FAMILY COURTS IN CRISIS
NEWSLETTER
October 2013

Domestic Violence, International Divorce & the *Obligation to Protect* under International Law

The Emperor's New Clothes
by Hans Christian Andersen's

Many years ago there was an Emperor so exceedingly fond of new clothes that he spent all his money on being well dressed. He cared nothing about reviewing his soldiers, going to the theatre, or going for a ride in his carriage, except to show off his new clothes. He had a coat for every hour of the day, & instead of saying, as one might, about any other ruler, "The King's in council," here they always said. "The Emperor's in his dressing room."

In the great city where he lived, life was always gay. Every day many strangers came to town, & among them one day came two swindlers. They let it be known they were weavers, & they said they could weave the most magnificent fabrics imaginable. Not only were their colors & patterns uncommonly fine, but clothes made of this cloth had a wonderful way of becoming invisible to anyone who was unfit for his office, or who was unusually stupid.

"Those would be just the clothes for me," thought the Emperor. "If I wore them I would be able to discover which men in my empire are unfit for their posts. & I could tell the wise men from the fools. Yes, I certainly must get some of the stuff woven for me right away." He paid the two swindlers a large sum of money to start work at once…

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…"Well, I'm supposed to be ready," the Emperor said, & turned again for one last look in the mirror. "It is a remarkable fit, isn't it?" He seemed to regard his costume with the greatest interest. The noblemen who were to carry his train stooped low & reached for the floor as if they were picking up his mantle. Then they pretended to lift & hold it high. They didn't dare admit they had nothing to hold.

So off went the Emperor in procession under his splendid canopy. Everyone in the streets & the windows said, "Oh, how fine are the Emperor's new clothes! Don't they fit him to perfection? & see his long train!" Nobody would confess that he couldn't see anything, for that would prove him either unfit for his position, or a fool. No costume the Emperor had worn before was ever such a complete success.

"But he hasn't got anything on," a little child said. "Did you ever hear such innocent prattle?" said its father. & one person whispered to another what the child had said, "He hasn't anything on. A child says he hasn't anything on." "But he hasn't got anything on!" the whole town cried out at last.

The Emperor shivered, for he suspected they were right. But he thought, "This procession has got to go on." So he walked more proudly than ever, as his noblemen held high the train that wasn't there at all.

THIS IS THE CURRENT STATE OF AFFAIRS IN COUNTRIES AROUND THE WORLD, WITH GOVERNMENT AGENCIES, POLITICIANS & REGULATORS INSISTING THAT THE "PROCESSION" MUST CONTINUE AS ALWAYS; REGARDLESS OF THE COSTS IN HUMAN LIVES & SUFFERING, AS WELL AS ONE ECONOMIC CRISES AFTER ANOTHER!!

Alas, while the lawyers, psychologist & mediators have liberally filled their pockets with millions of dollars for many court-hearings, motions & filings in family courts, & politicians & State Dept. officials have made unending promises & allocated millions of dollars of public funds, victims of domestic abuse are left unprotected & re-victimized by the very systems charged with the legal obligation to protect them. But, nobody (not the women's & human rights orgs., journalist & media outlets, or even the public) would confess that they couldn't see anything, for that would prove them either unfit for their position, or a fool. No political campaign had ever enjoyed such success or

admiration by the people, judicial actors, the media, or the Emperor's entourage as the campaign against domestic violence. Until, one small voice cried out "But, he hasn't got anything on! Women & children are still being raped, tortured, & murdered like never before!" A whisper spread through the crowds "But, he hasn't got anything on." Until the whole town cried at last "He hasn't gotten anything on!!" The Emperor shivered, for he suspected they were right. But he thought "This procession has got to go on." So he walked more proudly than ever, with all of the politicians holding the train that wasn't there at all.

Domestic Violence, Gender Bias & Women's Rights

What is Domestic Violence, its Origins & Place in Society?

Domestic violence, also known as intimate partner violence, is a pattern of coercive behavior that is used by one person to gain power & control over another. It may include the use of physical & sexual violence, verbal & emotional abuse, stalking & economic abuse. Sexual, emotional & psychological intimidation may also occur.

To understand its prevalence & importance in societies today it must be considered from a historical & trans-cultural perspective, as well as the role it has played in family dynamics & maintaining a status quo of oppression & domination in western & Asian civilizations for the past 4000+ years (& more recently (400-500 years) in Africa, Latin America & Oceania.) This status quo (regardless of religious or ethnic origin) has been held together & perpetuated by the following:

- Societies based on survival of the fittest, rigid socio-economic structures
- Small, privileged-classes living in luxury at the expense of large, suppressed populations subsisting in poverty & squalor, with little or no middle-class in between (with the industrial revolution having changed the necessity & desirability of this situation.)
- Autocratic, often tyrannical, centralized government systems
- No respect (nor even contemplation of) the rights of the individual within the home or community

It is only in the past century or so that ideas and principles of human & civil rights, and democratic procedure have slowly begun to enter into mainstream society & consciousness. It is for this reason that awareness of human rights violations under public law (government tyranny, genocide, etc.) and more recently private law (domestic violence) have emerged as political, legislative & judicial issues.

However, while the past 50 years have seen enormous legislation, political rhetoric & commitments (at nat. & intl. levels) most people, even at the highest level of govts., fail to fully understand the implications of these laws in their professional or personal relationships, or actions. Nor do they fully grasp their obligations to implement these laws, and/or how to do so from a practical stand-point. For this reason a disproportionate amount of lawyers & judges in family law & domestic violence cases are failing to understand how antiquated traditions & customs within legal systems are violating the rights of women & children on a daily basis, particularly victims of domestic abuse, and even less how to confront these customs.

It is also for this reason that it is extremely difficult to find lawyers, judges or other judicial actors who respect or defend the rights of victims (or women & children in general,) while abusers have little problem finding judicial actors who will assist them in utilizing courts systems & laws to continue abusing their victims. For this state of affairs to change, it is imperative that:

- The legal professional recognizes the rights of women within the home & marriage
- Lawyers defend & promote those rights within the courts, with judges **obligated** to respect those rights in judicial decisions (laws need to be implemented not interpreted by gender-bias judges)
- Regulatory agencies hold judicial actors (state & non-state) responsible & liable for any infractions of the law & violation of citizen rights, particularly in cases of domestic violence & where their exists a fiduciary duty to assist & protect victims (including Consular agents in cases of international divorce)
- Governments develop social programs & policies which recognize & promote homemakers jobs as legitimate jobs with all the same rights, recognition & benefits as any other job
- Policy-makers work with advocates & victims in evaluating antiquated judicial procedures & govt. policies (noting that their input at present is being ignored by policy-makers & the legal profession)
- The psychiatry & psychology professions comprehensively eradicate antiquated ideas about origins of disorders, traditions which discriminate against women, and lack of oversight of professionals.

THE LEGAL OBLIGATION TO PROTECT

The Obligation to Protect under International Law

Gonzales vs. USA, 2011

The Inter-American Commission on Human Rights found the USA guilty of human rights violation under their obligation to protect victims of domestic abuse & the principle of due diligence. Stating: *"Gender-based violence is one of the most extreme & pervasive forms of discrimination, severely impairing & nullifying the enforcement of women's rights. The inter-American system has consistently highlighted the strong connection between the problems of discrimination & violence against women…*

(See http://www.law.miami.edu/human-rights-clinic/hrc-gonzalez-usa.php?op=6 for information about Gonzales vs. USA, Inter-American Commission on Human Rights, 2011.)

THE PROMISE TO PROTECT

The US Dept. of State & US Govt.

US Department of State Rhetoric on Human Rights & Gender Equality

Defending Human Rights
Under Secretary for Civilian Security, Democracy, & Human Rights
www.state.gov/j/drl/hr/index.htm

The protection of fundamental human rights was a foundation stone in the establishment of the United States over 200 years ago. Since then, a central goal of U.S. foreign policy has been the promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights. The United States understands that the existence of human rights helps secure the peace, deter aggression, promote the rule of law, combat crime & corruption, strengthen democracies, & prevent humanitarian crises.

Because the promotion of human rights is an important national interest, the United States seeks to:

- ***Hold governments accountable to their obligations under universal human rights norms & international human rights instruments;***
- *Promote greater respect for human rights, including freedom from torture, freedom of expression, press freedom,* ***women's rights,*** *children's rights, & the protection of minorities;*
- *Promote the* ***rule of law, seek accountability, & change cultures of impunity****;*

The Bureau of Democracy, Human Rights, & Labor (DRL) …to its work on human rights DRL takes consistent positions concerning past, present, & future abuses. With regard to past abuses, ***it actively promotes accountability.***

Advantages to the USA in complying with the Convention of Consular Affairs in their Assistance to American's living abroad

http://www.state.gov/m/rls/remarks/2011/169182.htm

Statement to the Senate Committee on the Judiciary
Patrick F. Kennedy, Under Secretary for Management, US State Department

The protection of U.S. citizens abroad *ranks among the Secretary's & the Department's* ***absolute highest priorities****. When a U.S. citizen finds him or herself in a foreign government's custody*, a consular officer is often the best, & sometimes only, resource that citizen has as he or she navigates a foreign legal system.*

We find these services especially critical in countries that ***do not respect due process of law & fundamental rights****. Ensuring compliance with our legal obligations is essential to our foreign relations & close bilateral relationships*

Chief Justice Roberts' opinion for the Court recognized that judgment as a binding international legal obligation & agreed that ***the United States' interests in observance of the Vienna Convention… in demonstrating commitment to the international rule of law through compliance with that judgment were —plainly compelling***

** 7 FAM 414—Definitions: Custody—the judicial or penal guarding or safekeeping of a person in accordance with law or local requirement. Custody may include imprisonment or detention of a person in order to prevent escape, house arrest, etc.; Arrest—any form of …placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.*

US Strategy to Prevent & Respond to Gender-based Violence Globally

http://www.state.gov/documents/organization/196468.pdf

"We also know that countries are more likely to prosper when they tap the talents of all their people. And that's why we're investing in the health, education & rights of women, & working to empower the next generation of women entrepreneurs & leaders. Because ***when mothers & daughters have access to opportunity, that's when economies grow, that's when governance improves****."*

President Barack Obama, Remarks at the Millennium Development Goals Summit, United Nations Headquarters, NYC Sept. 22, 2010

"Around the globe, violence against women is an epidemic. Violence robs women & girls of their full potential & causes untold human suffering. Violence against women impedes economic development, threatens peace & prosperity, & inhibits full participation in civic life. For every woman who has been beaten in her own home, for the millions of women who have been raped as a weapon of war, for every girl who has been attacked on her way to school, for all of the children–girls & boys–who have witnessed this brutality, ***we must do better."***

Vice President Joe Biden, Statement on the Anniversary of the International Day for the Elimination of Violence Against Women, Nov. 24, 2010

"It is time ***for all of us to assume our responsibility*** *to go beyond condemning this behavior, to taking concrete steps to end it,* ***to make it sociably unacceptable, to recognize it is not cultural; it is criminal****."*

Secretary of State Hillary Clinton, Remarks on the Adoption of a UN Security Council Resolution to Combat Sexual Violence in Armed Conflict, UN Headquarters, NYC, 2009

Mechanisms to Prevent & Respond to Gender-based Violence

www.state.gov/documents/organization/196468.pdf

Embassies will develop strategies to promote gender equality & advance the status of women & girls across geographic regions & functional bureaus…

..Establish an intra-agency working group… to assist in internal coordination & integration of gender-based violence prevention & response in Department programming & policies…. Develop action plans for implementation, & help train oversight of & advocacy for implementation of the laws… implementing initiatives that protect human rights & raise societies' respect & value for all women & girls….

U.N. 4th World Conference on Women Plenary Session

Hillary Rodham Clinton, 1995, Beijing, China

http://www.americanrhetoric.com/speeches/hillaryclintonbeijingspeech.htm

If women are free from violence, their families will flourish*…And when families flourish, communities and nations do as well. That is why every woman, every man, every child, every family, and every nation on this planet does have a stake in the discussion that takes place here…*

Women are the primary caretakers for most of the world's children and elderly. Yet much of the work we do is not valued -- not by economists, not by historians, not by popular culture, not by government leaders….

I want to speak up for mothers… who find that, after raising their families, their skills and life experiences are not valued in the marketplace; for women who are working all night as nurses, hotel clerks, or fast food chefs so that they can be at home during the day with their children; and for women everywhere who simply don't have time to do everything they are called upon to do each and every day….

Every woman deserves the chance to realize her own God-given potential. But we must recognize that women will never gain full dignity until their human rights are respected and protected…

These abuses have continued because, for too long, the history of women has been a history of silence. Even today, there are those who are trying to silence our words…

It is time for us to say here in Beijing, and for the world to hear, that it is no longer acceptable to discuss women's rights as separate from human rights…

If there is one message that echoes forth from this conference, let it be that human rights are women's rights and women's rights are human rights once and for all. ***Let us not forget that among those rights are the right to speak freely -- <u>and the right to be heard.</u>***

The Ways & the Means to Protect

Vienna Convention on Consular Relations

Article 5 - Consular Functions consist in:

(a) protecting in the receiving State the interests of the sending State & of its nationals…
(e) helping & assisting nationals, both individuals & bodies corporate, of the sending State;
(h) safeguarding, within the limits imposed by the laws & regulations of the receiving State, the interests of minors…
(i) …representing or arranging appropriate representation for nationals of the sending State before the tribunals & other authorities of the receiving State… provisional measures for the preservation of the rights & interests of these nationals…
(j) transmitting judicial & extrajudicial documents…
(m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws & regulations of the receiving State…

Article 36 - Communication & Contact with Nationals of The Sending State

(*a*) …Nationals of the sending State shall have the same freedom with respect to communication with & access to consular officers of the sending State;
(*c*) consular officers shall have the right to visit a national of the sending State who is in …**detention*…** to **arrange for his legal representation**.

Article 37 - Information in Cases Guardianship or Trusteeship

(b) to inform the competent consular post… [of] the appointment of a guardian or trustee appears to be in the interests of a minor… who is a national of the sending State.

***** *Note that a custody order, ne exeat order or any other implied or expressed order or de facto situation which prevents a child from leaving the country with a parent is in effect a "detention" of said parent & child. And, note Dept. of State Definitions—7 FAM 414 Definitions: Custody—the judicial… guarding or safekeeping of a person in accordance with law or local requirement. Custody may include imprisonment or detention of a person in order to prevent escape, house arrest, etc.; Arrest—any form of …placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.*

U.S. Department of State Code of Federal Regulations (22CFR)

22 CFR § 71.1

Protection of Americans abroad. Officers of the Foreign Service shall perform such duties in connection with the protection of American nationals abroad as may be imposed upon them by rules & regulations prescribed by the Secretary of State. (see 7 FAM below.)

22 CFR § 10.735–215

An employee [of the Department of State] abroad is also obligated to obey the laws of the country in which the employee is present.

The Ways & the Means to Protect (continued)

U.S. Dept. of State Foreign Affairs Manual Vol. 7–Consular Affairs (7 FAM) 1700 & 1900

(http://www.state.gov/m/a/dir/regs/fam/)

7 FAM 1920 – Consular Officer's Authority & Responsibility to Victims of Serious Crimes

b. Foreign governments have also recognized the unique problems experienced by victims of crime. See the non-binding U.N. Declaration of Basic Principles of Justice for Victims of Crime & Abuse of Power adopted by General Assembly resolution 40/34 of Nov. 29, 1985.

c. Consular authority to provide assistance to U.S. citizen victims of crime abroad & their families in the United States is derived from:

(1) Article 5 of the Vienna Convention on Consular Relations;
(2) 22 USC 1731 Protection of Naturalized Citizens Abroad;
(4) 22 USC 2715a Info. on Certain Violent Crimes Abroad to Victims & Victims' Families;
(5) 22 USC 3904(1) Functions of Service;
(6) 22 CFR 71.1 Protection of Americans Abroad; and
(7) 22 CFR 71.6 Services for Distressed Americans.

Also See 7 FAM 1730 for U.S. laws & regulations concerning exploitation of children & Federal Laws Governing Reporting Child Abuse, 42 USC 5119 - Reporting Child Abuse Crime Information, 42 USC 13031 - Child Abuse Reporting, 18 USC 1169 – Reporting of Child Abuse, 18 USC 2258 – Failure to Report Child Abuse, 18 USC 3509 Child Victims' & Child Witnesses' Rights

7 FAM 1911 – Crime Victim Assistance Program

…help U.S. citizen/national victims of crime abroad & their families receive necessary & available services while still in the foreign country, & to continue receiving those services if appropriate & desired, upon return to the United States… The program primarily focuses on assisting victims of serious crimes, including… Child physical & sexual abuse, domestic violence & Other crimes in which the victim suffers serious emotional trauma…

7 FAM 1932.3 Domestic Violence

a. Domestic violence is a pattern of coercive behavior using intimidating, threatening, harassing, or harmful behavior that occurs between two people in a marriage or other form of intimate relationship.

b. "Domestic violence" may involve physical, sexual, emotional, psychological abuse and/or financial or economic abuse. Domestic violence may also occur within same sex relationships; children living in an abusive home may also be victims of physical abuse or they may suffer emotional consequences from witnessing violence.

c. Victims of domestic violence may seek your help at any point in an abusive relationship:

(1) When the abuse is primarily emotional;
(2) Shortly after the first violent incident; or
(3) After a pattern of physical abuse has occurred over time.

d. See the "Domestic Violence" Tab in "Consular Assistance to Victims of Crime Resource Notebook" on CA/OCS Intranet feature for additional guidance, referral services, background reading, resources & information for consular assistance to victims of domestic violence.

The Emperor has closets filled with clothes, but no one seems to know where these closets are, or who holds the keys!! SO THE EMPEROR IS WEARING NO CLOTHES!!

THE REALITY

The Failure to Protect

US Supreme Court Case Abbott vs. Abbott

Amici Curaie in Support of Respondent (Custodial Mother)
by the Domestic Violence Legal Empowerment & Appeals Project (CV Leap),
The Battered Women's Justice Project – Domestic Abuse Intervention Programs, Inc.,
the National Coalition Against Domestic Violence,
Legal Momentum, & the National Network to End Domestic Violence
http://www.dvleap.org/Resources/BriefsCourtOpinions.aspx

… Amici are concerned about the detrimental applications of the Hague Convention on the Civil Aspects of Intl. Child Abduction… Amici are aware that many children who must return to the country from which they fled are ultimately re-abused or suffer other significant harms. Extension of the Convention's return remedy to non-custodial parents who possess a ne exeat order will exacerbate this problem & is inconsistent with the language & purpose of the Convention. Amici therefore submit this brief in support of Respondent.

Summary of the Argument **-** …The Convention's original focus – on child abductions by non-custodial parents – has been overtaken by a new reality: primary caretaker mothers fleeing with their children. Because domestic violence & child abuse are at issue in many of these cases, & because ne exeat orders are a frequent tool of batterers, the Court's resolution of this case will have a disproportionate impact on battered women & their children. The Convention's over-arching purpose in reducing child abduction was to prevent harm to children. Indeed, children's interests take priority over the rights of the left-behind parent in numerous provisions. Yet courts frequently interpret the Convention as requiring a child's return even in situations where return will subject the child or the child's mother to the same violence & abuse from which they just escaped. Such returns risk the child's direct abuse, traumatic exposure to the mother's abuse, and/or the devastating loss of the primary caretaker. These results are inconsistent with the aims of the Convention, which explicitly recognizes that some returns are harmful to children & should not be ordered. Despite the Convention's explicit exemptions to return – for example, where there are "grave risks" of physical or psychological harm to children (Article 13(b)) – **many courts interpret these defenses so narrowly as to render them ineffective**. Extending the return remedy to non-custodial parties who hold ne exeat orders, often batterers, will only exacerbate the difficulty abuse victims already face under the Convention & harm children. Such an outcome is contrary to the Convention's language & fundamental purpose.

Hague Convention Domestic Violence Project

http://gspp.berkeley.edu/global/the-hague-domestic-violence-project

A team of individuals from various professional backgrounds who are dedicated to creating a comprehensive resource that will enable mothers, domestic violence advocates, attorneys & judges to better prepare themselves for Hague Convention cases in the United States' legal system.

Since 2003, the goal of this project has been to find a way to solidify domestic violence as an exception to the otherwise required return of a child to his or her country of habitual residence under the Hague Convention on the Civil Aspects of Intl. Child Abduction.

Hague Convention Domestic Violence Project Report

Multiple Perspectives on Battered Mothers & their Children Fleeing to the US for Safety

by Edleson, Lindhorst, Mehrotra, Vesneski, Lopez, Shetty

http://gspp.berkeley.edu/assets/uploads/page/HagueDV_final_report.pdf

Mothers who flee with their children because of domestic violence may have few other options to ensure their safety & that of their children in the face of their partner's violence. Yet when their flight takes them across intl. boundaries, they become vulnerable to being legally treated as an "abducting" parent by the courts. This report focuses on the situations of women who experienced abuse in another country & came to the United States in an effort to protect themselves & their children, but who then faced civil actions in U.S. state or federal courts for child abduction under intl. legal agreements….

Battered mothers who fled across borders to the U.S. to receive help from their families were often victims of life threatening violence, & their children were frequently directly or indirectly exposed to the father's violence. The women sought but received little help from foreign authorities or social service agencies & received little help from U.S. authorities once they came to the U.S. In fact, these mothers – most of whom were U.S. citizens – often faced U.S. courts that were unsympathetic to their safety concerns & subsequently sent their children back to the custody of the abusive fathers in the other country, creating potential serious risks for the children & mothers.

Summary of Key Findings

Implications of Research Findings for Policy & Practice.

Study Findings	Implication for Policy & Practice
1. Mothers & children often experienced severe violence from the left-behind fathers who filed Hague Convention petitions to have their children returned.	A. Children should remain in the custody of a non-abusive parent & not be returned to a petitioning parent if there is evidence of the use of coercive violence against the child or other parent. B. All Hague Convention cases should be assessed for the presence of domestic violence. C. The Hague's Permanent Bureau should issue interpretive guidelines that clarify when a child's exposure to domestic violence should be considered a form of "grave risk" or an "intolerable situation". D. Parents require access to information about the potential effects of the Hague Convention for their family prior to relocation in another country. This information could be incorporated into the online information on intl. travel provided by the U.S. Department of State. The U.S. Department of State should collaborate with stakeholders to develop online information, particularly to correct misperceptions that U.S. citizen parents have the right to return to the U.S. with their children without the permission of the child's other parent & that they are not bound by the other country's custody laws. E. Parents should have access to a routinely updated, online resource on the Hague Convention & domestic violence.
2. Mothers were unable to access helpful resources in the other country, so they left with their children to seek safety & support of family members in the United States	A. US domestic violence crisis lines & domestic violence orgs. & advocates should be provided training on the Hague Convention & its implications for abused parents. B. Further work is needed internationally to strengthen a basic set of legal & social service domestic violence resources for women & men in all countries, but particularly those that are partners with the US to the Hague Convention. C. Every overseas citizen should be able to access basic domestic violence services (including emergency shelter & protection orders) regardless of immigration status in a Hague Convention country. D. U.S. Embassies should provide emergency assistance to battered parents & children attempting to flee from abusive situations.

Study Findings	**Implication for Policy & Practice** (continued)
3. U.S. authorities & courts were not receptive to mothers' safety concerns.	A. U.S. state & federal courts & attorneys should consider greater applicability of "intolerable situation" (Article 13(b)) & "human rights violation" (Article 20) exceptions in the Hague Convention, as these may be relevant to the issue of children's harm from exposure to domestic violence. B. The level of evidence required to prove grave risk, intolerable situation or violation of human rights should be changed from clear & convincing to a preponderance of evidence. C. U.S. Embassy staff & others require additional training on domestic violence, its impact on children, & on the provisions of the Hague Convention. D. U.S. attorneys representing both respondent & petitioner parents should assess for the presence of domestic violence, particularly paying attention to patterns of coercive control & emotional terrorizing in addition to the presence of physical violence. E. The voluntariness of a parent's relocation to another country should be considered in any decision regarding habitual residence of family, & hence the child.
4. Mothers & children faced great hardships after a Hague Convention decision.	A. Judges who decide to return a child to a "habitual residence" for resolution of divorce & custody issues, should require the safety & well-being (both physical & economic) of the child & abused parent be secured prior to ordering the return of a child. B. The U.S. should ratify, & judges should utilize, the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement & Co-operation in Respect of Parental Responsibility & Measures for the Protection of Children in order to protect children to the extent the other country is a party to it. C. Abused parents & their children need access to mental health resources both in the US & other countries that are knowledgeable about the dynamics of domestic violence. D. U.S. judges should provide written documentation clearly indicating that a decision to return a child to a habitual residence is not an endorsement of custody for the petitioner.
5. Legal fees & representation were major barriers for women responding to Hague petitions.	A. Courts should consider the appointment of guardians ad litem whose role is the representation of the child in the Hague legal process. B. Assistance in accessing attorneys & covering the costs of legal representation should be made available for abused respondent parents just as it is for left-behind parents. C. The legal costs incurred by the abused parent to defend against a Hague petition should be paid by the abusive left-behind parent when the his or her petition is denied.
6. Hague Convention decisions have not considered two decades of research on child exposure to dv when deciding on grave risk.	A. Attorneys need to evaluate in every case the exposure of children to domestic violence, either as direct victims of child maltreatment, unintentional victims hurt in attacks by one parent against the other, or as indirect witnesses to the violence. B. Ideally, attorneys should have abused parents & their children assessed for the presence of Post-Traumatic Stress Disorder as a result of the domestic violence. C. In Hague Convention cases, courts should request evaluations of each child's exposure to domestic violence when there are allegations of such, even when these evaluations have not been presented by attorneys.
7. Safety for battered mothers & their children facing Hague petitions requires training for attorneys & judges on both domestic violence & the law surrounding Hague Convention cases	A. Given that potentially tens of thousands of courts may hear Hague Convention cases in the US, judicial training systems need to be developed that are easily & quickly accessible, including the creation of both state & federal judge's Bench Guides on Hague Convention cases involving allegations of domestic violence. B. Parents responding to Hague petitions should be offered the same technical assistance as are petitioning parents by the US Dept. of State's Office of Children's Services. C. Hague-related training offered by the US Dep. of State & others should provide info. about how to assess for domestic violence in Hague Convention cases & how to represent both petitioning & respondent parents when there are allegations of domestic violence. D. Current judicial & attorney trainings on domestic violence should incorporate information about the Hague Convention. E. A national repository with routinely updated information on the domestic violence laws & resources available in other countries should be created to aid parents, judges & attorneys.

Violation of Rights & Criminal Infractions by Judicial Actors in their Failure to Protect Victims of Domestic Abuse

(Four major problem areas in the violations of rights and lack of due process)

Table 1: Violation of Rights & Infractions by Judicial Actors & US Embassies officials in their Failure to Protect

Case Study: Gonzalez de Alcala vs. Wilcox - http://worldpulse.com/node/66096

The Hierarchy of Spanish Judicial Norms →

Judicial Actors & Govt. Official	Action or Omission of Action	Spanish Constitution http://www.wipo.int/wipolex/en/details.jsp?id=6321	***(CEDH)* (CEVCM)* (CEDAW)* (ICCPR)* (ICESCR)* (DJVCAP)* (CRC)****	Spanish Penal Code http://www.mjusticia.gob.es/cs/Satellite/es/1288774502225/TextoPublicaciones.html	Spanish Civil Code http://www.mjusticia.gob.es/cs/Satellite/es/1288774502225/TextoPublicaciones.html	Equality Act **(AI)*** Gender Violence **(CVG)*** Judicial Power Law **(ODJ)***	Statutes for Lawyers Decreto 658/2001	Deonto-logical Code
		Art.	Art.	Art.	Art.	Art.	Art.	Art.
Legal Counsel, Judges, Court Psychologists & Evaluators, Court Personnel, Law Enforcement, Regulatory Agencies & in Intl. Cases - Consular Affairs & Embassy Officials	Prevent the commission of a crime that affects the life of a person, their integrity, health, liberty or sexual liberty. ** Occult evidence of abuse & criminal acts on the part of abusive spouse as well as negligence /abuses of power by legal counsel of victim.	9, 10, 13 14, 15, 24 & 45.1	**CEDH** 1, 2, 3, 5, 8, 13 & 14 **CEVCM** 3 & 4 **CEDAW** 2, 3, 4, 5, 11 13, 15 & 16 **ICCPR** 2, 6, 7, 9, 17, 23 & 26 **ICESCR** 1, 6, 7,10 & 11	10, 11, 22 27, 28, 29 195, 450 451, 465 467.2, 511 512 & 607bis	6, 7, 8, 27, 348, 349 1088, 1089, 1091, 1092 1093, 1094, 1097, 1098 1101, 1102, 1104, 1106 1107, 1254, 1255, 1262 1271, 1279, 1347, 1362 1365, 1369, 1375, 1383 1386, 1390 & 1391	**AI** 1, 2, 3 4, 6, 9, 10, 11, 12 & 13 **CVG** 1, 2, 17, 18, 19 37, 38 & 39 **ODJ** 1, 5, 6, 9, 11 & 17	1, 4, 5 6, 7, 11 12, 17, 21 22, 23, 87 87bis & 87ter	1, 2, 3 4, 5, 6 9, 10, 11 12 & 13
	Failure of women to access common property assets & solicit common property documents. & Failure of legal counsel to exhibit due diligence in assuring the defense of right to access fin. records & property render them responsible for all & any financial damages incurred.	33.3, 34 35, 38, 14 & 24	**CEDH** 1, 4.1 & 14 **CEVCM** 3 **CEDAW** 2, 3, 4, 5 11, 13, 15 &16 **ICCPR** 1, 2, 3, 17, 23 & 26 **ICESCR** 1, 6, 7, 10, 11 **DJVCAP** 8 annex	10, 11, 22 29, 110 111, 112 113 , 116 117, 120 173 ,195 199, 208, 250, 450, 451.2 465, 467.2, 510, 512 & 607bis	103, 137, 138 6, 7, 8, 27 348, 349, 1088 ,1089 1091, 1092, 1093, 1094 1097, 1098, 1101, 1102 1104, 1106, 1107, 1254 1255, 1262, 1271, 1279 1347, 1362, 1365, 1369 1375, 1383, 1386, 1390 & 1391	**AI** 1, 2, 3, 4 6, 9, 10, 11 12 &13 **CVG** 1, 2, 17 18, 19, 37 38 & 39 **ODJ** 1, 5, 6, 9 11 & 17	1, 4, 5 6, 7, 11 12, 17, 21 22, 23, 87 87bis & 87ter	1, 2, 3 4, 5, 6 9, 10 11, 12 & 13
	Violation of the right to an effective defense, the right to privacy & the right not to testify against oneself.	24 & 18	**CEDH** 1, 2, 3, 5, 6, 8, 13 & 14 **CEVCM** 3 & 4 **ICCPR** 9, 17, 23 & 24 **ICESCR** 1, 6 & 10	11, 12, 22, 29,109, 110, 116 195, 450 451.3 510, 511 & 607bis	6, 7, 8, 27, 348, 349 1088, 1089 , 1091, 1092 1093, 1094, 1097, 1098 1101, 1102, 1104, 1106 1107, 1254, 1255, 1262 1271, 1279, 1347, 1362 1365, 1369, 1375, 1383 1386, 1390 & 1391	**AI** 1, 2, 3, 4, 6, 9 10, 11, 12 & 13 **CVG** 1, 2, 17, 18 19, 37, 38 & 39 **ODJ** 1, 5, 6, 9, 11 & 17	1, 4, 5 6, 7, 11 12, 17, 21 22, 23, 87 87bis & 87ter	1, 2 3, 4 5, 6 9, 10 11, 12 & 13
	Introduction of false information, falsified documents &/or false testimony to the courts	1 , 9 10, 24 & 45.1		22, 28b 390.3, 390.4 393, 396 429,450 451, 461 464, 465 467.2, 510 511, 512 & 607bis	6, 7, 8 27, 348 349, 1088, 1089, 1091 1092, 1093, 1094, 1097 1098, 1101, 1102, 1104 1106, 1107, 1254, 1255 1262, 1271, 1279, 1347 1362, 1365, 1369, 1375 1383, 1386, 1390 & 1391	**AI** 1, 2, 3, 4, 6 9, 10, 11 12 & 13 **CVG** 1, 2, 17, 18 19, 37, 38 & 39 **ODJ** 1, 5, 6, 9, 11 & 17	1, 4, 5, 6 7, 11, 12 17, 21, 22 23,87 87bis & 87ter	1, 2, 3 4, 5, 6 9, 10, 11, 12 & 13

***Convenios Internacionales**

- *European convention on human rights **(CEDH)***
- *Convention on the Elimination of Violence Against Women **(CEVCM)***
- *Convention on the Elimination of All Forms of Discrimination Against Women **(CEDAW)***
- *Intl. Covenant on Civil & Political Rights **(ICCPR)***
- *Intl. Covenant on Economic, Social & Cultural Rights **(ICESCR)***
- *Declaration of Basic Principle of Justice for Victims of Crimes & Abuses of Power **(DJVCAP)***

***Spanish Laws**

- *Acto de Igualdad **(AI)***
- *Ley contra la violencia de género **(CVG)***
- *Organic Law del Poder Judicial **(ODJ)***

**** Under 22CFR §10.735–215-**Consular officials are "obligated to obey laws of the country in which the employee is present."

de facto Discrimination Against Women in Policies of US Dept. of State

About the Office of Children's Issues

As part of the U.S. Department of State's Bureau of Consular Affairs, the Office of Children's Issues employs a staff of 36 who work to assist children & parents victimized by international parental child abduction…staff is also responsible for carrying out the day-today responsibilities required by the Convention. These responsibilities include:

- Helping parents file applications for the return of or access to their children
- Monitoring progress of Convention cases through resolution
- Locating abducted children through the help law enforcement
- Attempting to negotiate a voluntary return or a mutually acceptable resolution
- Ensuring the institution of judicial or administrative proceedings for return of children
- Facilitating the provision of legal aid & advice
- Providing information & support to left-behind parents through the process
- Cooperating with other Central Authorities with respect to the operation of the Convention and, as far as possible, eliminating any obstacles to its operation
- Assisting in the safe return of children
- Promoting the Convention both domestically & abroad

Policy on Cases involving Domestic Violence

…this office is aware that victims of domestic violence may be involved in cases of international parental child abduction because they have fled with their child or the other parent has taken their child. To report a case of international parental child abduction and/or the possibility of a future abduction, please contact our office. ***(It should be noted that while the State Dept. recognizes victims fleeing abuse is an issue, their only recommendation is to report the abduction-but not assist the victim.-THE EMPEROR IS WEARING NO CLOTHES!!)***

International Parental Kidnapping Crime Act of 1993 18 U.S.C. 1204

Makes it a Federal felony to remove a child under age 16 from the United States—or to retain a child outside the United States—with the intent to obstruct the lawful exercise of parental rights. ***(By refusing to assist American women defend their rights during divorce & custodial decisions under foreign jurisdiction (whereas the violation of rights & lack of due process in family courts is well-documented, and therefore the legality & legitimacy of custodial decisions of said courts is questionable under international law) renders Consular officials & other implicated parties accessories to felony kidnapping by foreign courts…- THE EMPEROR IS WEARING NO CLOTHES!!)***

Efforts to Encourage Other Countries to Join the Convention

Many of the international parental child abduction cases that the U.S. Central Authority (USCA) handles involve abductions to countries not yet party to the Convention. Since the Convention provides one of the most effective ways to facilitate the prompt return of abducted children to their country of habitual residence & **to help deter abduction**, encouraging countries to join the Convention is a high priority. ***(The best ways to deter child abduction by the 68% of women fleeing abuse & a host's country's failure to protect, is for the State Dept. to comply with 7 FAM & utilize their prerogative & authority under the Convention of Consular Relations to protect & defend the rights of victims within foreign judicial systems. Crisis prevention rather than crisis management!- THE EMPEROR IS WEARING NO CLOTHES!!)***

During this reporting period, **Assistant Secretary for Consular Affairs Janice L. Jacobs, Deputy Assistant Secretary for Overseas Citizens Services James D. Pettit, Special Advisor for Children's Issues Susan Jacobs, & a variety of other Department of State personnel at all levels have actively engaged foreign government officials around the world to accede to or ratify the Convention**. Special Advisor Jacobs held bilateral discussions with government officials in China… ***(Please see letters to Amb. Jacobs & Mr. Pettit on p. 21 & 24, which clearly explain to them the plight of American victims of domestic violence living abroad and why intl. child abduction rates are so high amongst victims. Amb. Jacobs & Mr. Pettit, and other State Dept. officials*** *(see letters posted on* http://worldpulse.com/node/73335 & http://worldpulse.com/node/64031) ***cannot pretend that they are unaware that their current policy of non-assistance to victims is discriminatory to women & encouraging domestic violence. - THE EMPEROR IS WEARING NO CLOTHES!!)***

The Department instructs its diplomatic missions in non-Convention countries to approach host governments to encourage them to join the Convention. Embassy & consulate public affairs & consular sections promote the Convention through public diplomacy & outreach activities. Senior Department officials traveling to countries not yet party to the Convention often raise the convention & encourage government officials to join the Convention. In Washington, U.S. government officials raise the Convention in their discussions with senior officials from non-member countries…

Not Compliant with the Convention

Costa Rica demonstrated non-compliance…the Supreme Court ruled that courts hearing Abduction **Convention petitions must consider the Convention on the Rights of the Child & other legislation to determine the best interests of children in Abduction Convention cases**. ***(State Dept. policy does not promote "grave risk" or "human rights" exceptions in the Hague Convention cases, but promotes a strict interpretation of "custody & custodial rights" (ie. ne exeat decision in Abbott vs. Abbott.) The best interest of the child consideration as a "non-compliance" standard by US govt. is de facto discrimination against women & supports domestic violence. - THE EMPEROR IS WEARING NO CLOTHES!!)***

Guatemala demonstrated non-compliance…a Guatemalan appellate court upheld a lower court Convention ruling denying return **because Guatemalan law favors maternal custody**. (State Dept. ruling in this case is *de facto* discrimination against women, because in societies around the world women are primary care-givers in the family. But, this work & contractual agreement is not recognized by family courts in custodial decisions or financial considerations - ***THE EMPEROR IS WEARING NO CLOTHES!!)***

The Bahamas demonstrated patterns of non-compliance…In one active case, the Supreme Court ordered the return in June 2012 **only if the left-behind parent (LBP) first vacated the marital home** & a November 2010 **U.S. domestic violence restraining order against the LBP was reinstated.** ***(State Dept. policy which supports de facto discrimination & violence against women. - THE EMPEROR IS WEARING NO CLOTHES!!)***

Panama demonstrated patterns of non-compliance…**some Convention cases in Panama are treated as custody cases, with courts requesting extensive & costly psychological & socioeconomic evaluations of the left-behind parents.** ***(State Dept. policy which supports de facto discrimination & violence against women in failure to recognize domestic violence as an issue in Hague Convention cases - THE EMPEROR IS WEARING NO CLOTHES!!)***

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Moreover, the U.S. State Department — whose Office of Children's Issues serves as the Central Authority for the United States under the Convention has long espoused and argued for — such an interpretation and the **U.S. Government submitted an amicus brief supporting the father's position**… (www.international-divorce.com/The-Supreme-Court-and-the-Hague-Abduction-Convention)

Double Standards & *de facto* Discrimination by US Dept. of State

Domestic Abuse is a "Civil Dispute" While Women & Children Fleeing for Their Lives is Felony Kidnapping

If Consulates would comply with 7 FAM guidelines & assist victims, "protective mothers" would not be obligated to flee foreign jurisdictions. State Dept. could reduce the number of intl. child abductions each year, reduce their budget & at the same time further ***human rights, prevent discrimination & violence against women, as well as protect the lives, interest & property of US citizens abroad.***

A WIN-WIN SITUATION, BUT THE EMPEROR IS WEARING NO CLOTHES!!

Table 2: US Dept. of State Policies - Domestic Violence vs. International Child Abduction, Hague Convention

Victims of Domestic Violence Abroad, Divorce & Custody Issues Legal counsel in foreign countries are openly & flagrantly violating rights of US citizens, with US Consulates turning a blind eye to these violations		Intl. Child Abduction, Hague Convention ***68%+ of intl. child abduction cases are women fleeing domestic abuse & host country's failure to protect***
The Rhetoric Convention of Consular Relations, 7 FAM & 22 CFR	**The Reality**	Office of Children's Issues, Bureau of Consular Affairs
7 FAM 011 - *The U.S. Dept. of State & our embassies & consulates abroad have no greater responsibility than the protection of U.S. citizens overseas. Article 5 (VCCR) provides that consular functions include "protecting in the receiving State the interests of the sending State & of its nationals, both individuals and bodies corporate, within the limits permitted by international law. . ."*) **22 CFR § 71.1 - Protection of Americans abroad.** "*Officers of the Foreign Service shall perform such duties in connection with the protection of American nationals abroad as may be imposed upon them by rules & regulations prescribed by the Secretary of State* (7FAM.)" **22 CFR § 10.735–215** - "*An employee abroad is also obligated to obey the laws of the country in which the employee is present…" Consular agents are obligated under the* ***Spanish penal code to do the following****:* • **to assist & protect US victims of domestic abuse** under art.195 *"Whoever does not assist a person who is unprotected or in serious, manifest danger, when able to do so without risk to himself or third parties…* • **report any & all criminal activity of judicial actors to the appropriate authority** under art. 451 **"***Whoever has knowledge of a felony committed & without having intervened in it as a principal, subsequently intervenes in its execution… Aiding the suspected criminals to avoid investigation by the authority or its agents, or to escape search or capture, whenever any of the following circumstances concur: b) When the person abetting has acted in abuse of his public functions* **(**ie. **judicial actors.)"**	***Domestic Violence is a "civil dispute" in which the State Dept. cannot intervene." "US govt. cannot take any action with regard to … judicial procedures. Also, as this office has previously informed Ms. Wilcox, we cannot intervene in civil matters."**** Andrew T. Miller, European Div Dir., Ofc. of Citizen Services.	*"Intl. Child Abduction is a form of domestic abuse & a criminal offense…* OCI employs staff of 36 who: • Monitor progress of Convention cases • Locate abducted children thru help of law enforcement • Ensure the institution of judicial or admin. proceedings for return of children • Facilitate the provision of legal aid & advice • Provide info. & support to left-behind parents thru process • Cooperate with other Central Authorities with respect to the operation of the Convention and, as far as possible, eliminating any obstacles to its operation • Promote the Convention both domestically & abroad.

All correspondences with the US Dept. of State are posted on http://worldpulse.com/node/73335 & http://worldpulse.com/node/64031

Table 2: US Dept. of State Policies - Domestic Violence vs. Intl. Child Abduction (continued)

Victims of Domestic Violence Abroad, Divorce & Custody Issues Legal counsel in foreign countries are openly & flagrantly violating rights of US citizens, with US Consulates turning a blind eye to these violations		Intl. Child Abduction, Hague Convention ***68%+ of intl. child abduction cases are women fleeing domestic abuse & host country's failure to protect***
The Rhetoric Convention of Consular Relations, 7 FAM & 22 CFR	**The Reality**	Office of Children's Issues
7 FAM 1920 (Foreign Affairs Manual) Officer's Authority & Responsibility to Victims of Serious Crime *"Ascertain the status of the police investigation into the incident & request a copy of the police report… Report the case to CA/OCS/ACS…* *Coordinate with host country authorities, making appropriate representations on behalf of the citizen…Assist traumatized U.S. citizen/national crime victims in a compassionate & professional manner… Have someone from the post attend trials involving a U.S. citizen/national victim of a serious crime…Obtain information from host government law enforcement or prosecution officials… Information about the progress of the investigation & prosecution, and/or the scheduling of court proceedings…* *Become familiar with local laws related to domestic violence & what will/will not be prosecuted in the host country…Develop a list of local resources…Do not underestimate the potential danger involved in the victim's disclosure of domestic violence…Help him/her obtain local law enforcement assistance with matters such as requesting an order of protection…Alert the RSO about the situation if there are concerns about security at post…Assess the situation & coordinate with CA/OCS/ACS about risks & options for assistance…* *The Department is prepared to make very aggressive representation to host country authorities in cases where child protection is warranted.. The Department, specifically the Bureau of Consular Affairs,* ***has clear authority to ascertain the welfare of U.S. citizen/national minors who are outside the United States*** *particularly when there is any indication that their health & safety could be at risk.* ***Our responsibilities for U.S. citizen minors are all the greater for their inherent vulnerability & need for protection****…* ***Protesting any other host-country action based on treaty provisions or intl. law****… If the post* ***determines certain lawyers are dishonest, incompetent, or inattentive to their U.S. citizen or national clients' interests, you may exclude such attorneys from the list.*** *.. 7 FAM 426.2-2 - Mistreatment - report immediately via email…**7 FAM 453** - Request Authorization to Protest Judicial Discrimination…7 FAM 455 - Trial - report each step of the trial/judicial process in the ACS system & via email…*	***"US govt. may not intervene in the private legal matters of US citizens in foreign domestic courts. We are prohibited by federal regulations from acting as attorney or agent or in any fiduciary capacity in 22CFR 92."*** *(Noting that at no time has legal advise or assistance been solicited from any State Dept. official!!)* Joyce Namde, European Division Chief, Ofc. of Citizen Services. ***"Consular officers cannot act to ensure that petitions, documents & judicial decision [in Spanish courts] are made in accordance with foreign laws."*** Consul General, US Embassy Madrid	*" The State Department begins the process of locating the child in the US by using school, employment, financial, social security, police, postal, internet or other public Records …* *The State Dept. contacts attorneys…* *The State Dept. will send a letter to the judge…* *Expect that a judge will be uncomfortable with ordering law enforcement to take custody of the child & that counsel will need to make a compelling case to persuade a judge to do so…* *US Marshal seize the child & bring the child before the judge…* *Prevent the taking parent from finding the client's [left-behind parent] location….* *Children often are told untrue stories about the left-behind parent, sometimes rising to the level of brainwashing & alienation [Parental Alienation Syndrome (PAS)] , causing children to fear returning with those parents…* **As a matter of law, the child's best interests are not at issue….** **(http://travel.state.gov/abduction/resources/resources_4307.html**

Wilcox vs. Gonzalez de Alcala:
A Case Study in the Failure to Protect

After 17 years of having given up my career in deference to my husband's, managing 6 international moves & relocations, & dedicating my time & energy to my husband, my children, and my work within the community, I decided to start a business, Global Expats/www.global-xpats.com. In the spring of 2007 my project started to "take off" & gain recognition in the global mobility industry as well as amongst expats around the world. Then, in July of 2007 my husband (now ex-husband) told me that if I did stop working on my business he would take away my children, all of my money & throw me onto the streets with nothing; assuring me that everything had been "planned" & he would & could do exactly as promised.

At the time I responded "Don't be ridiculous Spain is a democracy now, you can't do that!" However, in the following months (and years) I was to learn that not only did he have the power to do as he said, but that my case is not as uncommon as one might imagine.

In October 2007, realizing that not only would I never receive any assistance from Spanish lawyers, nor the Spanish courts, as they were doing everything in their power to cover-up for the abuse of my husband and negligence of their colleagues; I repeatedly presented myself to the American Consulate in Madrid soliciting their assistance. Each time the Consular Affairs officials there told me that my case was a private matter & civil dispute & they were prohibited by principles of sovereign rights & judicial independence from assisting me in any way."

I continually informed them that this was not a "private matter" or a "civil dispute" & that it involved continual negligence & felonious criminal acts by my lawyers (whose name I had found on the American Embassy website.) That in no way, shape or form was the violation of my rights by my lawyers or the courts "protected" under *sovereignty rights* or *judicial independence*, & that these actions (and omission of actions) were in violation of national as well as international law.

In the ensuing years, during which I have continually reclaimed my rights within the Spanish judicial system (to no avail), I have also unrelentingly reclaimed my right for assistance from State Department officials. My requests have always fallen upon deaf ears & "blind eyes" as these officials have never taken the time to read my correspondence (evidenced by their nonsensical responses on the few occasions they have responded.)

As one civil servant avowed to me "I just ignore them [constituents] until they go away," and which is in effect the "policy" of the US Department of State toward American victims of domestic abuse living abroad, & their struggle for survival, protection, & justice.

Throughout my entire ordeal Consular officials in Madrid as well as State Department civil servants in Washington have assumed that because I am a woman (homemaker to boot,) my complaints against my lawyers & the courts are nothing more than the grumbling of a disgruntled woman; even though reports by Amnesty International (www.es.amnesty.org/paises/espana/violencia-de-genero) clearly documents that cases like mine are not isolated, but rather the norm in Spain.

Under even the most minimum standard of due diligence the American Embassy & Consulate in Madrid have an obligation to be informed as to state of affairs which potentially effect the thousands of Americans living there. In no way, shape, or form can they defend their policies of non-assistance to Americans and non-compliance with the Convention of Consular Relations, 22 CFR & 7 FAM under the defense of ignorance of the situation.

Additionally, the American Embassy is well aware of the rampant corruption within the Spanish government and its agencies, which support & sustain a "culture of corruption" at all levels of the society, evidenced by former Ambassador Solomont speech at the Desayuno Informativo de Europa Press (http://www.europapress.tv/politica/174429/1/solomont-urge-rajoy-solucione-corrupcion.html).

Not only has the American Embassy in Madrid demonstrated a total lack of due diligence in assuring that the rights of an American woman & her children in Spain be protected & defend, but the State Department in Washington has failed to assure that its Consulates are complying with CFR 22 & 7 FAM guidelines, utilizing their prerogative and authority as provided for under the Convention of Consular Relations to do so.

Additionally, the fact that the State Department dedicates enormous resources to cases of international child abduction (with 68% of cases involving American fleeing domestic abuse), but refuses to assist victims of domestic abuse residing abroad (thereby avoiding their necessity to flee with their children) is clearly de facto discrimination against women and encourages the perpetuation of violence against women around the world.

Unfortunately, the contention of the State Department that domestic violence is a "private matter/civil dispute," and the Bar Association in Madrid that criminal negligence of legal counsel & judicial corruption are "protected" under sovereignty rights and/or judicial independence is nothing more than a reflection of a more widespread policy of judicial systems to turn a blind eye to domestic abuse, with government agencies in turn turning a blind eye to negligence and corruption within their judicial systems.

UNTIL THIS SITUATION CHANGES THE EMPEROR WILL CONTINUE TO WEAR NO CLOTHES!

Violation of Rights by Legal Counsel

Table 4: Violation of Rights by Legal Counsel & Resulting Damages in Gonzalez de Alcala vs. Wilcox

Actor →	Action or Omission of Action →	Consequence →	Violated Right →	Damage Caused
Gonzalo Martínez de Haro, María Fernanda Guerrero Guerrero, Belén García Martín, José Manuel Hernández Jiménez (abogado de oficio,) Jorge Capell de Cuatrecasas, Gonçalves Pereira, Alberto Fontes García Calamarte, Miguel Martínez López de Asiain, Ignacio González Martínez, Cuatrecasas, Gonçalves Pereira,	Failure to present evidence of abuse by husband (& abuses of power by previous legal counsel,) including efforts to defraud wife of common property assets.	Augmentation of the violence, threats on life, psych. abuse w/ no recourse or help from courts or law enforce.	1. Right to effective protection from judges & the courts **(art. 24 of the *Spanish Constitution*, art. 5, 6 & 13 of the *EU Convention on Human Rights*, art. 3 & 4 of the *Decl. on the Elimination of Violence Against Women*, art. 6 & 10 of the *Intl. Convention on the Eco., Social, & Cultural Rights*, art. 9, 14, 23, 24 of the *Intl. Convention on Civil & Political Rights*, & art. 2, 3, 5, 6, 8, 9, 10, 18, 19 & 20 of the *Convention on the Rights of the Child, inter alia*)** 2. Right to life, moral integrity & not to be subjected to cruel or degrading treatment. **(art. 15 of the Spanish Constitution, art. 2 & 3 of the *European Convention on Human Rights*, & art. 3 & 4 of the *Declaration on the Elimination on Violence Against Women, inter alia.)***	Victim suffered fear for life & security of children, post-traumatic stress, insomnia, head-aches, depression, etc (psychological abuse, torture.) Augmented threats from abuser.
	Failure to initiate court procedures that would enable wife to access common property financial records 1991-2008. Failure to request sufficient alimony & child support during & after the dissolution of marriage that would have allowed unemployed wife to cover daily /monthly expenses, as well as legal costs associated w/ divorce litigation against web designers for breach of contract for construction of www.global-xpats.com	Retention of common property funds for daily living expenses as well as funds in order to start business, www.global-expats.com	Right of access to my property (funds & other assets.) **(art. 33.3 of the Spanish Constitution, art. 3 & 4 of the *Declaration on the Elimination on Violence Against Women*, art. 13, 15 & 16 of the *Declaration on the Elimination of Discrimination Against Women*, art. 1 of the *Intl. Convention on the Economic, Social, & Cultural Rights*, & art. 1 of the *Intl. Convention on Civil & Political Rights, inter alia*.)** The right to work, remuneration for work & sufficient remuneration for the satisfaction of necessities & necessities of family. **(art. 35 of the Spanish Constitution, art. 4 of the *European Convention on Human Rights*, art. 3 of the *Declaration on the Elimination of Violence Against Women*, art. 11 of the *Declaration on the Elimination of Discrimination Against Women*, & art. 6 of the *Intl. Convention on the Economic, Social, & Cultural Rights, inter alia*)**	Financial destitution due to the failure to access my common property funds & assets. It was impossible to assume daily expenses & litis expenses for litigation in Spain as well as USA (against web designers.) Failure to access common property funds in order to initiate litigation against the web designer of www.global-expats.com &/or build a new website. In 2008 the principle competitor websites of www.global-expats.com (www.yelp.com) was generating revenues of $12 million usd (reaching $137 million in 2012 & expected $200 million in 2013) with investments of $17 million usd. (Already in 2008 the commercial model that I was developing with www.global-expats.com was generating impressive traffic rates on the Internet, receiving substantial sums from investors (capital venture) & generating millions of revenues & jobs. This business model has been, and is, one of the most successful & profitable models in existence today.)

Table 4: Violation of Rights by Legal Counsel & Resulting Damages in G. Alcala vs. Wilcox (cont.)

Actor →	Action or Omission of Action →	Conse-quence →	Violated Right →	Damage Caused
G. Martínez de Haro, M. F. Guerrero, B. García, J. M. Hernández, Jorge Capell de Cuatrecasas, Alberto Fontes, M. Martínez, I. González, Cuatrecasas	The failure to challenge the *de facto* discrimination against women by family courts that prohibit access to common property assets during the dissolution of the marriage, and fail to recognize the contribution of the homemaker to her husband's career, upbringing of the children, mgt. of the home, sacrifice of own career, etc.	Discrimination against women by Spanish courts & judicial decision. Violation of the Spanish Constitution & CEDAW inter alia by the Spanish State.	The right not to be discriminated against. **(art. 14 of the *Spanish Constitution*. 3 of the *Decl. on the Elimination of Violence Against Women*, art. 2, 4, 5 & 12 of the *Decl. on the Elimination of Discrimination Against Women*, art. 2 of the *Intl. Convention on the Econ., Social, & Cultural Rights*, & art. 26 of the *Intl. Convention on Civil & Political Rights, inter alia*)**	During 2008 employed spouse enjoyed an income of €15.000/mo. without any expenses, while homemaker was awarded an income of €500/mo. by the courts w/ responsibility for all daily expenses of family home. Homemaker had to live in total poverty (augmenting daily stress) & assuring that employed spouse had enough funds to continue abusing, stalking & threatening victim. Also, employed spouse had an endless supply of funds with which to buy present, expensive vacations, etc. for children, (while homemaker barely had enough funds with which to feed children) & thereby facilitating manipulation of children to choose parent who had control of all financial assets of the family as custodial parent. (Children had the option to live in total poverty with mother, or luxury w/ father; clearly a discriminatory situation for the mother, favoring the father!)
Jorge Capell de Cuatrecasas, Gonçalves Pereira	Failure to appeal the sentence of illegal retention of homemaker by police all the way to the Constitutional Courts. As well as initiate an investigation with appropriate authorities against the four police officers involved in said retention and the corrupt of public officials by abuser and accomplices (cousin of *guardia civil* of Mostoles.)	Failure to present addi-tional evidence of abuse to the courts.	1. Right to effective protection from judges and the courts ***(art. 24 of the Spanish Constitution*, art. 5, 6 & 13 of the *EU Convention on Human Rights*, art. 3 & 4 of the *Decl. on the Elimination of Violence Against Women*, art. 6 & 10 of the *Intl. Convention on the Economic, Social, & Cultural Rights*, art. 9, 14, 23, 24 of the *Intl. Convention on Civil & Political Rights*, & art. 2, 3, 5, 6, 8, 9, 10, 18, 19 & 20 of the *Convention on the Rights of the Child, inter alia*)** 2. Right to life, moral integrity, and not to be subjected to cruel, inhumane, or degrading treatment. ***(art. 15 of the Spanish Constitution, art. 2 & 3 of the EU Convention on Human Rights, & art. 3 & 4 of the Decl. on the Elimination on Violence Against Women, inter alia.)***	Victim suffered fear for life and the security of children, post-traumatic stress, insomnia, head-aches, depression, etc (psychological abuse, torture.) Supported, sustained, and augmented the abuse and threats of abuser.

Official complaints have been filed with the following government regulatory agencies who have all refused to investigate my allegations (in violation of their obligations under Spanish & international law):

- *Consejo General de Poder Judicial* & *Defensor del Pueblo* posted on http://worldpulse.com/node/52011
- *Instituto de la Mujer* posted on http://worldpulse.com/node/50602
- Bar Association of Madrid (*Colegio de Abogados*) posted on http://worldpulse.com/node/72778

Additionally an official complaint to the *UN Commission on the Status of Women* is posted on http://worldpulse.com/node/55730 and a time-line with all of the pertinent fact of the case presented, *Gonzalez de Alcala vs. Wilcox*, is posted on http://worldpulse.com/node/66096

PRESS RELEASE - According to the Bar Association of Madrid,
Lawyers in Spain Enjoy Impunity from Malpractice under the Principle of *Judicial Independence* in the Violation of Rights of Domestic Abuse Victims

by Quenby Wilcox
September 2, 2013

Washington, DC – Founder of Global Expats, Quenby Wilcox, announced today that she is appealing the decision of the *Ilustre Colegio de Abogados de Madrid* (Bar Association,) *Preliminar 859/13,* which contends that lawyers in Spain enjoy impunity for malpractice and violation of the rights of their clients, as well as any infractions of the law, under the principle of *judicial independence*.

In their decision in *Preliminar 859/13,* the Colegio de Abogados de Madrid contends that:

- **The violation of the rights of a victim of domestic violence and discrimination against women *"exclusively affect fundamental rights recognized in the Spanish Constitution (CE) and norms in international agreements, and not in any way norms under ordinary laws"*** and thereby protects lawyers from any wrong-doing. **(Demonstrating a lack of recognition of the hierarchy of judicial norms in Spain by the *Colegio de Abogados*.)**

- The malpractice and negligence of implicated lawyers are "***decisions by lawyers [that] fall under their independence, prerogative*** *that assist in the execution of their function as provided for under article 542.2 of the Ley Orgánica del Poder Judicial, 33 of the Estatuto General de la Abogacía and 2 of the Código Deontológico de la Abogacía Española, [and]* ***that immunizes them from all interference and is the exclusive territory of the defense, without any possibility of a deontological revision"*** **(Demonstrating a lack of recognition of article 1, 9, and 10 of the Spanish Constitution, inter alia by the *Colegio de Abogados*.)**

The *Preliminar 859/13* was dictated in response to an official complaint filed by Ms. Wilcox on June 14, 2013 against her legal counsel Gonzalo Martínez de Haro, María Fernanda Guerrero Guerrero, Belén García Martin, Jose Manuel Hernández Jiménez (court-appointed lawyer,) Jorge Capell de Cuatrecasas, Gonçalves Pereira, Alberto Fontes García Calamarte, Miguel Martínez López de Asiain, and Ignacio González Martínez for gross negligence and professional malpractice in regards to her domestic violence complaint, divorce and custody battles in the last 6 years. Her original complaint against implicated lawyers, the *Preliminar 859/13*, and appeal to *Preliminar 859/13* are posted on http://worldpulse.com/node/73713. (See Tables 1 & 2 for a resume of the infractions.)

The lack of protection of victims of domestic violence by family courts is of epidemic proportions (see Amnesty International's report *Que Justicia Especializada*? attached, with a video & testimony posted on www.es.amnesty.org/paises/espana/violencia-de-genero.) Ms. Wilcox has solicited the support and assistance from human rights & women's rights organizations in Spain in denouncing widespread malpractice of judicial actors, responsible for failure of family courts to protect victims and the assassination of over 500 women in the past 7 years.

Quenby Wilcox, is a career Expat "Trailing Spouse" whose work focuses on domestic violence as a human rights violation, the advancement of women/homemaker's rights, and promoting the interests of expatriated citizens around the world. Her research, and results of her work regarding the problems in family courts are posted on www.worldpulse.com/user/2759/journal.

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Correspondence to US Department of State Regarding Victims of Domestic Violence Residing Abroad

All correspondence to US Dept.of State & American Embassy (2007-2013) is posted on http://worldpulse.com/node/73335 & http://worldpulse.com/node/64031

The Honorable Janice L. Jacobs
Assistant Secretary for Consular Affairs
US State Department
2201 C Street NW
Washington, DC 20520
202-647-9576
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February 26, 2013

RE: Domestic abuse as a human rights violation, & a State's obligation to protect

Dear Ambassador Jacobs,

I am contacting you regarding an issue that is receiving increasing awareness amongst communities around the world; domestic abuse & violence as a human rights violation & a State's obligation to protect under the principle of due diligence, as establish by the Inter-American Commission on Human Rights, *Gonzales vs. USA* & *Velasquez vs. Honduras*, & the European Courts of Human Rights in *A vs. UK* (www.aclu.org/human-rights-womens-rights/jessica-gonzales-v-usa.)

As so many advocates, I have become involved in the issues due to my own personal experience as a victim of domestic abuse, and re-victimization by the very judicial systems which have a duty & obligation under international human rights law to protect me & my children.

Details of my own personal case & my efforts to protect & defend my rights, & the rights of others (as well as develop "good practices" & appropriate protocol in challenging & denouncing abusive & discriminatory traditions & customs in family courts) are as follows & posted on the appropriate weblinks:

- **United Nations Entity for Gender Equality & the Empowerment of Women – Commission on the Status of Women - complaint against the Spanish government, for the following violations**: their failure to protect victims of gender violence; failure to assure due process: failure to prevent discrimination against women within judicial proceeding pertaining to divorce, custodial decisions, & liquidation of common assets; application of discriminatory norms against & stereotypes of women during judicial proceedings & decisions; the failure of government regulatory agencies to duly investigate complaints of lack of due process, discrimination, & negligence/corruption of State & non-State judicial actors (www.worldpulse.com/node/55730)
- **Official complaint to the Spanish *Defensor del Pueblo* & *Consejo General del Poder Judicial*** for constitutional, civil & human rights violations in *Gonzalez de Alcala vs. Wilcox* (www.worldpulse.com/node/52011)
- **Official complaint to the Spanish *Instituto de Mujer*** for discrimination against women in *Gonzalez de Alcala vs. Wilcox* (www.worldpulse.com/node/50602)
- **Letter to Quatrecasas, Gonçalves Pereira** (April 2012) requesting their assistance under their obligation to perform the previous unfulfilled contractual obligation of Jorge Capell, art. 1089, 1098, 1102, 1104, of the Spanish civil code, & art. 11, 29, 31, 109, 511 & 512 of the Spanish penal code, inter alia (www.worldpulse.com/node/62773)

- **Letter to Plehn Abogados** (December 2012) requesting his assistance in arriving at a financial settlement with all previous legal counsel (Gonzalo Martinez de Haro of Vanander, Carlos y Associados (American Embassy website listing); Belen Garcia Martin (Plehn Abogado – American Embassy website listing); Jose Manuel Hernandez Jiménez (*abogado de oficio*); Jorge Capell of Cuatrecasas, Gonçalves Pereira (American Embassy website listing); Alberto Fontes Garcia Calamarte; Miguel Martinez Lopez de Asiain & Ignacio Gonzalez Martinez; & *procuradores* Juan Bosco Hornedo Muguiro; Maria Pilar Lantero; Pilar Poveda Guerra; & Rafael Gamarra Megias) for their professional & criminal negligence in *Wilcox vs. Gonzalez de Alcala* (2007) & *Gonzalez de Alcala vs. Wilcox* (2007-12); as an act of good faith & in order to avoid future litigation against them.

Of additional concern, from a humanitarian as well as US government policy stand-point, has been US State Department, Consular Affairs representatives, refusal to comply with my requests for assistance under the Convention of Consular Relations (art. 5, 36, 37 & 38), & as provided for in the U.S. Department of State Foreign Affairs Manual Volume 7 - Consular Affairs (FAM), inter alia. Please find enclosed a copy of pertinent correspondence with US State Department officials.

In my final efforts to exhaust all domestic remedies at my disposal before presenting my case to the Intl. courts, I am filing an official complaint with the *Colegio de Abogado* (Bar Association) y *Colegio de Procuradores* in Madrid against the afore mentioned legal counsel for their professional & criminal negligence in *Wilcox vs. Gonzalez de Alcala* & *Gonzalez de Alcala vs. Wilcox* (www.worldpulse.com/node/52999.)

To this end, I have once again contacted the American Consulate & Embassy in Madrid, as well as the Office of American Citizen Services & Crisis Management, US State Department in Washington, DC (see enclosed) requesting their assistance under the Convention of Consular Relations & FAM, inter alia.

Under Spanish law & parameters indicated on the *Consejo General de Procuradores de España* it appears that my *procuradores* were under an obligation to notify the courts & presiding judge, and/or appropriate authorities as to any irregularities, transgressions, professional negligence, or criminal activity or intent by any judicial actors, & thereby do possess a legal liability & obligation for financial damages in regards my case. Even if they were not authors of said infractions, they become accessories after the fact by their omission of action under Spanish law, inter alia

The US State Department estimates that 5.25 million Americans reside abroad, with 650,000 women & children at risk of becoming victims of domestic abuse & violence. In 2012 the American Overseas Domestic Violence Crisis Center (AODVC – www.866uswomen.org) handled 3005 crisis calls, emails & live chats directly from, or on behalf of 547 victims (544 females, 3 males) in 57 countries (UK, Canada, Costa Rica, Turkey, Russia, UAE, Germany, Pakistan, Switzerland, Croatia, being the most frequent.) Ninety-nine of these cases were affected by the Hague Convention on Intl. Child Abduction, which represents 29% of incoming Hague abduction cases handled by the Office of Child's Issues of the US State Department in 2012. At year-end of 2012 AODVC was handling 124 on-going cases.

As reported by the Hague Convention Domestic Violence Project (www.haguedv.org/reports) 70% of women involved in Intl. child abduction cases under the Hague Convention are fleeing domestic abuse & the failure of judicial systems to protect them & their children. *Abbott vs. Abbott* (2010) (www.supremecourt.gov/opinions/09pdf/08-645.pdf) brought these issues to the attention of the US Supreme Court.

Between 2010-2012 the Office of Child's Issues, Consular Division of the US State Department handled 890 incoming Hague Convention on Intl. child abduction cases, with up to 70%, or 623 cases, potentially involving a protective parent fleeing domestic abuse & a Receiving State's failure to protect. While I have been unable to obtain figures from the US State Dept. on the annual budget for the Office of Child's Issues, the 2012 budget for "Strengthening Consular & Management Capabilities" was $3.75 billion. Effectively, millions of dollars per year of the Consular Affairs Division's budget are used in supporting the abuse of thousands of Americans, while none of their resources are being used to assist victims.

Abusers are well aware of the criminal implications, & the stringent sanctions & incarceration of those who resort to Intl. child abduction, & are freely & frequently using the Hague Convention as a tool to intimidate & abuse their victims. They do so knowing full well that not only will victims not be assisted by Receiving State's judicial & law enforcement systems, but they will also not be assisted by Sending State's Consulates, consular affairs division in Sending State's headquarters, nor Sending State's judicial system, which is plagued by the same "failure to protect" as the Receiving State.

In my own case not only did my ex-husband repeatedly assure me from the onset that I would be left penniless & incarcerated (prison or psychiatric facility); claiming that all *"had been planned."* At the time, I thought his contention was just another example of his schizophrenic, hallucinatory state. But, statistics & documented testimonies show that this is an increasing phenomenon amongst victims of domestic abuse. In my case, all of my assets were illegally misappropriated by the courts & the negligence of my legal counsel, & my incarceration was a very real possibility on several occasions.

Then, when I confronted my lawyers with their overt negligent actions & the violation of my rights, I was always told *"Lady, we do this all the time. Who are you going to tell?"* And, effectively my petition to the *Defensor del Pueblo, Consejo General del Poder Judicial & Instituto de Mujer* for an investigation into my case & allegations was totally ignored, even though the professional & criminal negligence of implicated parties is well detailed, documented, & argued (posted on http://worldpulse.com/node/52011 & http://worldpulse.com/node/50602, respectively.)

The culture of *"laissez faire"* & silencing of victims, apathy of judicial actors towards the plight of victims, failure of judicial regulatory agencies to diligently investigate complaints & sanction infractions of judicial actors, coupled with consular affairs representatives' non-compliance with art. 5, 36, 37 & 38 of the Convention on Consular Relations & FAM guidelines (victims of crimes/domestic abuse), inter alia, provide the motive, opportunity, & means for abusers to utilize judicial systems & government institutions to abuse their victims.

The mission of Global Expats is to provide comprehensive & practical support to expatriated families around the world; keeping these families together in a productive, supportive environment for all members. It is my greatest desire to reduce the elevated number of expat marriages that end in divorce. However, this absolutely must be accomplished with an "eyes open" approach. The prevalence of domestic abuse in homes around the world, its signs & "symptoms," it's devastating effects on the victims & society at large, the obligation to protect **all** implicated parties, as well as the long-standing traditions & customs (*de jure & de facto*) that intentionally & unintentionally cover-up & suppress evidence of abuse & silence victims, must be recognized, confronted, & eradicated.

Global Expats Domestic Abuse Prevention Division will provide comprehensive assistance to victims of abuse, with the objective of preventing cases from reaching crisis proportions (ie. cases of Intl. child abduction caused by efforts to protect children from abuse.) However, in order to be effective, we will require the assistance of American Consulates (as provided for in the Convention of Consular Relations) in assuring due process in foreign courts, as well as demanding accountability of State & non-State actors who violate the rights of American citizens.

I hope by bringing these issues to your attention, the US State Department & American Consulates will review & reassess their present policy of non-compliance with art. 5, 36, 37 & 38 of the Convention of Consular Relations in cases of divorce, custody hearings and/or domestic abuse. The necessity for compliance with the Convention on Consular Relations by American Consulates abroad is of utmost importance in assuring that the rights of Americans are respected in judicial proceedings, as well as in their dealings with the Receiving State's government & non-government agencies. I thank you in advance for your time & consideration. Please feel free to contact me at Quenby@global-xpats.com or (202) 213-4911 with any questions or requests for additional information.

Sincerely,
Quenby Wilcox
Founder – Global Expats

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February 26, 2013

RE: Human rights violations under the failure to protect & the principle of due diligence – *Wilcox vs. Gonzalez de Alcala & Gonzalez de Alcala vs. Wilcox / juzgado de Mostoles, Madrid, Spain*

Dear Mr. Pettit,

I am contacting the US State Department, Overseas Citizens Services in regards to my divorce/domestic violence case in Spain. Please find enclosed my recent correspondence to the American Consulate in Madrid, once again requesting their assistance under the Convention of Consular Relations.

I am hereby again requesting that the US State Department in Washington, DC, request that the American Consulate in Madrid provide me with the assistance I am soliciting under the Convention of Consular Relations, U.S. Department of State Foreign Affairs Manual – Consular Affairs (FAM - General Guidelines for Victims of Crimes / Victims of Domestic Abuse,) & Declaration of Basic Principles of Justice for Victims of Crime & Abuse of Power, inter alia.

For your convenience, please find enclosed past correspondence in regards to my case:

Correspondence with the US State Department, Office of American Citizen Services & Crisis Management in Washington, DC, & American Consulate in Madrid, etc. (2007-2010):

- Correspondence with the US State Department, Office of American Citizen Services & Crisis Management in Washington, DC, & American Consulate in Madrid, etc. (2007-2010)
- A complaint to the *United Nations Entity for Gender Equality & the Empowerment Women – Commission on the Status of Women* (2012) for human rights violations & discrimination against women by Spanish State & non-State actors (supporting documents are posted on http://worldpulse.com/node/557300.)
- A complaint to the Spanish *Defensor del Pueblo & Consejo General de Poder Judicial* (2012) for constitutional, civil & human rights violations by *el juzgado de Mostoles*, Spanish government & non-government agencies, & my legal counsel (full document & supporting documents are posted on http://worldpulse.com/node/52011)
- A complaint to the Spanish *Instituto de Mujer* (2012) for discrimination against women in Spanish family courts – English translation (original Spanish version & supporting documents are posted on http://worldpulse.com/node/50602)

In efforts to exhaust all remedies at my disposal, before initiating litigation within the Intl. courts against Spain for human rights violations under their obligation to protect & the principle of due diligence1, I will be filing an official complaint with the *Colegio de Abogado de Madrid* against my legal counsel for their negligence between 2007 & 2012 (under the Spanish Constitution, civil code, & penal code). My complaint & supporting documents are posted on http://worldpulse.com/node/52999.

It should be noted that the names of the following legal counsel were obtained directly and/or indirectly from the American Embassy in Spain's website:

- Señor Gonzalo Martínez de Haro de Viñador, Carlos y Asociados - Juicio Rápido 607/2007 Wilcox vs. González de Alcalá
- Señora Belén García Martin, de Plehn Abogados (Steven Plehn) - Medias a la Previa 1140/2007 González de Alcalá vs. Wilcox
- Jorge Capell Cuatrecasas, Gonçalves Pereira - Divorcio Contencioso 1143/2007 González de Alcalá vs. Wilcox

I will also be re-submitting my complaints to the *Defensor del Pueblo* & *Consejo General de Poder Judicial*. I trust that the US State Department, & the American Embassy & Consulate in Madrid will assure, through appropriate channels, that all my complaints & allegations will be examined & investigated, with responsible parties being held accountable; using the highest standards of diligence & to the letter of the law.

Seventy percent of international child abduction cases under the Hague Convention are women fleeing domestic abuse & a government's failure to protect (http://www.haguedv.org/reports.) These women are being held to the letter of the law by sending & receiving States, facing criminal charges & incarceration for extend periods of time. In my case, I am requesting that legal counsel & other judicial actors in Spain be held to the same standard as these women; anything less is discrimination & in violation of Spanish & international law.

The prevalence of the problems that I have encountered within the Spanish legal system in the past 6 years is well documented by Amnesty Intl. & various UN Commissions, detailed in report after report (posted on http://worldpulse.com/node/55730.) My case clearly demonstrates to what extent deeply entrenched cultural norms & traditions that discriminate against & perpetuate the domination of women in a society preclude even the most progressive of laws & legal codes.

Under the Spanish Constitution, civil code & Equality Act 3/2007, women in Spain are accorded more rights than any other country in the world. However, due to rampant discrimination & corruption within their judicial system2, women are unable to enjoy or exercise those rights.

My case not only involves my right to life & security, & the right to protection of those rights by implicated State & non-State actors, but my right to work (see Structure & Concept of Global Expats on www.global-xpats.com/al/documents.) The threats & manipulations of my ex-husband (and other family members) in the past 6 years have been with the expressed intention of preventing me from developing my project, as well as financial independence for me & my children. State & non-State actors who have knowingly or un-unknowingly been complicit in his (their) efforts are responsible for human rights violations as well as any & all damages produced (under Spanish & Intl. law.)

Violence against, & intimidation/oppression of women, are not "civil disputes" or "private matters," as US State Department officials have constantly contended in my case. Violence against, & intimidation/oppression of women, whether it is sanctioned by executive decree of a State, or transpires due to a State's failure to protect, are human rights violation.

Thank you in advance for your time & consideration. If you should require further information, or have any questions, please feel free to contact me at quenby@global-xpats.com or (202) 213-4911.

Sincerely,
Quenby Wilcox
Founder – Global Expats

Family Courts in Crisis Newsletters are prepared by **Quenby Wilcox,** Founder of Global Expats (www.global-xpats.com,) and Safe Child International (www.linkedin.com/groups/Safe-Child-International-3912973.)

Quenby Wilcox, is a career Expat Mom and activist whose work focuses on domestic violence as a human rights violation, the advancement of women/homemaker's rights, and promoting the interests of expatriated citizens around the world. Her research, and lobbying efforts on Capitol Hill and with the US Department of State, as well as her analysis of the issues and challenges involved in cases of international divorce and custody battles are posted on www.worldpulse.com/user/2759/journal. Her blogs are posted on **www.quenby.wordpress.com.**

She may be contacted at quenby@global-xpats.com, www.linkedin.com/pub/dir/Quenby/Wilcox, or +00.1.202-213-4911 with any questions or requests for interviews.

Free, downloadable copies of *Family in Crisis* (May–August 2013) Newsletters are posted on www.worldpulse.com/user/2759/journal.