2000), telephone interviews among 32 parents regarding their children revealed that the effects of abduction linger, at least in some form, for years. This means abducted children remain an 'at risk' population for emotional and possibly for physical health problems as they enter adolescence and young adulthood.

One of the primary obstacles to the recovery of parentally abducted children is the general public's perception that children are not at risk of harm if they are in the physical custody of a parent, even if the parent is an abductor (Freeman, 2014). This is a misperception as the experience of abduction can be emotionally traumatic to both children and left-behind parents. It is particularly damaging in cases in which force is used to carry out the abduction, the child is concealed, or the child is held for a long period of time (Chiancone, 2000).

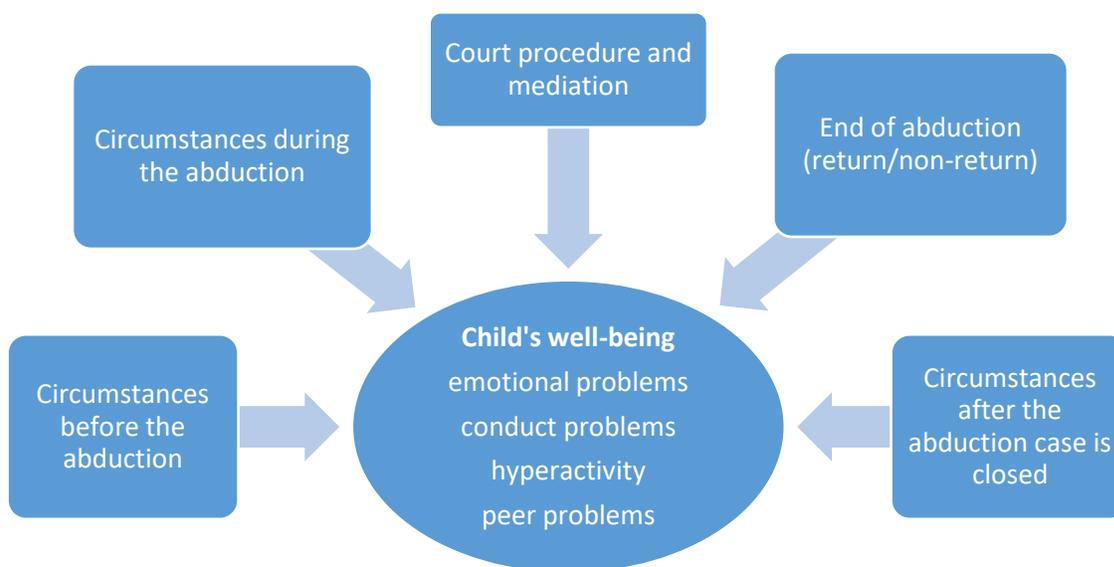
Abduction carried out by a parent may be a completely different experience from abduction by a stranger, especially if the parental abduction occurred for protective reasons (Freeman, 2014). In some cases, however, parental abduction may be similar to the experience of a stranger abduction as the action involves being taken away from everything the child is familiar with and being catapulted into an unknown, frightening and dangerous world. Furthermore, the abducting parent may be unfamiliar to the child, or may become different to the person the child had previously known. Even in lighter circumstances, the removal of the parentally abducted child from a home, school, friends, pets, and extended family, and having to listen to lies that attempt to justify the occurrence are enough to arouse feelings of confusion and concerns about disloyalty. The child has to manage alone, on top of all that, feelings of loss and grief, which is a likely experience after all that has been so abruptly removed from their lives (Freeman, 2014).

### 1.3. Goals and strategy

The goal of the study is to come to a better understanding of what affects the wellbeing of a child that was involved in an international parental abduction. The strategy for investigating this is visualized in Figure 1 below. Five broad categories of relevant factors are distinguished: (i) factors that are situated in the child's circumstances before the abduction, (ii) factors that are linked to the child's living conditions during the abduction, (iii) factors that are linked to the end of the abduction and return to the former country of residence, (iv) factors that are related to the legal procedure and mediation process for

coming to an agreement on parental authority, and (v) factors that are related to the child's situation in the aftermath of the abduction. By making use of statistical analysis, it is evaluated whether these factors are related to the child's wellbeing at the time of the survey. The child's wellbeing consists of an overall indicator as well as four separate types of wellbeing, referring to emotional problems, hyperactivity, conduct problems and peer problems.

Figure 1. Strategy for evaluating the impact of parental abduction on the child's wellbeing



## Chapter 2. Methodology and Survey Population

This chapter provides information about the selection of cases, the response rate, and the survey population. Quantitative data, gathered between December 2016 and May 2017, were surveyed online among parents who have been in an international child abduction situation.

### 2.1. Survey participant selection procedure

Administrative data of parental abduction cases were collected by Child Focus (Belgium), Centre Français de Protection de l'Enfance-Enfants Disparus (CFPE-Enfant Disparus, France) and the French Central Authority, and Centrum Internationale Kinderontvoering (Centrum IKO, the Netherlands). The



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data contains information on factors related to the age of the parents and children at the time of abduction, the gender of the left-behind and abducting parent, the duration between abduction and solution, and the decision made by judges. At the time of data collection, eligible cases were selected for inclusion in the survey based on international parental child abduction situations in which the child was between 6 and 18 years old and in which the child was abducted between January 2005 and December 2014. The starting period of the survey was chosen to coincide with the enforcement of the Brussels II bis Convention in 2005, and close enough to the time of the abduction situation to avoid the occurrence of parents' memory bias. The decision to select cases until the end of 2014, or at least two years prior to the survey, was made in consideration of the painful situation in which parents were still freshly involved.

Parents who could be contacted and fulfilled the selection criteria were recruited by Centrum IKO, CFPE-Enfants Disparus, Child Focus, and the French Central Authority. All potential respondents received an invitation letter which explained the aim of the research activity and the added value of their voluntary participation. The letter also contained a link to the online questionnaire and a personal, unique login code. Participants were assured their responses would be kept anonymous and confidential, and that they could withdraw their participation at any given time. The letter also mentioned that not only parents but other people with parental authority over the child (such as grandparents) could also participate. The invitation letter was sent by post and/or e-mail, depending on the availability of contact details. The respondent was contacted by telephone in the absence of postal or email address. A reminder was sent to those who had not responded one week after the dispatch of the invitation letter. A second and final reminder notice was sent one week after the first reminder. The study was conducted in accordance with the ethical standards of the American Psychological Association and the study protocol was approved by the Ethics Committee of the Faculty of Social Sciences of the University of Antwerp (SHW/16/17/02).

Data were collected between December 2016 and May 2017. From the total amount of 3001 potential respondents, 465 participated in the online survey, resulting in a response rate of 15.5%. Respondents who did not complete key questions in the questionnaire were excluded and 354 respondents were retained. Below is an overview per country of how many potential respondents there were (e.g. administrative cases from Centrum IKO, CFPE-Enfants Disparus, Child Focus, and the French Ministry of Justice) and how many respondents actually filled in the online survey.

Figure 2. Overview of potential respondents versus actual respondents



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### Administrative data

Belgium	→
N = 523	
The Netherlands	→
N = 609	
France	→
N = 1869	

### Survey

Belgium
N = 61
The Netherlands
N = 155
France
N = 138

The total non-response in this survey is explained as follows.

A significant part of the contact details were wrong or no longer existed. This was partly due to the break between the first time the parent was contacted by the respective organisation and the time that the parent was approached to participate in the survey; the contact details of closed cases, especially older ones, were not always kept on file by the concerned organisation. Contact details were not being updated for closed files.

Many invitation letters were sent to overseas addresses and it was difficult to monitor whether they had been delivered or were being returned due to incorrect contact details. As such, it is difficult to conclude that every possible respondent was reached.

International parental child abduction is a sensitive topic that respondents may not have wanted to reflect upon or be reminded of many years after the event had taken place.

## 2.2. Overview of the survey population

This section describes the socio-demographic background of the respondent and the child; the relationship between the respondent and the child; the role of the parent in the abduction; the relationship between both parents; the residence of the child, and whether the child was returned not.

In response to the questions, the parents provided information about their socio-demographic situation, the circumstances of the abduction, finding a solution, and the wellbeing of the child. Different phrasing was provided depending on whether it was the taking parent or the left-behind parent who completed the questionnaire. For this research, only one child was considered per survey. Therefore, when several children in one family were abducted together, the program selected one child for which the parent was requested to fill in the questionnaire (the 'target child'). Parents with whom the children did not reside at the time of the survey were not questioned about the wellbeing of their children. Detailed results of the survey can be found in Appendix 1.

### Socio-demographic information

Of the respondents, 61,3% (n = 217) were males and 38,7% were females (n = 137). Respondents were between 28 and 70 years old ( $M_{\text{males}} = 47.6$ ;  $M_{\text{females}} = 43.1$ ). In terms of nationality, 26.6% of the respondents were French, 13.6% Belgian, and 41.5% Dutch. An additional 18.4% of the respondents held another nationality.

The children, for whom the surveys were completed, were on average 11 years and eight months old, with 51,1% boys (n = 181) and 48.9% girls (n = 173). The break between the start of the abduction and the time of filling in the questionnaire was on average 6.3 years.

### Relationship between respondent and child

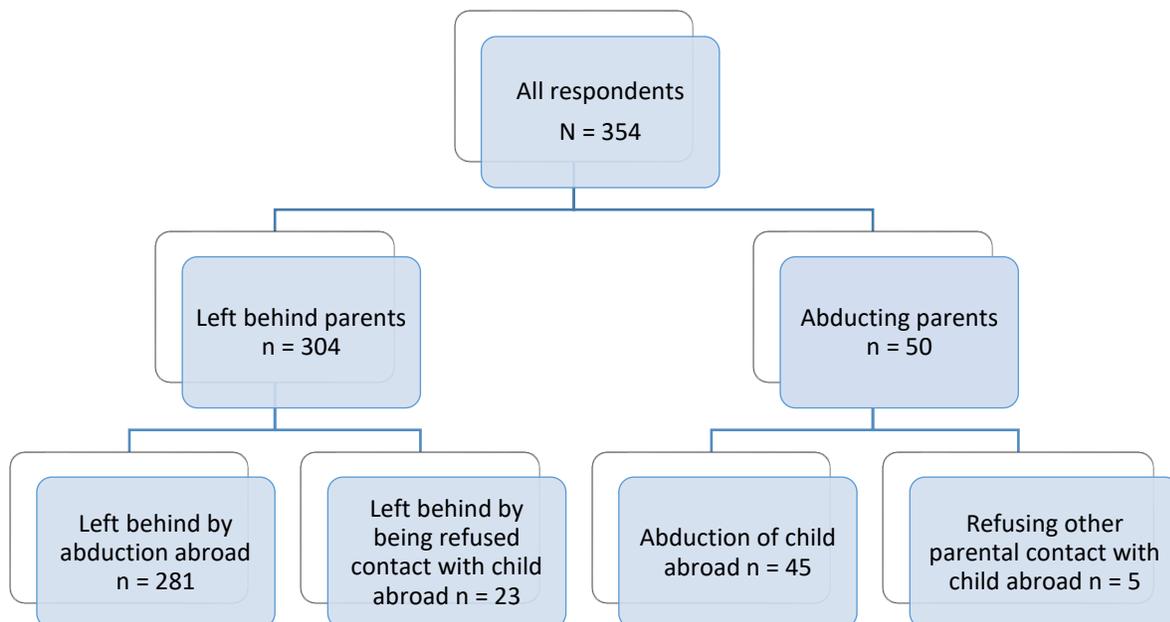
Any person with parental authority over the abducted child could fill in the questionnaire. A minority of the respondents were grandparents (3.4%), a stepparent or a foster parent (1.9%). Another 2.8% of the respondents had 'another relationship' with the child but were asked to consider themselves as the parent of the child when filling in the questionnaire. The term 'Parents' refers to any of the survey respondents.

Most respondents were biological or adoptive parents with a child from a former relationship (64.7%). Remarkably, 27.1% were parents with a child from their current relationship. This shows that an international child abduction does not necessarily lead to a definite breakup of the relationship.

### The role in the abduction: left-behind versus taking parent

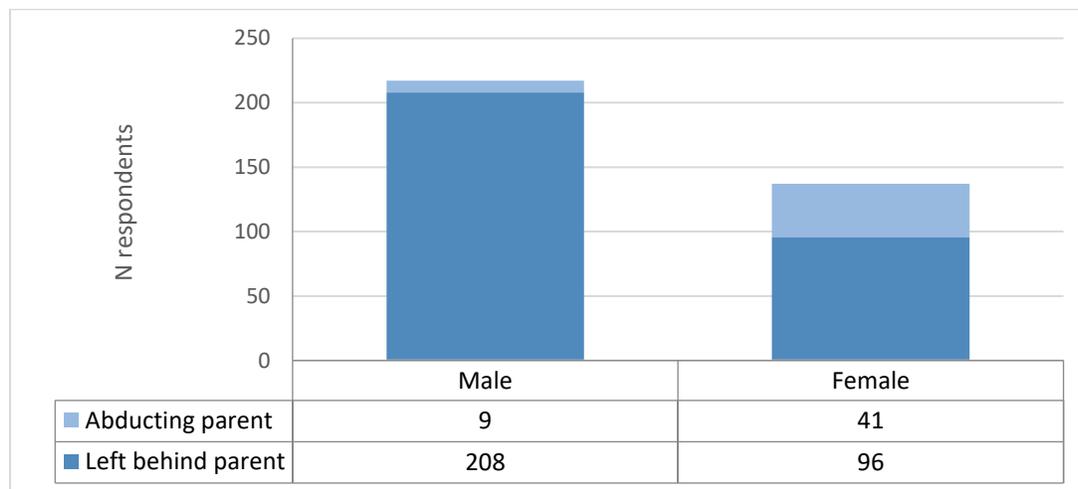
International parental abduction in this survey refers to two situations: a wrongful removal of the child abroad, and no respect of visitation rights with a child living abroad. 'Figure 3' below gives an overview of the division of parents according to their experience in the child abduction cases. A majority of respondents encountered a wrongful removal or retention of the child (as a left-behind parent or as an abducting parent). Barely one in ten of the respondents had been involved in a non-respect of visitation rights. The results of the survey make a distinction between left-behind versus taking parents, with no further distinction according to the type of abduction (abduction abroad versus non-respect of visitation rights with a child abroad).

Figure 3. Break-up of the respondents according to their role in the abduction



The group of left-behind parents (n = 304) was about six times as big as the group of abducting parents (n = 50). This difference in number can be explained by the fact that Child Focus and Centre CFPE-Enfants Disparus mostly have contact with the left-behind parent and rarely are contacted by abducting parents. Centrum IKO in the Netherlands, however, has a more balanced division between both categories. The graph below illustrates the division of parents according to gender and their role in the abduction.

Graph 1. Respondents according to gender and role in the abduction



The largest group of abducting parents are female, and this is in line with the above-mentioned information related to the status of the parent at the time of the removal/retention. Since most parents who filled in the survey are left-behind parents, it is normal that there is a higher percentage of male participants. In the late 1970s and early 1980s, most abductors were non-custodial fathers. The gender of the typical taking parent has changed over the years. Nowadays, a majority of abductions are carried out by the mother (Trimming, 2013).

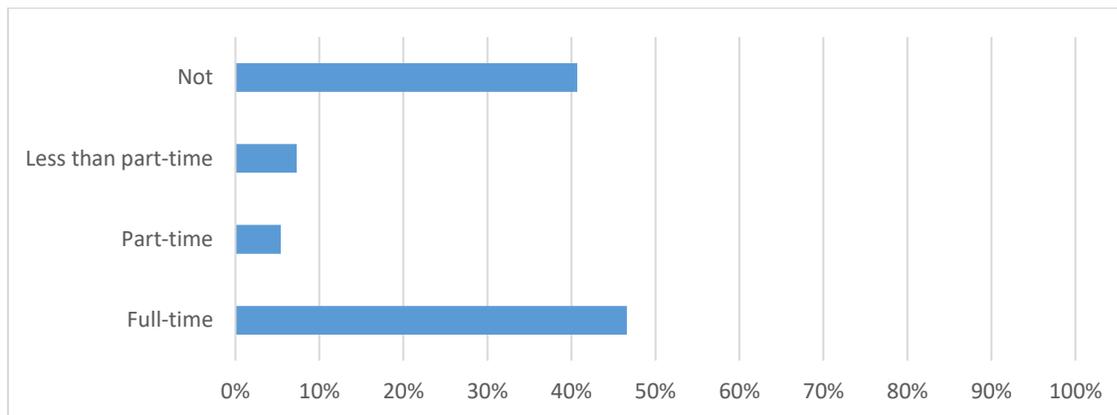
#### Relationship between the parents before the abduction

In almost half of the cases (44.4%) the children were abducted while their parents were still married and/or living together. Almost as many of the children had divorced (26.2%) or separated parents (14.7%) before one of them removed or retained the child. A small number of parents had no relationship with the other parent (4.3%) or indicated having a relationship 'other' than already suggested (10.4%).

## Parents' residing with the child at the time of the survey

'Graph 2' illustrates the respondents' residing status with the target child at the time of the survey. Almost half of the respondents (46.6%) resided full-time with their child. Only a small group of parents resided at least 'part-time' (5.4%) or 'less than part-time' (7.3%) with their child. The parents who did not reside with the child (40.7%) were not requested to fill in questions on the wellbeing of the child.

Graph 2. Parents' residing time with target child at the time of the survey



## Return or non-return of the target child

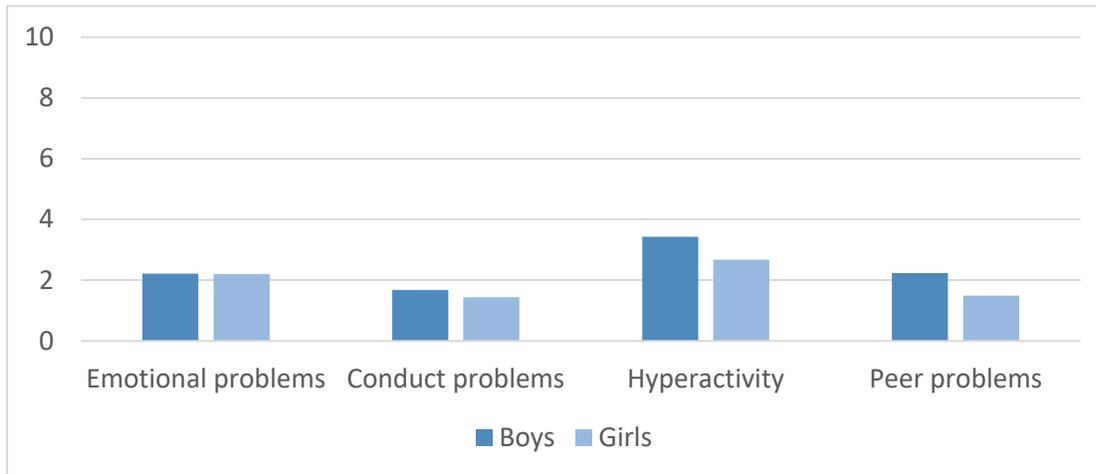
The results indicate a balance between children who returned ( $n = 179$ ) versus children who did not return after the abduction ( $n = 155$ ). When the child returned, in most cases, they immediately went back to the left-behind parent (78%). A minority of all respondents indicated that the child was placed out of home upon return, for example with another family member or within an institution or foster home (7.4%).

## Chapter 3. Wellbeing of the Child

In this study, the wellbeing of the abducted child is the outcome variable of interest. Wellbeing was measured by the Strengths and Difficulties Questionnaire (SDQ) (Goodman, 1997). The SDQ is a behavioural screening instrument for children aged six to 18 years. More specifically, it consists of four subscales which allows the evaluation of four types of problematic behaviour in youth: (1) Conduct problems, which reflect antisocial, aggressive, and oppositional behaviour; (2) Hyperactivity or inattention, which corresponds to impulsive behaviour reflected by agitation and distraction; (3) Peer problems, which reflect poor relationships with other children such as loneliness or victimization; and (4) Emotional symptoms, which reflect anxiety and sadness. These four areas can be combined to provide a 'total difficulties score', which can then be used as a predictor of mental ill-health. The SDQ is available in two versions: an informant-rated version that can be completed by parents or teachers and a self-report version that can be completed by adolescents (Goodman, Meltzer, & Bailey, 1998). The former was used for this study and the respondent was asked to complete the questionnaire with the target child in mind. The SDQ was completed by respondents who resided with the child full-time, part-time or less than part-time (N = 210), but not by respondents with whom the child did not reside at all at the moment of the survey.

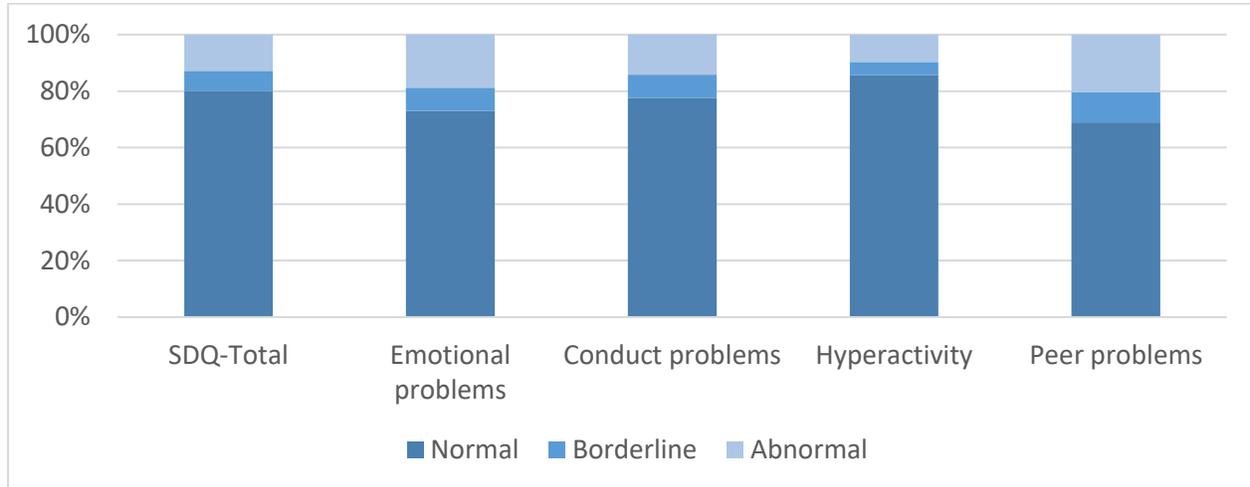
A score from zero to ten can be achieved for each SDQ subscale. A higher score represents more problematic behaviour. The total SDQ score is the sum of the scores on the four subscales, and can range from zero to forty. 'Appendix 2' contains the detailed results for the SDQ scores that were obtained for the target children of the survey. For boys, a total SDQ score of 9.45 was obtained, against 7.8 for girls. This difference was not statistically significant. 'Graph 3' illustrates the mean scores on the four SDQ subscales for boys and girls. Boys manifest significantly more hyperactivity and peer problems than girls. Further analysis showed that younger children have (slightly) more problems on hyperactivity compared to older children.

Graph 3. Mean scores on SDQ subscales for boys and girls



Children's scores on the SDQ can be categorized as 'normal', 'borderline' and 'abnormal'. In a general population, 80% of the children typically fall in the 'normal' behaviour category (for the total SDQ score), while 10% are 'borderline', and 10% 'abnormal' (Goodman, 1997). To come to these categories, the SDQ instrument provides certain thresholds that are specific for each subscale. Applying these thresholds, the SDQ scores of our survey population were divided into 'normal', 'borderline', and 'abnormal'. The graph below illustrates the percentage of children that fall in these three categories, and this with reference to the total SDQ score as well as the four SDQ subscales. For the total SDQ score, 80.1% of the target children fell in the category 'normal', while 7.1% fell in the category 'borderline' and 12.8% fell in the category 'abnormal'. Regarding the SDQ subscales, peer problems were the most commonly reported with only 68.9% of the children falling in the category 'normal'. Next, emotional problems were most frequently measured (with 73% of the children falling in the 'normal' category), followed by conduct problems (77.6% of the children counted as 'normal'). Problems with hyperactivity or inattention were the least common (85.7% of the children were counted as 'normal').

Graph 4. Distribution of respondents on SDQ and SDQ subscales



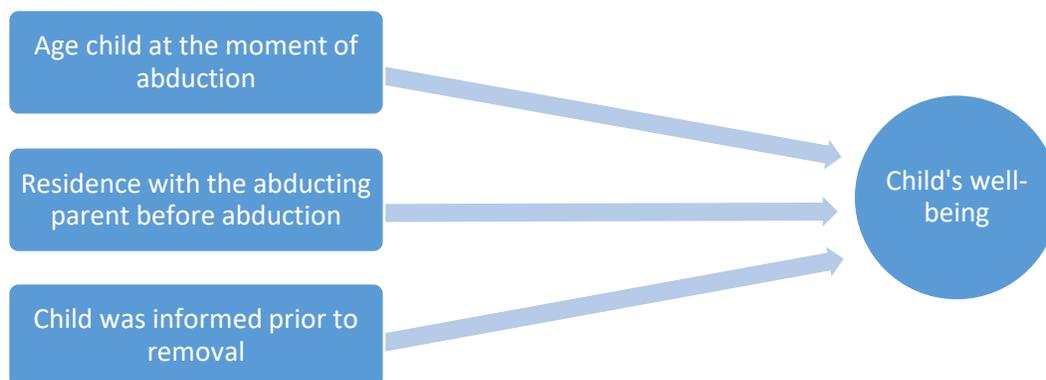
## Chapter 4. Characteristics Before the Abduction

This Chapter looks at the impact of circumstances, prior to the abduction, on the child's wellbeing, namely:

- the child's age at the time of abduction as symptoms may be less significant in younger children who may not have been aware that they were being abducted (Plass et al., 1996);
- whether the abductor was the parent whom the child mostly resided with before the abduction or not and if that makes a difference;
- if the child was informed about having to be removed to or retained in the other country.

The above is summarized in Figure 4. The detailed results for this Chapter can be found in 'Appendix 3'.

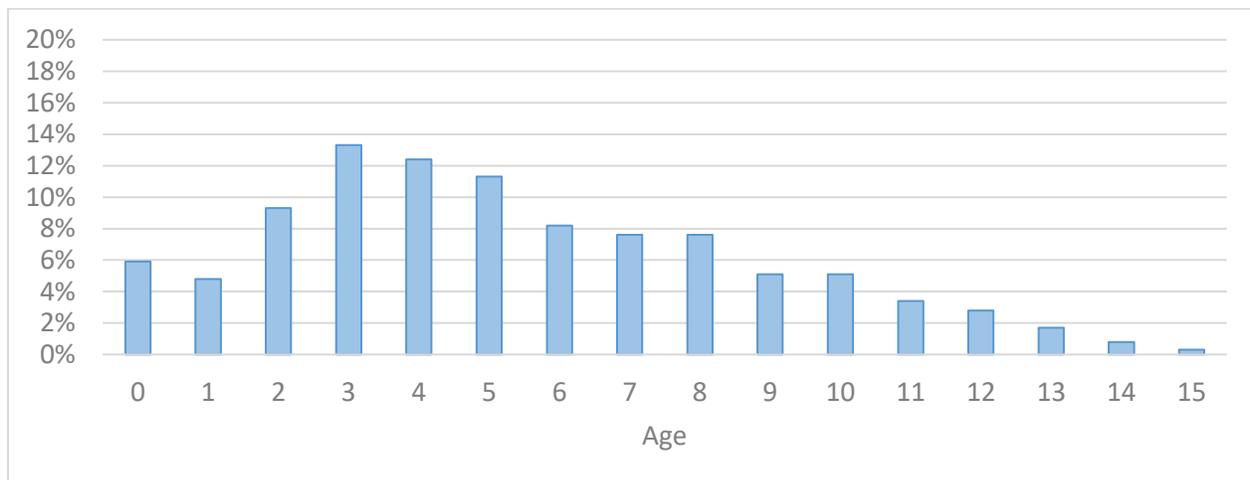
Figure 4. The child's circumstances before the abduction in relation to the child's wellbeing



### 4.1 Age of the child at the time of abduction

The graph below shows the ages at which the target child was abducted. The results show that the children were very young at the time of abduction. In more than half of the cases (57%), the child was abducted at the age of five years or younger. In 90.6% the child was ten years or younger. No abductions of children older than 15 were reported. Children who were younger at the time of the abduction did not show less wellbeing than children who were older when the abduction took place.

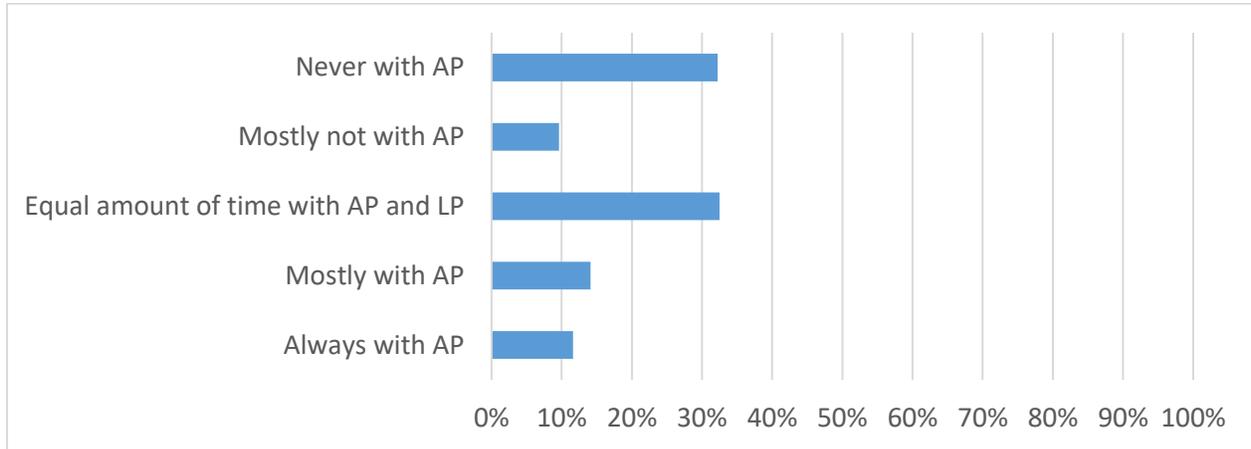
Graph 5. Child's age at the time of abduction



#### 4.2 Habitual residence of the child before abduction

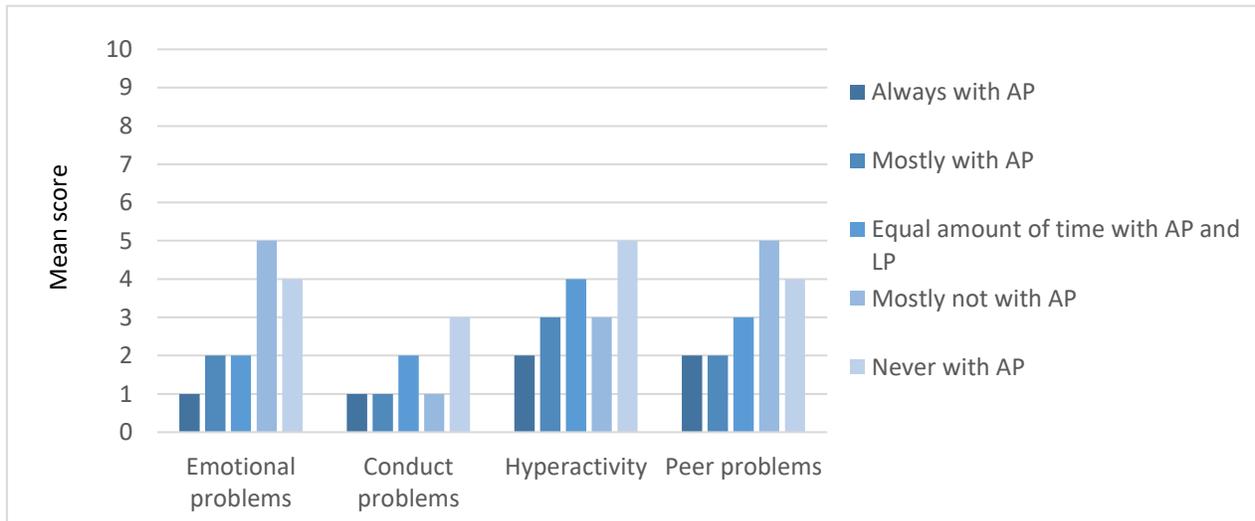
Parents indicated how often the target child resided with them before the abduction took place and based on that information it was possible to derive how frequently the child resided with the abducting parent (AP) before the abduction took place. The graph below illustrates those results. It is remarkable that one in three children (32.2%) in this survey never resided with the abducting parent before being taken to the other country. These children resided with the left-behind parent (LP) or with someone else. Only in 11.6% of the cases the children resided full-time and in another 14.1% of the cases most of the time with their taking parent.

Graph 6. Residence with the abducting parent before the abduction



There is no overall difference in the current wellbeing of children who were abducted by their primary caregiver versus children who were abducted by the parent who was not the primary caregiver. When a distinction is made between children who did versus who did not return after the abduction, however, having resided with the abducting parent prior to the abduction does become a significant factor, but only for those children who did not return. Specifically, for the non-returning children, residence with the abducting parent before the abduction is linked to a better wellbeing. This relationship was found relevant for overall wellbeing as well as for the manifestation of emotional problems, conduct problems, hyperactivity and peer problems. The graph below shows the mean scores on the SDQ subscales according to the amount of time the child resided with the abducting parent prior to the abduction.

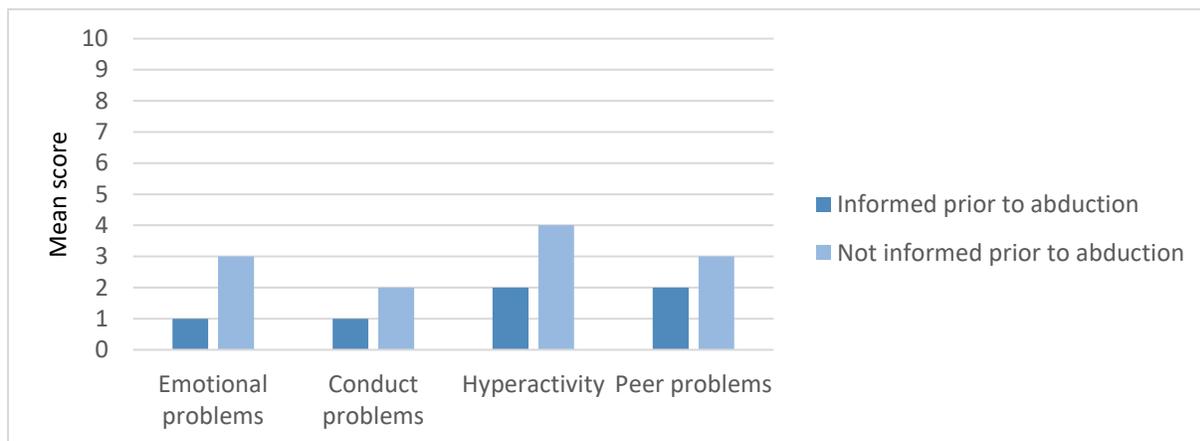
Graph. 7. Mean scores on the SDQ subscales according to residence with AP before abduction - Children who did not return only



### 4.3 Transparent communication about the abduction

Most children (85.1%) did not know that they were leaving for another country before departure or that they were not going back to the left-behind parent once they started residing in the other country. Informing the child about an upcoming removal or retention was related to the child's wellbeing but only for those children who did not return to their former country of residence. The non-returning children who were not informed about their removal or retention had a lower overall wellbeing. The graph below shows the differences in wellbeing between the non-returning children and those who were not informed. The differences between both groups were statistically significant for emotional problems and for hyperactivity.

Graph 8. Mean scores on SDQ-subscales according to being informed prior to the abduction – children who did not return only



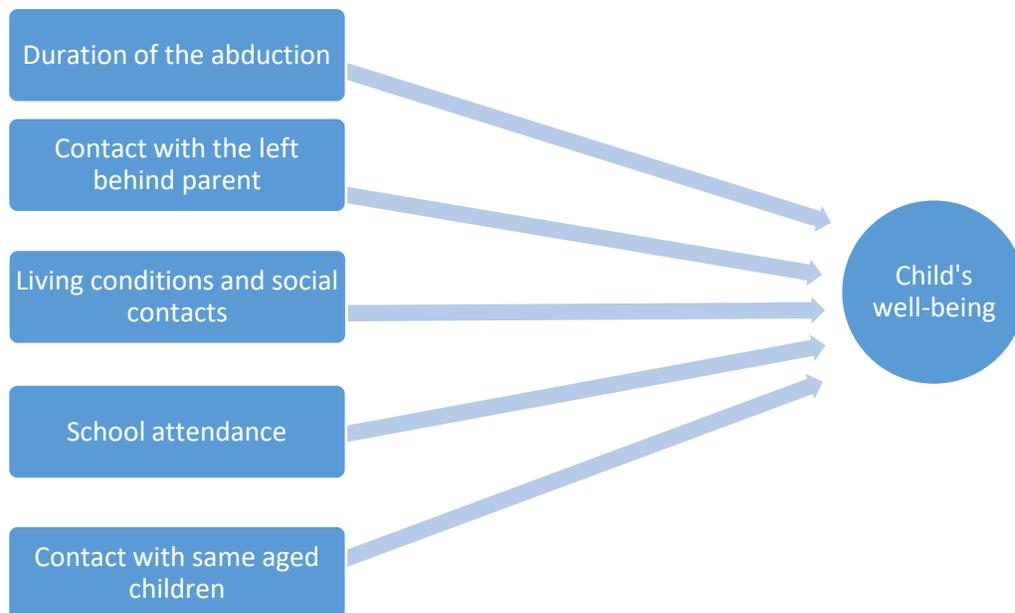
#### 4.4 Conclusion

When seeking to understand the relevance of the child's circumstances before the abduction it is important to consider whether the child eventually returned to the country of former residence. Children who did not return are more likely to develop emotional and behavioural problems when abducted by a parent who was not their primary caregiver and when they were not informed about the abduction. For children who did return, these factors play a lesser role in their current wellbeing.

## Chapter 5. Circumstances During the Abduction

The period during which children stay in another country can vary greatly (Freeman, 2006). Some abduction cases can be solved in a matter of days yet others last more than ten years (Kruger, 2011). As the children are deprived of familiar surroundings, such as their left-behind parent, friends, toys, school, neighbourhoods, and communities, not only do family changes occur but so do other transitions when children are taken to another country (Greif & Hegar, 1992). In some cases, new attachments will need to be forged with the left-behind parent, left-behind siblings and other potential (new) family members. Friendships with peers will also have to be recast as a significant source of support (Greif, 2012). Five factors were included in the survey that related to the child's circumstances during the abduction. These are illustrated in the figure below. The detailed results for this section can be found in 'Appendix 4'.

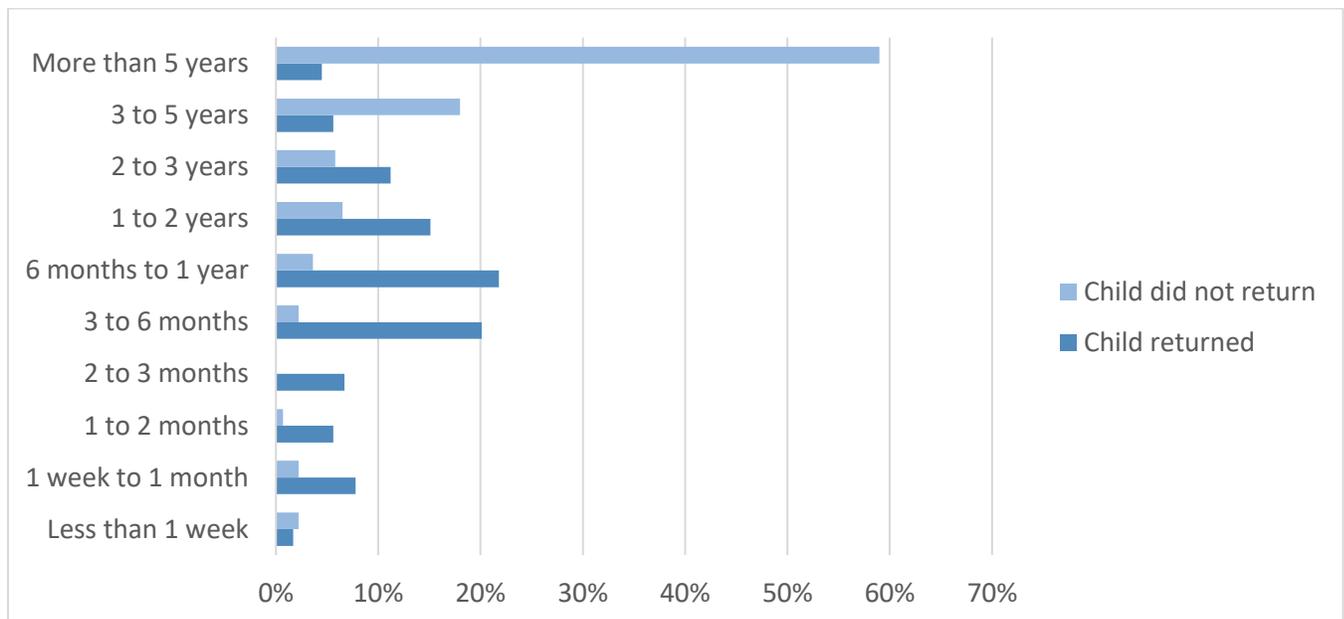
Figure 5. The child's circumstances during the abduction in relation to the child's wellbeing



## 5.1 Duration of the abduction

The length of a parental abduction can last from several days to many years. The graph below shows the duration of the abduction according to whether the child returned to the left-behind parent. When the child did not return, 59% of the abductions lasted for five years or longer. Note that the 'end of the abduction' in these cases meant that a legal or amicable agreement on parental authority and/or visitation rights was reached. The duration of the abduction was not linked to the child's current wellbeing. Therefore, it made no difference whether the child eventually returned to the left-behind parent.

Graph 9. Duration of the abduction according to return versus non-return of the child

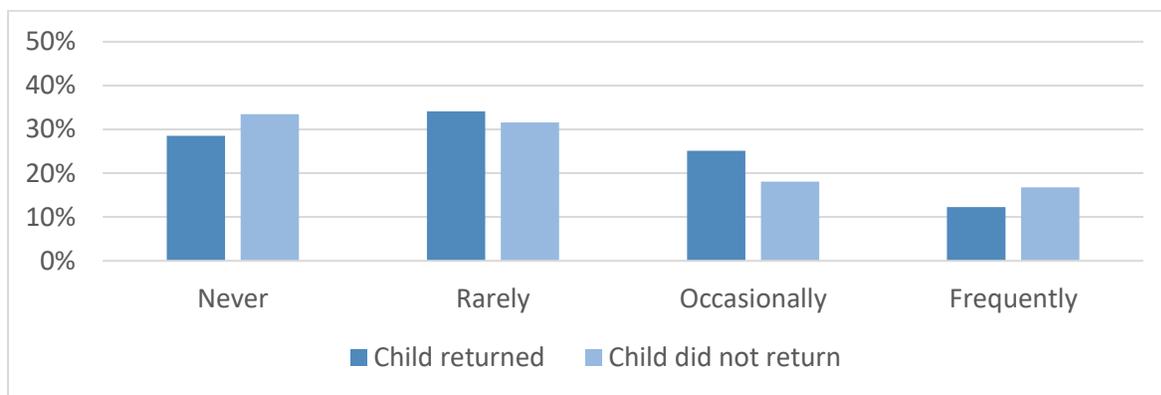


## 5.2 Contact between child and left-behind parent

Respondents indicated how often the child had contact with the left-behind parent during the abduction ('never', 'rarely', 'occasionally', or 'frequently'). A majority of children (64.0%) had no or only rare contact with the left-behind parent during their stay in the other country. Only a small number of children (14.7%) had frequent contact with the left-behind parent. 'Graph 10' illustrates the frequency

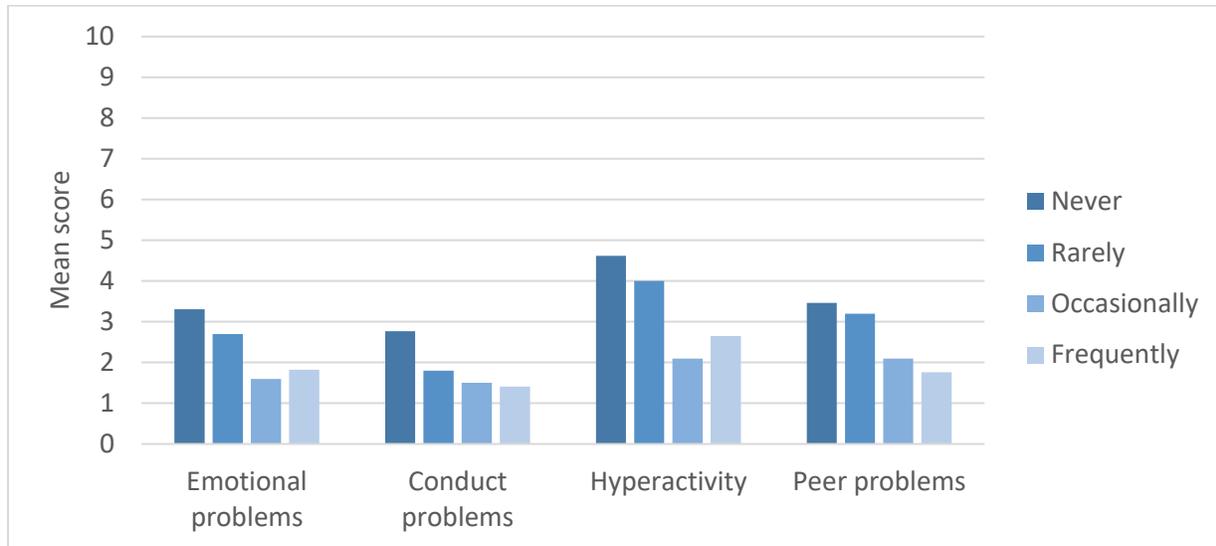
with which the abducted children had contact with the left-behind parent during their abduction, and this according to whether they eventually returned to the left-behind parent. There is no difference in the amount of contact between the child and the left-behind parent depending on whether the child returned or not. Children in both groups were most often in a situation where they had no or only rare contact with the left-behind parent.

Graph 10. Contact with left behind parent during abduction according to return of the child



Maintaining contact with the left-behind parent was a factor of significance for the child's current wellbeing but only for children who did not return. Frequent contact with the left-behind parent improved their current wellbeing (measured by the overall SDQ score). The difference in wellbeing according to the frequency of contact with the left-behind parent is illustrated in the graph below. Children who had frequent contact with the left-behind parent manifest less emotional and behavioural problems and this was statistically significant for hyperactivity and peer problems.

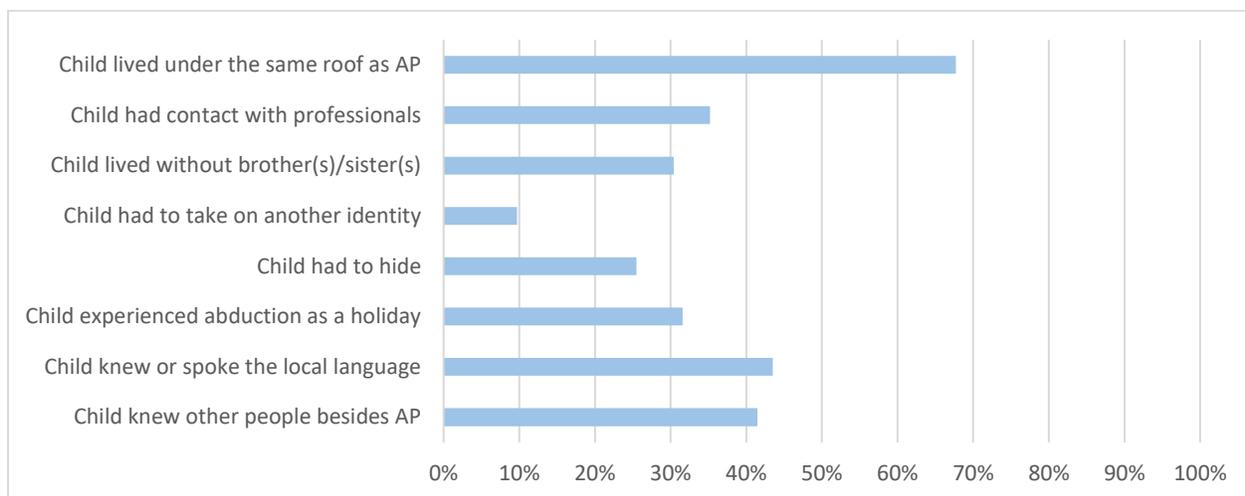
Graph 11. Mean scores on SDQ subscales according to frequency of contact with LP - children who did not return only



### 5.3 Characteristics of the child's stay in the other country

To understand more about the circumstances in which the child spent his or her time away in another country, respondents indicated for eight items whether or not this applied. The graph below shows for each item the percentage of parents that indicated that this applied. In most cases (67.7%), the child resided with the abducting parent during its time away. In about one in three cases (35.2%) the child had contact with a professional. Also about one in three children (30.4%) had to live without siblings. Only a minority of the children had to live in more extreme conditions in which they had to take another identity (9.7%) or had to hide (25.5%). About one in three children (31.6%) experienced their stay in the other country as a holiday; 43.5% of the children were familiar with the local language and 41.5% knew other people there besides their taking parent.

Graph 12. Characteristics of the time spent in another country



The circumstances under which the child lived during the abduction could not be linked to the child's current wellbeing. Also, when considering the duration of the abduction, no significant results were found. It is possible that these factors are more important for children who did not return than for children who did return. These analyses could not be performed in a reliable manner due to the low number of non-returning children, however, in combination with the low frequency of some of the circumstantial factors.

#### 5.4 Schooling during the abduction

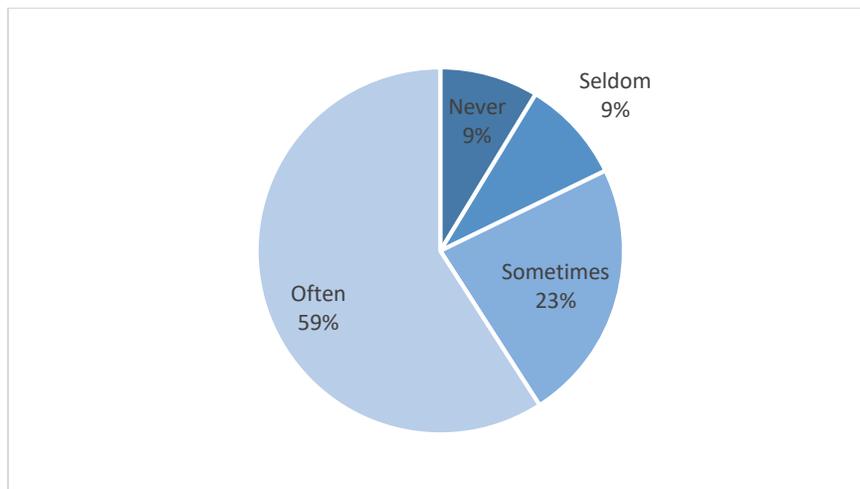
In child abduction cases, children sometimes do not attend school regularly or change schools often. The survey results show that 24.9% did not go to school, 18.8% attended school only partially, and 56.3% attended school full-time. Reasons for not attending school full-time indicate that a large group of the children were simply too young (39.3%). A very small number was home-schooled (4.4%). Almost one in five (17.8%) did not go to school because they were hiding. School attendance during the abduction was not related with the child's current wellbeing. Also, no significant results were found when excluding those children who did not go to school because the analyses showed they were too young.

#### 5.5 Contact with same aged children



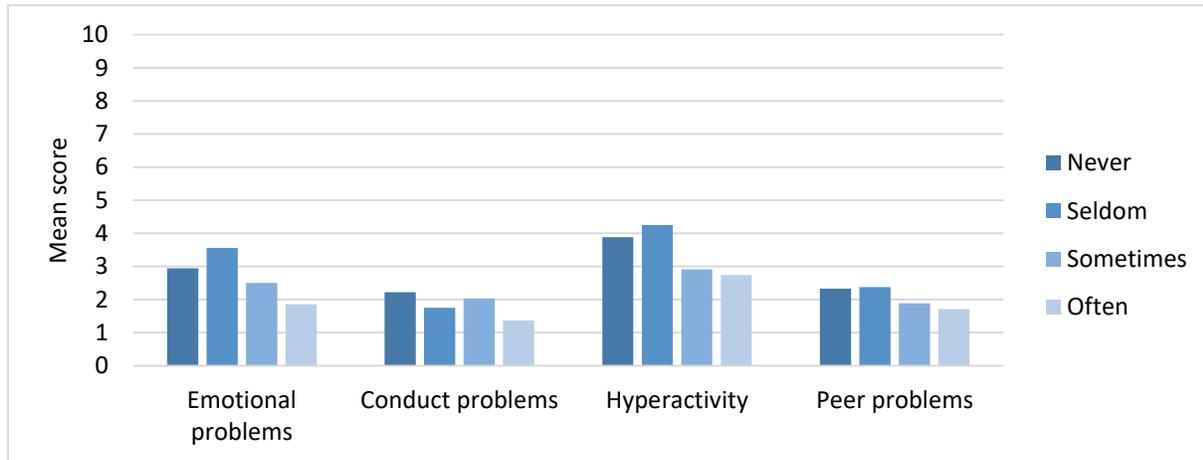
Respondents indicated whether the child never, seldom, sometimes or often contacted other children during the abduction. The pie chart below illustrates the results. While most children often had contact with same aged children during the abduction, a minority (18%) had never or only seldom had contact

Graph 13. Contact with same aged children



Children who had frequent contact with same aged children during the abduction showed a better overall wellbeing (measured by the total SDQ score). The graph below illustrates the mean scores on the SDQ subscales according to the frequency of contact with same aged children. Frequent contact with other children was significantly related with less emotional problems, less conduct problems, and less hyperactivity.

Graph 14. Mean scores on the SDQ subscales according to contact with same aged children during abduction



## 5.6 Conclusion

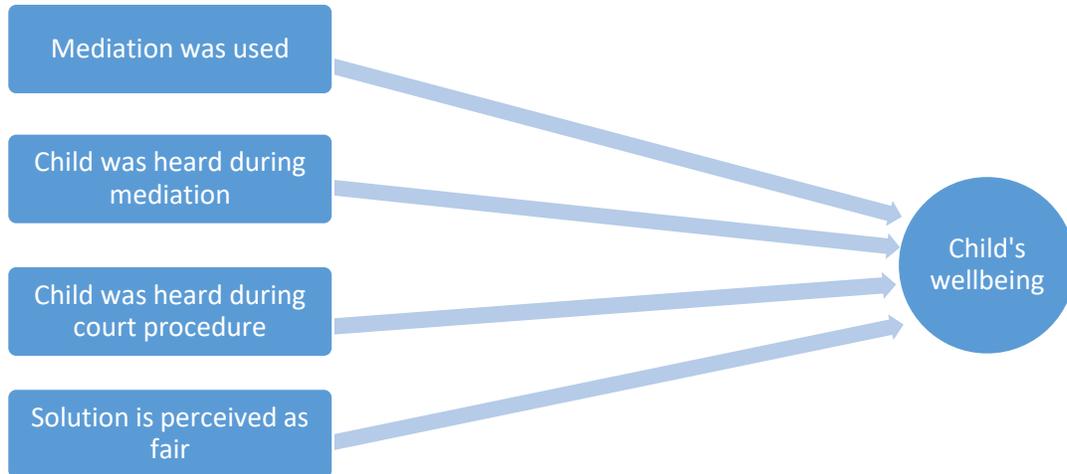
It was not confirmed that children who are retained for a longer period suffer adverse consequences in terms of their wellbeing. Also, the exact circumstances under which the child lived during the abduction could not be related to the child's wellbeing, which might be due to a lack of statistical power (a low number of children living under certain specific conditions). It is important, especially for the children who will eventually not return to the left-behind parent, that they can maintain frequent contact with that parent during their abduction. Having contact with same aged children was clearly important while school attendance during the abduction could not be related to the child's wellbeing.

## Chapter 6. The Legal Procedure and Mediation

### 6.1 Finding a solution in international parental child abduction cases

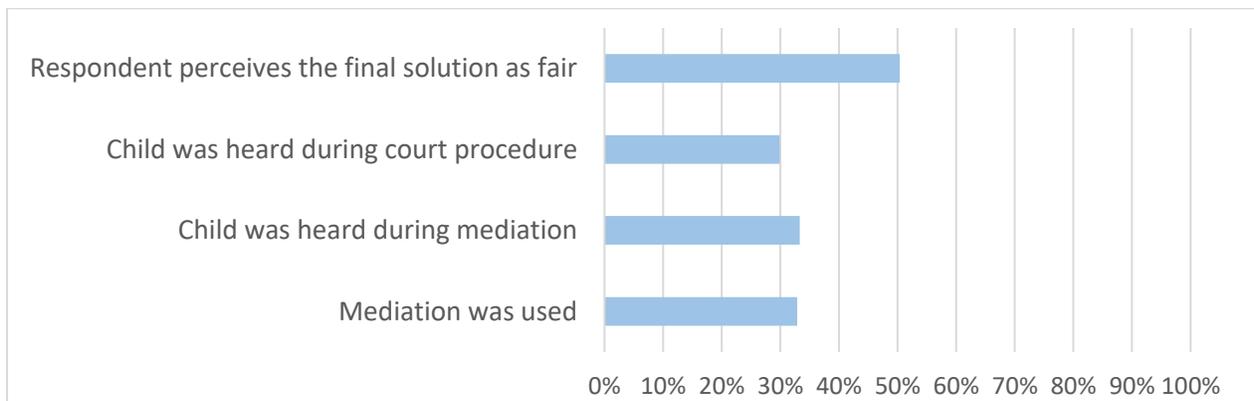
The 1980 Hague Convention on the Civil Aspects of International Child Abduction seeks co-operation between Central Authorities and a rapid procedure for the return of the child to the country of habitual residence. According to Article 7 of the 1980 Hague Convention Central Authorities must, directly or through any intermediary, take all appropriate actions for ensuring the safe and voluntary return of the child, or for facilitating an amicable solution. Similarly, Article 10 of the 1980 Hague Convention invites the Central Authority to take every possible measure to organize the voluntary return of the child. It is only if a parental agreement is not possible that the Central Authority will seek a judicial settlement of the dispute (Kruger, 2011). There is growing enthusiasm for the use of mediation procedures to resolve cases arising under the 1980 Hague Convention. The use of mediation is also specifically endorsed in the Practice Guide for the application of the new Brussels II Regulation. Nevertheless, there is a clear dichotomy between the support for mediation and the current limited practice of the procedure (Vigers, 2011). In the following chapter we report about whether or not mediation was used and whether parents thought the final solution was fair. Another aspect we look at is the hearing of the child as Article 13(2) of the 1980 Hague Convention states that return may be refused if the authorities find that ‘the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of [his] views’. The factors referring to the legal procedure and the mediation process that are included in the survey are illustrated in figure 6. Detailed results for this section can be found in ‘Appendix 5’.

Figure 6. The legal procedure and the mediation process in relation to the child’s wellbeing



Respondents were asked to indicate whether certain characteristics of the legal procedure and mediation applied. These results are illustrated in the graph below. Mediation was used in 32.9% of the cases of which one child in three (33.3%) was heard. A similar number of children were heard during a court procedure (29.9%). Half of the respondents (50.4%) agreed when asked if they found the final solution fair.

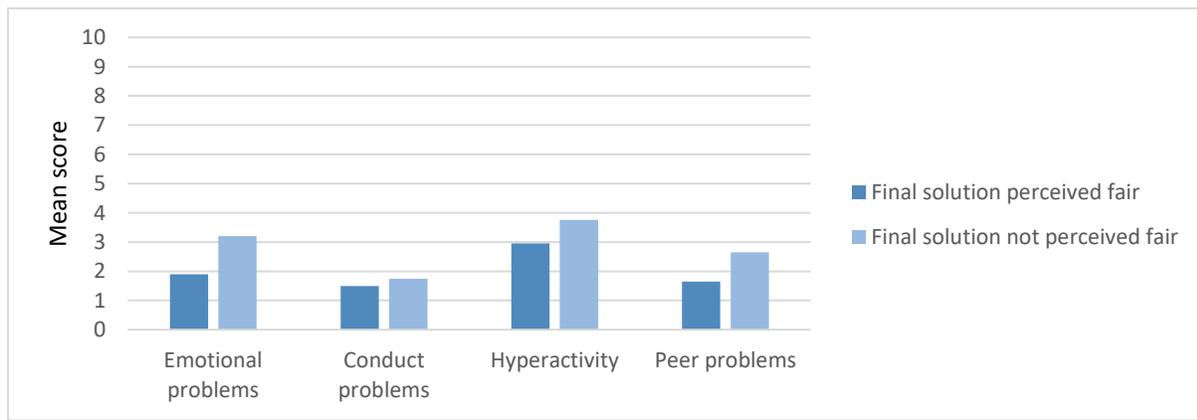
Graph 15. Characteristics of the legal procedure and mediation



Whether or not mediation was used, whether the child was heard during the mediation, and whether the child was heard during the court procedure, could not be related to the child's current wellbeing. There was a difference, however, according to whether or not the final solution on parental authority was considered 'fair' by the parent. When the parent states that the solution was not fair, the child

manifests a lower overall wellbeing. The graph below illustrates the outcomes for the four SDQ subscales according to whether the solution was perceived to be fair or not. Statistically significant differences were found for emotional problems and peer problems.

Graph 16. Mean scores on SDQ subscales according to perceived fairness of final decision on parental authority



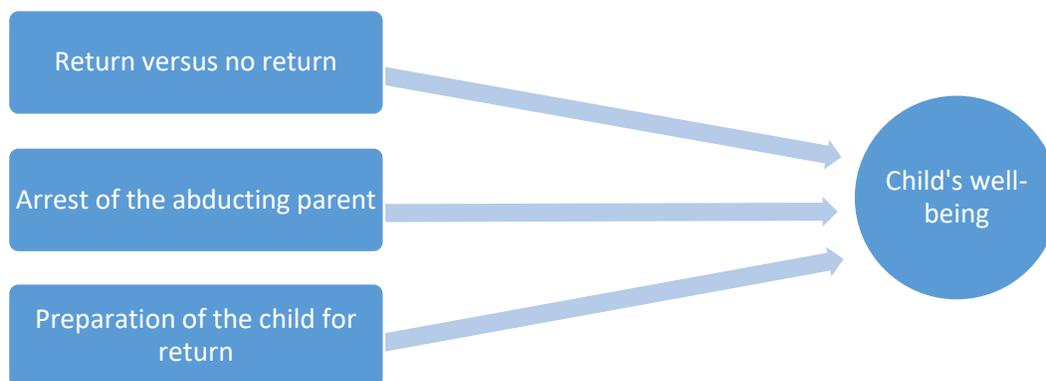
## 6.2. Conclusion

While the court procedure and mediation could not be linked to the child's wellbeing, a significant relationship was found with the perceived fairness of the solution obtained. It is possible that parents whose child manifests emotional-behavioural problems, are less satisfied with the solution and thus perceive the solution as not being fair. It is also possible that children develop emotional-behavioural problems precisely because the solution that was achieved was not fair (or at least not perceived as such by the parent).

## Chapter 7. Characteristics of the Return

In some cases, children remain with the abducting parent, in others they return to the parent with whom they had been living before the abduction. The premise of the 1980 Hague Convention on the Civil Aspects of International Child Abduction is that abduction is so harmful that return to the State of habitual residence automatically is a step in finding the right solution for them. Return would allow the most appropriate forum to adjudicate upon the child's future (Beaumont & McEavey, 1999; McEavey, 2015). Abduction from a person who has parental authority is a criminal offence in some countries. If a child has been abducted and the offence has been reported or the matter is under investigation, an arrest warrant may be issued. Therefore, if the left-behind parent reports the abduction to the police, this may assist in the recovery of the child but also the arrest of the parent. The figure below gives an overview of the factors that are included in the study that are related to the return of the child. The detailed results for this section can be found in Appendix 6.

Figure 7. Factors related to the return of the child in relation to the child's wellbeing

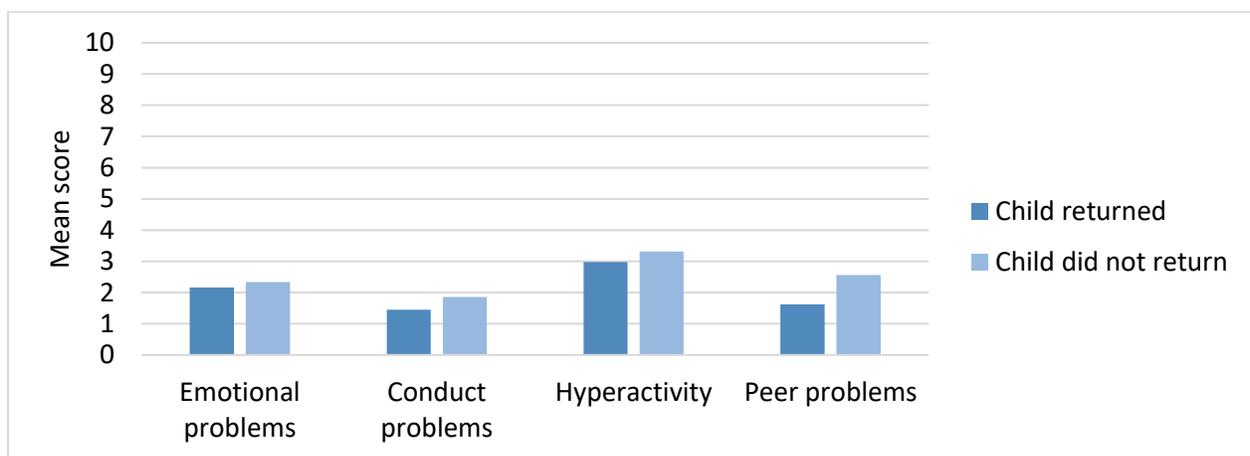


### 7.1 Return versus no return

As described in Chapter Two, there were slightly more children who returned to the left-behind parent ( $n = 179$ ) than children who did not return after a solution for the abduction was found ( $n = 155$ ).

Children who returned to the left-behind parent do not have an overall higher wellbeing than children who did not return (measured by the total SDQ score). The graph below illustrates the mean scores on each of the SDQ subscales. It shows that children who did not return score slightly higher on each subscale. The difference between both groups was more pronounced and also statistically significant for the manifestation of peer problems.

Graph 17. Mean scores on SDQ subscales according to return of the child

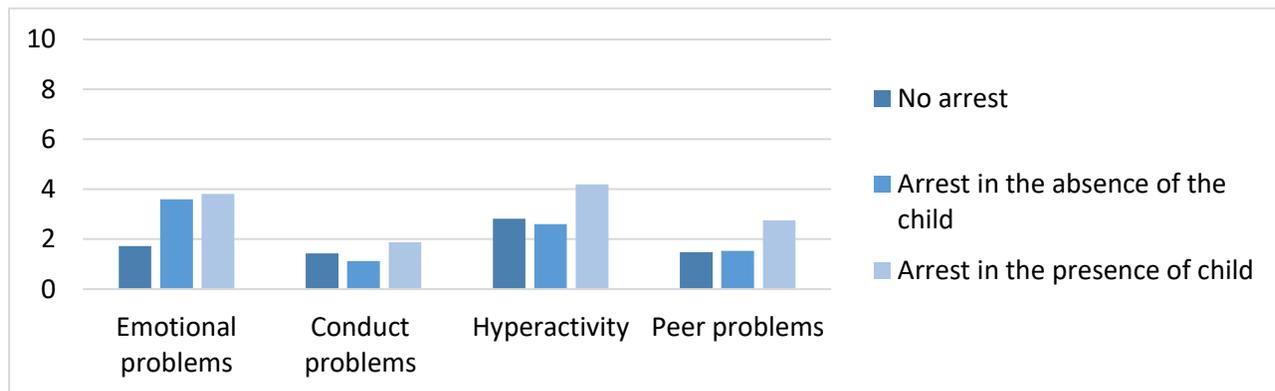


## 7.2 Arrest of the abducting parent

Most abductions did not lead to the arrest of the abducting parent (86.7%). In six per cent of the cases there was an arrest without the presence of the child and in 7.3% of cases there was an arrest made in the presence of the child. Only those children who returned are statistically considered in the relationship between the arrest of the parent and the wellbeing of the child. This is because only three parents were arrested among the non-returning children. It was found that the arrest of the abducting parent among returning children was related to a lower overall wellbeing (measured by the total SDQ score). In terms of the specific SDQ subscales, the arrest of the abducting parent was related to an increase in emotional problems (regardless of whether or not these children witnessed the arrest). Children who witnessed the arrest of their abducting parent also showed more peer problems as compared to children whose parent was not arrested. Further it was investigated whether it makes a difference if the parent was arrested in the presence of the child. This was not found to be a significant factor. The lack of a statistically significant result is likely, however, due to a small number of respondents

in smaller categories: 16 of the 31 (returning) children, whose parents were arrested, witnessed the arrest. The graph below illustrates the differences in wellbeing between children whose parents were not arrested and whose parents were arrested in their presence, and whose parents were arrested in their absence. The graph does suggest that witnessing the arrest of the parent is related to increased conduct problems, hyperactivity and peer problems (although these differences are not statistically significant).

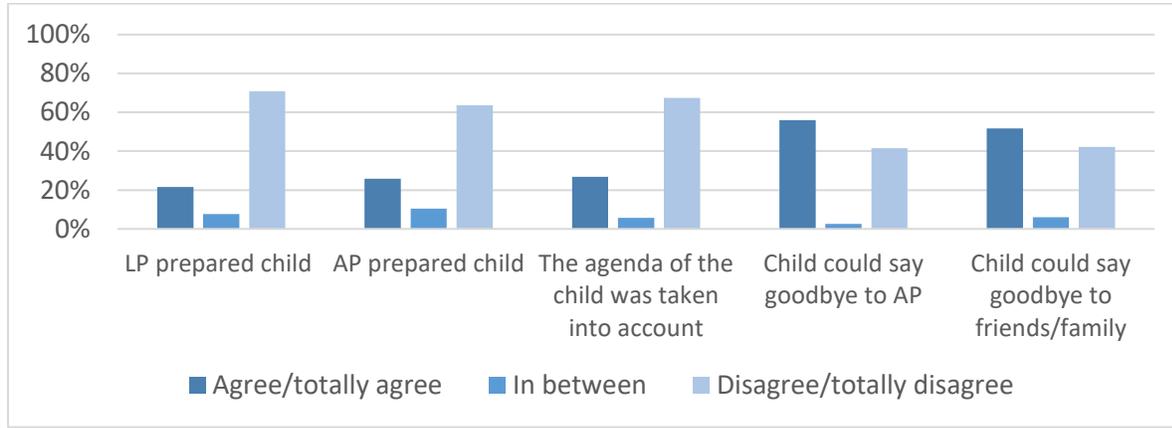
Graph 18. Mean scores on SDQ subscales according to arrest of the abducting parent - children who returned only



### 7.3 Preparation of the child for return

For a better understanding about how the child was prepared for the return, parents were asked to indicate to what extent they agreed with five items ('totally agree', 'agree', 'in between', 'disagree', or 'totally disagree'). As expected both parents have different perspectives on these matters. Therefore, a distinction was made between the reports from the left-behind parent versus the reports from the abducting parent. Only five to six abducting parents completed these questions (in most cases the child did not return in this group), and therefore the abducting parents were not further considered. The graph below shows the results from the perspective of the left-behind parent only. These parents were the most likely to agree with the statement that the child could say goodbye to the other parent, to friends, or to family. Parents were the least likely to agree with the statement that one of the parents prepared the child, or that the agenda of the child was considered.

Graph 19. Child's preparation for return from the perspective of the left-behind parent



Based on the reports from the left-behind parents, it can be concluded that the preparation of the child for the return is not related to the child’s wellbeing. There was one exception to this, where it was found that children who did not get the chance to say goodbye to their family and friends, showed more signs of hyperactivity. Whether the left-behind parent or the abducting parent prepared the child, whether the agenda of the child was considered, and whether the child could say goodbye to the abducting parent, were not related to the child’s wellbeing.

## 7.4 Conclusion

Children who do not return to the left-behind parent, are more likely to manifest peer problems but overall their wellbeing is not lower as compared to children who do return. The arrest of the abducting parent is related to a lower wellbeing in children who returned. Emotional problems are more common among these children. Children who witnessed the arrest of their parent show an additional vulnerability in terms of increased peer problems. There is no evidence that the preparation of the child for return is related to the child’s wellbeing.



Missing  
Children  
Europe



Cross-Border  
Family  
Mediators

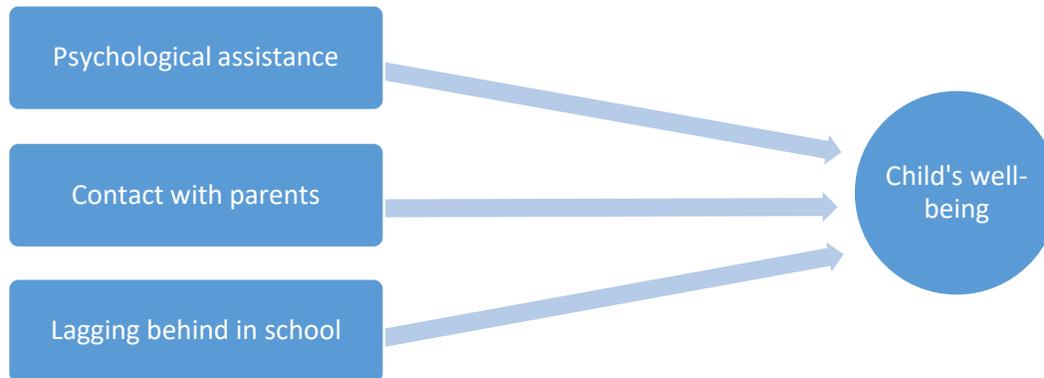
## Chapter 8. After the Abduction

The outcome of an international abduction case and its resolution will influence the daily lives of children (and their families): the country they will live in, the language they will speak, the family members and relatives they will have regular contact with and their mental health (Freeman, 2014). Although return is the aim of the Convention, and other instruments relating to abducted children, the reunification with the left-behind environment may cause many problems for these children (and their families). An abducted child's developing process after an international child abduction can be understood by looking at the child's relation to the abductor as well as with the recovering parent. Children often have conflicted loyalties having spent a period in the other country, only to be returned to a sometimes barely-remembered parent (Greif, 2003; Freeman, 2014). Back in the country of their habitual residence, children may have to deal with a new set of life circumstances, and some of these circumstances would be more difficult than others (Dalley, 2007). Previous studies have reported children who experience academic problems for example (Greif, 2009). Nevertheless, it is equally possible that the return may be a happy and fulfilling experience for the family, but it appears very unlikely that this will occur without at least some of these issues arising. Abducted children therefore need effective follow-up and support if they are returned, but so do children who do not return. The children may also need a safe source of support, which they themselves can access (Freeman, 2014). A way of protecting children from harmful effects upon return is to provide appropriate support and care. Although the Convention establishes 'procedures to ensure their prompt return to the State of their habitual residence', it does not provide for such support or aftercare. It is, however, not enough to simply return abducted children (Freeman, 2014). Studies concerning the effects of international child abduction show the importance of special care by a therapist, psychologist, counselor or other mental health institution. Nevertheless, where mental health professionals, police officers and other institutions had been involved it was often the case that they had not dealt previously with international child abduction cases and were not experienced with the specific issues raised in such events (Freeman, 2014). The factors related to the aftermath of the abduction that are included in the survey, are



illustrated in figure 8. The detailed results related to this section can be found in Appendix 7.

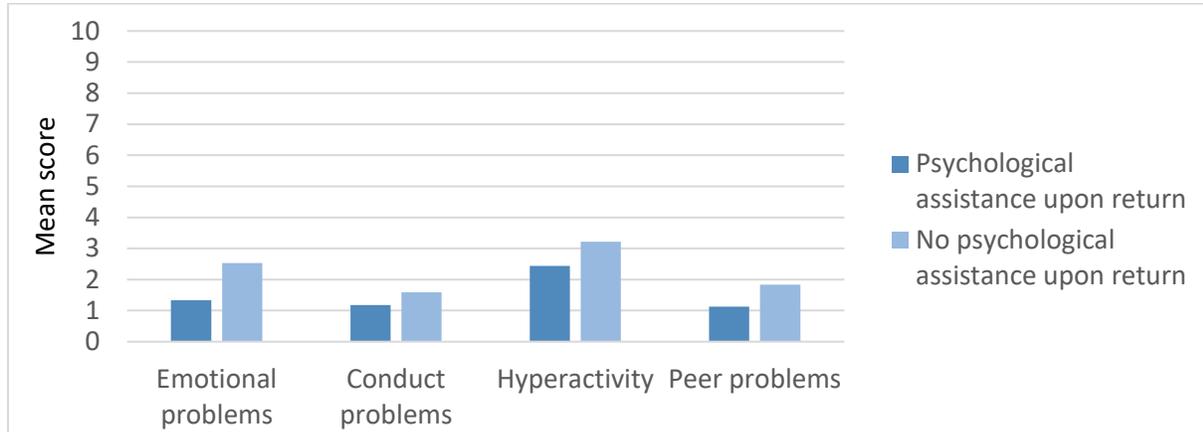
Figure 8. The aftermath of the abduction in relation to the child's wellbeing



## 8.1 Psychological assistance for the child

In 27.5% of the cases the children received psychological assistance upon return. After the period of abduction (i.e. after a legal or amicable agreement on parental authority and/or visitation rights was reached and the child returned or stayed in the country in which he or she was abducted), we see that this number is twice as high (50,3%). Children who receive psychological assistance upon their return show a significantly better wellbeing as compared to children who did not receive such assistance. The graph below shows the results on the four SDQ subscales according to whether the child received psychological assistance upon return or not. The differences between both groups are statistically significant for emotional problems and peer problems. Having received psychological assistance after the return, however, could not be related to wellbeing.

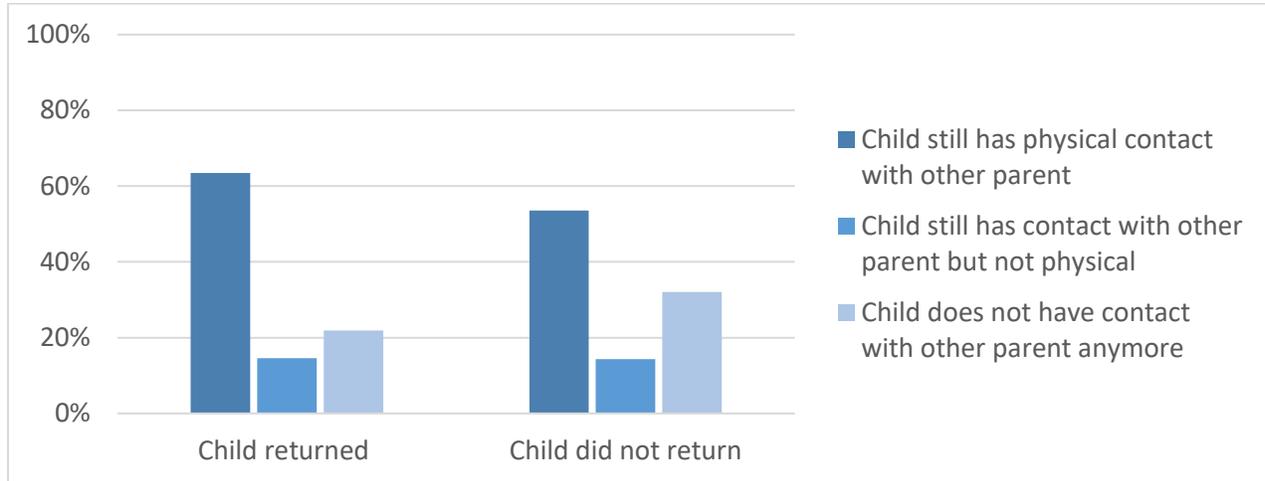
Graph 20. Mean scores on SDQ subscales according to psychological assistance upon return



## 8.2 Contact between child and parents

The respondents indicated whether the child still has contact with the other parent, and whether this contact is face-to-face (physical) or not face-to-face (for example via text messages or online). The graph below presents the results, according to whether the child returned after the abduction or not. For the returned children, the majority (63.5%) still has physical contact with the other parent, i.e. the taking parent. Another 14.6% of the returned children still have contact with the taking parent but this contact is not physical. Among the children who did not return, 53.6% still have physical contact with the left-behind parent and another 14.3% still have contact but although not physical. Still having contact with the other parent (physical or not physical) could not be related with the child's wellbeing. This was the case for children who returned and for children who did not return.

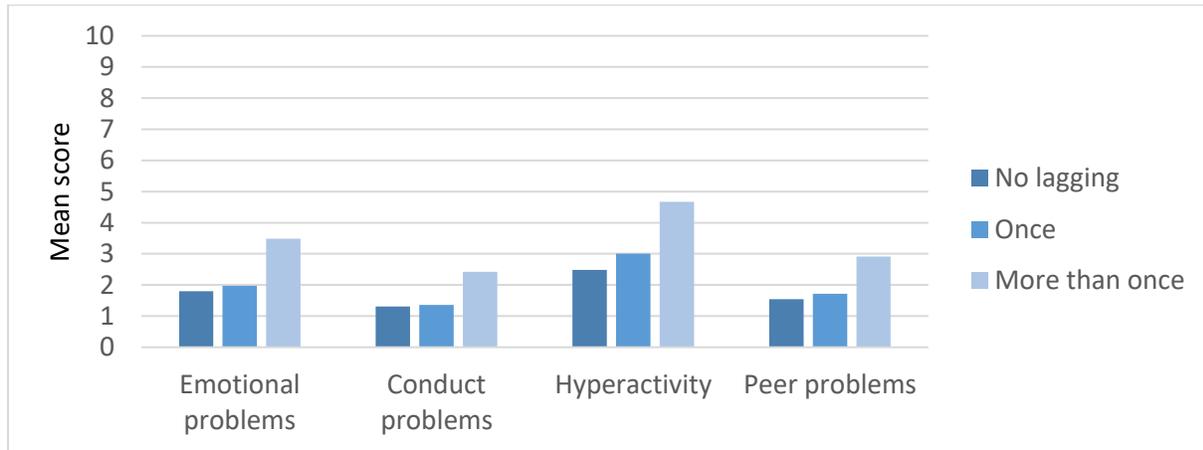
Graph 21. Contact with abducting and left behind parent after the abduction



### 8.3 Studies fell behind due to abduction

The studies of the abducted child could fall behind due to a change in the school environment, language, friends or not having the opportunity to go to school while in the other country. A considerable number of parents indicated that their child fell behind in school after the abduction; 20.2% of the children fell behind once and 21.7% lagged more than once. Falling behind in school is an important factor that is related to a lower level of wellbeing. This is most pronounced for children who fall behind more than once, as illustrated in the graph below. These children show significantly more emotional problems, conduct problems, hyperactivity and peer problems as compared to children who do not fall behind or who lagged only once.

Graph 22. Mean scores on SDQ subscales according to number of times falling behind in school



## 8.4 Conclusion

It is important for children to receive psychological assistance upon their return to the former country of residence. This appears to be more important than receiving psychological assistance after return. Nevertheless, the results showed that fewer children were psychologically assisted upon return than after the return. The maintenance of contact with the other parent could not be related to wellbeing. Falling behind in school was clearly related to more emotional-behavioural problems.

## Chapter 9. Conclusion

Chapters three to eight have provided an overview of five factors related to the child's wellbeing after an international parental abduction. Findings revealed that most children (80.1%) showed 'normal' behaviour, 7.1% were qualified as 'borderline', and 12.8% were qualified as 'problematic'. Different factors related to the abduction also had an impact on the child's current wellbeing although the average time that elapsed since the abduction was six years and one quarter. The present Chapter responds to 12 hypotheses that were made at the start of this project. The children showed more or less peer problems, emotional symptoms, conduct problems and hyperactivity/inattention depending on the hypothesis tested.

*Hypothesis 1. The younger a child is, at the time of the abduction, the lower the negative impact of an international removal/retention on the wellbeing of the child.*

In this survey, 57.0% of the target children (i.e. the children whom the respondents held in mind when completing the survey questions) were abducted at age five or younger. This is in line with research worldwide on the profile of abducted children, which divulges that abducted children are generally younger than five or six years old (Plass et al., 1997; HCCH, 2011; Child Focus, 2015). Symptoms could be less in younger children, who may not have been aware that they were abducted or readily adapting to the new situation (Plass et al., 1996; Dalley, 2007; Freeman, 2014). It was not possible to confirm that children who were younger at the time of the abduction were affected by the abduction in a different way as compared to children who were older at the time.

*Hypothesis 2. The negative impact of an international removal/retention is lower when the child is taken to or kept in the other country by the primary caregiver.*

Previous studies revealed that a child's experience of being abducted by a primary caretaker is likely qualitatively different and less harmful than being removed or retained by the non-primary caretaker (Lubin, 2005). According to this hypothesis, children who were abducted away from the parent with whom they spent most of their time have a lower wellbeing. Only in 11.6% of the cases the children resided full-time and in another 14.1% of the cases most of the time with their taking parent. Remarkably, one in three children (32.2%) never resided with the abducting parent before being taken to the other country. The residence with the abducting parent prior to the abduction was a significant factor for the child's current wellbeing but only in the case of those children who did not return. In other

words, non-returning children who had the abducting parent as the primary caregiver before the abduction showed a better wellbeing than non-returning children who resided most of their time with the left-behind parent before the abduction. This relationship was found for overall wellbeing as well as for the manifestation of emotional problems, conduct problems, hyperactivity and peer problems in specific.

Hypothesis 3. Children who were informed about the removal will undergo a less negative impact than children who were not informed prior to the removal.

An analysis was conducted to understand if parental communication towards the child concerning the upcoming departure to another country could be considered a key factor in the child's wellbeing. In divorce studies, for example, children find it highly important to know what is going on in their family (Booth & Amato, 2001; Maes, de Mol, & Buysse, 2011). In this study, informing the child about the upcoming removal or retention was related to wellbeing only for those children who did not return to the left-behind parent. Among these non-returning children, being informed was related to a better overall wellbeing, as well as less emotional problems and less hyperactivity.

Hypothesis 4. Children who were removed or retained for a longer period will undergo a more negative impact than children who were removed or retained for a shorter period.

The adjustment of abducted children can be more difficult in situations where the child was missing over a long period of time (Greif, 2000). In our survey, 39.6% of the abductions lasted for less than one year but over a quarter of the abductions (28.5%) lasted for over five years. It was common, especially when the child did not return, that more than five years had passed until a solution or agreement on parental authority was reached. This was the case for 59% of the non-returned abducted children. The duration of the abduction could not, however, be related to the child's current wellbeing.

Hypothesis 5. Children who are removed or retained to a familiar environment will undergo less negative impact of an international removal/retention than children who are removed to/retained in/an environment they didn't know prior to the event.

Abducted children are affected by family discord and by separation from the other parent, family and friends. They are forced to deal with the uncertainties and surroundings of "a new lifestyle" (Freeman, 2014) and adaptation might be particularly difficult when children must live in a country with a different language and culture (Dalley, 2007). A life on the run may introduce a damaging element into a child's

life (Greif, 1993), and implies that the child cannot go to school, and must miss out on contact with friends and other people (Dalley, 2007).

This study could not confirm that staying in a familiar environment during the abduction (e.g. knowing other people besides the abducting parent, understanding the local language, and living under the same roof as the abducting parent) was related to a better wellbeing at the time of the survey. It is possible that these factors are more important for children who did not return than for children who did return. However, such analyses could not be performed in a statistically reliable manner due to the low number of children when breaking them up in different groups. Frequent contact with same aged children during the abduction was related to a better overall wellbeing of the child, and with less emotional problems, less conduct problems, and less hyperactivity, in particular. Schooling, on the other hand, was not related with the child's current wellbeing.

**Hypothesis 6.** Children who were obliged to live in a situation of hiding during the removal/retention will undergo a more negative impact of an international removal/retention.

One quarter of the abducted children (25.5%) had to hide during the abduction. Based on this data, it could not be confirmed that having to hide during the abduction had a negative impact on the child's wellbeing at the time of the survey.

**Hypothesis 7.** Siblings removed or retained together will undergo less negative impact of the international removal/retention than children removed or retained alone.

Siblings may be placed in an intolerable situation when separated during an abduction after having lived together their whole lives and having experienced so much together, such as the divorce of their parents. In our study 30.4% of the children were abducted without their sibling(s), but this factor could not be related to the child's current wellbeing.

**Hypothesis 8.** Children who were able/allowed to remain in regular contact with the left behind parent will undergo a less negative impact from the international removal/retention.

Some children will remain in contact with the left-behind parent in a transparent way (i.e. with the knowledge of the taking parent), others secretly (Dalley, 2007). Nevertheless, all EU countries recognize that children have the right to a personal relationship and direct contact with both parents, even if the parents live in different countries. In this study, maintaining contact with the left-behind parent was a factor of significance for the child's current wellbeing, but only for children who did not return. The more

often the child had contact with the left-behind parent during the abduction, the better the child's current wellbeing.

Hypothesis 9. Children who return after the removal/retention will undergo a less negative impact of the international removal/retention.

The premise of the 1980 Hague Convention on the Civil Aspects of International Child Abduction is that abduction is so harmful that the child's return to the State of habitual residence is automatically the right step in finding a solution for them. Nevertheless, it was acknowledged in some defined and exceptional cases that a return might not be in the interest of the individual child and thus the requested State is not bound to return the child. That is how the Convention seeks to balance the presumed harmful effects of the abduction against the possible harmful effects of return in the individual case (Freeman, 2014). In this survey, the children who returned did not have an overall higher wellbeing than the children who did not return, although the non-returning children did manifest significantly more peer problems as compared to the children who did return.

Hypothesis 10. The negative impact of an international removal/retention will be lower when the child received psychological support upon/after return.

Most researchers agree that professional, mental health therapy is required after recovery. Understandably, a young child might be frightened meeting the other parent for the first time; a parent they do not know or remember (Freeman, 2014). The older child may experience anger, shame and guilt for not contacting the other parent sooner (Dalley, 2007). In our study, 27.5% of the children received psychological assistance upon the return and 50.3% received such assistance after the return. Children who received psychological assistance upon their return showed a better overall wellbeing, and less emotional problems and peer problems, in particular, compared to children who did not receive such assistance. Psychological assistance after the return could not be related to the child's current wellbeing.

Hypothesis 11. The arrest of the abducting parent will have a negative impact on the wellbeing of children in cases of international removal/retention.

In general, children exposed to the arrest of a parent or other family member exhibit higher levels of mental health difficulties compared to peers who have not been exposed to this experience (Roberts



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et al., 2014). This study found that the arrest of the abducting parent was related to a lower overall wellbeing of the child, and to more emotional problems and peer problems in particular. No firm conclusions could be made regarding the added negative effect of witnessing the arrest of the parent. This was due to a lack of respondents who indicated that this situation occurred.

Hypothesis 12. Children who experienced problems at school will have more difficulties in comparison to children whose studies did not fall behind because of the event.

Previous studies point to the negative effect of child abduction to the child's school achievement (Dalley, 2007). In our study, a considerable number of children (41,9%) fell behind in school due to the abduction, half of them only once (20,2% of the children) and half of them more than once (21,7%). Lagging in school more than once was related to a lower overall wellbeing. These children showed more emotional problems, conduct problems, hyperactivity and peer problems as compared to children who did not fall behind or who did so only once.



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## **Part II**

### **Qualitative interviews with children**

01/12/2016 - 31/05/2017



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## Chapter 1. Background and Goals

The increasing political focus on the rights of the child (UN Convention on the rights of the Child and the European Convention on the Exercise of Children’s Rights) amplifies the necessity of collecting information on the needs and wishes of children in all matters affecting them directly. This means giving children an active role in measuring and monitoring their own wellbeing by operationalizing the concept of childhood wellbeing and taking into account the views and perspectives of children and young people themselves (Ben-Arieh, 2005). The EWELL project (‘Ensuring the wellbeing of children in judicial cooperation in cases of international child abduction’) aims to provide a better understanding of the factors that influence the wellbeing of children in international parental child abduction cases and incorporates qualitative interviews with children who have been in such a situation. This report presents the results of interviews conducted in Belgium, France and the Netherlands. The first Chapter, sets out the goals of the study and introduces the topic of international parental abduction and ‘child wellbeing’. Chapter Two reviews the interview methodology. The findings are discussed in Chapters Three to Six Chapter Seven and Eight give an overview of the conclusions and the discussion.

### 1.1. Goals and Strategy

Children’s insight and perception about factors that protect or harm their wellbeing are warranted given the unique nature of international parental child abduction and its impact on their development and adjustment. The present study will be the first to focus on the international parental child abduction process. Previous studies concerning parental child abductions provided evidence that this phenomenon can have seriously negative and long-lasting effects on the children involved (Freeman, 2014; Greif, 2000; Gibbs et al., 2013). Research on the wellbeing of children after a parental abduction, however, is mainly focused on the parents’ sociodemographic situations and is based on parent report studies (Gibbs et al., 2013). Data based on reports from parents are susceptible to a self-serving bias because parents tend to describe their involvement with their children in a more socially desirable way (Pasley & Braver, 2004). To the best knowledge of the authors of this report, there exists only one small-scale qualitative study in which adults who were abducted as children reported their experiences of abduction many years earlier (Freeman, 2014), and only one qualitative study has involved children aged between ten and 18 years old at the time of the interview (Freeman, 2006). The present study is therefore the first to focus on the international parental child abduction process



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and aims to capture a process that starts from the moment of departure or retention of the child until the return or non-return and its aftermath. The study includes the experience of the children and observes factors that they perceive as harmful or as protective during the different stages; explores what the children find important in their experience; how they see their relationships with their parents and the environment; their perception of their own role and position within this process, and how they manage to adapt to new stimuli and several transitions. The results provide useful information such as the development of insight into important inter-relational and social factors that need to be considered when trying to anticipate the removal/retention, when supporting the children during their time in the other country and when deciding whether the child will stay or return. This knowledge may also provide practitioners with additional insights into family based pathways, enhancing the family resilience and minimizing risks to the child's wellbeing.



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## Chapter 2. Methodology

Qualitative data were gathered among adolescents that were taken to or retained in a country by one of their parents. Interviews were chosen as the research method for several reasons. First, the delicate nature of the topic led to the assumption that some participants might feel inhibited about discussing their experiences. Individual interviews were there regarded more appropriate than, for example, focus groups. Second, preparatory discussions with professionals working in the field of abduction suggested that it would be very difficult to find adolescents willing to participate. Therefore, other qualitative methods seemed to be less appropriate.

In total 19 interviews (11 males, 8 females) were conducted in the period July to December 2016. Of the 19 participants, 14 participants came from 14 different families, while five participants came from only two families (two children from one family and three from another one). All the participants were recruited by Child Focus (the Belgian Foundation for Missing and Sexually Exploited Children), the International Child Abduction Center (Center IKO) in the Netherlands and CFPE-Enfants Disparus in France. In total, 74 parents were selected from the register files of Child Focus, 252 parents were approached from the files of the Center IKO and 200 parents were contacted by CFPE-Enfants Disparus. The eligibility criteria were a) the possibility of an interview with a Dutch- or French-speaking child in Belgium, a Dutch-speaking child in the Netherlands or a French-speaking child in France, b) of which the parents, respectively, would have had contact with the Center IKO, CFPE-Enfants Disparus, Child Focus, c) that the child had been taken to or kept in another country for more than two years prior to the start of the qualitative research phase, and d) was more than 12 years old at the time of the interview. Thereafter, the organizations, in accordance with their privacy guidelines, tried to contact the parents of all the selected cases and asked whether their children would want to participate. A written agreement was requested when a parent agreed, and the child was willing to participate. It was hard to find children to interview when the signature of both parents with parental authority was required. All the organizations also faced other obstacles such as: changed contact details, no response of the parents, parents who were not interested or the children themselves not wanting to participate. When the parent(s) and the child agreed to interview, the interviewee (e.g. the child) was asked at the start of the interview to sign an informed consent form approving data collection. Prior to the interviews, participants received an invitation letter with more information about the purpose of the study and the related procedures. The interviewers not only explained the content of the project, but also emphasized the added value of the children's participation. They made it clear that the children

could withdraw from the interview at any time and that they were not obliged to answer all questions. Furthermore, the children were assured that their responses would be processed anonymously to guarantee their privacy. After this introduction, the written consent of the participants was obtained.

The interviews lasted up to one hour on average and were conducted by six interviewers. Three interviewers conducted eleven interviews in Belgium, one interviewer conducted six interviews in the Netherlands and two interviewers conducted two interviews in France. All interviews were recorded and transcribed verbatim. They were conducted at a place that best suited the children and where they felt most at ease. This was mostly at their homes in a separate room or in a preferred office room. The names of the respondents were removed from the transcripts and replaced by a code (e.g. R1) to respect privacy and anonymity. A psychologist was readily available if required during the interviews, for instance to attend to the child's troubled emotions. At the end of the conversation the interviewers explicitly pointed out that the child could contact them if they would like to talk with a professional or gave the child the contact information details of organizations and services that provide more information about such international relocation situations or the opportunity to listen to people's experiences.

The study was conducted in accordance with the ethical standards of the American Psychological Association and the study protocol was approved by the Ethics Committee of the Faculty of Social Sciences of the University of Antwerp (SHW/16/17/02). The interviews were semi-structured and used broad, guiding questions to guarantee a similar format across all interviews. The researchers developed hypotheses before designing questions for the semi-structured interviews. That was based on previous studies about the impact of marital discord or separation, and more specifically abduction.<sup>1</sup> The main hypothesis is that 'An international removal or retention has a negative impact on the wellbeing of the child'. The hypothesis was divided into several sub-hypotheses for testing during the discussion. Furthermore, based on previous studies and the hypotheses, a topic list (see appendix A') of questions was made for the interviews.<sup>2</sup> Questions were generic for all respondents but also varied depending on the specific conditions of the child's experience, for instance, whether they were heard by a judge or not, whether they returned to the left-behind parent or not. The interviews started with some questions to put the child at ease, followed by an introductory question, in which the child was informed that the interviewer knew they had been taken to another country by one of their parents and that the questions were related to the period before, during and after that event. The aim of the

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<sup>1</sup> The hypotheses were validated by the steering committee of this project.

<sup>2</sup> Topic list in annex



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opening question was to get an overview of the context of the event and to open the conversation. Depending on the topics that the children brought up, the interviewer chose a related set of key questions (e.g. if the child started to talk about the relationship between their parents before they went to another country, the interviewer would ask questions about this topic. The interviewer would start asking questions related to the time of departure if the respondents mentioned that subject first. Depending on the participants' responses, the interviewer rephrased some questions or asked additional ones to make sure an accurate interpretation was made, and also to delve deeper into specific issues the children raised. Furthermore, from the story of some children, who were taken to a country and went back again (or moved multiple times), it was not always clear which stay was found lawful and which was not according to the 1980 Hague Child Abduction convention. The division in the stages 'before', 'during' and 'after' in this report is therefore not a legal division, but based on the answers of the respondents to the questions of that stage.

Each researcher analyzed the data in the respective country using NVivo 11 and the procedure relied on open coding. The researchers identified every answer that was given by the respondents and designated them with a code. This was done for the transcripts of three interviews. Then, the researchers connected the different codes that were identified during the coding process according to their thematic similarities. Through discussion, the researchers found common themes that emerged from the data and related to the research hypotheses. Codes that overlapped were merged so that only one overarching code remained. The codes were structured according to several thematic categories to test the main hypothesis. The transcripts of the remaining conversations were coded based on this tree-structure. Afterwards the transcripts of all interviews were reviewed to make sure that all responses were properly coded. The results in the next Chapter are structured according to the different stages of the event and the different factors that influence the child's wellbeing.



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### Chapter 3. Socio-demographic profile of results

The respondents were between two and 13 years when they were taken to or kept in another country. At the time of the interviews the youngest child was 12 and the oldest 19 years. Looking at all the cases, the results showed that the taking parent was the mother in eight families (ten respondents), and the father in seven families (eight respondents). In one case the child equally resided with her father and mother. The average duration of the residence in the other country was 17 months (e.g. from the moment of the departure until the final return/non-return or conclusion of the case). The period between the conclusion of the case and the time of the interview was on average about five-and-a-half years.

Eleven of the respondents indicated having one or more full sibling(s). Several siblings of the same family were interviewed in two cases. One respondent mentioned one half-sibling and another respondent several step-siblings besides their 'full siblings'. Four respondents exclusively had half-and/or step-siblings. Finally, four children were an only child (of which one child had a half-sister after he returned).

Participants	Children's age at the departure/retention				Removal/retention Duration (in months)				The taking parent was the primary caregiver			Removal / retention with or to (half or step) siblings		Moved multiple times to another country		Link with the country of removal/retention		The child saw the event as an abduction	
	< 3	3-6	6-12	>12	<3	3-6	6-12	>12	Yes	No	shared	Yes	No	Yes	No	Yes	No	Yes	No
R1 (family 1)			X					X			X	X			X	X			X
R2			X					X	X			X to step	X step		X	X			X
R3			X				X				X (third party)	X			X		X		X
R4 (family 2)			X					X			X	X			X	X			X
R5 (family 2)			X					X			X	X			X	X			X
R6			X					X		X			X half		X		X	X	
R7			X			X				X		N/A	N/A		X		X	X	
R8			X				X			X		X partly	X + step		X	X			X
R9 (family 1)			X					X			X	X			X	X			X
R10 (family 1)			X					X			X	X			X	X			X
R11			X			X				X		X + to half			X	X			X
R12		X						X		X		X to half	X half	X		X			X
R13		X				X					X		X half, step		X	X			X
R14	X							X			X	N/A	N/A		X	X		X	
R15	X							X			X	N/A	N/A		X	X		X	
R16			X		X					X		X			X	X			X
R17				X				X	X			X partly			X		X	X	
R18		X				X				X		N/A	N/A		X	X		X	
R19				X		X				X		X partly			X	X			X

## Chapter 4. The child's experience before and after departure?

### 4.1. Home situation

A majority of the children were born in the country where they were interviewed and had lived there for almost all their lives. Only five children were originally from another country where they had lived when they were young. One respondent mentioned that in her country of birth she did not know many people because her parents moved a lot; seven times in about nine years. The children still spoke their native language, though, two of them exclusively spoke their native language. In both cases this caused difficulties at school.

The interviews revealed that parental conflict was already clearly present before the time the children were removed to or retained in another country. In almost all the cases the parents were separated and most often either had big disagreements or no contact with each other at all. In a few cases the parents were still together but they wanted to split up or they were in conflict. This finding is similar, on the one hand, to divorce and separation situations and on the other, to the period the children went through before being taken to another country.

Well it was a week-week arrangement. And when my dad wanted to come and give me a goodbye kiss, I was already sitting in the car... Well my mum started to drive in order to prevent my dad from doing so... And then she drove over his foot. And yeah, such little things happened quite a lot. (R1, female, 13 years old)

I was with them at that time when my mum threatened to take everything away from my dad, also everything that considered me. And then um... My dad (little laugh) Um... gave her a slap in the face. And then the police came. (R2, female, 13 years old)

Before the event, in some cases, the children resided equally with their father and mother; some children resided with their mother most of the time and a few with their father. One child was living with his grandmother before one of his parents took him to another country and another child lived in boarding school most of the time, and stayed with his father during the weekends.

## 4.2. The moment of departure

In a majority of the cases the children were taken to the original home country of their taking parent. This also meant that four of the five children mentioned above went back to the country where they used to live when they were young (one other respondent went to a different country). From the five respondents who were born abroad, some lived for about one or two year(s) in their 'new' country, others several years (four to seven/eight years) before they were taken (back) to the other country.

A crucial moment that specifically characterizes the whole removal or retention situation concerns the running up to the event in which one parent decides to take the child to another country or to keep the child abroad with him or her. Although there were some respondents who could not (clearly) remember this period, a majority of respondents gradually became aware of the fragility of their parents' relationship through direct observation of arguments or even domestic violence. However, they indicated that the departure to the other country was immediate and made an impact.

I didn't know what was happening. It was only after a couple of months in [country x], that I realized what was going on, that I wouldn't see anyone from here anymore. (R3, male, 15 years old)

One respondent said that his parent and his step-parent drove by a house just across the border and asked the children "What do you think about it?" The respondent did not want to live there, but most of his brothers and sisters thought it was nice. According to the respondent he protested, but the most votes counted and suddenly they said "okay, we are going to live here" and the respondent was transferred to a school in the other country. In just a very few cases the taking parent explained to the child that they would stay (a bit longer) in the other country. Some of them thought that the parent knew best at that time.

Yes, I just thought, he just said, he didn't say much about it, just "Yes, you are staying a bit longer", so I thought "okay, that must be all right then". (R16, female, 17 years old)

Three out of nineteen children said that they had a presentiment about one of their parents' plan to take them abroad. In one case, a girl confided her feelings to her father. He tried to reassure his daughter not to be afraid of being taken to another country and realized her fears were justified too late. In a second case, a boy said he knew that his mother was planning to move to another country but he did not care too much because he presumed that his father knew this as well. Nevertheless, throughout the interview the child seemed to be very confused about the exact circumstances of leaving the other country and about whether his father was fully aware of his mother's intentions or not.

Another girl explained that her mother had told her that everything would be better in the other country to convince her of her plan.

Um. She had me... Because... Well... I had the choice if I wanted to go or not. Eventually I chose to go. But this was partly because... Because my mum wasn't honest about how things would go. She told me that things would become better – but they totally didn't (small sarcastic laughter) – and I mean, I was eight years old at that moment. I would think my mum wouldn't lie to me. (R2, female, 13 years old)

In none of the cases did the children know explicitly what the taking parent's plans were of removing or retaining them abroad and for how long. When the child asked about what was happening, the parent often lied about the reason of the departure or said that they had the approval of the other parent. This means that the children sometimes had the preliminary perception of going on a holiday or a visit only to (slowly) discover that their stay was permanent.

I asked: "but mum, I want dad. Dad doesn't know about all of this. Does he know that we are going on holidays?" And my mum said: "Yes, dad knows." And then we left to another country. (R1, female, 13 years old)

She told me we were going back at the end of the month, but eventually we didn't. (R7, female, 15 years old)

Well you know, I thought we were going on holidays in [country x], my dad told me so. So, I was happy, you know. I was little and I did not really understand. To me, going on holiday was a good thing. (R18, male, 12 years old)

Nevertheless, most of the children knew (quite soon) to which country they were going, despite not knowing the taking parent's real intentions. The children knew that their (taking) parent had family or a connection in the other country for instance through work or studies. Although not many children reported that they panicked or cried during the journey, one girl explicitly shared an account of her fear and insecurity from the moment her father told her where they were heading for.

[When my father told me] I was just quiet... I was thinking: "what now? How do we go further from here?" I just couldn't imagine what was about to happen. I didn't know what to do or say... And I also didn't want to cry so... (R4, female, 15 years old)

The children reported that they were mostly willing to believe what their parents had told them about the reason of departure. A majority felt a sort of incomprehension, powerlessness or even disappointment when they discovered that their own mother or father had lied to them. When – for instance – the interviewer asked the children whether they had asked the taking parent about what was going on, some of them indicated they did and some of them did not.

At that moment not really, we [child and sisters and brother] couldn't do much about it. Your mum, you're sitting with her in the car so... You can't really argue at that moment. Besides, you don't know for sure what's happening, especially not at that age. (R10, male, 14 years old)

Furthermore, some of the respondents could sense some distress coming from their (taking) parent, often by reading their body language. This means they did not dare to bother their parent with difficult questions about what was going on.

Yes, because um... She was really stressed about the journey. I can remember that. In that hotel ro-... um, in the room of the bed and breakfast, she was really stressed, both in the morning and in the evening. It was... It was a bit... I didn't... I didn't dare to ask. (R8, male, 13 years old)

He was constantly moving and walking around when we were at the airport. He didn't stay calm at all. It freaked me out. (R11, female, 15 years old)

It was a rushed decision. Just like that, he said we were going to live in [country x]. At the time, we knew nothing, we were kids, we couldn't know. Then again, we could see he had an excessive behavior, he was not relaxed." (R19, male, 19 years old)

Remarkably, six of the nineteen respondents called the departure to or stay in another country an 'abduction' and also saw it as such. All six respondents went to another country for the first time to live with one of their parents. However, not every respondent who stayed with one of the parents for the first time in a foreign country thinks of it as an 'abduction'. One child even seemed confused when she heard the authorities talking about the fact that she had been 'abducted'. Most children did not see their time in the other country as an 'abduction'.

When the interviewer asked the children for an offer of advice for the parents, about a third mentioned that they should inform and prepare their children better with regard to their plans.

Yes, well... Communication. Children need to know what's happening before the departure. Parents can't just give a vague explanation. For us this is useless. (R3, male, 15 years old)



**Missing  
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**Cross-Border  
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I think, talk well with your children about it, if they really want it and (...) if you make a step to go to another country where another language is spoken, don't immediately rush like a fool to go there, but just first try a month in [country x] or something to talk that language to each other and see how everyone is doing, because if it doesn't work out, then you're still in [country x] and there is nothing wrong and then everything is all right. (R17, male, 19 years old)



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## Chapter 5. How did the children experience their stay in the other country?

### 5.1. The experience in the other country

International removal cases without the consent of the other authorized parent are characterized by the children having to live in another country without at least half of their support structure (e.g. the left-behind parent, friends and other family members), often in a non-familiar environment with a different language, a different school, etc. When children were asked how they experienced their time in the other country, they reported feelings of stress and missed their left-behind family and environment.

It's not that I didn't like it there. It's just... I think that... There was too much pressure on me. Not only did I have to choose between my parents, but I also had to choose which country I wanted to go to... I had to leave my family, my friends, my language, everything. My mum was the only thing I had left. And those things, they... Well they weren't very clear to me. And either way, I was still so young. (R2, female, 13 years old)

Um... Well, it was difficult, it felt like a rather long period being away and I missed my dad. (R1, female, 13 years old)

I missed my home, my house. That is what I missed the most. Having my belongings, the life I used to have before, you know. Even though I enjoyed staying in [country x], I was missing something else. (R19, male, 19 years old)

In most of the cases the children were taken to a place, which was not completely unfamiliar to them. The results showed different scenarios. A first possibility was that the children were born there and had lived in the other country before. Other children had visited the other country when they were young or had spent their holidays over there. Some children (consequently) already spoke the language. Further, a majority of the children said that their taking parent or both parents had family and/or friends living there. Despite lies and sometimes the overwhelming effect of being in another country, a majority of respondents mentioned positive experiences in the other country, even if they had a clear preference to return to their home country. Three respondents, however, experienced a culture shock. They thought the mentality was different in the other country and one of them found it less safe and filthy. One such

respondent, who moved a few times to another country, thought one country was the opposite of the former country she lived in. She remembers the empty landscape; the intense blue sky and it was hot. There was no or slow internet and no public transportation. This made her feel locked up. She also mentioned feeling pretty depressed the first six months, but after a while she went to another class, made friends and learned to appreciate the country.

Over there, people's state of minds is different than here. In [country x], life is very harsh, it's... Not very clean. There is not much structure in their lives. It was so undisciplined. (R11, female, 15 years old)

[...] I had an intense culture shock [...] I was like wow-w where did I end up [...] you also don't have free-, well you do have freedom, but you can't really bicycle around or there is no public transportation, so I had to go everywhere with the car of my mother, so I, I felt very much uh-h sort of locked up over there, but eventually I really felt in love with it [...]. (R12, female, 17 years old)

Well, to be honest, we can say I was quite happy. I was... To me, I could have lived my life in [country x]. It did not change anything for me. (R19, male, 19 years old)

Remarkably, a few children who had been returned even showed a clear preference of staying in the country to which they were taken. Some of them did not mention missing their left-behind parent. They talked about their preference considering practical things they liked better in their new homes: sports, less homework, more vacation, etc. This was contrary to none of the other respondents mentioning playing sports during their stay in the other country.

Actually, it was fun. I'm going to be honest. School was fun because we always got a hot meal instead of sandwiches. And uhm... During the weekends, we went a lot on holidays still. (R1, female, 13 years old)

The remembrance of some respondents (e.g. who moved at a younger age to another country) seems to be more fragmented. Their memories could be fun as well as bad. Sometimes even very little things or small differences in the children's way of living made it a fun experience for them. The children liked it in the other country because they still travelled a lot, school and friends were fun etc. For example, one respondent liked the snow and that everything was really cheap. Another respondent had a fun memory of shooting cans with the parent, but at the same time he also missed his dog. One respondent had a bad memory of two boys locking her up with spiders in a bathroom when she was at her babysitter's.

Yes, that everything was really cheap [...], so for example you buy a candy and that's [...] just four cents. (R13, male, 12 years old)

And I just remember one time I had to go to a babysit and that uhm that women had two boys and they had locked me up in a bathroom full of spiders and then I started screaming "let me out, let me out" and then they started laughing from behind the door, so yes that's just a memory that stayed with me. (R15, female, 16 years old).

Most of the children went to school during their stay in the other country. They could all vividly talk about this. For some children, adapting to a new school was easy; even for one respondent, who moved so many times within the other country (mostly because of the parent's job). Another respondent who moved multiple times, however, also went to a few different schools and had more trouble adapting to the situation, particularly with making friends (later more about this last subject). Another child said he also moved a lot with the camper from one parent's friend's house to another, but he did not go to school. One child came back to her old school. Although she knew some former classmates, she was not very close with them because she also moved a lot before they left the country the first time. In total three out of nineteen respondents mentioned moving a lot during their stay in the other country.

I was at a different school almost every year, so in my life I was on about nine schools or something uhm yes, but I don't know it made me very uhm, how do you call it, 'adaptive' [...]. (R12, female, 17 years old)

I think we went in a camper from uh my grandmother's home to another friend's home and then again to another home [...]. Then we went around with the camper like this. (R14, male, 14 years old)

Around half of the respondents who went to school indicated some problems with the content of the lessons, especially in the beginning while learning a new language, and because of additional transitions while away from their home country. Most children indicated that with some help, such as extra lessons, they succeeded quite easily in learning their new language. A respondent explained that she could not speak the foreign language, but because she was young, and the other children could not speak any other language, she quickly learned the native language. This was the benefit of going to a local school. Later, in another country, she went to an international school, which also had benefits. There she met people who had just the same "weird life stories" as she did and she felt really good at that school. Some other children explained that they did not have many difficulties as they

already spoke the language at home, were familiar with it before the event or were very young when they left for the other country. However, if a child did experience some difficulties, the problem could be serious. A respondent who didn't have any connection with the (neighboring) country he was taken to, had a really hard time learning the language and this had a major effect on his level of education. He stated that he felt deadly miserable, really lonely, talked to himself, came back with a headache every day and found it a really gloomy period.

[...] since I was at once taken away from [country x] to another country [...], since then it just became downhill and everything went black and white basically [...] I don't know, that you get cold too, because the people around you don't understand you. You don't know what they want, so. (R17, male, 19 years old)

Four children did not go to school at all. One girl (eight year old) had a private teacher, but the other children (eight, four and three years-old) didn't get education during their respective four, seven and eighteen months stay in the other country. One of the respondents, even though he was familiar with the country where he was taken to, never mentioned a positive experience during the interview. He reported that he spent all of his time in a small apartment, isolated, didn't go to school, went outside for lunch mostly always with his taking parent and played in the garden under his parent's supervision. The stay in the other country meant a big change in his lifestyle. He summarized his stay in the other country as follows.

Hum, hell (...) Well yes, I... I did not feel well. [...] Well, I did nothing (...) Yeah (...) I had a bedroom, it was really small, and I couldn't even play inside. (Male, 12 years old)

The children who did not go to school all see their period in the other country as an actual abduction. Children who had a more positive feeling about school and having support, experienced their time in the other country as less negative or intrusive. Nevertheless, for most respondents staying in the other country meant a big change in their lifestyle. A majority of the children had some difficulty adapting to the situation, alongside the - often ongoing - parental conflict (see supra).

## 5.2. Parent-child relationship and communication

### 5.2.1. Relationship with the taking parent

As mentioned above, almost all respondents came from divorced or separated parents. Most of the respondents indicated being familiar with a certain access arrangement type before they went to another country. Almost half of the respondents did spend the same amount of time with both of their parents, but most children had a more permanent residence with one of them. In some cases, the children were taken to another country by the parent who wasn't their primary caregiver<sup>3</sup>. In two of those cases the respondents also already had a 'troubled' relationship with the 'taking parent' before the event took place. One of them indicated that, while being in the other country, it was difficult to be separated from his primary caretaker and to live with a parent he had barely been with or seen before. For the two children who did not see their taking parent very often and who had the feeling that their taking parent had rarely taken care of them, the reason for the removal or retention evoked a lot of questions, even until today.

Why did she keep me there? How could she? Why would you do this to your own son? (R6, male, 17 years old).

Why did he take us with him, why? Why did he hide his intentions? Why did he prevent me from having contact with my mother? I mean my mother never prevented us from speaking to him. She has always acted fairly. Why should he do something like this? Did he feel pleasure in making her suffer? (R11, female, 15 years old).

Nevertheless, none of the children mentioned that they feared the taking parent. On the contrary, a few children liked spending more time or even wanted to live with that parent (or with the left-behind parent who was not the primary caretaker). However, that did not mean they liked being taken by the parent to another country. Most children could not appreciate this. Below the quote of a child who wanted to live with her mother, but also describes the difficulty of their relationship. Another quote indicates clear negative feelings of a boy towards his taking parent.

[...] but I also didn't want to leave my mother, but at the same time it was very difficult to live with my mother, because I was actually a kind of grownup, well not grown up, but I became totally self-sufficient and she still had the idea that I was still a little child, that little child that she had seen three or two-and-a-half years ago [...] (R12, female, 17 years old).

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<sup>3</sup> Parent or person who has the greatest responsibility for the daily care and rearing of a child.

Talked about it, no. It was just told you. With my mother you can't discuss anything. [...] Normally, you would go through fire for your mother and she just could take advantage of that [...] (R17, male, 19 years old).

In most cases, though, the children did not mention that they preferred to be with either their mother or their father. Most of them just did not understand what was happening and missed the left-behind parent, primary caretaker or not. One girl explicitly indicated, while being taken abroad by the parent with whom she resided most of the time, that she was really scared to lose her bond with her father at the time she realized that their contact had been reduced to an absolute minimum.

I did not really understand. To me we were on holidays. It was very long so... (R18, male, 12 years old).

I remember that in the beginning it was fun until I realized that I only saw my dad five times a year. And then everything turned. I had fear, which I still have... Maybe I exaggerate a little, but um... I am scared that... to lose... that I will lose my dad (R2, female, 13 years old).

During their time in the other country, a few respondents developed the feeling that they carried responsibility for the situation. In some cases, the children even had the feeling that they had a choice before they left.

Well, I should have thought about it more carefully actually, but yeah ... [I felt responsible for the fact that me and my mother stayed in the other country] (R7, female, 14 years old).

Um. She had me... Because... Well... I had the choice if I wanted to go or not. Eventually I chose to go. But this was partly because... Because my mum wasn't honest about how things would go. She told me that things would improve – but they totally didn't (small sarcastic laugh) – and I mean, I was eight years old at that moment. I would think my mum wouldn't lie to me (R2, female, 13 years old).

Well, when we were with that friend of hers we told her. But yeah, she told us it was already too late. We should have said it before we left (R9, male, 16 years old).

Yes, that from age eleven I could do everything over by myself, but that I took the step to also stay with my father and pushed through to stay there. That I would never had experienced that whole period in [country x] (R17, male, 19 years old).

### 5.2.2. Relationship with the left-behind parent

A critical issue seems to lie in whether the child remained in contact with the left-behind parent. This can be controlled by the taking parent and influenced by the (already existing) conflict between the parents. Some respondents indicated that they have explicitly asked their taking parent to allow contact with the left-behind one. In some of the other cases the children thought it was no use to ask for this, for example, because they knew that the parent wouldn't approve the contact. Others didn't remember if they asked for contact or they already had contact with the left-behind parent. In a few of the cases, however, the respondent didn't have any contact with the left-behind parent at all. One taking parent initially deleted the child's father's profile on Facebook and ensured his phone number was blocked. Two other parents kept their child under constant supervision to prevent contact between them and the left-behind parent. Nevertheless, a few respondents reported that they still had some form of hidden contact with their left-behind parent throughout the experience, by means of Skype, telephone conversations or contact in real life. One boy secretly had phone calls with his left-behind parent, but told the interviewer that hearing this parent made it more difficult for him as this reminded him about his wish to return. Another respondent sometimes sneaked out of the house at the end of his stay in the other country to go to the other parent's house. On the contrary, if he was there the respondent made sure the left-behind parent never saw him. When he was asked for the reason, he stated:

Because my mother at that time told all of these stories about my father being mad at us and that he would do something to us if he got the chance (R17, male, 19 years old).

A majority of the children indicated that they were (in some way) able to contact the other parent. Two of them had regular contact and even went back to their left-behind parent each month or every one-and-a-half-month. One of them also went to school when he was there. In other cases, there had been some communication but most of the time it was very brief and/or occurred under supervision of the taking parent meaning the parent-child communication suffered from strain as the children could not speak freely. One boy responded that he had the feeling he could not say something right for either of his parents. If he told the left-behind parent too much, his taking parent became mad, but if he was not telling everything to his left-behind parent, the latter did not understand either.

It was mostly us [child and sister/brothers] and dad speaking. Mum didn't intervene, most of the time she just stayed out of it. However, when we were calling she was always listening from behind the

door to hear what we or my dad would say. If she heard something that was not according to what she had in mind, she threw a tantrum. Then things went totally wrong (R10, male, 14 years old).

The left-behind parent who remained in contact with the child did not always communicate to the child about the removal. In one case, the father had told the child that he thought she was still too young, at the time, to talk about the event. In some other cases the left-behind parent and the child did not get the chance to talk to each other without the presence of the taking parent. Consequently, some children indicated that they often just discussed everyday things if they could have contact with the left-behind parent. One child mentioned that the phone calls were difficult for him, because he had in mind the speech of his taking parent.

Dad didn't tell us anything about it on Skype, because we were still so young (R1, female, 13 years old).

We talked about what I had done in school, about my friends or about me going to the park or the pool etc, but nothing more (R2, female, 13 years old).

We spoke on the phone and it was like we had hypocritical phone calls. (...) Yes, there were very sensitive times, when our mother called us. We were there, and we were like "what are we supposed to do? What do we say?" (...) Did we have to take sides? (R19, male, 19 years old).

### 5.2.3. Relationship between parents

The children didn't really talk about how the relationship between their parents was during their time in the other country, since in most cases there was seldom or no contact between the parents. Nevertheless, the parents' behaviour and attitude towards each other visibly and individually affected the child.

Looking back on the period of their removal or retention, some children reported they were convinced that their taking parent had a negative influence on them with regard to their left-behind parent. Some children were often not fully aware about this until they were a bit older. For example, in one case the influence was felt when the respondent was told by the taking parent that it wasn't possible to go on a school trip because of the left-behind parent. In another case the taking parent had put pressure on the child by giving them a feeling that he or she had to choose which parent he or she wanted to live with.

Our dad [child and brother] gave us some time with our mum [they saw their mother in real life from time to time] and then uhm... after a while he came and started to talk to our mum to make her stop talking to us. He came on purpose to stop her. Back then though I wasn't aware of this, but eventually I think he did this on purpose (R4, female, 15 years old).

[...] you are being very influenced by the parent who you are with and who you are not with (R16, female, 17 years old).

Yes, I was crying the whole time. And then my mum told me: "Do you love your dad more than me?" Because if you want to go to your dad, then I'll put you in a cab that drives you to him" (R1, female, 13 years old).

Children who felt that something was wrong about staying in the other country and expressed their concerns, were often being soothed or lied to by the taking parent (again). A majority of the respondents experienced no or only little space to talk to their taking parent about the other (left-behind) parent. One child reported that his taking parent was threatening to send him and his brother and sisters back to their father whenever they expressed a desire to talk about him. The child's ability to deal with the circumstances and respond positively to the parent can be further influenced by what the taking parent tells the child about the (absence of the) other parent. One respondent, for example, was told that the former house was burned down and therefore they could not go back. Another respondent mentioned that the taking parent had already reduced the contact between him and the other parent by pretending the latter was not home when they were still in their home country. Later, the taking parent told the child that the other parent was mad at the children and that this parent would do something to them if he got the chance. In one case the grandmother said to the respondent that she was her mother and the respondent was born out of her belly. Below, some other remarks of respondents regarding their conversation with the taking parent about the absence of the other parent are presented:

My father told me: "she has left us. She already got remarried. She is going further with her life." I was shocked and um... I walked around a bit, I didn't pay attention to anything, ... I don't know exactly how I got through that period (R11, female, 15 years old).

Sometimes I cried because I couldn't see my mum and I said, I remember I said to my dad: "Why doesn't mum come here?" and he would reply "She doesn't want to". He lied to everyone (R18, male, 12 years old).

What often characterizes a removal situation without the consent of the other parent is that both the taking and the left-behind parent are likely to be distressed by the event (Spilman, 2006, Greif & Hegar, 1993). Some children mentioned that they picked up signals of heavy emotions among both of their parents due to the situation. One girl noticed several behaviours in her dad, which she linked to the event, such as seeing him cry, or smoking and he built a wall around himself.

But at a certain moment, my dad had a really difficult time. I saw him crying in his office, without him wanting me to see this. And that has... Suddenly I was like: “woow okay... Um...” (R2, female, 13 years old).

About half of the children reported that it is important to be informed (by the parents) about what is happening during the stay in the other country. When children were asked what they would recommend to other children in similar removal situations they mentioned different coping strategies.

There is nothing you can do about it. Just wait and see what happens. If you’re a bit older maybe and you understand a bit more about what’s going on, you could go [find some help] and find out what you can do if you don’t want to be there. But, really, there’s not much to do against it. You’d rather resign yourself to it (R7, female, 15 years old).

Most of the time, I just tried to suppress everything, swallow it until it ended. That’s the only thing I did at that moment (R10, male, 14 years old).

When you are at that age, you have to take things into consideration, know who is wrong and who is right. I know it is really difficult, because we are often influenced by our parents. We always think one parent is right and the other is not (R19, male, 19 years old).

[...] you are being very influenced by the parent where you are with and where you are not with and just also after that. That you still just understand what is going on and what, what has happened and why etc and if you don’t like it, that you can then talk with someone who is an outsider. Who then doesn’t really get hurt if you are saying like I rather stayed in [country x] or something (R16, female, 17 years old).

You shouldn’t think about it too much and leave everything to your parents. They have to decide. And having a lot of contact with people of your age to be able to talk to or to contact. The most important thing for me was... It was just so boring and not fun at all when you have no one to talk to (R5, male, 14 years old).

About a third of the respondents mentioned they tried not to worry too much about the situation. Two of them even preferred doing their own thing and letting their parents take full responsibility and control over the event. Some respondents advised that it was better to talk about the situation, for example with a professional or friends. A few respondents wanted to advise the parents that they should work out a solution; they must not let it come this far and they should not talk bad about the other parent. One respondent suggested that they should make an access arrangement, for example that the child visits the other parent or if the parent lives far away, goes on holiday with that parent. One of the respondents thinks that it is in the best interest of the child for the parents to try to be friends and not play the children off against one another. Two children even wished that their parents would have never separated so all of this did not happen. Another respondent remarked that the child belongs to both parents, so the parents should do everything with each other's permission. One respondent explicitly mentioned that the parents must talk to the children and ask what they want. Another found it important for the parents to let the child develop into the person that he or she wants, because due to the traveling the child will develop in his or her own way.

### 5.3. Relationship and communication with relatives and friends

At the time the respondents resided in the other country, about a third of the children indicated their friends were the most important people to help them with the situation, not always by talking about what was going on, but simply by doing stuff together. For some children it was easy to make new friends and to adapt to a new school. However, over half of the respondents had no friends, just one friend or friends that they were not really close with.

*I remember being in my bedroom and I would watch other children coming out of school. (...) It made me want to go too (R18, male, 12 years old).*

In most cases the respondents did not have (contact with) left-behind friends, because they left at a very young age, were too young to have the resources to get in contact with them, or had only been in the former country for a short period of time. For one respondent who did have contact with a left-behind friend, that contact was very important,

In a majority of the cases, the respondents had family (referring to grandparents, aunts, uncles and cousins) living in the country they went to. This was true, in a few cases family for both sides and in most cases for one side. The respondents mostly had contact with those family members and in two cases

lived temporarily with their grandparent(s). From the respondents it was clear that about half of them mainly liked the contact with their grandmother. One of them who had two grandmothers living in the other country did not like the contact with the other grandmother. Another respondent also explicitly mentioned that she did not like the contact with her grandmother. Most of the other respondents did not clearly mention or could not remember their relationship with their family members in that country. However, some children reported having ended up in a totally unfamiliar environment in the other country in which they did not have immediate family or relatives. Furthermore, in some cases the children suddenly had to share their home and their parent with other people, such as a new partner of the parent and his or her family, which appeared, for some respondents, a very complicated connection. Two respondents did get along very well with their new step-parent and their family. One respondent had to get used to family life again, when she came back for the second time to that family (she moved a few times to a different country). She mentioned that she also had a second family, as she calls it, which was a close friend of her and her parents.

Suddenly I just realized what was happening. I had to share my mum with two other kids. She had a new husband. So, it was totally different. Moreover, I could only remember living with my mum before (R2, female, 13 years old).

I really had a moment like wow, in the first place I have to adapt to the family life again, and second I have to really adapt to [country x], because it's just that different than in [country x], so it was quite, quite difficult for me (R12, female, 17 years old).

In almost half of the cases the children were taken to or kept in another country with their full brother(s) and/or sister(s). In three of those cases, not all brothers and sisters were taken to or kept in the other country. In eight cases, the parents had one child with each other, which they took to or kept in another country. In half of those cases the child had half- and/or step-siblings who stayed behind. In just a few cases the respondents went to half- or step-siblings in the other country. When one or more (half/step-) siblings stayed behind there was (little) contact with the respondent. In one case, the child eventually lost contact with her half-sister, which she saw as one of the hardest things she experienced in her life. Although (half/step-) siblings were very important for the majority of the children, remarkably almost all children indicated that they didn't really talk about the event with each other. One girl, however, could talk about the event with her stepsister who was with her in the other country and from whom she received a lot of support. In some cases, the oldest children experienced a kind of responsibility and need to protect the younger children from (the truth of) what was happening.

[...] yes and then it [contact with left-behind sibling] became less and less, less, less until it eventually seemed as if she just did not exist anymore [...] I always felt really guilty, uh as if there, as if there was something I could have done, which off course was nonsense, because I was six or seven years old [...]. (R12, female, 17 years old).

We didn't talk about it as they [sisters/brother] were still too young. They didn't fully realize what was going on, so it wasn't feasible to talk about it (R10, male, 14 years old).

It was me reassuring my brother that everything was going to be all right, that our mother would come and get us within a few days. I just told him things like that. I kept everything to myself, but from time to time I wished someone had set me at ease as well (R11, female, 15 years old).

Some children had an adult person, a friend of the parent or family of a friend, to whom they could talk about their feelings and situation. Other children reported that a teacher/school counsellor took an important role in talking about the event.

What I really want to recommend is a good connection. Even when you are going back and forth between two countries, you need something... Someone who doesn't necessarily physically join you while you are in the other country, but with whom you have close friendship, someone you can chat with every day, with whom you can share your funny moments and stories of the day (R8, male, 13 years old).

#### 5.4. Relationship and communication with professionals

About half of the nineteen respondents said that they had never been in contact with a professional (except for a professional within the hearing procedure) during their stay in the other country. In one case Child Protection stopped by and talked with all the children one by one. However, the children didn't understand the language, so according to the respondent they just sat there and laughed a little bit. Two respondents did talk to a therapist. They both also talked to someone from school (a school counselor and a teacher). Two other respondents also talked to their teacher. A few of the children who got the opportunity to talk to a professional during and some after the event, indicated at first that they did not really want to talk to a stranger about their feelings or to anyone at all. Some explained that having a good talk with one of their parents, other family members and/or (family of) friends was sufficient. Nevertheless, they eventually thought that a psychologist or a teacher, whom they



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could trust, provided added value to their wellbeing, especially during the event. One respondent who talked twice with a professional, once with a play therapist and once with a school counselor, didn't like the first therapy, but really liked talking to the school counselor. The respondent still gets very mad at the thought of the first therapy, because it involved playing with toys, while the respondent felt too mature for it.

There was one teacher who I could talk to. This teacher was a sort of connection to me, someone to whom I could tell everything (R10, male, 14 years old).

Yes-s-s, I had for a while (laughing), they wanted me to go on play therapy (sighing) I still can get really angry about it, because [...] I was still young, but I was actually already mature, and I sat there, and they really just wanted that I would play with Lego or something. I was really like "What do you want from me?" [...] (R12, female, 17 years old).

Some children thought it would have been helpful to receive formal help while in the other country from someone outside the conflict, in an organization like Child Protection or the Embassy. A respondent suggested that if Child Protection decided to help they do so unexpectedly. In his case they made an appointment first, so when they came, the whole house was cleaned. Additionally, another child said that he did not know how to contact an organization such as Child Focus/CFPE Enfants-Disparus/Center IKO in the other country.

The moment at which I didn't see my father anymore, I would have wanted to have someone who could help you, someone who you can go to and tell your story... a professional (R3, male, 15 years old).

Well, try to find someone honest in this story. (...) Before this happened, something else bad happened, there has been a break up. So, I would recommend to meet with someone else, like a supervisor, a counselor at school for example (R17, Male, 19 years old).

Almost half of the respondents (also) mentioned the police when asked if any other third party had ever interfered in their living situation. In some cases, this concerned the period of their stay in the other country and in other cases, the time of their return. The context of the police's intervention differed significantly from case to case. Most of the children did not have a special feeling when reminded about the events in which the police were involved. One rather young child, however, said that the police stopped by from time to time and that her mother told her and her brothers and sisters to hide and pretend they were not at home. The little girl saw this as an exciting experience back then.



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I thought it was fun. We needed to be quiet and when you're a little kid you think this is cool right. (R1, female, 13 years old).

The respondents who had contact with the police showed high appreciation for them when they had been kind and when they explained what was happening during the intervention. One boy responded that he wanted to recommend to the police to interrogate the parents and the children about the abduction separately. This allows the child to speak freely and not to fear his parent's reaction afterwards. In the cases where the police were involved at the time of the return, respondents often felt strong emotions. One respondent was even terrified. Also, in the case where the police were friendly, the respondents mentioned feeling overwhelmed and/or scared. In one case a respondent became angry at the police officer and hit and kicked him. The policeman was the only person there at the time. This case will be further discussed in the Chapter on the moment of return.

## 5.5. How did the children experience the hearing procedure?

In more than half of the cases the children responded that there has been a court procedure. In one of those cases the respondents didn't have any remembrance of it at all. Some respondents also could not remember very clearly if their voice was heard during a return procedure or another procedure. In one case it was not clear for a while where the procedure should take place. This respondent claimed that there were always a lot of problems with court procedures and it caused much stress to the family. From the cases in which there was a court procedure, more than half of the children got the chance to give their opinion to the court. Most children thought they were heard by a judge; one child didn't know exactly by whom she was heard and another child just wrote a letter to the judge about the fact that she was afraid of the taking parent, but she never spoke to someone from the court. Nevertheless, all children were asked to express their opinion of being heard and the response was a clear mixture in feelings and perspectives. Whether or not the children spoke to a judge, most of them gave positive feedback on the existence of the possibility to let their voice be heard. The proponents think the child's story can attribute to a better fact-finding for the judge, as parents can have a different experience, needs and wishes than the children. One respondent, who was heard, thinks it would be nice if someone familiar would be there. A respondent, who wasn't heard, mentioned that he would have liked to be heard by a mediator. On the other hand, he thinks that children don't need to be present alongside the parents, in cases about custody. Children who did not get a chance to be heard were very curious to know what happened during the court procedures, what had been said between the

parties, and why they had not been asked for their opinion. They also agreed they missed clear communication and lacked understanding about what was going on (the latter was also often the case when the children were being heard). At the same time, they felt the procedures involved their future about which they cannot express themselves at the moment they are left out of the court procedure. More than half of the children think it is extremely important that a child does not get the feeling that no one is interested in his or her story. Some of the youngest children in our study had the feeling that they were being left out because of their age.

I never had the chance to tell somebody what I wanted. The judge was not really interested in my side of the story because I was rather young (R10, male, 14 years old).

I don't really have the feeling that they took into account my opinion. I mean, I am not above a certain age, but this doesn't mean that I am invisible right... (R7, female, 14 years old).

On the other hand, two children indicated that that they did not want to be involved in the court proceedings and that they had no specific wish to be heard. One boy said that he was just busy doing his own thing. Another boy thought that his parents should take full responsibility about his and his sisters' living arrangement. On the opposite, one respondent didn't speak about if she wanted to be involved in court or not, but stated that she didn't want the court to be involved in her life. She herself knew best and she should had been able to decide by herself.

I didn't want the decision to be in our hands. It's up to our parents to decide... That's why I did not want to do or tell much [during the hearing procedure] (R5, male, 14 years old).

[...] I found it very, very annoying uh how every time that I talked to those people, that they always, they treated me as a child who knew nothing, while the whole situation, while it was about me. I had to experience the whole situation, so I always found that really hard uh and I just wanted to decide by myself what I wanted and I found it very, just very terrible that someone else held my life into their hands [...] (R12, female, 17 years old).

A majority of the children did not know what to expect of being heard. The children did not have a clear understanding of what was happening, as well as what was being expected from them. A few children even thought that they had to choose between their parents, if they would talk to the judge. One respondent, who wrote a letter to the judge, remarked that she and her mother had to put a lot of effort in getting the other parent in prison.

On the one hand you're happy that you see your dad back. On the other hand I was like 'okay and now you will have to choose...' (R9, male 16 years old).

No-o-o, I don't know exactly what it was about, but I just do know that they just asked me if, you know, what do you want and uh apart from your parents, what would be best for you, what would you prefer, what parent do you want to live with, all that sort of things (R12, female, 17 years old).

[...] I have such a feeling that someone did stop by, but I thought, we were all too young back then to really decide where we wanted to go (R16, female, 17 years old).

There were also some other clear disadvantages the children brought up about their involvement in the court hearings, linked to the danger of feeling pressure coming from one or even both parents. A few children felt like they had to say what their parent had ordered them to tell during their talk to the judge. Other children were mostly scared to hurt one parent's feelings and by this means felt like they could not speak freely about what really mattered to them. The children also wanted to avoid aggravating the contact and relationship between the parents, as the parental tensions were something that remained during the whole removal process. One respondent also didn't like that the taking parent used the opinions of the children for the benefit of his case in court.

When I would make this choice [of returning], I'm afraid that the bond they now managed to establish will go away [between her parents]. And I don't want people get mad at me. And even if I would want to return, I would need a court procedure and a court procedure... Well, it's always two people and one side that loses (R2, female, 13 years old).

[...] we totally didn't have a good relationship with my grandfather and -mother [...] and we also told that. And my father also told that, only that didn't really work, so then he used that a little bit. That bothered us, because we would like to see our mother, but not them (R16, female, 17 years old).

One respondent remarked that her parents always talked openly about everything that was going on during a court procedure. Conversely, a few parents did not talk to the children about the procedure at all. In some cases, the children were not certain if they could believe what the parents told them. In others it was not clear if parents spoke openly to the children or not. Most children did not get any feedback after the return procedure (or did not remember or speak about getting feedback) and did not know the reason for the decision of return or non-return. A few children did know through one of their parents, but some mentioned that they wondered if their parents would lie about or hide certain things.

I couldn't always tell if they were telling the truth. I just didn't know for sure (R5, male, 14 years old).

A few children also had some mistrust towards the judges. They were not sure if the judge would make a fair decision. One child thought and perceived that the judge was prejudiced and was taking her parent's side. Another respondent thought the judges were very respectful and did their job but she also felt that the procedures would not really come to a solution in her case since her situation was so difficult and had always been "a bit of a hassle" to agree where the procedure should take place. This respondent also stated that it often felt as though people wanted her to talk badly about one parent. One boy explained that he was sure that the judge was asking him these latent questions to indirectly decide to favour one of his parents. He said, the judge was very unprofessional as he only wrote bad things about the country to which the boy was taken. The child wanted to recommend that judges should literally write down what the child says to avoid holding on to a distorted report of the child's story.

The children responded negatively when asked if they felt their opinion was taken into account with regard to the decision of return or non-return. One child mentioned that judges should not only reassure the child but that they should truly listen to what the children tell them. In another case a respondent said that she was asked for her opinion, but she thought that nothing could be really used since she and her siblings were too young. She also said that the hearing is of no use if the judge does not really listen to what the child wants. One child explicitly recommended that the judge should look at the parent-child relationship with consideration for whom the child feels best with. Another respondent thinks that the relations within the family need to be checked and that the professionals should not believe everything the parent says. Another consideration was with which parent the child's living conditions or future is best guaranteed. Two respondents mentioned that a child must not live in a very poor neighbourhood or country. According to one of these respondents, who travelled a lot during the stay in the other country, it is better to live at a permanent residence than travelling around. This respondent also mentioned that the child must be happy and has to get the best outcome.

Eventually, the outcome of cases that went through a procedure (in a few cases unknown if it was a return procedure) was that most respondents went back to their former country and only very few stayed. One girl did not understand why the judge had chosen the least preferable option that seemed obvious to her. Another child felt anxious and desperate during the court proceedings due to an unwanted outcome for himself; after being taken back by the taking parent, the child feared the judge

would decide in favour of his return to the other country, even though his life there had been described as unbearable.

I was telling them that they [the child's parent and new partner of the parent] were beating me, that they mistreated me. I told them I didn't want to go back there. When they told me, they couldn't do anything about it, I just started crying. They clearly saw that I didn't want to go back, but they told me they couldn't do anything about it. But, yeah, then eventually they did... I still don't get it. (R6, male, 17 years old).

## 5.6. How did the children experience the moment of return or non-return

The moment of return resulted in different scenarios for the respondents. Almost all respondents went back to their former country regardless of (some kind of) a procedure or not. In one case the child returned to the country where the taking parent eventually was arrested. On the way back to the former country the child had to travel on the back of a smuggler, who helped the former left-behind parent and the child escape. This parent tried to ease the situation by pretending to play tag. In another country, however, they were caught by the police. The respondent remembered waking up alone in a cell without the parent and feeling terrified. Nevertheless, with the help of a television program they managed to get back to their country. Two other children received some help from a teacher or a grandmother to 'escape' the taking parent and the other country. In the first case the teacher helped the respondent by letting her secretly get into contact with the left-behind parent. The respondent had set up a plan with this parent to pick her up and flee the country. The left-behind parent, scared that the taking parent would alert the police, did not risk traveling through an airport to return to the country from which the girl had been taken. Instead, the parent and the child travelled through two other countries by car and other transport (accompanied by refugees) before taking a flight back to the former country. In the second case, the grandmother restored contact between the child and the left-behind parent. After a lot of fights between the respondent and the taking parent, the parent decided to let the child return to the former country and the left-behind parent came to pick her up. Another respondent, however, returned to the left-behind parent on his own initiative. The respondent was kicked out of the house by the taking parent when he turned eighteen years old and he walked back to the other country. He saw his left-behind brother and he took him home to the left-behind parent.

From the total number of cases, only a minority involved the police with the return of the children. Such respondents were often scared, and they didn't know what was going to happen. In one case the parent and the respondent were located by a private detective and the respondent was taken away by a police officer. This made the respondent angry and he hit and kicked the police officer. As mentioned before, the policeman was the only person there at that moment. The police officer brought the respondent to the house of a lawyer where the respondent had to wait until the left-behind parent came to pick him up. The parent eventually took him back to his former country where a "party bus" was waiting for him. The taking parent was arrested. Another respondent experienced the moment of return also as very intrusive. Suddenly there were policemen in his mother's home to arrest her and to take away the children to a foster family.

This was quite a big shock actually because we didn't got a clue of what was going on at that time. What was happening and why? Did someone do something wrong or (. . .)? (R10, male, 14 years old).

They had to stay in this foster home for a few days until their father would pick them up. According to the oldest child within this family, however, the best possible way of dealing with the situation was not to let their mother further manipulate the situation. He explained that at the time he and his brother and sisters did not know what was going on, they began to speculate about what was happening and would happen in the future. By this means they created certain expectations.

We were talking about whether we would go to mum or dad. We didn't know anything about it. We didn't get any information on that. And this was our topic of discussion: some of us would regret it if we wouldn't see mum anymore and the other ones thought it would be fun to go back to dad as we hadn't seen him for two years (R9, male, 16 years old).

The child said the people from the police and the foster home were very kind to him and his brother and sisters. In another case a respondent also described the sudden aspect of his return. He associated it with negative and ambivalent feelings and thinks he should have been better prepared. He states that in the morning he woke up to go to school and found himself in the evening in another country.

It was a really big surprise for me, I did not expect it, I was not ready. It was quite brutal. I was summoned. It really was a big, big surprise for me... I wasn't ready, I was... It was sudden. (...) I was summoned by the school principal and then, to my big surprise, my mother was there. At that moment, I had my father's perception, which was that my mother was evil. So, I did not know what to do. I said:

“am I supposed to come with you?” and she replied: “Yes, that’s the law, you must come with me.” I did not want to. I was starting to adapt here, in [country], and I did not want to leave (R19, male, 19 years old).

However, in two cases the parent (in one case the left-behind and in the other case the taking parent) explained to the children what was going to happen. In a third case the respondent knew his parents were in a fight, but had no idea what it was about. He just went to his left-behind parent for a monthly visit and stayed instead of going back to the other parent; the other parent also returned and eventually stayed in the habitual country. Another child, who also didn’t know that his parents were arguing about where he should live, mentioned that he and the ‘taking’ parent voluntarily returned to the habitual country. A ‘voluntary’ return occurred in a few cases. One child had a kind of transitional phase to return to the left-behind parent. She spent time with her father in the country to which she was taken to by her mother while the court proceedings about her return were kept pending. The transition towards her return felt more gradual to her. Another child clearly explained the need for caution and sensitivity with regard to return or non-return decisions. She reflected the following based on her own situation:

What I am thinking is... When I have to come back... I mean, what about school... Uhm... How will my mother react, the friends of my mother who have children who have become my friends as well now. I’m really scared of what people will think of me (R2, female, 13 years old).

One of the children responded that he was surprised by how he felt about the idea of returning. He said that he had lived with his dad all his life before the removal and that he was desperately hoping to come back to his former country, away from his mother. Nevertheless, he resided in the other country for four years and said he could not clearly remember being and living with his father. For some children it was clearly scary to return as that meant re-integrating again after (finally) getting used to the new setting in the other country. Nevertheless, some respondents were happy to see their left-behind parent again. In one case, the decision of the court to stay in the country didn’t prevent the respondent from going back to the other parent (i.e. her mother). However, eventually that respondent went back to her father again because he thought this was in the best interest of the child.

I jumped into my mum’s arms. (...) There was the whole family there too. There was my cousin, my aunt, my grandpa, my grandma, I think, my uncle, there were a lot a people (R18, male, 12 years old).



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[...] at one point I was like 'if this is how we live then why won't you let me go live with mom if that's what I think is best' uh and then it was like 'yes, actually you are right' (R12, female, 17 years old).



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## Chapter 6. How did the children experience the period after the removal/retention?

### 6.1. The experience after the return or non-return

Many of the respondents mentioned that the left-behind family and parent's friends were very happy to see the children when they returned to their former country. Except for a few cases, in which the children would have rather stayed in the other country and for one case in which the child was not happy about the non-return, most respondents were very happy to be back in their home country, residing most of the time with their left-behind parent. To the question what is the most positive thing about the event, one respondent answered that he saw his family again. However, in a few cases the respondents did not have an outspoken opinion about whether they were happy or not. Those respondents were still very young when they came back. One respondent mentioned that it was nice to see the left-behind parent again, but it was not nice to leave the other parent behind. Another respondent had also some mixed feelings.

At first, it was really difficult because we grew up seeing our father as the good guy and our mother as the bad guy. In fact, our father was nice, and our mother was tough. It was very difficult during the first couple of days. There were a lot of people around us, we were still being nice with her, but at some point, we said we wanted to go back to the way things were. We said stuff like that but at the same time we knew we had to stay with her. So, we did (R19, male, 19 years old).

The few children who indicated they were not happy in their current situation took into account a variety of factors for their motivation. One boy mentioned that he did not miss his mother or environment in his home country while in the other country. On the contrary, he had more friends to hang out with and more opportunities to take part in different types of sports there. The boy responded that he badly wanted to go back one day. Another boy weighed the pro's and con's and sees school, family and his best friend as most important factors.

Right now, I've had it. Also with my dad, it's not that I'm fed up with him or something, but I just want to make a click. I want to go to [country x]. I want to follow lessons over there. But, I mean, at the same time, I also don't want to give up my studies here, as you don't have the same possibilities over there. There, you have... Well, other study directions. But less organized schools. Well, the schools are

a little like in [country y], but with less homework. But, [country x] with my mum, sister and best friend, that would be perfect (R8, male, 13 years old).

What's remarkable is that, despite their happiness to return, two respondents mentioned that they suffered from a depression shortly after. Another respondent said that one of the siblings suffered from a depression and one respondent said that she expressed negative and bossy emotions in a negative way towards her classmates.

In return cases, some children – again – mentioned some very small changes as the most significant transitions, such as how grown-up their niece had become, how their house had changed, a different way of going to school (e.g. by car instead of by bike) or now speak a second language very well. A few respondents also mentioned that they probably missed something at home, missed a school year or that the relations within the family changed (more disagreements between the parents, and travelling to the other country to visit the other parent). However, these children didn't think the whole event had a really big impact on their lives.

About half of the respondents found the biggest change in switching school and making new friends. Most of the time, the children had to adapt to a lot of changes even when they returned to their home country. One of the respondents found school difficult because he didn't know anyone, and he was shy despite having attended that same school every month during his stay in the other country. Some children responded that they found it especially difficult to deal with a volume of questions from other students. The students asked many questions and told one respondent that she was 'abducted' when the respondent did not feel like that at all. Another respondent mentioned that she was initially put in a class of refugees when she came back and found that horrible. Furthermore, some of the respondents had to redo a class contrary to a respondent who skipped a class and another respondent who is ahead of the other students.

When we came back it was all again one big change as we didn't go to the same school anymore. I finished primary school and had to go to high school. When we came back we immediately went to school. We had to make new friends. We had to join in the middle of the school year. I mean, everyone knows this kind of stress when going to a new school right? (R10, male, 14 years old).

The other students were asking questions about why I had returned. But I didn't tell them why. No, never. The teachers knew, because my mother told them at the time I was in [country x] that she didn't know when she would be able to bring me back to school (R11, female, 15 years old).

Nevertheless, for most of the children problems at school and with friends were most often short-lived after their return. After a while the children noted that everything went better.

I mean, I've been through all these bad things, of which I wished they didn't happen. But I can't do anything about it anymore, so I just need to get something good out of it, right (R2, female, 13 years old).

Now everything goes well again. I can keep up in school and I have my own friends (R10, male, 14 years old).

About half of the respondents received some extra tuition. Only some respondents indicated language problems. All respondents who returned spoke a new language but almost all respondents learned their former language again, very fast. What's remarkable is that about one third of respondents mentioned that they sometimes still use words or grammar from the other country in their sentences. One respondent mentioned that a music teacher helped with learning the language by drawing pictures. Another respondent didn't speak her original language anymore and she had to follow a lot of extra lessons to keep it up. This respondent who also indicated that she had difficulties at school during that period in the other country, said that upon return, she had a hard time reintegrating in her new school. She explicitly blamed her delay in school on her father and his decision to take her to the other country.

What he has done... I mean I have a lot of difficulties at school now. When I see my fellow students, I just feel... Yeah, different. (R4, female, 15 years old).

I didn't understand what they were saying or what it was about. I couldn't explain or prove things. As a consequence, I had to redo my year. Afterwards everything went well. I passed my second and third year easily and until now everything goes very well. I keep up with my classes and I have my own friends at school (R10, male, 14 years old).

Another respondent also especially blamed the taking parent for ruining his youth and partially his future, because of the lag in his education. According to this last respondent the impact on his life was

big. He doesn't trust anyone anymore and he hates 'the human being'. For quite a while this respondent was confused with himself. Another respondent has the feeling that nothing lasts for a long time. This respondent is also against marriage (in some way) because she does not want to involve a third party into her life. A respondent who had a different vision about marriage said the following:

Well, it is essential. I am convinced that getting married is something important in someone's life. It represents the love we share with someone else. I do not see it as something bad just because my parents got separated. To me, marriage is an important decision between two people. Even if we can live without it, it remains an important step in life (R19, male, 19 years old).

The whole event had been a difficult period, nevertheless, most respondents could still say something good they learned from their whole experience. A few respondents thought the event made them stronger and made them feel they could always see the positive side of things. One respondent thought the event made him more mature and nicer.

I think this event shaped my character, it made me what I am today. Today I think I am a good person. (...) I have the feeling that for someone to become good, something terrible should happen to them. Everyone thinks I was mature quickly. Maybe it is because of what happened to me, I think. (R19, male, 19 years old).

## 6.2. Parent-child relationship and communication

### 6.2.1. Relationship with the taking parent

Almost all children indicated a reduced quality and strain in their relationship with the taking parent after the event. The contact is good in just a few cases (and in one case even better). In one case where the relationship between the respondent and the former taking parent is not always good, conversations often end in a disagreement between the respondent and the former taking parent. In this case, the respondent did not have contact with the parent for the first two years because it was too difficult for the other parent. A few others describe having hostile or angry feelings towards the parent. One girl said that she has a lot of – physical – fights with her taking parent. She does not hate her taking parent, but she thinks it is exhausting to have all these discussions and fights all the time. The girl mentioned that she looks forward to the moment she turns 18, so she can independently decide to visit the taking parent. The child who did not return to her left-behind parent looked forward to the

prospect of returning to her former country when she came of age. When asked what he wanted in the future, one of the children, who had negative emotions towards the removal, responded that he would like his taking parent to pay his left-behind one for the trouble she had cost.

She can pay my father and my mother [the child sees his stepmother as his real mother], that's what I want. I think this whole case has cost more than enough money. (R6, male, 17 years old).

In about half of the cases the children had no contact with their taking parent at all. In most of those cases, there was (very little) contact at first, but within a short period of time the contact ended. This did not always occur according to the children's own wish. Two of the children did not see their taking parent anymore as in contact they always faced endless discussions because their parent did not have enough financial security. One child said that his parent did not want to see him anymore or did not want to make an effort to be involved in his life.

I regret not having a normal mum, that's all. I don't regret not seeing her, I'm better off without her. I once called her, and I was telling her that I have a girlfriend and a motor cycle; that I'm doing good at school and stuff, just to let her know what she's missing in her son's life, what she's throwing away. But, yeah, she doesn't care at all. "Ah really, that's good", while I hear her uninterested tone. "But, actually it's not a good moment for me to call. I need to go to the post office". Seriously, I mean, I didn't hear from her in two years. Her own son... I knew more than enough at that moment. (R6, male, 17 years old).

However, five respondents had made a conscious choice not to see the taking parent anymore. One of them said that the other parent only showed interest when the parent needed money. This respondent is very upset at the former taking parent and never wants to see that parent again. The other respondent mentioned the following about the reason why he didn't want to have contact with the other parent anymore.

I did not want to talk to him because I knew his sad opinion about my mother. I did not want to because I knew that if I did, we would have had an endless conversation, he made up his mind (R19, Male, 19 years old).

In two cases the judge ordered a prohibition of contact between the taking parent and the children. When three children of the same family were asked about their feelings towards the taking parent (their mother), the interviewers noticed that all the children thought she had done something seriously wrong, but that the punishment was maybe too hard. The children said they want to see their mother

again. One of the children suggested restoring their bond with her. Another respondent did not want to see the taking parent. He reported that he feared he would be taken to the other country again and mentioned his new family to explain his lack of desire to get in contact with his taking parent.

I would want to stay here with my dad most of the time, but also spend a little time with my mum... But, yeah, under some kind of surveillance or something (R9, male, 16 years old).

I am afraid that, for example, he would come in town and abduct me again. Hum, I do not manage that very well. [...] I am feeling better ever since we have a new family (R18, male, 12 years old).

Two children, however, explicitly stood up for their 'taking' parent not because they wanted to take sides but because they did not like the negative connotation other people gave to the event and to this parent, who also did many good things for them.

Yes [a judge should also listen to the positive things that happened in the other country], because otherwise there is a sole focus on the bad things, but there could be some good things too. And then, well, no one knows. And then everybody thinks... that she is just a bad person or something. (R9, male, 16 years old).

It felt as if people wanted that I, just say, would talk negative about my mother and I was always like 'I don't want to talk about it' [...] I just want to go live with my mom. 'That's all I'm going to say' (R12, female, 17 years old).

Another child also defended her parent. This child was not willing to believe what others said about her mother at first. Even as another respondent who had to explain to her classmates that she wasn't been 'abducted'. As mentioned before, most of the children did not and still do not see their stay in the other country as an 'abduction'.

I see how my mother is like now. What she did... They had told me this before, but I didn't understand it back then and besides I didn't want to believe that my mum would do something like that. So, I told them it wasn't true (R2, female, 13 years old).

Even when the children knew that their mother or father did something wrong, they still preferred both of their parents close to them and sometimes to each other. More than half the respondents who no longer have contact with the other parent, are still willing to contact the other parent in the (nearby)

future. One respondent wants to wait until she is 18 years old because she can then do more if anything should happen and she would be more confident.

If it hadn't happened it would still be a week-to-week arrangement. (R1, female, 13 years old)

Six months ago, my brother initiated contact with him. One thing lead to another. He forced me to talk to him too even though I was reluctant. Finally, my father decided to support us and be a father again. [...] Eventually, I lived in a single parent family, all this time. I never saw my father otherwise. Even though parents get separated, keeping in touch and seeing both parents is important. (R19, male, 19 years old).

The danger in wanting to be close to both parents and them being close to each other is that a few children felt frightened to speak up for themselves and what they wanted. They indicated having felt pressure or a form of manipulation coming from one or both of their parents. One child felt guilty and did not want to disappoint her taking parent by saying that she rather wanted to return or spend (more) time with the other parent.

They don't have many problems anymore with talking about each other. If I... My mum sometimes is like: "Did you ask your dad this or that..." Like very random. Or she's happy for me when I can go to my dad. So that's nice. So, between them it's good. But what yeah... If I would make this choice [the child prefers returning to the other parent] ... I just don't want their bond to be broken or go away again. (R2, female, 13 years old).

### 6.2.2. Relationship with the left-behind parent

A majority of respondents who returned to the left-behind parent mentioned a very good relationship and the ability to have good conversations with that parent. One responded that he and the former left-behind parent never talked about the event at all. The respondent only talked to his girlfriend about it. Two other respondents remarked that they felt unable to talk about the event with their left-behind parent because one of them saw that it made his parent angry and the other one thought that it would make his parent sad. In another case the parent rather did not want to be reminded of that time. The relationship between the respondents and the former left-behind parent was most often good but it was not always easy to re-adapt, especially after the child had spent a considerable amount of time in the other country.

I can see it was difficult for Mum. When I talk about it with her, it hurts her. So, whenever I think about the past, I do not tell her. (R18, male, 12 years old).

It was just strange. It was so weird to be back, you know? To be back with my dad, with whom I had spent all my life. I had to adapt here, get used to my father again. I hadn't seen him in such a long time, or at least not for real, maybe once at Skype or something (R6, male, 17 years old).

When we came back, we were not in the same bedroom anymore, there has been a substantial change. (...) We had separate bedrooms, she tried to make an effort. We saw that the mother we knew before, or actually the image of her our father wanted us to have, was gone. I had a different mother in front of me when I came back. (R19, male, 19 years old).

A few respondents, in hindsight, indicate having had different views about what was going on and even about their parents' characters. One respondent, who thought his left-behind mother was the 'bad guy' now speaks of her in the opposite sense. Some, until now, still have a lot of questions about the period they were taken to the other country.

Now, thanks to that, she is an independent woman. She takes care of everything by herself. During all these years, she helped us, she gave us what we wanted even if she won nothing. (...) Then over the years, I realized that she was a strong woman. She knew what to do, and now she feels good, and then she is happy and I'm very glad for her (R19, male, 19 years old).

At first, we thought we were going on holiday but then he explained. But he didn't explain why not even until today. I have already asked him for more than a thousand times when we Skype or at the time that we still saw him – but not anymore right now. And then I ask him about it, but he still doesn't give an answer. I think that's strange (R4, female, 15 years old).

Yes, I really wonder why... That was the only reason why I wanted to have contact with her again. I wanted to call her two years ago (R7, female, 15 years old).

### 6.2.3. Relationship between parents

In this study children were asked how they experienced the relationship between their parents after the event. What is notable is that the parents of one respondent came back together again. They also lived in the same house and the respondent said that it was a cozy home as if nothing had happened before. However, parental tensions remained in most cases and parents had no or very little contact with each other. Some parents did not find a way to manage their communication or expressed strong

negative feelings towards the other parent. In one case, a former taking parent sent cards and gifts to the respondent, but those gifts were sent back by the other parent. The other parent bought other gifts instead, so the respondent did not mind. One child mentioned that her parents initially did not want to speak to one another, but that from time to time they now communicate through e-mail. Her parents also ask her things about the other parent, which she saw as a positive evolution in combination with their renewed online contact. Another respondent experienced the same: the parents had little contact (e.g. by e-mail) and when they did, they argued a lot. The respondent said that she is often used as an intermediary in their communication. One of the children felt sad about his father's vision of his mother, even nowadays and saw his father's reaction as the most negative thing.

No, they don't have contact with each other at all. 'Hate', yes... My dad sometimes expresses himself: "I hate her!" But then he doesn't really mean... I think, well yeah ... But I can understand (R1, female, 13 years old).

Even at that moment [when the judge decided that the child would not return and stay in the other country], I did everything between those two. They didn't talk to each other. They didn't even open the door and that was... And if my family came to pick me up or the other way around, then they didn't even say hello to each other. It was only about me arriving or going and I was like "well okay then..." (R2, female, 13 years old.)

### 6.3. Relationship and communication with other relatives and friends

A remarkable finding is that three respondents returned to their left-behind parent without their full brother(s) and/or sister(s). In another case, the children returned together but after a few years one sibling moved back to the other parent again. The respondent still sees her sibling from time to time. Two of the respondents who came back alone, said that this happened according to their own wish. They knew that their siblings were not joining them back home, but they really wanted to return. In one of those cases, the taking parent thought that separating the children was not a good idea and after a while returned with the remaining child back to his sister. The girl, as well as the boy, however, said that they fight a lot. In the other case the child has not seen his brothers and sisters for over six years. For him the contact he has with his oldest brother through Facebook is enough. The other respondent who came back alone to the left-behind parent and left-behind brother, left four siblings behind. In this case there is no contact between the respondent and the siblings in the other country. According to the respondent they are afraid of him because of the other parent and they cannot have contact

without being monitored by that parent. The respondent thinks that two of the siblings will also come back eventually. One respondent also doesn't have contact anymore with one of her two half-siblings in the other country. The respondent mentioned that letting her go was the hardest thing she had to do.

A few respondents (also) came back to their (half/step-) sibling(s). One of them was angry that he did not see his half-siblings grow up. He hardly recognized them. Other children developed a closer bond with their brothers and sisters after living the experience together. In two cases it was clear that the oldest children took responsibility for the younger ones and tried to protect them by arranging everything for their return to the left-behind parent. They now have a high level of trust in one another and sometimes more than in anyone else. In none of the cases did the (half/step) siblings talk to each other about the whole event.

I would recommend a good connection, one like I have with my sister. You need someone who will not betray you. My aunt could betray me. She has promised me not to, but I can't really trust her you see. The only person I can truly trust is my sister (R8, male, 13 years old).

The experience with friends after the return is varied. A few respondents did not have any friends because of their young age, and most of the other respondents had just one, two or a few friends, which they often did not know very well. However, in one case, the respondent had friends who were very glad he came back. Another child was glad that he did not have to move back and forth between his parents now that his mother was living in the other country. Now he could spend more time with his friends. Another respondent mentioned though that his former friends acted like nothing really changed. After a while the respondents also made new friends. A few children mentioned the typical difficulties of making new friends when changing school. One child, however, experienced serious problems in making friends again. This was because she did not speak the former language anymore. She clearly describes children as 'mean'. One child said that her brother, who was also taken to the other country, was being bullied at his new school. In a minority of the cases the children still have difficulties with making friends, which has a great impact on them. However, most of the respondents managed to make friends after a while. Some children even talked to good friends about the event, but they often don't know everything. Yet, some still lack trust to tell about the event, even to close friends. Two children explicitly said that their friends were too young to understand.

I couldn't really talk about it to my friends as they can't imagine what it's like. It was also hard to explain what was going on, how it had happened. Most of the time they didn't understand what I

was saying. They had some sort of idea, but it was only a fraction of the whole story (R10, male, 14 years old).

I feel it's difficult for me. Due to what happened, I feel so lonely now. When I compare myself with my fellow students I just feel different. (R4, female, 15 years old).

I noticed that a lot of people do not really know what happened; now they do. At the beginning, there were plenty of people who did not know what I lived through or what happened (R19, male, 19 years old).

Most children who returned did not really maintain contact with the friends they made in the other country, not even two respondents who resided in the other country for four or five years. One of them said he did not want to have anything to do with the other country anymore. However, one child who also lived for a very long time in the other country, did stay in contact with her friends. Another respondent just mentioned that he feels grateful to have met those friends thanks to his stay in the other country.

I don't really feel the need to have contact with them anymore. I was still so young when I returned, and I think you don't really make friend for life at the age of 13 (R6, male, 17 years old).

Maybe I would never have met them if I had stayed in [country] ... Then I say to myself that, at least, what happened was a good thing... It has been... a good thing for me (R19, male, 19 years old).

As already said before, the abduction event can lead to a series of family transitions involving parental remarriages or new relationships and separations or divorces. The way in which the children describe their connection with the new partners of their parents differs enormously. Some get along very well, while others explicitly mentioned relationship problems with a step-parent. A majority of the children, however, situates their relationship with a parent's new partner somewhere in between, sometimes getting along very well in the beginning and having a diminishing bond, later on or the other way around, because for example the respondent had to get used to the step-parent.

The respondents were also often reunited with relatives such as grandparents when they came back from the other country. What is notable is that the grandparents in the other country also put some effort to stay in contact with their grandchildren. In a few cases the grandmother(s) tried to get or stay in touch with the respondent. In one case the contact ended very soon with one grandmother (of the



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taking parent) but the respondent sees the other grandmother when she comes to visit. In another case, the grandmother (of the taking parent) still tries to keep in contact and in yet another case the grandmother moved closer to the country where her grandchild now lives. One respondent often goes back by herself to visit the family in the other country and two other respondents go back to visit the other parent and a (step) brother. In one case the child recently saw an uncle from his taking parent's family, although he had no more contact with his taking parent. He reported that he wanted to see the uncle, but both his mother and himself were afraid that the uncle could take him away like his father did. So, they choose to meet him in a crowded place. The fear of recurrence is present for this child.

Finally, one respondent makes it quite clear how important left-behind family can be when asked what he would recommend to a parent who plans to live in another country with the children.

Well, do not do it! (...) For instance, let us say I have a child, it is my child, I will not take him somewhere so that he cannot see his family again (R18, male, 12 years old).



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## 6.4. Relationship and communication with professionals

Not many children (still) talk a lot about the period in which they were being removed or retained. Sometimes they just do not feel the need to do so. Others confirm that when necessary one of their (step) parents or friends are there for them. Another child said that he preferred not to talk about the event too much as everyone in his family has tried to move on with their lives.

If we would have to talk about it again, there is a possibility that it would become more difficult for our family. We try to focus on the future and things that matter right now (R10, male, 14 years old).

Some children saw added value in talking to a professional to cope with the removal experience. A few of the children said that they had a good connection with a teacher, who became a big support for them when they needed it immediately after return. One of the teachers was a music teacher and he taught the respondent to cope with her emotions by making music. Another respondent experienced physical complaint after being back and went to the doctor. He talked with the doctor once. More than half of the children talked (multiple times) to a therapist, psychologist, or a student guidance centre. What was noticeable was that one respondent talked about “we” (including his mother) in individual sessions.

They need support, from the beginning, I think. Before, before... the child keeps everything inside and then project non-sense hatred just because he kept everything bottled inside (R19, male, 19 years old).

Although all the respondents were mainly positive about the help, the children sometimes feared that what they tell others about their parent(s) would come back to their parent’s attention. These respondents indicated the importance of having a person of trust but were scared that they would not be able to keep a secret (e.g. what the child had said to that person).

I mean, I’ve trusted a lot of people who eventually passed on what I had told them, while guaranteeing me they wouldn’t, so I don’t really trust a lot of... I mean, my best friends know that I can feel bad sometimes, but what I’m telling you right now... It’s just. It’s very sensitive (R2, female, 13 years old).

One child recognized the value of professional help (e.g. talking to a neutral person about what happened) to reduce the feeling of being stigmatized and prejudiced by people who were close to

him and his environment. Another respondent, who went to a therapist, liked that this person was neutral and did not have anything to say about the respondent.

It's just a sort of feeling that you know you can talk about it without anything happening. It's just so much easier talking to people you don't know, but who do know about the situation (R5, male, 14 years old).

Yes, I always found it very nice to [...] talk to someone who was just neutral and who didn't have control over my life, but she could just listen to me and just be a bit of a sound board for me on emotional level, so I always thought that was nice (R12, female, 17 years old).

Contrary to the previous findings, one child positively gave an account about a group conversation with his father, brother and sisters at an NGO after they returned.

It was really interesting as you hear every side of the story, how my dad had experienced this period, but also how my sisters and brother felt. You hear each point of view (R10, male, 14 years old).

## Chapter 7. Conclusion

### 7.1. Most important findings

Parental conflict often precedes international parental child abduction and lingers during and even after the event. Most children noticed the tensions between their parents. Sometimes they even took care not to aggravate the situation by their words or actions. The children indicated the pressure of choosing sides, as a very difficult issue to deal with.

Respondents mentioned that parents often told the child other reasons for departure, made false promises or lied about the approval of the other parent. Children were *vexed* when they realized what was happening.

A few respondents had the feeling that they carried *responsibility* for the situation or that the choice was (partly) in their hands. The parents could give the children a feeling that they should have said something before they left to the other country.

Most children prefer *regular contact with both parents* irrespective of their living arrangement. Children who already barely saw the taking parent and already had a 'troubled' relationship with that parent before the event pose an exception to this finding.

While some respondents consider their removal or retention as an '*abduction*' most children did not see it in this manner. None of them indicated to fear toward their taking parent. As such, some were surprised when they heard this term being used by a third person. Some children even defended the taking parent as they did not want other people to only see the negative act this parent had undertaken.

A possibility to *maintain contact with the left-behind parent* was a crucial factor for how the children experienced their stay in the other country. Throughout the entire process, the interviewers noticed that children talk much about the parent-child relationship. During the event, most children missed their left-behind parent and were worried about seeing them again. Additionally, the taking parent sometimes told the child bad things about this parent, which made it even more confusing for the child. A majority of the children indicated that they had the possibility to have (some form of) contact but most of the

time it was very brief and/or occurred under supervision of the taking parent. That meant the parent-child communication suffered from some kind of strain as the children could not speak freely.

The bond between the taking parent and the child is important especially with regard to what the taking parent tells the child and how they communicate with each other. During their stay in the other country the taking parent often did not leave a lot of space to talk about the left-behind parent or what was going on. Almost all children indicated that they had a strained relationship with their taking parent, especially after the event. In about half of the cases the children did not even see that parent anymore, although they were often still open for contact in the future.

Most respondents were in a way familiar with the country of destination.

However, difficulties of adaptation such as language, school, friends prevailed.

Difficulties that the children encountered due to a lack of transparent communication toward them include insecurity about the future.

The children received most support from family members, friends and teachers in the other country during their time there. Also after the event some family members, in most cases grandmothers, tried to stay in touch with the respondents.

In the cases where the respondents have (half) siblings, almost a third were separated. In a few cases the child no longer has contact with some (half) siblings. It is remarkable that not only during, but also after the event, none of the (half/step) siblings talked about their experience with each other, even though the children indicated their siblings as being very important to them.

Most of the children saw the advantage of being heard during the return procedure. They thought that their stories could assist the judge in fact-finding as parents can have different experiences, needs and wishes than the children.

There were also some disadvantages about children's involvement in the court hearings linked to the danger of pressure from one or even both parents to say (or not say) certain things. Those who mentioned a less positive experience had the feeling they had to choose between their parents and were scared to hurt one's feelings. Further the children missed clear communication about what their position was, as well as that of the judge's during the hearing procedure. They sometimes had some mistrust towards the judges.

Children who did not get the chance to be heard were very curious to know what happened during court proceedings, what had been said between the parties and why they were not asked for their opinion. They felt that the proceedings involved their lives and that it was not fair they could not express themselves in court.

Children reported [not getting feedback about court proceedings](#) after having been heard. Children are often left out of what is happening during the court proceedings. When they received feedback from one of their parents they sometimes doubted whether the information was trustworthy.

Respondents mentioned that the involvement of the police could be very intrusive especially when the taking parent was being arrested.

[Insufficient communication](#) was found toward the child about the return and the future beyond return.

[Difficulties of adaptation reoccurred](#) when the children were taken back to the country they lived in before the event.

After they came back, a few respondents mentioned that they suffered from a [depression](#) or a hard time expressing their emotions.

Respondents were [positive about the help](#) from therapists (e.g. a psychologist), doctors or teachers after their return.

Children saw a positive side to their experience despite the many difficulties to adapt to their new situation. Some children had liked their stay in the country they were taken to, sometimes because of small things, such as having more sports opportunities, more holidays, less homework, other food, etc. A few respondents thought the whole event made them stronger.

In some cases, the impact of the event was [extremely negative](#). Respondents speak of a lack of trust (one hates 'the human being'), a lack of education, the feeling that nothing lasts forever or the perception that the removal or retention has impeded certain chances or opportunities.

Most [parents have very little or no contact with each other](#) anymore, except for one case where the parents were reunited. In a few cases where the parents are still in contact with each other, they are using the child as an intermediary in their conversation.

Regarding the recommendations of the respondents, their advice to children in a similar situation is to adapt and search for professional help (or an organisation to go) to talk about their stay in the other country. A few respondents recommended to the parents that they should find a solution to work things out (e.g. by making an access arrangement). They must not let it come this far, try to be friends, talk to the children about their plans and they must be prepared, if they decide to go anywhere (regarding to school and language). Finally, the respondents had some advice to the professionals involved: some mentioned that the judge should really listen to the children and maybe even write down literally what was said by the children. They should also look at the living conditions of the children, the qualities of both parents and the parent-child relationship. Furthermore, children do not want to get the feeling that they are not taken seriously because of their age.

## 7.2. Limitations

Although this study has provided useful insights into the protective and risk factors by which children fare better or worse during an abduction event, it also comes with certain limitations that should be kept in mind when interpreting the results.

First, the study draws on the use of a small sample of interviews, which might limit the generalizability of the results. It was difficult to get participants (especially since agreement to participate by one or both parents and the child is required). Therefore, while various findings were confirmed by more than one participant, the point of saturation for all hypotheses has not yet been reached. Alternative research methods could be used to confirm findings among a representative sample.

Second, it is possible that the sample used for this study suffered from self-selection. Although parents were not explicitly informed about the exact questions, they were told that the interviews would be about the child's experience of being taken away to or being retained in another country. It might be that individuals with an interest or a specific opinion were more likely to accept being interviewed than others. Moreover, although we emphasized the importance of voluntary participation of the children, some of the children might have accepted to take the interview because of the encouragement by their parent. It is likely that some children did not want to participate because they did not want to be reminded of the event.

Finally, some of the respondents were very young (e.g. 2 to 8 years old) at the time they were taken to or kept in another country and/or on average it had been five-and-a-half years- since they came back



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from the other country. This could influence the memory of the children. Children were sometimes confused by the chronology of events, while the interviews required them to think in terms of a process divided into various stages. Moreover, the age of the respondents could have played a role in the given answers (e.g. puberty). Future research could build on the findings of this study by employing other qualitative research techniques such as interviews with judges, psychologists or other professionals involved in the process.



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## Chapter 8. Discussion

Chapters Three to Six provided an overview of the children's experience and perceptions of various factors impacting their wellbeing. In general, this qualitative study confirms preceding studies about the negative impact of an international parental abduction on the wellbeing of children. Nevertheless, the interviews also highlight some unexpected results and allowed a deeper understanding of the child's perspective. The present Chapter provides a discussion of the sub-hypotheses further clarifying the various impacts the children recounted.

Hypothesis 1. Children who were informed about the removal or retention will undergo a less negative impact than children who were not informed prior to the removal.

The interviews supported the hypothesis on three levels. First, children reported feeling betrayed: their parents had lied to them or withheld the truth from them. The children indicated having difficulty in trusting people with their story not only during but also after the event. This is in line with previous studies reporting that persons who had been abducted as a child have trust issues later in life (Gibbs et al., 2013; Freeman, 2006; Freeman, 2014). Second, the children said that they felt powerless and disappointed when they discovered what was happening. The children did not know exactly what the taking parent's plans were before or at the time of their removal or retention. This was true even if the children were aware of parental conflict long before their removal or retention. Besides most children knew that their taking parent had a connection with the other country through family, friends or studies. Nevertheless, the removal came as a surprise, which may be explained by the hope that their parents may reunite (Freeman, 2006). Furthermore, it is possible that prior to the abduction, children relied on parents to know and handle what is best for the child. More abductions could be prevented if children would be able to clearly sense when they will be abducted. Due to the complexity of international parental child abductions, however, it is nearly impossible to make a profile of 'the abductors' (Dalley, 2007). Third, a recommendation from the children towards the parents consists of better preparing and informing their children about their intentions. This corresponds to the results of divorce studies, where it was found that children find it highly important to know what is going on in their family (Booth & Amato, 2001; Maes et al., 2011). This is also highly relevant to prevent the children of having feelings of guilt or responsibility for what has happened.

Hypothesis 2. The negative impact of an international removal or retention is lower when the child is taken to or kept in the other country by the primary caregiver.

The results of this study cannot confirm or deny this hypothesis, although previous studies revealed that a child's experience of being abducted by a primary caregiver is likely to be less negative than when the non-primary caretaker removes or retains the child (Lubin, 2005; Freeman, 2014). In our study, in general the children did not experience their stay as an abduction and missed their left-behind parent, regardless of whether this parent was their primary caregiver prior to the event or not. The quality of the relationship that the children had with the taking parent, as well as with the left-behind parent during their stay in the other country were more pertinent to the extent of the impact. Not only did the children perceive the on-going parental conflict through the parent-child communication, this also defined the extent to which the child was informed about what was happening.

When the children showed a clear preference of staying in the country, they talked about their preference considering having a better bond with the taking parent (primary caregiver or not). Remarkably, some only talked about practical things they liked better in their new homes. This may be due to the young age of some of our respondents and the fact that they think more in terms of fun or bad things while explaining the way they feel about the abduction. Perhaps these children were less aware of the fact that their parent had taken them to or retained them in the other country with no or only reduced contact with the left-behind parent and the environment as a result.

Hypothesis 3. Children who are removed to or retained in a familiar environment will undergo less negative impact of an international removal or retention than children who are removed to or retained in an environment they did not know prior to the event.

Hypothesis 4. Children who were obliged to live in a situation of hiding during the removal or retention will undergo a more negative impact.

The interviews confirmed that an unfamiliar environment and having to hide were factors that made the children's experience more difficult. Knowledge of the language of the country of destination helped the children. Furthermore, the children indicated they received most support - amongst others - from family members who were present in the other country. The respondents reported more negative feelings about their stay in the other country when they experienced a sudden disruption with the normal routine (no more contact with family, no familiar environment, not being able to go to school or when in hiding). This is in line with the finding that abducted children are forced to deal with (the uncertainties surrounding) a new lifestyle (Freeman, 2014). The children who used the word 'abduction' and saw it as such, felt separated from their left-behind parent and familiar environment. Further, these respondents experienced extreme conditions (e.g. multiple movements, hiding, not going to school or police involvement) and they mostly did not see their taking parent anymore since their return. For some

of the children, the event may have been something not dissimilar to stranger abduction when the event was marked by fear and danger (Freeman, 2014). Nevertheless, it is also possible that since their return the children have picked up things from people in their close environment for example, that were being said about their taking parent and about their stay in the other country.

Hypothesis 5. Children who experienced problems at school will have more difficulties in comparison to children whose studies did not fall behind because of the event.

Most of the children who went to school during their stay in the other country managed, after some problems in the beginning and with some help such as extra lessons, to cope with changing school quite easily. However, if a child did experience some difficulties, the problem could be prominent (e.g. feeling lonely). Children who did not go to school, all see their period in the other country as an actual abduction. The children who had a more positive feeling about school experienced their time in the other country as less negative or intrusive. This could be related to the fact that at school children are able to make friends and get in contact with teachers from whom they could get support. When the children returned one of the biggest changes was adapting to school again. For most children it counted that the problems at school were short lived. However, some children explicitly blamed the taking parent for the delay at school or the lag in education which effected the future. [The hypothesis can be confirmed.](#)

Hypothesis 6. Children who were able or allowed to remain in regular contact with the left-behind parent will undergo a less negative impact from the international removal or retention.

The hypothesis derives from the finding that children who come out of divorce situations are least damaged when they can maintain a continuing relationship with both parents (Wallerstein & Kelly, 1980). This is also in line with the right of the child to have contact with both parents (Art. 9 of the UN Convention on the Rights of the Child). The child's contact with the absent parent should be considered as primary to anyone concerned with the best interests of the child (Freeman, 1997). The findings, however, show that most children wanted to re-store contact, but could not talk freely to the left-behind parent when they remained in touch. Children might feel that they had little space to talk with the left-behind parent because the other parent did not allow them to or because the taking parent supervised them from the moment of contact. Some children felt as if they had to rush their talk with the left-behind parent as they only could have contact in secret (see also Dalley, 2007) reporting that contact is sometimes overt, sometimes secret. [Therefore, not only the possibility to remain in contact with the left-behind parent could influence the wellbeing of the children but also the way the children keep in contact with the left-behind parent.](#)

Hypothesis 7. Siblings removed or retained together will undergo less negative impact of the international removal or retention than children removed or retained alone.

Children may have been abducted together but some (half/step) siblings stayed behind causing no or only reduced contact between them. In some instances, where the children were abducted together with their (half/step) siblings, they experienced the events very differently. The children indicated they did not talk to each other about their experiences even though it may be assumed that siblings would develop a closer bond after the event. This, however, does not mean that it was not meaningful to have a companion. Maybe the children found support in their sibling in a different way than talking, like spending time to think about something else than their abduction situation. Possibly the value of the companionship may only become clear later in life. Remarkably, some children who returned without their siblings, stated that their wish to return to the left-behind environment was bigger than staying with their siblings in the other country. *It was not possible to confirm this hypothesis.* Children need time to adjust upon arrival in the other country or when confronted with their left-behind (half/step) siblings or when they return to these (half/step) siblings.

Hypothesis 8. The negative impact of an international removal or retention on the children's wellbeing was lower when children had the opportunity to talk about their situation.

Respondents reported the added value of being able to talk about their situation. Important forms of communication can be divided into three segments. First there is communication with both parents. The children sought cognitive control over the event by communicating with their parents (taking and left-behind) and trying to find out what was happening. Children recommend that both parents should communicate more about the entire situation and prospects for the near future. Especially the taking parent should inform them better. This parent is often the only person from who they can receive information in the uncertain environment where they were immersed (Freeman, 2014). However, this communication is complex. Children seem very aware of their parents' feelings and difficulties. They therefore prefer not to talk about their own feelings or wishes so as not to overwhelm their parents. Second, when it is difficult to find comfort from their parents, some children find this through family members, friends or a teacher. The biggest issue here is that of fully trusting them. Third, professionals working with the international child abduction case can play an important role. Most of the respondents are not against seeing a professional and even recommend it. Most of them received professional help shortly after they returned. They were mainly positive about this help, although, they sometimes worried that their words would be brought to their parents' attention. Considering all these

segments, it can be concluded that the opportunity to talk is indeed important to mitigate the negative impact of international child abduction.

Hypothesis 9. Children who had the opportunity to be heard by a judge during the legal proceedings will undergo less negative impact on the wellbeing.

The respondents (also those that were not heard) think that it is important and interesting for a child to have the opportunity to be heard. Nevertheless, the children that were heard reported mixed feelings about this experience. Some would prefer their parents to decide on their own. A few feared they would hurt their parents' feelings as result of their conversation with the judge. Others even mistrusted the judge. These negative feelings seem to be linked to the children's incomprehension about the procedure and their fear of a decision contrary to their own preferred outcome. Indeed, most of the respondents did not have any information about the result of their meeting with the judge. Children who did not get the opportunity to be heard had a feeling that their lives and therefore their future was decided above their heads since they could not express themselves within the court procedure. Children should indeed be respected and given the opportunity to participate in the proceedings. Children find it important to be able to act freely, exert choices and influence (Fattore et al., 2007). Besides they are considered able to understand the law and take part in legal proceedings (Freeman, 1997).

**The hypothesis can therefore be confirmed:** it is better for children to be given the opportunity to be involved in legal proceedings. However, there are some important considerations to be made as involving children may cause additional anxiety, loyalty conflicts, or damage to family relations. Therefore, it is of utmost importance that legal professionals emphasise to the children, in an appropriate language, that while their views are critically important, they are limited in their 'decisive power'. This practice allows the children to feel they are taken seriously and their opinion is taken into account, but it does not pressure them as if they are solely responsible for the outcome.

Hypothesis 10. The arrest of the abducting parent will have a negative impact on the wellbeing of children in cases of international removal or retention.

The respondents in our study have experienced the arrest of their parent as an intrusive event. In general, children exposed to the arrest of a parent or other family member exhibit higher levels of mental health difficulties compared to peers who have not been exposed to this event (Roberts et al., 2014). The arrest of the parent contained an element of surprise, which may be necessary for effective law enforcement, but may also escalate children's reactions and feelings. The children who

experienced this were more aware that their parent has (or must have) done something wrong. Overall, the children were more at ease if the policemen had a gentle manner of approach and if they would communicate what was happening to the child.

Hypothesis 11. Children who return will undergo a less negative impact of the international removal or retention. In addition, children who were prepared for the return will undergo a less negative impact.

The first part of this hypothesis cannot be confirmed or denied as many factors (e.g. duration of the event, family functioning and age of the children) could be of influence. Two factors seemed to be of high importance: whether the return was sudden and if the children had a clear understanding of what was happening. Most of the respondents returned to the left-behind parent. All of them (also those who did not return) had ambivalent feelings: stress (or even feelings of depression), fear, but also happiness. Most of them had to adapt to many new things such as new family members, a new house, a different school. *The children think it is important to be well informed about what is going to happen.* They found it difficult or very confusing when a sudden decision of return was executed in practice, even when they considered the return as an option of preference.

Hypothesis 12. Children who can keep in regular contact with the taking parent after return will undergo less negative impact from the international removal or retention. This also accounts for children who can keep in regular contact with the left-behind parent after not returning.

To answer this hypothesis, it is important to look at the quality of the relationship between the child and the taking parent. After the return or non-return, the children often had a good relationship with the (initial) left-behind parent, while expressing tensions in their relationship with the taking parent. The children could feel pressure through the taking parent's effort to convince them of their good intentions and, as such, in trying to win their hearts and minds. Children may clearly feel the remaining parental tension after the state of abduction as noticed in other research (Freeman, 2006). Some saw how much the left-behind parent had suffered and created feelings of guilt toward that parent, but also incomprehension or even anger toward the taking parent. This could be an illustration of the dissociation that may proceed in children's minds: on the one hand the 'good' parent (left-behind) and on the other hand the 'bad' one (taking). However, this dissociation is not fixed and profound as the children often still want contact with both parents and wish, especially the younger children, that their parents would solve their conflict (Freeman, 2006). Nevertheless, there could be a disruption of the child's right to have contact with both parents (Freeman, 1997) and this beyond the child's own will. In our study, in these cases either a court decision prohibited contact between the child and the parent or the child had the feeling that the other parent did not put any effort in staying involved in his or her



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life. Even if the respondents did not want to have contact with the former taking parent at this moment, they were often still open for contact in the future. An important recommendation of the children is to slowly restore the contact with the taking parent and where needed under supervision. This can be related to their fear of being re-abducted. This also accounts for the relationship between the child and the left-behind parent as it may have been a while since they have seen each other. An interesting finding was that sometimes the child loses enthusiasm for getting into contact with the parent they did not reside with (either the left-behind or the taking parent) after the return or non-return. Nevertheless, they knew they were allowed to make contact at any time they wanted. Children who were not able to spend as much time as they would want with one of their parents experienced more difficulties.

Conclusion: The impact of international parental abduction can have a major effect on the children's wellbeing. Nevertheless, the children were found to be strikingly resilient to cope with the negative impact of the abduction on their wellbeing. However, it is hard to pinpoint the exact reasons for this resilience due to complexity and long-term impact of international child abduction cases (Freeman, 2014). It is possible that the children will still go through some changes towards adulthood, which could change their perspective on the event. On the other hand, possibly the fact that they were able to communicate and had a source of (professional) support, each according to their own situation and needs, helped them. Besides, it cannot be excluded that the resilience is a coping mechanism that these children had no choice but to learn. Nevertheless, it is important that children are able to cope with the abduction experience within strong social relations.



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## **Part III**

### **Case law analysis**

15/05/2017



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## Key International Legal Provisions

Article 13 (2) of the 1980 Hague Convention on the Civil Aspects of International Child Abduction reads as follows:

“The judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.”

Article 11 (2) of the Brussels II bis Regulation (Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility) reads as follows:

“When applying Articles 12 and 13 of the 1980 Hague Convention, it shall be ensured that the child is given the opportunity to be heard during the proceedings unless this appears inappropriate having regard to his or her age or degree of maturity.”

## Research Design and Methodology

### Unit of analysis

Accessible case law rulings from Belgium, France and the Netherlands under the 1980 Hague Convention and the European 2005 Brussels II bis regulation have been studied. This includes family cases at courts of first instance, regional or national appeal courts, as well as courts of superior appellate. This research does not include cases where hearing of the child was not mentioned at all.

### Time frame

The period covered in this study is 1 March 2005 to 1 February 2016. The time frame coincides with the entry into force of the Brussels II bis regulation on 1 March 2005 and the start of the research project on 1 February 2016.

## Research Strategy

Data have mostly been drawn from online resources covering national legislation in the three respective countries. For Belgium, these include jura.be, juridat, stradalex, jurisquare, lex.be and the Court of Cassation website. In France, juriscenseurs, Légifrance and Dalloz were used. However, accessing Belgian and French case law turned out to be quite challenging, as many judgments are not published online or publically available elsewhere. As a consequence, also non-full-text references were used (e.g. summaries, notes or published work by legal scholars). In some cases, child abduction lawyers and judges have been helpful in providing anonymized unpublished judgements. This problem did not occur in the Netherlands, where all case law is systematically published and made available online on rechtspraak.nl. For all three jurisdictions, the International Child Abduction Database (INCADAT), which makes accessible leading decisions concerning the 1980 Hague Child Abduction Convention, was consulted as well.

## Data Analysis and Research Questions

All cases were collected in NVivo, a software programme for qualitative data analysis, and subjected to three sets of research questions. In a first round, two questions were asked to determine whether the case fell within the scope of this project. Is this case about a wrongful removal or retention of a child, as understood by Brussels II bis and/or the Hague Child Abduction Convention? Does the case discuss the hearing of the child by the judge and/or by a professional during the Court proceedings, even if such hearing did not take place? If the answer to one of these questions was negative, the case fell beyond the scope of this project and was thus not further analysed. All other cases (n=176) were classified in Excel and subjected to a second round of questions to examine the Court's understanding of the hearing of the child and its implications. What arguments do judges use to argue for or against hearing the child? Does the Court give any information about the way in which the hearing took place? Does the judgement reveal any insights in the personality and/or the behaviour of the child? Was the child's opinion decisive for the Court's decision, and why? In a third set of questions, a global approach was taken to find out whether there is a difference for the Courts in hearing children in intra-European cases (where Brussels II bis applies) as compared to international cases (under the Hague Child Abduction Convention), as well as to examine whether there are any specifics which are relevant to understand a Court's approach towards hearing children in cases of parental abduction.

## Quickscan

This online resource contains recent literature and policy documents that cover a shorter timeframe than the case laws covering the period 2005-2016. Quickscan data on the implementation of the right of the child to be heard in national legal systems offer a wide range of information included at the end of each country section in this report.<sup>4</sup> The data includes general obligations regarding the right to be heard; any rules on minimum age and on who hears the child; specific rules on hearing the child in abduction cases; any cross-border elements specific to Brussels II bis regulation and other relevant information.

## Case law: Belgium

### General

Access to Belgian case law is challenging as most judgments are not published. A limited amount of cases could however be found in online resources, including jura.be, juridat, stradalex, jurisquare, Tijdschrift IPR, lex.be and the Court of Cassation website. In addition, a number of rulings could be accessed from first instance family courts, appeal courts or legal professionals dealing with child abduction cases. To complement these primary data, summaries and published works by independent authors have been used as well.

The hearing of an abducted child is discussed by the Belgian Courts in 25 cases. The cases concern 37 children<sup>5</sup> of 23 different families. One child was heard three times (case 23). At least 10 children did not have siblings and at least 24 had one or more sibling(s).<sup>6</sup> Two families had more than one case dealt with in Court. The children in these cases were aged between nine months and 15 years.<sup>7</sup>

The Court has discussed one wrongful removal under the Luxembourg Convention of 20 May 1980 on the Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (case 1). Sixteen cases concern intra-European child abductions where Brussels

<sup>4</sup> The Quickscan electronic database is available for all EU countries and will be included in the final report of WS 3.

<sup>5</sup> Possibly more children were involved, as for 3 cases, it was unclear how many children the family had.

<sup>6</sup> Possibly these number could slightly differ, as for 3 cases, it was unclear how many children the family had.

<sup>7</sup> In 3 cases, the child's age is unknown.

II bis applies. In two of these cases, the Brussels II bis regulation applies but is not specifically mentioned. Four cases concern non-EU countries where the 1980 Hague Convention is applicable. In another four cases, the countries and applicable legal instruments are unknown. The Courts make no distinction between hearing a child under Brussels II bis or the 1980 Hague Convention.

## Application of Art. 13 (2)

Article 13 (2) of the 1980 Hague Convention on the Civil Aspects of International Child Abduction has been considered as a ground for the Court to refuse a return-order in three cases only (12-year-old and 10-year-old in case 9; 14-year-old in case 21; 13-year-old in case 23). All three cases are decided by the first instance family court in Antwerp.

## Decisions on Age and Maturity

A child's views can be decisive for the outcome of the case when the child has reached a sufficient age and maturity.

Belgian Courts generally give children above ten years old a chance to express their views, except for an 11-year-old boy who was not heard by the Court but by the social services (case 1). The children who were heard by the Court were 12 and 10 years old (case 9; case 13), 15 and 13 years old (case 15), 14 years old (case 21) and 13 years old (case 23). In one case (case 8) the age is unknown.

Abducted children under nine years have not been heard in Belgian family courts (nine months in case 3; two and half years old in case 10; three years old in cases 24 & 25; four and half years old in case 2; five years old in case 5; six years old & four years old in case 4; seven years old in case 15; seven years old in case 22; eight years old, six years old & three years old in case 17; eight years old, six years old & three years old in case 17; eight years old, six years old & four years old in case 19; eight years old & six years old in case 20). The Courts find that these children are too young for their views to be taken into consideration. The Court mentioned the child's insufficient maturity only in five out of 12 cases. The child's maturity is not assessed separately when a child is considered too young to be heard. In those cases, maturity is not investigated.

The reasons for the judges' reluctance to hear young children are not extensively elaborated in the case law. The judgments mention that such hearings would be "inappropriate" (case 10) or "not suitable" (case 17), or that the children (8 and 6 years old in this case) are "too young to become involved in the conflict between their parents" (case 20). In case 5, the Court, assuming immaturity, specified that it is not obliged to hear a 5-year-old child (who, in this case, was not even in Belgium). In case 15, the Court considers to be sufficiently informed to make an adequate decision without hearing the child.

## Elements of Maturity

The Courts have not elaborated their assessment of child maturity in the available case law. Only in one case, where the ages of the four children is unknown, the Court presupposes insufficient maturity due to "their young age and the fact that they have been subject to manipulation by their mother's family" (case 7).

In case 9, case 21 and case 23, where the application of Art. 13 (2) was successful, children of 14, 13, 12 and 10 years are considered sufficiently mature to take account of their views, even though the reasons for their supposed maturity are not further specified.

## Involving Intermediaries

The Court may refer to child psychologists, educators or therapists to evaluate the child's situation (case 1; case 19; case 20). The Court deems it unnecessary to move on to a personal hearing of the child (case 20) when no objections are expressed.

One 11-year-old boy is heard not by the Court but during the social investigation that took place before the court of first instance. The report states he also spoke on behalf of his 8-year-old sibling, who was not heard in that study (case 1).

## Objections to return

Belgian judges define objections to return in a limited way. Objections must be consistent, sustained and conscious (case 13; case 21; case 23). The Court considers all relevant documents at its disposal to make a judgment about the situation of the child and the nature of their objection. The objections are considered more convincing when the child's objection is supported by sources other than the child's hearing (case 13; case 21; case 23).

In case 9, the children objected to return because they preferred to stay with their mother who had been their primary caregiver for most of their lives. The child's objections in case 21 are not further specified, other than that he prefers not to stay with his mother. In case 23, the child asked to live with her mother. A variety of elements were considered by the Court: the girl did not want to visit her grandfather and her father (even though she might want to visit her grandmother), she is happy in Belgium, has brothers and sisters, goes to school and sports and confirms she does not want to live in the Netherlands any longer. These objections are sufficient for the application of Art. 13 (2).

In case 14, the objections of two siblings (aged 15 and 13) were said to be "unconvincing" without providing further detail. In case 8, two siblings (age unknown) were heard but did not object to return and they claimed to have a good connection with both parents (Geerts, 2012, p. 142). In case 13, the Court confirms that missing one's family or lacking stability are insufficient grounds for the application of Art. 13 (2). However, consistent statements about physical and psychological domestic violence prove to the Court that return would place the children in an intolerable situation in the sense of Art. 13 (1) (b).

The Court specifies that a school's reference to the child's integration in school is not relevant to determine an objection in the sense of Art. 13 (2). Rather, this would be an indication the child is settled in the new environment as specified in Art. 12 of the 1980 Hague Convention (case 15).

Courts in Belgium also rely on the courts in the child's country of habitual residence to involve the child's perspective in decisions on the merits of the case (case 4; Geerts, 2012, p. 140).

## Other Relevant Matters

Only one case out of 25 is a judgment from the court of cassation, the highest court in the judicial system (Hof van Cassatie; case 6). This judgment was made in 2008, eight years after the children were heard in the first instance (year 2000) at the age of 11 and almost 10, hence falling outside the scope

of the current research project (2005-2016). The court of cassation did not hear the children again as the previous judgment has been confirmed and the appeal dismissed.

In a case that falls outside the scope of this research project (cases 26 & 27, after 1 February 2016), the appeals judge in Brussels has heard two children through videoconferencing. The elder child, who is 12 years is presumed to have sufficient maturity. In the context of sisterhood, the younger child, aged eight, can also be heard if she so wishes. The Court says that even if the children live abroad they have the right to be heard in delicate matters affecting their lives, such as abduction. Some notable elements in this case are:

- The judge did not report about the children's hearing because the Polish central authority insisted that no such report should be drafted.
- The Court describes the elder child being more hostile towards the father and notes a difference in the children's views.
- There are several indications of undue influence by the abducting parent and her family, who has prevented any form of contact with the father and who instructed the children to alienate themselves from him.
- The Court upholds the right of the child to know both parents and refers to Article 9 of the Convention on the Rights of the Child to confirm this matter. Also, the Court considers it contrary to the best interests of the child to cut them off their history in Belgium.
- The children's preference to live with their mother does not imply an absence of aptitude and merit in the father.
- The Court also refers to other documents confirming the children's views.
- A letter allegedly written by the eldest child is considered with great caution.

Sometimes, a judgment merely contains an invitation to hear the children (case 12; see also case 26, which is outside the scope of this project).

## Belgium in the Quicksan

- A child's right to express their view in all matters affecting them is guaranteed by the Belgian constitution (Art. 22 bis (2)). This provision does not have direct effect.
- The Code of Civil Procedure (CCP) provides procedural safeguards in family matters (Art. 1004/1; Senaev, 2014, p. 178). The views of the child must be given due weight in accordance with their age and maturity (Art. 1004/1(6) (2) CCP).

- Art. 12 of the CRC is directly applicable in Belgian law (Eeckhout & Desmet, 2005, p. 59) but does not always have direct effect. This means the treaty provision is not self-executing. This means the treaty provision is not self-executing. It is up to the individual judge to apply Art. 12 of the CRC (Vandenhole, 2014, pp. 106-107).
- Minors of 12 years or older must be informed of their right to be heard by the judge. Also, they must be informed that the judge is not obliged to favour their views in the decision (Art. 1004/2 (3) CCP; Senaeve, 2014, pp. 179-180).
- Children aged under 12 years are only heard in matters of parental authority, residence and personal relationships if this is requested by the child, the public ministry (Crown Procurator), the parent's parties to the proceedings, or by decision of the court (Art. 1004/1 (2) CCP). Such a request may only be dismissed on the grounds of a well-reasoned decision (CRIN, 2015). A request to hear children below 12 cannot be dismissed when asked by a minor or by the public prosecutor. Still, it is unlikely that children under 12 years will be heard in The Hague proceedings (Beaumont et al., 2016, p. 14; Belgian Central Authority, 2010, p. 21).
- Children may refuse to be heard (CRIN, 2015).
- The hearing takes place wherever the judge deems appropriate, and minors are heard alone by the judge unless the judge decides that they should be assisted in their best interest (CRIN, 2015; Senaeve, 2014, p. 188; HCPIIL, 2012). The hearing takes place in a separate room (Belgian Central Authority, 2010, p. 22). The judge can also indirectly hear children through a report prepared by an independent expert (Country profile, 2012).
- Objections to a return under Art. 13 (2) of the 1980 Hague Convention are taken seriously in accordance with the age and maturity of the child but are not the only element used to decide whether a child is effectively returned or not. A forced return is usually difficult when the objecting child is 14 or 15 years (Belgian Central Authority, 2010, p. 21).
- The procedure of Chapter XII bis of the Belgian Civil Code must be followed to order the return of an abducted child from Belgium to another State. Only the family courts in Brussels, Liege, Mons, Ghent and Antwerp (or for cases in German language: Eupen) can decide on return orders (CCP, Art. 1322 bis; Melkebeek, 2013).
- It is difficult to access video conferencing facilities for abduction cases (Beaumont et al., 2016, p. 26; Belgian Central Authority, 2016).
- The hearing of a minor does not confer on him/her the status of party to the proceedings (CRIN, 2015).

- The Concluding Observations of the United Nations Committee on the Rights of the Child (2010, p. 7) highlight concern about the inadequate implementation of the child's right to be heard in judicial and administrative proceedings. Implementation remains largely

Source:

Belgian Central Authority (2010). *Responses to the Questionnaire of November 2010*. Accessed on 6 October 2017 from <https://www.hcch.net/en/publications-and-studies/details4/?pid=5291&dtid=33>.

Beaumont, P., Walker, L. & Holliday, J. (2016), *Conflicts of EU Courts on Child Abduction*. Accessed on 6 October 2017 from [https://www.abdn.ac.uk/law/documents/Conflicts\\_of\\_EU\\_Courts\\_on\\_Child\\_Abduction\\_Country\\_Reports\\_25\\_May\\_\(Final\).pdf](https://www.abdn.ac.uk/law/documents/Conflicts_of_EU_Courts_on_Child_Abduction_Country_Reports_25_May_(Final).pdf).

CRIN – Child Rights International Network. (2015), *Access to Justice for Children: Belgium*. Accessed on 6 October 2017 from [https://www.crin.org/sites/default/files/belgium\\_access\\_to\\_justice\\_oct2015.pdf](https://www.crin.org/sites/default/files/belgium_access_to_justice_oct2015.pdf).

HCPII – Hague Conference on Private International Law. (2012), *Profil des Etats – Belgique*. Accessed on 6 October 2017 from [https://assets.hcch.net/upload/abduct2012cp\\_be.pdf](https://assets.hcch.net/upload/abduct2012cp_be.pdf) (section 10.4).

Eeckhout, M., Desmet, N.. (2005), Een onderzoek naar de praktijk van het horen van minderjarigen in de Belgische rechtspraak, in *Tijdschrift voor Jeugd en Kinderrechten* 2, 59-61.

Melkebeek, C. (2013), *Kind Ontvoerd naar het Buitenland – Haags Kinderontvoeringsverdrag*, accessed on 6 October 2017 from <https://www.kennisplein.be/sites/Jeugdrecht/Pages/2013-08-Kind-ontvoerd-naar-het-buitenland---Haags-Kinderontvoeringsverdrag.aspx>.

UNCRC - United Nations Committee on the Rights of the Child (2010), *Concluding Observations: Belgium*, UN Doc. CRC/C/Bel/Co/3-4, accessed on 6 October 2017 from [http://www.bayefsky.com/pdf/belgium\\_t4\\_crc\\_54.pdf](http://www.bayefsky.com/pdf/belgium_t4_crc_54.pdf).

Senaeve, P. (2014), Het Hoorrecht van Minderjarigen sinds de Wet op de Familie- en Jeugdrechtbank, in *Tijdschrift voor Familierecht*, 2014/8, pp. 176-195.

Vandenhoele, W. (2014), Chapter 7 – Belgium. The Convention on the Rights of the Child in Belgian Case Law. In: T. Liefwaard & J. Doek (eds.), *Litigating the Rights of the Child: The UN Convention on the Rights of the Child in Domestic and International Jurisprudence*, London: Springer, pp. 105-122.

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discretionary. The obligation for judges to hear children above 12 years on residence and visitation rights in divorce situations is not effectively practiced.

## Case law: France

### General

French case law is not systematically published online or made publicly available otherwise. Consequently, only a limited amount of cases could be found within the timeframe of this project. Those cases were derived from online resources and through a legal professional in France. A summary of the case was used where full-texts were not available.

Fifty-three cases were found in which the French Courts<sup>8</sup> discuss the hearing of an abducted child. The cases concern 76 children of 51 families. Two families among the available cases had both an appeal and a cassation case discussed. Thirty-three children do not have siblings, 43 have one or more sibling(s). The children are all aged between 18 months and 16 years. The child's age is unknown in three cases.

The Courts make no explicit distinction between a hearing under Brussels II bis and a hearing under the 1980 Hague Convention. In one case (case 6), however, the Court of Appeal in Poitiers refers to the child being heard in the presence of a lawyer, "conforming to the provisions of the Brussels II bis regulation".

### Application of Art. 13 (2)

The French courts rarely apply Art. 13 (2) in such a way that the child's objections to return are decisive for the Court's final decision. This was the case in only six out of 53 judgments (case 10, case 12 [no full-text available for more information], case 13, case 18, case 26 and case 49). In case 18, the objections of the child were sufficient because the Court considered the child's distrust towards the

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<sup>8</sup> These are regional appeal courts (Agen, Aix-en-Provence, Angers, Basse-Terre, Bordeaux, Bourges, Dijon, Limoges, Nîmes, Orléans, Paris, Poitiers, Reims, Rennes and Versailles) and the *Cour de cassation*. No cases in first instance could be found.

maternal grandparents, the pressure she experienced from them and her view that the legal proceedings were only to pressure her father. In case 26, the Court considers that the children's objections had been formulated in a clear way; in case 13 the objections of the children were strong, according to the Court, as the children strongly opposed to their return and they were very disturbed by the experience ("très opposés à leur retour et très perturbés par cette éventualité"). Like in case 10 and case 49, return in these cases was denied on the basis of Art. 13 (2) combined with Art. 13 (1) (b).

In case 2, the child's objections were not explicitly mentioned as relevant factors leading to the decision not to order the child's return.

In case 1, the Court explicitly mentions that the mere objections of the children cannot constitute the sole ground for non-return. In case 4, the Court adds that it is not bound by the children's opinion. In case 10, the Court mentions that the child's objection to return constitutes only one element for decision-making in a return order.

## Decisions on age

A little less than half of the cases in which the children's age is known (21 out of 49) concern children below eight years. From these cases, it can be concluded that children between 18 months and eight years are not heard by the French Courts. The Courts consider the hearing of young children to be inappropriate (case 8, case 41), impossible (case 31) or not useful – even if conducted by an expert (case 23). This is because young children do not have the necessary discernment for formulating independent views (case 17, case 19, case 21, case 23, case 24, case 42, case 43). In case 22, the Court holds that hearing a 7-year-old child would invite undue pressure from the family and fears the family would influence the child's feelings. In case 8, the Court refers to additional documents at its disposal to decide that a 7-year-old child has insufficient age and maturity to proceed to a hearing. It is unclear what information these documents held. Exceptionally, the Court mentions in case 34 how a 4-year-old child is being heard not in court, but by the gendarmerie (police forces). The way the child voiced his concerns is taken seriously by the Court (i.e. the judgment elaborates on the modalities of the hearing), but the child's views are not decisive for the outcome of the case.

Children aged nine and above are usually heard by the Court (except for case 39 where the child is heard only by the police forces). This does not mean that children above nine are always considered

sufficiently mature for their views to be taken into account. Courts have argued that age is not to be considered in the opinion of children aged 10 and 11 (case 32), 11.5 (case 37) and 12 (case 16).

Younger children, between age six and eight are more likely to be heard when they have older siblings. The child is not heard by the Court in three out of four cases where the oldest or only child is eight years old. When eight-year-old children have older siblings, they are more likely to be heard (case 29, case 33). Similarly, a six-year-old child with an older sibling of nine and a seven-year-old child with an older sibling of 12 were also given the opportunity to be heard (case 25, case 40).

## Elements of maturity

The French Courts do not elaborate on the definition of maturity.

## Involving intermediaries

The French courts repeatedly refer to hearings having taken place at the police office (gendarmerie) (case 34, case 39), at the doctor's (case 3, case 45, case 47) and at the social workers' (case 13, case 22). It is also common to have the child's views voiced by a lawyer (case 1, case 13) or be assisted by a lawyer during the hearing (case 6, case 28 and case 29). In case 18, the child was heard by a doctor, a psychologist and the Court.

## Objections to return

Only in a few cases the French Courts elaborate on why the child's objections do not lead to a decision of non-return. In case 3, for example, the objections must be consistent (in this case, the child did not raise the same objections mentioned in Court to the police in an earlier hearing). A similar reasoning referring to consistency is used in case 45. In case 47, however, the child's declarations before the doctor were not credible, according to the Court. In case 4 and case 20, objections were insufficient because the child had no contact with the left-behind parent, who had no chance to offer an alternative story to that of the abducting parent with whom the child was staying. This reasoning was upheld in case 21 concerning a six-year-old child who was not heard by the Court. In case 27, an

eight-year-old child has a preference to stay in France with the mother. Even though the Court does not analyse her views in the judgment, she seemingly spoke unauthentically (e.g. she mentioned the father lies a lot and his wish for her to return is to annoy the mother). In case 33, the children's objections were interpreted considering the extremely violent conflict they found themselves in. The nature of this conflict leads the Court to consider they were not free from influence and thus Art. 13 (2) did not apply for the five siblings aged between 16 and eight years.

Loyalty conflicts offer sufficient reason to disregard the children's objections (cases 14 & 15, case 20). In case 37, the Court even refers to a potential loyalty conflict as one of the grounds for the child not to be heard. In this case, the Court did not investigate the extent to which a loyalty conflict occurred during the hearing but considered the risks without seeing the children.

In case 28, the Court confirms that the child was afraid to be separated from the mother but did not object to return. However, the Court accepts the psychologist's reasoning that it would be in the child's best interests to have contact with both parents in her country of habitual residence. The mother should not be impeded from returning with the child. As such, the Court takes account of the child's views even though it is not in the sense of Art. 13 (2). In case 29, the only reference to the children's hearing in first instance is in the appeal court's account of the children's positive memories about their country of habitual residence.

In case 16, the Court assesses whether the child's objection is also in her best interests, which in this case, according to the judge, is not due to the father's limited capacities to keep the children safe.

## Other relevant matters

In case 24, the Appeal Court had not heard children aged nine and six, because the first instance court had considered the children to be too young and insufficiently mature. This was overruled in a cassation case (case 25), where the Court held that not hearing the children was a violation of their rights under Art. 388 of the Civil Code, as the children had explicitly asked to be heard.

In case 7, a 13-year-old child had not been heard. The Court orders a hearing before proceeding to the judgment.

In two cases (case 21 and case 25), the Court mentions the Convention on the Rights of the Child, and more specifically the principle concerning the best interests of the child (Art. 3) and the child's right to be heard and have due weight given to his or her views (Art. 12).

In one case, the Court refers to the child having written a letter to the judge expressing his views (case 37). The child, in this case 11.5 years old, did not ask for a personal hearing after being informed that this opportunity was available.

In case 10, it is explicitly mentioned that the minutes of the children's hearing were presented to the parties.

## France in the Quickscan

- France has implemented a general statutory provision to fulfill the right of the child to be heard in all procedures concerning the child. There is a legal obligation to ensure children are heard in the most favourable settings and under the most suitable conditions, having regard to their age, maturity and level of understanding (FRA, 2015b, p. 5).
- The right of the child to be heard is guaranteed by a number of national laws; in particular the Civil Code (Art. 388 (1)). This important legislation expressly states that children have the right to be heard in proceedings affecting them.
- There is no minimum age to hear children. Any discerning child (capable de discernement) can be heard. This degree of maturity is defined by the judge on a case-by-case basis (FRA, 2015a, p. 40). In family affairs, the family judge may hear children from seven or eight onwards (FRA, 2015a, p. 40; French Central Authority, 2016).
- A child can make a request to be heard. A discerning child (capable de discernement) may request a judge to hear him/her in cases concerning him/her, even if one or both parents oppose to such hearing. This implies an obligation for the judge to make sure all children are properly informed of their right to be heard (French Central Authority, 2016).
- It is common practice that children are heard in civil procedures (FRA, 2015a, p. 49).
- The child is heard by the judge, or an independent expert appointed by the judge (French authorities, 2010, 7.3a; HCPIIL, 2011).

- The child can be heard alone, or with the assistance of a lawyer or another person of his/her choice. If this choice goes against the child's best interests, the judge may appoint another person (CEFL, 2005; CRIN, 2015, p. 12).
- The legal obligation to obtain a comprehensive understanding of the child and assess their legal, psychological, social, emotional, physical and cognitive situation via multidisciplinary cooperation is usually implemented (FRA, 2015b, p. 5).
- Specific family courts exist (FRA, 2015a, p. 39).
- The judge decides on the maturity of the child (French authorities, 2010, 7.3b).
- In cases concerning parental responsibility, the judge shall take account of the feelings expressed by the child during the proceedings (Civil Code Art. 373 (2) (1 1)).
- According to the HCPIL Country Profile (2011), children should always be heard in return proceedings. It is however unclear if this is always the case. The court hearing the child must give due consideration to the child's wishes and must specify in its decision whether the feelings expressed by the child have been considered (CEFL, 2005, p. 38; Civil Code, Art. 373(2) (1 1)). This does not mean the court must follow the child's opinion (e.g. a child should not be put in the position to choose between two parents) (CEFL, 2005, p. 38; French Central Authority, 2016).
- When a child objects return under Art. 13 (2) of the 1980 Hague Convention, the return could be refused particularly when the child is old enough to make decisions, is settled in his/her new environment or when non-return is the only way to preserve a relationship with a sibling (French authorities, 2010, 7.3c).
- It is possible to appoint a guardian ad litem when the interests of the child conflict with those of his or her legal representatives (HCPIL, 2011).
- The hearing of the child does not confer on them the status of party to the proceedings (Art. 338 (1) (3) Civil Code).
- It is rare that the judge's decision is explained in a child-friendly manner to a child who has been heard (CRIN, 2015, p. 13). However, such explanations may be given during the hearing. Alternatively, the child's lawyer or guardian ad litem (administrateur ad hoc) may also debrief the child after the proceedings (French Central Authority, 2016).
- Training is provided to professionals in direct contact with children on communicating with them at all ages and stages of development as well as with children in situations of

exceptional vulnerability. The legal obligation to provide such training is implemented in France (FRA, 2015b, p. 5).

- France has implemented procedures to provide support to a child before, during and after civil proceedings. Screens, separate rooms and child-friendly facilities with technological equipment exist (FRA, 2015b, p. 6).
- The legal obligation to ensure that children are informed in the most appropriate way, having regard to their age, maturity and level of understanding and any communication difficulties they may have, including provisions for specifying the responsible authority, person, time, consent and format of the information provided is implemented in France (FRA, 2015b, p. 7).

Source:

CEFL Commission on European Family Law (2005), *National Report: France*. Accessed on 6 October 2017 from <http://ceflonline.net/wp-content/uploads/France-Parental-Responsibilities.pdf>.

CRIN (2015), *Access to Justice for Children: France*. Accessed on 6 October 2017 from [https://www.crin.org/sites/default/files/france\\_access\\_to\\_justice.pdf](https://www.crin.org/sites/default/files/france_access_to_justice.pdf).

FRA Fundamental Rights Agency (2015a), *Child Friendly Justice – Perspectives and Experiences of Professionals on Children’s Participation in Civil and Criminal Judicial Proceedings in 10 EU Member States*. Accessed on 6 October 2017 from <http://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-childrens>.

FRA (2015b), *Annex 2 to Child Friendly Justice – Perspectives and Experiences of Professionals on Children’s Participation in Civil and Criminal Judicial Proceedings in 10 EU Member States*. Accessed on 6 October 2017 from [http://fra.europa.eu/sites/default/files/fra-2015-child-friendly-justice-professionals-annex-2\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2015-child-friendly-justice-professionals-annex-2_en.pdf).

French Authorities (2010), *Responses to the Questionnaire of November 2010*. Accessed on 6 October 2017 from <https://www.hcch.net/en/publications-and-studies/details4/?pid=5291&dtid=33>.

HCPII – Hague Conference on Private International Law (2011), *Profil des Etats – France*. Accessed on 6 October 2017 from [https://assets.hcch.net/upload/abduct2011cp\\_fr.pdf](https://assets.hcch.net/upload/abduct2011cp_fr.pdf)

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## Case Law: The Netherlands

### General Issues

Dutch case law is systematically published and made publicly accessible through the online portal [rechtspraak.nl](http://rechtspraak.nl). In 98 cases, the hearing of an abducted child is discussed by the Dutch Courts.<sup>9</sup> The cases concern 88 children of 66 families. In two families, children were heard twice (case 16 & 100; case 192). 50 children do not have siblings, 16 have one or more sibling(s). Twenty-five families had more than one case dealt with in Court. The children are all aged between three and 15.5 except for seven cases where the respective child's age is unknown. The Courts make no distinction between a hearing under Brussels II bis and a hearing under the 1980 Hague Convention.

### Application of Art. 13 (2)

In 16 out of 98 cases, Art. 13 (2) has been considered as a ground for the Court to refuse a return-order (12 years old & 10 years old in case 5; 10 years old in case 23; 10 years old in case 33; 13 years old & 11 years old in case 38; 14 years old in case 72; 14 years old in case 78; 15.5 years old in case 97; 13 years old in case 107; 12.5 years old in case 119; 14 years old in case 138; 14 years old in case 144; 10 years old in case 168; 12 years old in case 181; 15.5 years old in case 192; 11 years old and 9 years old in case 197; 14 years old in case 217).

### Decisions on age and maturity

A child's views can be decisive to determine the outcome of the case when the child has reached sufficient age and maturity. This is the Court's independent judgment, separate from the expertise of

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<sup>9</sup> The name of the Court is indicated in the name of the case: HR = Hoge Raad (High Court); GH = Gerechtshof (Higher Appeal Court); RB = Rechtbank (Court of first instance); ALM = Almere, AMS = Amsterdam, ARN = Arnhem, BRE = Breda, DHA / SGR = Den Haag = Den Haag ('s-Gravenhage), GRO = Groningen, HAA = Haarlem, LEE = Leeuwarden, ROT = Rotterdam, SHE = 's-Hertogenbosch, UTR = Utrecht, ZLY = Zwolle-Lelystad, ZUT = Zutphen.

the Dutch Council for the Protection of Children, Raad voor Kinderbescherming (RVK). It is not up to the parents or parties to determine maturity (case 21).

In general, the Dutch Courts give children over age six a chance to express their views, except for a five-year-old boy who was heard together with his grandfather and his aunt (cases 24 & 125). Children under age six have not been heard (three years old in case 26 and case 135; four and half years old in case 14). The Court states that hearing very young children may cause psychological damage, notably when the child has no clear grasp of the situation and might feel obliged to choose between two parents (in case 35, the child is five). A court hearing may also burden a young child (six years old in case 203). Moreover, relying on theories of development psychology, the RVK has advised the Court in case 125 not to consider an investigation of the child's maturity. According to this Council, a child of five years can only determine his or her vision of the future based on feeling secure with the parent who is the primary caregiver at that moment. The Council claims it is dangerous for the child to be heard at this age because he or she may (be made to) feel responsible for the happiness of the parents, later in life, should his or her views be given any weight. The Court does not assess maturity when a child is considered too young to be heard (case 35).

Overall, the Court considers children at age six, seven or eight to be insufficiently mature to give much weight to their views (case 102; case 209) unless special facts or circumstances apply. Such special circumstances were applicable in case 47, where an eight-year-old child was sufficiently mature to take account of her wishes. According to the Court, this child oversees, at her own level, what is at stake and why her parents disagree. Despite deciding against the child's maturity in case 129, the judgment confirms the RVK's opinion that not being able to fully oversee one's family situation in circumstances as complicated as a parental abduction is not a matter of age (in this case the boy is 8) – instead, any person irrespective of age could have difficulties grasping such situations.

For nine-year-old children, the Court points out that this biological age as such does not mean the child could not have any influence on the Court's decision (case 3; cases 41 & 200). However, there are no examples in the case law where a nine-year-old's views were decisive for the outcome of the case.

Ten-year-old children have been considered sufficiently mature in five out of 11 cases (cases 5 & 175; case 16; case 23; case 33; case 168). It is noteworthy that in four out of these five cases, their views have been decisive for the application of Art. 13 (2).

The Court presupposes maturity from age eleven (case 150), unless special circumstances apply as in case 162, for example, where an 11-year-old boy is said to have given the Court the impression that he was younger than his actual age, with no further elaboration (although the corresponding case 156 refers to behavioural problems). In case 70, a 12-years old child makes a younger impression on the Court due to a lack of social skills and self-confidence. In case 188, a 13-year-old boy was not considered mature enough as opposed to his 11-year-old sister, who was. Unlike her brother, the girl had an age-appropriate and comprehensive way of expressing her feelings and thoughts, and was sufficiently able to oversee the implications of her preferences. The Court has also doubted the maturity of a 14-year-old girl in case 71, because she seemed to be strongly influenced by her mother, which prevented her from expressing herself freely. In cases 165 & 169, two brothers, 15 and 11, showed insufficient skills of self-reflection, stability and objectivity. This was partly attributed to one child having ADHD and the second Tourette's syndrome. Contrary to the Court's general assumption, the 11-year-old was considered to have insufficient maturity. In case 13, a 12-year-old child is considered insufficiently mature due to a mental disability. However, (mental) disability is not a reason to consider a child to be insufficiently mature. For a 15-year-old child in case 202, maturity is confirmed despite a mental disability that enhances the likelihood of undue parental influence.

When the application of other articles of the 1980 Hague Convention provide grounds for refusing the child's return (e.g. Art. 13 (1) (b), as in case 3 and case 142 or Art. 12(2), as in case 29), the Court does not necessarily examine the child's maturity. Also, when the objection is insufficient for the application of Art. 13 (2), maturity is not necessarily considered (case 96; case 146; case 147; case 215).

## Elements of maturity

The Court has assessed children's maturity on the basis of various conditions. These do not have to apply cumulatively, but the more a child's manner of speech and behaviour corresponds to these factors, the higher the likelihood their views will have an impact on the outcome of the case. Examples include:

- Ability to sufficiently oversee and understand the current situation as well as the future consequences of a decision or preference on where to live (case 4; case 33; case 38; case 47; case 125; case 127; case 129; case 135; case 144; case 173; case 178; case 181; case 188; cases 197 & 200; case 217)

- Ability to express one's wishes verbally (if needed assisted by an interpreter) and voice one's thoughts, feelings and emotions in a clear and comprehensive way (case 16; case 119; case 129; case 178; case 181; case 188; cases 41 & 197 & 200; case 217)
- Ability to convey a certain degree of consistency in the story (cases 9 & 87; case 16; case 33; case 119; case 144; case 168; case 181; case 187; case 200).
- Authenticity, self-reflexivity and independence corresponding to the child's age (case 8; case 33; case 38; case 127; case 133; case 144; case 168; case 169; case 217); specifically, also the ability to make independent decisions (case 78; case 144; case 192; case 217)
- Ability to speak in age-appropriate language (case 16; case 38; cases 41 & 200), in his or her own words (case 188) and with words through which the child can understand the implications (case 9, example: the child spoke in terms of 'running away' or 'committing suicide', where the judge was of the impression that the child did not understand the implications of these actions)
- Ability to speak freely, openly and spontaneously (case 8; case 107; case 188)
- Ability to convey a sense of reality, thoroughness and/or detail in expressing his or her views (case 33; case 38; case 104; case 129)
- Ability to give reasons for a certain choice or preference (case 123; case 178; case 197)
- Ability to speak in a way that is not overly emotional (e.g. in case 8 where a 9-year-old girl expressed strong anger, this was considered a sign of insufficient maturity)
- Give a mature [sic] impression, e.g. seeming more mature than other children of the same age (case 78; case 119 case 192). Note: The Court also explicitly states that maturity is not related to the extent to which a child feels responsible or 'pretends' to be older than he or she is (case 9).

Whereas most elements to assess maturity are related to speaking abilities, behaviour is also considered (case 45; case 98; case 125; case 163; case 169). This is made explicit especially in cases involving younger children (five to seven years old) or children with a specific medical background (mental or behavioural problems). In case 98, for example, the Court points out a six-year-old child seems uncomfortable when people around him speak Spanish. Rarely, intelligence (in the sense of schooling level) is used as a factor to assess maturity (case 71). Children who are shy, not quite self-confident and not quite persuasive in their speaking and behaviour face more difficulty in convincing the Court that they are sufficiently mature (cases 38 & 188; case 70; case 178).

In case 217, involving a 13.5-year-old boy who made a significantly mature impression, the Court makes explicit that it is irrelevant whether the child speaks the full truth when reporting about the situation in his country of habitual residence so long as it is clear to the Court that the way in which he experiences the situation is authentic and consistent. It follows that truth or objectivity are important

only in cases of younger children, a loyalty conflict, undue influence by the parent or another reason that may arouse doubts about the authenticity of the child's opinion, but not so much when there is no doubt about the child's maturity.

Loyalty-conflicts or undue influence from one of the parents (usually the current caregiver, i.e. taking or retaining parent) are generally indications for the Court not to follow the child's views (case 87; case 129; case 135; case 158; case 212). However, exceptions apply when the Court can explicitly identify the child's independent ability to form an authentic opinion (e.g. case 16; case 33; case 38; case 41; case 72). Sometimes, a loyalty-conflict is a sign of insufficient maturity (case 123; case 133; case 158; case 169; case 178; case 187; case 188; case 206). Children who are under obvious social and emotional pressure can still be considered mature (as suggested by the RVK in case 135) even if their opinion is not decisive due to a loyalty-conflict (as decided by the Court in case 135). Also in case 187, a 15-year-old girl who had, since abduction, said she wanted to return to her other parent but changed her mind a few days before the hearing, is in a loyalty-conflict rather than insufficiently mature. The more the child portrays a situation in extreme terms, the less likely the Court is to take account of his or her views (case 206).

## Involving intermediaries

The Court confirmed that neither national nor international law prescribes that the Court must hear the child in person to determine whether they object to return. It is also possible to request an investigation by the RVK and rely on their hearing of the child (case 156). Specifically, in case 156, the child suffers from behavioural problems. Even though this is not made explicit in the Court's judgment, it is possible that this is the reason for the court not to hear the child personally and leave the hearing up to social workers and psychologists. In case 165, the Court requires an investigation by the RVK to determine whether two children (one with ADHD and another with ADHD and Tourette's syndrome) are sufficiently mature to make an objection to return. The RVK can also point out that the child is insufficiently mature, which may influence the Court's decision not to hear the child (case 32).

If the Court is unsure about the child's maturity or the nature of his or her objections, or if the Court needs more information after having spoken to the child, it may request a further investigation by the RVK (case 20; case 41; case 50; case 71; case 79; case 150; case 165; case 209). In two cases (case 71 and case 23), the Court has mentioned criteria used by the RVK to assess and define maturity. In case 71, these include "being conscientious", "nuancing one's answers", "having an impressive way of

formulating thoughts”, “being reflective”, “putting effort in being convincing about one’s authenticity”, “being mature for her age [sic]” and “having great moral consciousness” (case 71). In case 23, the RVK made an assessment of the child’s maturity on the basis of “the ability to make choices”, “ability to reflect on one’s behaviour and actions as well as on those of other people”, “ability to bring nuances to one’s story”, “ability to talk sensibly about one’s emotions”, “ability to relate one’s feelings to wider concepts of good and bad, as such demonstrating an elevated level of thinking”, ability to understand causes and consequences” and “ability to formulate one’s wishes and views in a coherent and consistent way”.

## Objections to return

Objections to return are defined in a limited way.

- A mere preference to stay with the abducting parent and/or maintain the current situation in the new country is not sufficient to amount to an objection in the sense of Art. 13 (2) (cases 42 & 146; cases 43 & 202; case 47; case 96; case 135; case 137; case 175; case 210).
- Objecting to living with one of the parents is not sufficient for the application of Art. 13 (2) (case 5; case 103; case 113; case 129; case 187), especially not when the objection is not against the person of the parent, but against his or her educational or care-giving qualities (case 187).
- Factual circumstances that make the way of life in the new country ‘nicer’ or ‘safer’ than in the country of habitual residence, e.g. because of better educational perspectives, more friends, less busy traffic or a nicer school, are not sufficient to amount to an objection in the sense of Art. 13 (2) (cases 41 & 200; case 70; case 87). An exception can be found in case 97, where the child’s age (almost 16) was decisive for making her preference count as an objection to return to Egypt, where she feels unsafe as to her position as a woman and the political instability in her country of habitual residence.

In general, the gravity of an objection is not a condition for (in Dutch: ernstig) the application of Art. 13 (2) (case 181). However, the objection must be ‘explicit’ (in Dutch: uitdrukkelijk) (case 187), which means that the child’s expressed preference for either one or the other country does not amount to an objection under Art. 13 (2) (case 37; case 147). Sometimes, the Court specifies a child is ‘firm and consistent’ in expressing his or her objection (case 119; case 217).

The Court is more likely to consider the child’s objection is sufficient to satisfy Art. 13 (2) when the reasons for objecting to return are linked not to the person of the other parent and/or the situation in the other

country, but (also) to the circumstances and the context they would be returning to (case 5; case 119; case 138). For example, a 12.5-year-old boy objects to return because of the figure of the father, the lack of freedom he experienced, and the unsafety in his home country. According to the Court, to return would damage the child's healthy development because he would be trapped in the situation he fears most, which is what the 1980 Hague Convention seeks to avoid. In another case, a 14-year-old girl's fear of her father was interwoven with her fear of living in Poland to such an extent that to return to the parent or the country would be damaging. Her objection is supported by a court order implying there is no alternative for her to stay with someone else other than her father in Poland, as well as a police declaration confirming child abuse.

Objections concerning the child's development are more likely to be decisive (case 72; case 78; case 119; case 138). For example, a 14-year-old girl's development is interrupted due to a lack of clarity about her situation. She has strong objections to return and her situation is likely to worsen when she needs to return to her father without additional protection measures. In this case, Art. 13 (2) applies.

When the child proposes own suggestions on how to keep in touch with the left-behind parent (case 144; case 181), or takes initiative him- or herself to visit the parent in the other country (case 217), the Court is likely to take this into account when considering the nature of the objection as this implies an authentic choice.

The Court ruling the return relies on the Court in the country of habitual residence to take account of the returned child's views in further court procedures on the merits of the case (case 173; case 187). Also, the Court assumes it must be possible for the abducting parent to return with the child (and start a procedure before the home-court). In case 103, the 12-year-old child explicitly confirms no objection to return in the accompaniment of the taking parent. However, in case 128, the abducting parent would not be able to return with the child due to the disability of her other child. The court rules that returning without his mother would place the child in an intolerable situation based on Art. 13 (1) (b).

The views of two siblings, 11 and nine, are considered differently by two respective courts. In the first case (first instance judgment RBSGR, case 197), the elder child's objections and fears are grounded, and return is denied based on Art. 13 (2). However, the second Court (execution judgment RBSGR, case 200), interprets the boy's objections and fears as a mere preference to stay in the Netherlands for greater safety.

## Other relevant matters

The Court is not obliged to report in detail about the children's objections (case 200). The children are not party to the proceedings. A brief or undetailed report about the children's hearing does not give the parents sufficient reason to make procedural allegations against the court.

A hearing can also take place to determine whether the child is now rooted in the new country (case 29; case 98).

It bears sufficient reason for the court not to hear a child that is living abroad (case 96, age unknown).

The Court also considers documents submitted by adults outside the procedure such as school counsellors (case 33; case 70). In one case, the Court states that it has sufficient (unspecified) material at its disposal and need not hear the six-year-old child (case 49).

In one case, the Court specifies that the child has sufficiently conveyed their views in writing instead of in person (case 43).

In one case, a solution was eventually reached through mediation (case 152).

## The Netherlands in the Quickscan

There is no specific right of the child to be heard in court (CEFL, 2005, p. 34). Arguably, Art. 12 of the Convention on the Rights of the Child (CRC) is directly applicable in Dutch law. Children have a right to express their views in family law cases.

The minimum age for the right to be heard in Court is 12 years (EC, 2015, p. 12). The Court has an obligation to invite children who are 12 years or older to be heard in relation to matters affecting them, unless it decides the matter is of minor or urgent importance (Art. 809§1 of the Dutch Code of Civil Procedure). The Court has discretionary power to hear children under 12 years if they are considered to have reasonable appraisal of their interests. Only in The Hague return proceedings are children above six years routinely heard (Beaumont et al., 2016, p. 14).

The child is heard directly by the competent authority. The judge decides how the child is to be heard (Art. 809 §1 of the Dutch Code of Civil Procedure).

Jurisdiction is concentrated in The Hague courts of first instance, court of appeal, and the supreme court.

In child abduction cases, the child will be heard alone. If a child strongly objects to an oral statement, a written statement can be provided (Dutch Ministry of Security and Justice, 2010, p. 11).

The child has the right to guardian ad litem (Art. 1:250 Dutch Civil Code) if there is a conflict between the child's interests and the interests of the holder(s) of parental responsibility on a matter that concerns parental responsibility.

In its concluding observations of 2015, the UN Committee on the Rights of the Child expressed concerns about the limited opportunity for children in the Netherlands to participate in decisions that affect them. The appointment of a guardian ad litem in court proceedings is considered a positive development (p. 7).

Source:

CEFL Commission on European Family Law (2005). *National Report: The Netherlands*. Accessed on 6 October 2017 from <http://ceflonline.net/wp-content/uploads/Netherlands-Parental-Responsibilities.pdf>.

CRIN (2015), *Access to Justice for Children: Netherlands*. Accessed on 6 October 2017 from [https://www.crin.org/sites/default/files/netherlands\\_access\\_to\\_justice-updatedoct2015.pdf](https://www.crin.org/sites/default/files/netherlands_access_to_justice-updatedoct2015.pdf).

Dutch Ministry of Security and Justice (2010). *Questionnaire Concerning the Practical Operation of the 1980 and 1996 Conventions*. Accessed on 6 October 2017 from <https://assets.hcch.net/upload/abduct2011nl1.pdf>.

European Commission (2015). *Children's Involvement in Criminal, Civil and Administrative Judicial Proceedings in 28 Member States of the EU*. Accessed on 6 October 2017 from <https://publications.europa.eu/en/publication-detail/-/publication/c3cd307f-ff03-4010-b322-dcf7063403c5>.

United Nations Committee on the Rights of the Child (2015), *Concluding Observations: The Netherlands*, UN Doc CRC/C/NDL/Co/4. Accessed on 6 October 2017 from <http://www.refworld.org/publisher,CRC,CONCOBSERVATIONS,NLD,566fc5a04,0.html>.



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## Appendices

### Appendix 1. Description of the survey population – tables

Table 1. Nationality and birth country of the respondent

	Nationality	Birth country
France	26,6%	21,5%
Belgium	13,6%	12,4%
the Netherlands	41,5%	32,8%
Other country	18,4%	33,3%
Total N	354	354

Table 2. Relation between the respondent and the abducted child

Biological or adopted with current spouse or partner	27,1%
Foster or stepchild with current spouse or partner	0,8%
Biological or adopted with former spouse or partner	64,7%
Foster or stepchild with former spouse or partner	1,1%
Grandchild	3,4%
Other	2,8%
Total N	354

Table 3. Relation between both parents before the abduction

None	4,3%
Married and/or living together	44,4%
Married but not living together/separated	14,7%
Divorced	26,2%
Other	10,4%
Total N	347

Table 4. Return/non return of the child

	n	%
Child returned	179	53,6%
Child did not return	155	46,4%
Total N	334	

## Appendix 2. Child wellbeing (SDQ scores) – tables

Table 5. Outcomes on SDQ scale (total score and four subscales), with independent samples t-tests for testing the difference between boys and girls

	Boys		Girls		t
	Range	Mean (SD)	Range	Mean (SD)	
SDQ total score	0 – 36	9,54 (7,18)	0 – 31	7,8 (6,3)	1,80
Emotional problems	0 – 9	2,21 (2,33)	0 – 10	2,2 (2,39)	0,01
Conduct problems	0 – 10	1,68 (1,90)	0 – 7	1,44 (1,61)	0,95
Hyperactivity	0 – 10	3,43 (2,58)	0 – 9	2,67 (2,37)	2,15*
Peer problems	0 – 8	2,23 (2,04)	0 – 7	1,49 (1,79)	2,67**
Total N	102 <sup>a</sup>		94 <sup>a</sup>		

Items on child wellbeing were only completed when the child resides (full-time or part-time) with the responding parent. For 144 respondents this was not the case. For 14 parents a missing value was recorded; \*  $p < .05$ ; \*\*  $p < .01$

Table 6. Child wellbeing – SDQ scores in three categories

	Normal	Borderline	Abnormal	Total N
SDQ-Total	80,1%	7,1%	12,8%	196
Emotional problems	73,0%	8,2%	18,9%	196
Conduct problems	77,6%	8,2%	14,3%	196
Hyperactivity	85,7%	4,6%	9,7%	196
Peer problems	68,9%	10,7%	20,4%	196

Boys	Girls					
	Age child	SDQ total	Emotional problems	Conduct problems	Hyper-activity	Peer problems
Age child	-	0,138	0,101	0,249*	-0,045	0,186
SDQ-Total	-0,190	-	0,848***	0,740***	0,805***	0,657***
Emotional problems	-0,226*	0,835***	-	0,506***	0,575***	0,435***
Conduct problems	-0,133	0,799***	0,578***	-	0,494***	0,377***
Hyperactivity	-0,256**	0,847***	0,604***	0,577***	-	0,297**
Peer problems	0,037	0,749***	0,492***	0,487***	0,489***	-

Table 7. Correlations between age child and SDQ scores ( $N_{\text{boys}} = 102$ ,  $N_{\text{girls}} = 94$ )

\*  $p < .05$ ; \*\*  $p < .01$ ; \*\*\*  $p < .001$

### Appendix 3. Characteristics before the abduction – tables

Table 8. Child's age at the time of abduction

	n	%
0	21	5,9%
1	17	4,8%
2	33	9,3%
3	47	13,3%
4	44	12,4%
5	40	11,3%
6	29	8,2%
7	27	7,6%
8	27	7,6%
9	18	5,1%
10	18	5,1%
11	12	3,4%
12	10	2,8%
13	6	1,7%
14	3	0,8%
15	1	0,3%
Total N		353 (1 missing)
Mean (SD)		5,41 (3,39)

Table 9. Residence of the child before the abduction

	Left behind parent	Abducting parent
Always with me	25,0%	58,0%

Most often with me	10,9%	18,0%
As much with me as with the other parent	35,9%	12,0%
Most often with the other parent	13,5%	2,0%
Always with the other parent	3,9%	0%
Child lived with someone else	10,9%	10,0%
Total N	304	50

Table 10. Residence with abducting parent before the abduction

Always with AP	11,6%
Mostly with AP	14,1%
Equal amount of time with AP and LP	32,5%
Mostly not with AP	9,6%
Never with AP	32,2%
Total N	354

Table 11. Child was informed about leaving the country prior to the abduction

	All respondents	According to LP	According to AP
Yes	14,9%	7,9%	59,5%
No	85,1%	92,1%	40,5%
Total N	276	239	37

Table 12. Correlation between residence with AP before abduction ('never' to 'always') and child's wellbeing (Pearson correlations) – Pearson correlation according to return child

	Child returned (n = 141)	Child did not return (n = 50)
SDQ total score	-0,060	0,412**
Emotional problems	-0,125	0,405**

Conduct problems	0,011	0,312*
Hyperactivity	-0,057	0,318*
Peer problems	0,025	0,403**

\* p < .05; \*\* p < .05

Table 13. Difference in wellbeing between children who were and who were not informed about leaving the country – independent samples t-tests, children who did not return only

	Child was informed (n = 18)	Child was not informed (n = 24)	t
SDQ total score	6,89	12,33	-2,233*
Emotional problems	1,33	2,96	-2,056*
Conduct problems	1,44	2,17	-1,103
Hyperactivity	2,17	4,17	-2,467*
Peer problems	1,94	3,04	-1,641

\* p < .05

## Appendix 4. Circumstances during the abduction – tables

Table 14. Duration of the abduction – all children and according to return child

	All children	Child returned	Child did not return
Less than 1 week	2,1%	1,7%	2,2%
1 week to 1 month	5,2%	7,8%	2,2%
1 to 2 months	3,3%	5,6%	0,7%
2 to 3 months	3,9%	6,7%	0,0%
3 to 6 months	11,8%	20,1%	2,2%
6 months to 1 year	13,3%	21,8%	3,6%
1 to 2 years	11,8%	15,1%	6,5%
2 to 3 years	8,5%	11,2%	5,8%
3 to 5 years	11,5%	5,6%	18,0%
More than 5 years	28,5%	4,5%	59,0%
Total N	330	179	139

Table 15. Frequency of contact with left behind parent during the abduction

	All children	Child returned	Child did not return
Never	31,4%	28,5%	33,5%
Rarely	32,6%	34,1%	31,6%
Occasionally	21,3%	25,1%	18,1%
Frequently	14,7%	12,3%	16,8%
Total N	347	179	155

Table 16. Characteristics of the environment during the abduction

	% yes	Total N
Child knew other people besides AP	41,5%	323
Child knew or spoke the local language	43,5%	324
Child experienced abduction as a holiday	31,6%	253
Child had to hide	25,5%	294
Child had to take on another identity	9,7%	298
Child lived without brother(s)/sister(s)	30,4%	283
Child had contact with professionals	35,2%	284
Child lived under the same roof as AP	67,7%	279

Table 17. School attendance during the abduction

No	24,9%
Partially	18,8%
Full-time	56,3%
Total N	309

Table 18. Reasons for no/partial school attendance during the abduction – multiple options possible

Had to hide	17,8%
Child was too young	39,3%
Home schooling	4,4%
Other reason	33,3%
Total N	135

Table 19. Frequency of contact with same aged children during the abduction

Never	8,7%
Seldom	9,1%
Sometimes	23,1%
Often	59,1%
Total N	264

Table 20. Correlation between contact with LP during the abduction ('never' to 'frequently') and child's wellbeing – Pearson correlations according to return child

	Child returned (n = 141)	Child did not return (n = 50)
SDQ total score	0,062	-0,318*
Emotional problems	0,038	-0,243
Conduct problems	0,185*	-0,234
Hyperactivity	0,008	-0,305*
Peer problems	-0,014	-0,323*

\* p < .05

Table 21. Correlation between contact with same aged children during the abduction ('never' to 'frequently') and child's wellbeing – Pearson correlations for all children taken together

	All children (n = 163)
SDQ total score	-0,222**
Emotional problems	-0,209**



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Conduct problems	-0,170*
Hyperactivity	-0,188*
Peer problems	-0,121

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\* p < .05; \*\* p < .05



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## Appendix 5. The legal procedure and mediation – tables

Table 22. Mediation and court procedure on parental authority after the abduction

	n	%	Total N
Mediation was used	101	32,9%	307
Child was heard during mediation	29	33,3%	87
Child was heard during court procedure	87	29,9%	291
Respondent perceives the final solution as fair	143	50,4%	284

Table 23. Perceived success of mediation

	All respondents	LP	AP
Not successful	60,4%	63,5%	43,8%
Partially successful	18,8%	17,6%	25,0%
Successful	20,8%	18,8%	31,3%
Total N	101	85	16

Table 24. Agreements before and after abduction

	%	Total N
Court decision on residence before abduction	42,4%	349
Official written agreement on residence before abduction	37,8%	349
New custody arrangement in place since before abduction	61,5%	135

Table 25. Decisions and agreements are/were respected

	Yes always	Not always but with agreement of both parents	Not always because of other reason	Total N
Court decision prior to abduction	35,8%	6,8%	57,4%	148
Official written agreement prior to abduction	34,1%	7,6%	58,3%	132
New custody arrangement	75,9%	3,6%	20,5%	83

Table 26. Difference in wellbeing between children whose parent believed the final solution was fair versus not fair – independent samples t-tests, for all parents taken together

	Final solution was fair (n = 125)	Final solution was not fair (n = 46)	t
SDQ total score	8,00	11,35	-2,827**
Emotional problems	1,90	3,20	-2,890**
Conduct problems	1,50	1,74	-0,779
Hyperactivity	2,95	3,76	-1,840
Peer problems	1,65	2,65	-2,675**

\*\* p < .05

## Appendix 6. Characteristics of the return – tables

Table 27. The abducting parent was arrested

	All children	Child returned	Child did not return
No arrest	86,7%	80,0%	94,0%
Arrest without presence of child	6,0%	9,1%	2,7%
Arrest in presence of child	7,3%	10,9%	3,4%
Total N	331	175	149

Table 28. Preparation of the child for the return – report from LP only

	Agree/totally agree	In between	Disagree/totally disagree	Total N
LP prepared child	21,5%	7,7%	70,8%	130
AP prepared child	25,9%	10,4%	63,7%	135
The agenda of the child was taken into account	26,8%	5,7%	67,5%	123
Child could say goodbye to AP	55,9%	2,5%	41,5%	118
Child could say goodbye to friends/family	51,7%	6,0%	42,2%	116

Table 29. Difference in wellbeing between children who did versus who did not return – independent samples t-tests

	Child returned (n = 141)	Child did not return (n = 50)	t
SDQ total score	8,21	10,08	1,414

Emotional problems	2,16	2,34	0,474
Conduct problems	1,45	1,86	1,194
Hyperactivity	2,98	3,32	0,822
Peer problems	1,62	2,56	2,672**

\*\* p < .05

Table 30. Difference in wellbeing between children whose parent was versus was not arrested – independent samples t-tests, children who returned only

	Parent was not arrested (n = 108)	Parent was arrested (n = 31)	t
SDQ total score	7,45	10,81	-2,246*
Emotional problems	1,72	3,71	-3,710**
Conduct problems	1,43	1,52	-0,278
Hyperactivity	2,82	3,42	-1,223
Peer problems	1,48	2,16	-1,570

\* p < .05; \*\* p < .05

Table 31. Difference in wellbeing according to arrest abducting parent and presence of the child during the arrest – one-way ANOVA tests, for children who returned only

	Parent was not arrested (n = 108)	Parent was arrested, not in presence of the child (n = 15)	Parent was arrest in presence of the child (n = 16)	F
SDQ total score	7,45 <sup>(i)</sup>	8,87	12,63 <sup>(ii)</sup>	5,523**
Emotional problems	1,72 <sup>(i, iii)</sup>	3,60 <sup>(ii)</sup>	3,81 <sup>(iii)</sup>	10,546***
Conduct problems	1,43	1,13	1,88	0,881
Hyperactivity	2,82	2,60	4,19	2,504

Peer problems	1,48 <sup>(i)</sup>	1,53	2,75 <sup>(i)</sup>	3,696 <sup>*</sup>
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\* p < .05; \*\* p < .05; \*\*\* p < .001

<sup>i, ii</sup> groups that differ significantly on the outcome variable, post-hoc Bonferroni tests

Table 32. Correlation between wellbeing child and the extent in which the child could say goodbye to family and friends upon return ('totally agree' to 'totally disagree') – Pearson correlations, perspective of LP only

	All children – perspective LP (n = 98)
SDQ total score	0,111
Emotional problems	0,080
Conduct problems	0,059
Hyperactivity	0,218 <sup>*</sup>
Peer problems	-0,077

\* p < .05

## Appendix 7. After the abduction – tables

Table 33. Psychological assistance was provided to the child

	n	%	Total N
Psychological assistance upon return	47	27,5%	171
Psychological assistance after return	85	50,3%	169

Table 34. Contact with other parent for returning and non-returning children

	Child returned to LP	Child stayed with AP
Child still has physical contact with other parent	63,5%	53,6%
Child still has contact with other parent but not physical	14,6%	14,3%
Child does not have contact with other parent anymore	21,9%	32,1%
Total N	137	28

Table 35. Frequency of contact with other parent

	Visits between child and AP	Visits between child and LP
Weekly	29,9%	17,9%
Monthly but not weekly	23,9%	28,6%
Several times a year but not monthly	41,8%	39,3%
Yearly	4,5%	14,3%
Total N	67	28

Table 36. Visits with other parent were supervised

	n	%	Total N
Visits with LP were supervised	23	37,7%	61
Visits with AP were supervised	12	44,4%	27

Table 37. Studies fell behind

One time	20,2%
More than one time	21,7%
No	58,1%
Total N	198

Table 38. Difference in wellbeing between children who did versus who did not receive psychological assistance upon their return – independent samples t-tests, for all children taken together

	Psychological assistance received (n = 39)	No psychological assistance received (n = 99)	t
SDQ total score	6,08	9,16	2,764**
Emotional problems	1,33	2,53	3,185**
Conduct problems	1,18	1,59	1,356
Hyperactivity	2,44	3,22	1,740
Peer problems	1,13	1,83	2,096*

\* p < .05; \*\* p < .05

Table 39. Difference in wellbeing according to lagging behind in school – one-way ANOVA tests, for all children taken together

	No lagging behind (n = 108)	Lagged behind once (n = 15)	Lagged behind more than once (n = 16)	F
SDQ total score	7,12 <sup>(i)</sup>	8,05 <sup>(ii)</sup>	13,49 <sup>(i, ii)</sup>	16,002***
Emotional problems	1,80 <sup>(i)</sup>	1,97 <sup>(ii)</sup>	3,49 <sup>(i, ii)</sup>	8,998***
Conduct problems	1,31 <sup>(i)</sup>	1,36 <sup>(ii)</sup>	2,42 <sup>(i, ii)</sup>	6,872**
Hyperactivity	2,48 <sup>(i)</sup>	3,00 <sup>(ii)</sup>	4,67 <sup>(i, ii)</sup>	13,525***
Peer problems	1,54 <sup>(i)</sup>	1,72 <sup>(ii)</sup>	2,91 <sup>(i, ii)</sup>	8,431***

\*\* p < .05; \*\*\* p < .001

<sup>i, ii</sup> groups that differ significantly on the outcome variable, post-hoc Bonferroni tests



**Missing  
Children  
Europe**



**Cross-Border  
Family  
Mediators**



With the support of the European Union