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## The Research Project and Book Structure

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### I. Introduction

For one abduction, fifteen people are affected . . . the time has come to start taking this problem seriously. It will grow exponentially in the years to come.<sup>1</sup>

The abduction of children by one of their parents to another country is a problem with many faces. No two cases are the same. In some instances a mother returns with her children to 'her' country, without the consent, or sometimes even without the knowledge, of the father. In other cases a parent flees with his or her children from the country of residence, where he or she is not happy. Sometimes a parent takes the child to hurt the other parent. Some parents believe that their children will be better off in another country or without their other parent. Some people flee from debts.

Whatever the reasons for abducting a child, it causes great distress, anxiety, confusion, sadness and trauma. The left-behind parent suffers, as do other family members and relatives. The ultimate victim is, however, the child. He or she is ripped away from a familiar environment (including school or nursery school, friends and sports clubs), often without preparation and without explanation.

While it is accepted that persons can assume their individual freedom to live with their partners, separate from them, migrate and relocate to other countries, this should not violate the fundamental rights of the child to maintain contact with both parents.

Children should be protected from family conflict that escalates to the extent where it jeopardises their natural development.

For these reasons, the international abduction of children by one of their parents should be countered in all possible ways.

The purpose of this book is to communicate the results of research conducted in Belgium on international child abduction by parents in 2007 and 2008. Abductions to and from Belgium were investigated. While the research focused on Belgium, this phenomenon is international by its nature. In every abduction at least two countries are involved. Comparative material is introduced where available. I believe that the results are of interest to a broader public than just Belgium.

<sup>1</sup> A mother whose children had been abducted by their father.

Many of the results correspond to the findings of a similar research project done in Hungary<sup>2</sup> and to international research.<sup>3</sup>

## II Methodology

### A Methodology for the Quantitative Research

For purposes of the quantitative analysis, more than 700 files were examined. These were administrative files that were held in the archives of the Ministry of Justice (specifically the Central Authority for Mutual Legal Assistance in Civil Matters, whose competences include international child abduction), the Ministry of Foreign Affairs and Child Focus.

Files that were open in 2007 or 2008 were taken into account. The notion of an ‘open’ file is an administrative one and could very well differ depending on where the file is kept. Files are closed for different reasons. At Child Focus, for instance, if a parent no longer wishes or needs the intervention of Child Focus, the file will be closed. It may well be that this person’s file is still open at the Central Authority and that the situation has not yet been resolved.

The Central Authority would generally close a file at the end of the proceedings based on the relevant Convention. This includes the enforcement of the decision that a child should return. For instance, if a judgment in 2006 ordered the return of the child, but the child had not yet returned by 2007, the file would be considered open. Thus, such file would be part of the dataset on which this research was based. A file can also be closed on the basis of the final (including appeal where relevant) judgment that the child should not be returned.

Files at the Ministry of Foreign Affairs tend to stay open for a long time. As these files do not concern legal proceedings, but rather diplomatic negotiations, finding appropriate solutions often takes a long time. In many instances the child has not returned, but the Ministry continues to assist in the negotiation of visits of the left-behind parent to the child or of the child to the left-behind parent.

In considering whether the file should be included in the analysis, the ‘open’ classification given by the institution where the file was held was respected. This was the only way in which to ensure consistency in the selection of files.

The selection of the files took some effort. While Child Focus’s database allows selection of all files that were open during a particular year, the Ministries have

<sup>2</sup> Research project by Kék Vonal, a Hungarian non-governmental organisation (NGO) working with children’s rights. This project was part of the Belgian one done in 2009–10 and also co-funded by the European Commission. The research report was not published.

<sup>3</sup> For instance, N Lowe, ‘A Statistical Analysis of Applications made in 2003 under the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, Part I – Overall Report’, Preliminary Document No 3, Part I on International Child Abduction (2008), available at [www.hcch.net/index\\_en.php?act=publications.details&pid=4449&dtid=2](http://www.hcch.net/index_en.php?act=publications.details&pid=4449&dtid=2).

different ways of classifying cases. The Central Authority and the Ministry of Foreign Affairs classify files on the basis of the year of opening. This means that the files to be included in the research had to be sought in various places.

Of the 700 files plus, 667 were finally retained for the analysis. Others were excluded, because they were abductions within Belgium (thus not across an international border), or because it emerged that the 'child' was older than 18, or because the file was closed before 2007. The number of files was significantly higher than what had been expected beforehand. However, care should be taken not to divide this figure by two for a total number of abductions per year. Some of the files had been open for a long time.

In the final dataset, the following files have been included per institution:

- 297 of Child Focus.
- 71 of the Ministry of Foreign Affairs.
- 443 of the Central Authority.

When seeing these figures, it becomes clear that there are many files dealt with by more than one institution. Most of the overlaps were with Child Focus. Parents can open a file at Child Focus and at the Central Authority, or at Child Focus and at the Ministry of Foreign Affairs. A protocol of cooperation exists between Child Focus and the Central Authority. According to this protocol, when a parent contacts Child Focus reporting the abduction of his or her child, Child Focus contacts the Central Authority in order to inform it. In cases where the Central Authority would be competent (because the child had been abducted to a state with which Belgium has legal ties in the sense of a Convention), Child Focus encourages the parent to contact the Central Authority so that a file can be opened there in order to start return proceedings under the relevant legal instrument.

There are fewer overlapping files between the Central Authority and the Ministry of Foreign Affairs. This is a result of a clear division of tasks among the ministries. The Central Authority has a mandate under several international conventions and agreements. These include the Hague Convention (1980), the Luxemburg Convention (1980) and the bilateral agreements with Morocco and Tunisia. Therefore, if a child is abducted to one of the countries in which return proceedings are possible according to an international legal instrument, the file will be opened at the Central Authority. The Ministry of Foreign Affairs, on the other hand, has a different mandate. Its authority encompasses the seeking of diplomatic solutions. This way of solving conflicts regarding child abduction is most often used when no legal instruments are available. In this sense, the Ministry of Foreign Affairs deals with abductions to countries with which Belgium has no international agreement. However, it may happen that the legal process has run its course, but that the return of the child is still lacking. In such cases, the Ministry of Foreign Affairs occasionally attempts to assist through its network of diplomats. In such instance, there might be an overlap in files between the Central Authority and the Ministry of Foreign Affairs.

In order to obtain an accurate picture of the child abduction cases in Belgium, it was important to find the overlapping files and ensure that every incidence of child

abduction was recorded only once. In order to respect the privacy of the persons concerned, and to be in compliance with the Belgian legislation on privacy, it was not appropriate for Child Focus and the ministries to exchange lists of the files they had in their archives. The chosen method was to work through an intermediary. This role was taken up by Mr Baudouin Vanderhulst, Honorary Ambassador.<sup>4</sup> He was provided with lists of the cases and he compared them. In this way he was able to ensure that every case was taken up in the data to be analysed only once.

Files were coded according to a list of 90 variables. These variables included information on the following:

- The abducting parent, including his or her relationship to the child, age, nationality/ies, place of birth.
- The left-behind parent, including his or her relationship to the child, age, nationality/ies, place of birth.
- The child(ren), including their date of birth, nationality/ies, place of birth.
- The family situation, including the principal residence of the child, the contact arrangements for the other parent, the way in which this situation was established (eg by judgment), the primary caretaker factually.
- The abduction, including the date, the countries from where and to which the child was abducted.
- The return and proceedings leading to the return, including mediation.
- The situation after the closing of the case (whether or not the child has returned), including the (new) residence and contact arrangements for the child and the way in which the solution was reached.<sup>5</sup>

## B Methodology for the Qualitative Research

While coding the data at the Central Authority, at the Ministry of Foreign Affairs and at Child Focus, a number of files were chosen where it was deemed appropriate for the parents to be interviewed. Only the closed files were taken into account for this selection, as interviews in such files could address the entire sequence of events, including the return or non-return and the aftermath of the abduction, including the altered family life.

The criterion of a 'closed' file is not entirely clear, as has been explained above (concerning 'open' cases).<sup>6</sup> In instances where the child had returned, a case could be considered closed. On the other hand, a parent could decide to abandon the proceedings and to resolve the situation. A file could be closed for this reason. A judgment refusing the return of the child might also cause the closure of a case, although this is not necessarily so. As has been explained above with regard to the cases at the Ministry of Foreign Affairs, a parent might continue to search for

<sup>4</sup> This work was done on a voluntary basis.

<sup>5</sup> For a full list of the variables, see annex I.

<sup>6</sup> See subsection A entitled, 'Methodology for the Quantitative Research' above.

other solutions, such as visitation rights in the country where the child now lives. In some instances, therefore, the case stays 'open' for a long time.

Often, the proceedings on the return have been completed, while criminal proceedings are still pending. It might also be that custody or parental authority proceedings are still going on in Belgium or in a foreign country. In these cases, the administrative files at Child Focus and the ministries might be closed. These files were deemed appropriate for interviewing. However, in this category of cases, it seemed too sensitive a time to interview both parents in the same case. In cases where the tensions were still high, the emotional interests of the family should outweigh the objective of obtaining research results. An interview, even one with carefully formulated questions asked from as neutral a standpoint as possible, might cause emotions to flare up. Care was therefore taken not to interview both parents in the same file in such situations. Some of these parents were concerned that their ex-partners should not be aware of their involvement in the study. They were of course assured of the anonymous nature of the analysis and report.

The selection of interviewees was not done by computer, but manually. There were several reasons for such manual selection rather than random computer selection. First, each case is different from the other. There are many objective elements that can vary (for instance the number of children in the family, whether the mother or father was the abductor and the destination of the abduction). While these objective elements could have been identified by computer selection, there are a number of elements that were not taken up in the coded data, but that were relevant for the selection. These could not have been identified by computer. They include the language(s) that the parent speaks and the possibility of communication between the parent and the interviewer on sensitive issues such as the parent's personal experiences.

The final check about whether it would be appropriate to take an interview in a particular case was left to the person who had handled the file (case manager). This person often possessed (subjective) information that was not included in the file. He or she in some cases also knew whether there had been further developments in the file after it had been closed. In one case, for instance, a second abduction was taking place when the taking of an interview was considered. The case manager's information led to a decision not to take the interview. A case manager would also have information about how severe the media attention was to a particular file, whether a parent is able to talk about what has happened and so forth.

Another reason for not working with computer selection was that the coding took a long time. Manual selection had the practical advantage that some interviews could take place before all files had been coded. This was necessary for logistical reasons: due to the structure of the funding, the research had to be completed within one year, while it took a lot of time to get privacy clearance before we could start with the coding of the files. Therefore, it was not possible to wait for the completion of the coding before starting the interviews.

In selecting files for interview, attention was paid to finding files that represented the differences between the cases. Care was taken to select abduction cases

from and to Belgium, to include cases where countries from different parts of the world were involved, and to interview mothers and fathers.

It was considered important to interview not only left-behind parents. However, there were many practical hurdles to get hold of abducting parents. In most cases one would have to obtain their contact details from the left-behind parent, who was generally the person who had opened the file with one of the ministries or with Child Focus. This also means that the left-behind parent would have to agree to his or her ex-partner being interviewed. In many cases parents were not prepared to ask this of the ex-partner. Relationships were often still strained. In one case, the left-behind parent did agree, but the abducting parent did not wish to take part in the study. In many cases the abducting parent did not live in Belgium. It has been possible to interview only two abducting parents, or presumed abducting parents. One of them had herself opened a file with Child Focus when she arrived in Belgium. The other one had moved to Belgium with the permission of the child's father, but he subsequently introduced return proceedings. These proceedings were not successful and the return of the child was not ordered. This mother therefore cannot be accurately regarded as an abducting parent. However, she had been involved in legal proceedings and she could provide a perspective of the impact of the proceedings on her and her son that was certainly worth including in this study.

Child Focus also wanted to interview 16 or 17-year-olds who had been abducted. However, several members of the Steering Committee at various occasions raised objections to this idea. The members stated that it would only be permissible to interview a minor if both parents agree. In most instances, parents participating in the study did not want their ex-partners to be aware of such participation. Most were not inclined to provide their contact details. The result was that the possibility of interviewing the minors was excluded. Moreover, some members of the Steering Committee were worried that an interview might be too traumatising for the young people. It is deplored that the voices of the child victims could not be heard in the course of this research.

Ultimately, 25 parents were interviewed. In order to get to this number, the case managers had attempted to contact 68 persons (48 by Child Focus, 14 by the Ministry of Foreign Affairs, and six by the Central Authority). Some of these people could not be reached because their contact details were no longer correct. Others declined to participate. Some parents were not interviewed because the abduction had taken place a long time ago. An interview did not seem appropriate in these cases, because the legal framework had changed too much since the time of the abduction. Time can also alter the way in which parents recollect and recount the facts. Therefore, in order to ensure consistency in the results, the time of the abductions should not differ too much. (These files had been open for a long time after the abduction, which explains how they were taken into consideration in the first place.)

Of the 25 interviewed parents, 15 were fathers and 10 were mothers. 23 were left-behind parents and two were abducting parents. Three cases concerned

abductions to Belgium and 22 abductions from Belgium. Of the 22 abductions from Belgium, there were nine files involving countries where the Brussels II bis Regulation<sup>7</sup> applied, six where The Hague Convention applied, one concerning Tunisia and one concerning Morocco (with which Belgium had bilateral protocols), and five involving countries with which Belgium had no international accord or protocol. One of three of the abductions to Belgium was from a country where the Brussels II bis Regulation applied, one from a country where The Hague Convention applied and one from a country with which Belgium had no international accord or protocol.

The interviews were taken in the language and at the place that the parents chose. Most parents preferred to have the interviews taken at their home, where they were sure that they would be able to talk freely. A few interviews were taken in cafés in the vicinity of where the parent lived. The remaining interviews were taken at Child Focus.

In some of the interviews other family members were also present. This was most often a partner, in most cases a person who had lived through the abduction with the parent. These persons were sometimes called upon by the parent to add or complete their recollections. The interviewer focused mainly on the parent, but allowed the intervention of the other persons. In three events the children that had been abducted were present at the beginning or at the end of the interview. In two of these cases they were not involved in the entire interview and they were not present when the questions were posed. In the third they were in the same room during the interview.

Out of all the interviews, 21 were taken by the author (researcher in the project), while Hilde Demarré (project manager) took the remaining four. The interviews were semi-directive. A list of 10 points was drawn up.<sup>8</sup> The list contemplated a chronological interview. This had the result that the questions were not always posed in the same manner: if parents moved from one answer to the next, they were not interrupted and the question was not posed explicitly.

Throughout this book, a number of direct quotes have been used from the interviews with parents. The purpose of these quotes is to let the voices of the parents be heard, rather than presenting the reader with a version that has been filtered by the researcher. These quotes have been left in their original form and have not been changed to comply with standards of written language. The reason for this choice is to permit the reader to sense the silences and difficulties that parents sometimes experienced when recalling events linked to the abduction.

To complement the interviews of parents, it was decided to include interviews with a number of professionals that work in the field of international child abduction. Such interviews were not part of the original plan of the research, but were included after the suggestion by the Hungarian partner, Kék Vonal. Given the

<sup>7</sup> Council Regulation (EC) 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 [2003] OJ L338/1 ('Brussels II bis Regulation').

<sup>8</sup> See annex III.

limited period for the research project (the quantitative and qualitative parts of the study had to be completed in one year), the interviews with professionals provided an efficient way of collecting data from people with years of experience.

Twenty interviews were taken with professionals: three practising lawyers, two judges, four officials working with the public prosecution at various levels, one person working with the High Commission for Justice,<sup>9</sup> three persons working with parents' organisations, two psychologists (one working with the Central Authority and one working as a therapist and as a researcher), one person of the federal police and one former ambassador. Two focus group interviews were taken: one with three persons working in the Ministry of Foreign Affairs on international child abduction and one with three persons working on child abduction in the Central Authority. A telephone interview was taken with a person working with a local authority (responsible for issuing passports and maintaining the population registry).

These interviews, like those with the parents, were semi-directive. A general structure of 10 points was drawn up.<sup>10</sup> The interviewer was flexible and allowed respondents to spend more time on a particular issue. The expertise of the professionals remained the main guide for the structure of the interviews.

In the analysis of the interviews with professionals, fewer direct quotes are used. The author distilled the important elements from the interviews. For these interviews the exact words seemed less relevant: these interviews were not taken in order to hear personal feelings, but rather experiences gained by having dealt with a number of cases of international child abduction.

## C Actual Files and Prevention Files

In some cases parents phone the Central Authority, the Ministry of Foreign Affairs or Child Focus in order to ask advice about an abduction they fear will take place. These parents are given advice on steps they could take. Child Focus opens prevention files in such cases. In 2007, 152 prevention files were dealt with and 207 children were involved in these files. In 2008, 157 prevention files were dealt with and 220 children were involved in these files.

These files were not used as part of the dataset; only cases where an abduction did in fact occur were included. However, the list of prevention files was compared in order to determine whether a parent in a case where an abduction took place had previously contacted Child Focus in order to obtain advice on prevention.

<sup>9</sup> *Conseil supérieur de la justice / Hoge Raad voor de Justitie.*

<sup>10</sup> See annex IV.

### III Respect for Privacy

Child Focus had filed an application with the Belgian Privacy Commission concerning the research project on which this book is based. The Commission responded by giving recommendations, which were meticulously followed in order to guarantee the respect of the privacy of the persons whose data were included in the research and the persons who were interviewed, as well as the abducted children and their families.

The Privacy Commission stated that according to the Belgian legislation on privacy,<sup>11</sup> the later use of data that were collected for other purposes may be used for scientific purposes. However, anonymous data should be used. If this is not possible, the data should be coded. In the case of the current study, it was necessary to compare the files held at the ministries and those held at Child Focus in order to avoid including the same file more than once in the dataset. It was also necessary to be able to select files for interviewing: thus, the data would have to be linked to the name of a person so that he or she could be contacted to ask permission to take an interview. For these purposes, the data were coded.

Since data were collected at two ministries and at Child Focus, they had to be coded before transmission to the researcher. The data of the Central Authority (Ministry of Justice) and the Ministry of Foreign Affairs were coded by an intermediary organisation (honorary ambassador Baudouin Vanderhulst). Before starting this coding, Mr Vanderhulst had also filed an application to the Privacy Commission and had received recommendations. (These recommendations, as far as the qualitative study is concerned, were comparable to those received by Child Focus.) The Central Authority formalised the arrangements ensuring the protection of the privacy by entering into a contract with Mr Vanderhulst and with Child Focus.

The Belgian legislation also provides that certain requirements have to be met when data are transmitted electronically. The transmission of information in this study took place by the filling in of paper sheets. These paper sheets were sent to Child Focus by normal post, or handed over. Child Focus had the responsibility of typing the codes into computer files which permitted the analysis.

The Privacy Commission admitted that it would not be feasible to contact all the persons whose data were relevant for the quantitative analysis in order to inform them of the study.

Regarding the qualitative analysis, the Privacy Commission stated that the prior permission of all respondents had to be asked before they could be interviewed. Persons were contacted by the person who managed their case (at one of

<sup>11</sup> *Loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel* and *Arrêté royal du 13 février 2001 portant exécution de la Loi du 8 décembre 1992 relative à la protection de la vie privée à l'égard des traitements de données à caractère personnel*. See [www.privacycommission.be](http://www.privacycommission.be).

the ministries or Child Focus). This person explained the purposes of the study to the potential respondents and asked whether they wished to participate. If they consented, their names and contact details were communicated to the researcher, who then contacted them to arrange an interview at a time and place that suited them.

Before starting with the interview, the parents were again told what the purpose of the study was. They were given a copy of the privacy rules for the qualitative part of this study. The interviewer explained to them that their information would be analysed and taken up in the Report in an anonymous way and that they could withdraw or change statements made by them if they so wished. They were also asked to sign a consent form<sup>12</sup> and they were provided with a copy of the privacy rules Child Focus had formulated for this research project.

Names and other details that would have made the parents or children identifiable, have been changed in the analysis.

## IV Limitations of the Research

This research project has covered an area that has never been as extensively researched in Belgium. However, the project has a number of limitations and it is appropriate to announce them upfront in order to avoid unjustified conclusions by the reader.

### A Archival Data

In the first place, the data used for the quantitative analysis were all of an archival nature. This means that only the data available in the files could be analysed. These files had been opened not for research purposes, but with a practical objective in mind, namely collecting documentation necessary for the return of the child.

The limitation of working with archival data is mainly relevant for the quantitative analysis. When investigating 667 files, it is impossible to find information that is not contained in the files. Moreover, when coding data, care was taken not to interpret information that was unclear. When collecting data by way of surveys, the questions were posed in such a way that they solicited the exact information that the researcher needed. On the other hand, the exact answer to the question a researcher would have liked to have asked may not be available in archival data. Then it does not suffice to deduce what seems the most likely situation. One can only use information that is indeed in the file.

<sup>12</sup> See annex II.

Thus, certain information that would be interesting from a researcher's point of view was simply not available. For instance, it might have been relevant to investigate the number of years that the parents had had a relationship before the children were born, before the abduction took place, or before separation, and to regard the number of years between the separation and the abduction. A study done in the Netherlands found that abductions occur more frequently in families where the children were born soon after the commencement of the parents' relationship.<sup>13</sup> While such finding is both interesting and relevant, this research project did not have access to such information on a large scale and we could therefore not draw conclusions on this matter.

Other information that was not available includes the severity of the conflict that existed in the family and the way in which parents dealt or attempted to deal with such conflict. Whether or not the parents had attempted mediation (formal or informal) was not always known.

Some of this information could be obtained in the interviews, but only for a limited number of cases. (Only 25 parents were interviewed, and the information obtained cannot be regarded as representative for the 667 cases included in the dataset.)

Moreover, even for the categories for which information was available, the files were not always complete. For instance, the nationalities and ages of the abducting and left-behind parents were not always taken up in the files. Or, where a parent had more than one nationality, a case manager might have taken up only one of the two in the file: the one that was relevant from the point of view of seeking a solution.

The same is true for the periods of time between the various steps in the legal proceedings, ie the time between the abduction and the application with the Central Authority, the time between the application and the sending of the file to a Central Authority in another country, and the time before legal proceedings were instituted. These moments were not always mentioned in the files, and the persons coding the information had to look for the information in various documents, but could not always find the exact timeframes.

## B Lack of Court Files

The data have been collected only from the files held by the Ministry of Foreign Affairs, the Central Authority (hosted by the Ministry of Justice) and by Child Focus. It was not possible within the ambit of one year to investigate the files held by the various courts in Belgium that deal with international child abduction. Just to get the authorisation to have access to these files would have been a cumbersome process that would have taken a long time.

<sup>13</sup> B de Hart, *Internationale kindervoering. Oorzaken, preventie en oplossingen* (Utrecht, Nederlands Centrum Buitenlanders, 2002) 34.

The institutions where files were investigated have the role of assisting the public in finding a solution for the child abduction. However, nothing prevents a person from directly instituting return proceedings under the Hague Convention at a court in the country to which the child has been abducted. Such cases would not be known to the institutions and would therefore not form part of our dataset.

## C No Analysis of Criminal Proceedings Files

The research project did not include an investigation into how many persons were prosecuted for international child abduction. Neither the court files nor the files with the police or public prosecution were investigated. Such a study would have raised privacy concerns and would have taken a long time, especially if police files had to be considered.

Some of the investigated files contained information on criminal law proceedings. This was not taken into account in the study. In this matter the researchers meticulously adhered to the Belgian privacy legislation.

In some cases the resolution of the abduction came about because the abducting parent was arrested. This information was included in the dataset as reason for closing the file. No other information on criminal proceedings was taken up in the quantitative analysis.

Some parents in their interviews referred to the criminal law proceedings. Many of the professionals gave their viewpoint about the advantages and disadvantages of taking recourse to criminal proceedings. These elements were taken up in the analysis of the qualitative part of the study.

## D Incomplete Representativity

The fact that neither court nor police files were included, means that it would be false to claim that all cases of international child abductions to and from Belgium in 2007 and 2008 were included in the dataset.

Moreover, it is also possible that a case was solved by mediation or negotiation, without any of the institutions being contacted. These cases do not form part of the dataset either.

As we do not know the number or the percentage of cases that have not been taken up in the dataset, the results cannot claim to be representative.

## E Only Two Years: Longitudinal Data Missing

The quantitative study was based on cases that were open in 2007 and 2008. Therefore, no longitudinal data were included. This means that we cannot predict trends; it cannot be deducted from this study whether there is an increase in the number of international child abduction cases.

Moreover, a precise profile of the families in which international child abductions tend to take place cannot be drawn up, as available information about these families relate only to a certain moment in time. We know whether the parents were still living together or were separated, but we do not know their history: how long they had been together, how long they had been living in the country from where the child was abducted, etc. We have only a snapshot of their lives, and not the entire context.

In addition, the impact of the abduction on a child cannot be investigated in a study like this one. In order to see the long-term effects, one would have to conduct a longitudinal study. The same parents would have to be contacted after a number of years in order to see where they are living, what the contact between parents and children is like, and whether the children managed to adapt to whatever their situation was after the abduction (whether they returned or not).

Longitudinal studies are becoming increasingly difficult due to strict privacy legislation. The information collected for this analysis had to be destroyed after the finalisation of the project. Therefore, in order to conduct a longitudinal study, researchers would have to start all over again and they would have to get specific recommendations from the Privacy Commission regarding the further archiving of data for later use.

## F No Control Group

Another limitation of this research project is that only cases in which children were abducted were considered. There was no control group. This means that one cannot draw up a profile of the at-risk family: we do not know which characteristics occur more frequently in families where abduction takes place than in families where no abduction takes place (even if there is severe conflict).

In order to determine in which families the risk of child abduction is higher than average, families where an abduction had taken place would have to be compared to similar families where there was no abduction.

## G Focus on One Country

The research project concerned child abductions to and from Belgium and to and from Hungary. As has been explained, the analyses were done separately, although coordinated. This book is based on the findings of the research done in Belgium.

It is clear that child abduction is an international problem – by definition a child is taken from one country to another, or the child is retained in a country other than that of his or her habitual residence. The findings are therefore, strictly speaking, not only national. Information obtained about issues such as the duration of procedures and the difficulties relating to enforcement come from the various countries represented in the files.

At the same time, findings concerning the age of the child and the size of families where abductions tend to take place, are in line with international studies. This information has also been compared with that of our Hungarian colleagues, and the results were strikingly similar, despite different methodologies. Where relevant, these other studies will be referred to.

## V Structure of this Book

This book has grown out of a research report. While the report presented the analyses of the quantitative and qualitative data separately, in the book the results are presented in a more integrated way.

The largest part of the book is made up by the research results. These results are explained as carefully as possible. Where appropriate, the reasons behind certain findings are explored. However, in a matter as sensitive as child abduction, I have taken great care not to formulate hypotheses that cannot be substantiated by the available evidence.

Of course, the research results have to be placed against the relevant legal background. Therefore, the relevant international, European and Belgian legislative provisions are explained. Where appropriate, I also mention the legal rules of other countries, because these rules sometimes provide better answers. Some of the experts that were interviewed also referred to legislation applicable in other countries that they find apt.

The second chapter is devoted to terminology, in order to provide a clear framework at the outset.

In the third chapter, the child is placed at the centre. The chapter deals with questions such as which children are abducted, and how these children experience the abduction. It also explores the child's place in the legal proceedings.

The fourth chapter focuses on the family. Issues such as the relationship between the parents and the size of the family are discussed. The family's situation before the abduction is also regarded: in some cases the parents were already divorced for some time, in other cases they were in the middle of divorce proceedings and yet in others the parents were still living together at the moment of the abduction.

The abduction itself is the subject of chapter five. Questions about the preparation and the circumstances of the abduction itself are considered.

Chapter six deals with the quest for the return of the child, including issues such as the duration of the procedures and enforcement. In some cases the abduction takes more than 10 years to solve; in others no solution is ever found.

The seventh chapter explores the situation while the child is away. It considers issues such as contact between parent and child while they live in different countries.

Chapter eight focuses on the aftermath of the abduction. Once the child has returned, a lot remains to be done, especially concerning the re-adaptation of the child and the family. Also, cases where the child never returns have a clear aftermath where people have to adapt to their new lives.

The last chapter before the concluding chapter deals with the issue of preventing international child abduction. The goal of prevention was one of the reasons that prompted this research project: Child Focus and sister organisation Kék Vonal have both in the meantime published prevention guides for professionals working with families where there is a risk of international child abduction.

The focus throughout these chapters is not on a particular legal instrument. Although much can be said about the particular exceptions to return under the 1980 Hague Convention, this matter will not be discussed in this book. I will refer to the legal rules, both international instruments and relevant national rules, and their application, but such legal overview will be set in the light of the social reality and therefore the purely legal analysis will not be exhaustive.<sup>14</sup>

<sup>14</sup> It is not the purpose of this book to deal with all the legal rules and case law exhaustively: such discussion can fill a book by itself. A lot has been written on these topics, see the bibliography for references. Similarly, this book does not have the ambition to discuss the psychological and sociological literature on the topic of international child abduction, see the bibliography for a non-comprehensive list of references.