

PROFESSOR JEFF EDLESON (SOCIAL WORK) remembers about a dozen years ago when a woman, a medical doctor, emailed him. She had fled an abusive husband in Europe with her two young children. He had filed a petition under the Hague Convention to get them back. The woman was desperate and contacted Edleson because of his academic work in family violence. How could she keep her children?

The scenario plays out repeatedly, says Edleson, director of the Minnesota Center Against Violence and Abuse. When a woman moves to her foreign-born husband's country, and he becomes abusive, she often flees with their children to the protection of her native country. About a quarter of all Hague Convention international child abduction cases in the world involve the United States. Most of

the parents who come to the U.S. with children are mothers who are American citizens, and in about half these cases, U.S. courts returned the children to the abusive husband.

It wasn't supposed to be this way. The Hague Convention on the **Civil Aspects of International Child Abduction** was established to protect children from wrongful removal from their home and their custodial parent.

"The Hague Convention was written 30 years ago," says Edleson. "It was drafted with the thought that most of the cases were foreign fathers taking their children out of countries to other countries where the mothers would never or seldom have access to the children." Instead, 68 percent of the "abductors" are mothers, the primary caregivers, returning to their native land.

Recent U.S. Census numbers showed that the number of households with one foreign-born parent has risen to 22 percent. If the family goes abroad to live with the husband's family, a woman facing abuse can feel especially trapped. She may not speak the language. She may not be able to work because she lacks citizenship. She has no family to offer support. Her husband's family may be complicit in the abuse.

But why do U.S. courts seem so unsympathetic? "The presumption is we're going to return this child unless you can present convincing evidence that it's a danger to the child," says Edleson. The tragedy, he says, is that he and other researchers

have demonstrated that violence against the mother hurts children psychologically as much as if they were abused themselves.

Judges try to assuage their fears by setting up agreements

with the fathers to prevent further violence when the children are sent back home. But in all cases Edleson investigated, the agreements were ignored, with no follow up by the father, the courts, or social service agencies in the home country.

Edleson and his colleagues testified about the problem to the State Department and the Hague Conference on Private International Law in the Netherlands this spring. He says U.S. courts must consider damage to children from violence in the home, even when they are

not abused directly. They must also reappraise the definition of "home country" when the mother cannot live there without coercion or fear of abuse. And finally, judges should never rely on voluntary agreements to keep children safe.

The young medical doctor who asked for Edleson's help in the first place? Edleson referred her to an attorney who specialized in such cases and testified as an expert witness at her hearing. She won the right to keep her children in the United States.

At an event on Human Rights Day, Guthrie actors dramatized accounts from a number of other abuse survivors who ran afoul of the Hague legal process. Not all cases turned out as successfully as the doctor's. The stories came directly from research conducted by Edleson and other Hague Domestic Violence Project members.

Edleson and his colleagues are working with Greater Twin Cities United Way and the law firm Robins, Kaplan, Miller & Ciresi to provide a guide for Minnesota judges in Hague Convention cases that he hopes will become a national model. He is also working with groups around the globe to identify, research, and develop strategies to prevent abuse by men.

"Violence against women and children isn't just a women's issue," says Edleson. "It's a men's issue as well."

For access to the Guthrie reading and more information on the Hague Domestic Violence Project, see www.haguedv.org/.

— Greg Breining

"But, still, I think it's unconscionable to send a six-year-old girl home, you know, to a man who may be abusing her. ... And [the judge] said, 'Well, let the [other country] court handle it.' And then, my attorney said, 'Well, what about [Megan*]?' And she said, 'I don't care what [Megan*] does. She can stay or she can go. Whatever she wants.' And [the attorney] said, 'Well, are there any safeguards for her protection if she goes back?' And the judge said 'No, that's none of my business. That's her problem.' "

—MEGAN*, A BATTERED WOMAN WHOSE CHILDREN WERE RETURNED TO HER HUSBAND'S COUNTRY (*PSEUDONYM)