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President Barak Obama
The White House
1600 Pennsylvania Ave.
Washington, DC 20006

March 4, 2013

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

Dear President Obama,

The US government and US State Department are continually espousing their commitment to combating and ending violence and discrimination against women, promoting democratic principles worldwide, and protecting human rights and labor rights around the world.^{i ii} However, when it comes to American women living overseas and the US State Department, Consular Affairs Division's day-to-day operations, the rhetoric does not translate into reality.

As so many advocates, I have become aware of and involved in the issues due to my own personal experience as a victim of domestic abuse, and re-victimization by the very judicial systems (in Spain) which have a duty and obligation under international human rights law to protect me and my children.¹

The US State Department estimates that 5.25 million Americans reside abroad, with 650,000 women and children at risk of becoming victims of domestic abuse and violence.² 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 International 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.

¹ All documents pertaining to my case are posted on <http://worldpulse.com/user/2759/journal>

² Extrapolated from estimates in *Women and Health: Today's Evidence Tomorrow's Agenda*, World Health Organization 2009, p. 56.

As reported by the Hague Convention Domestic Violence Project (www.haguedv.org/reports) 70% of women involved in international child abduction cases under the Hague Convention are fleeing domestic abuse and the failure of judicial systems to protect them and 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 international child abduction cases, with up to 70%, or 623 cases,³ potentially involving a protective parent fleeing domestic abuse and a Receiving State's failure to protect. While I have been unable to obtain figures from the US State Department on the annual budget for the Office of Child's Issues, the 2012 budget for "Strengthening Consular and Management Capabilities" was \$3.75 billion.⁴ Effectively, millions of dollars per year of the Consular Affairs Division's budget (US taxpayer money) are used in supporting the on-going abuse of thousands of Americans,⁵ while none of their resources are being used to assist the victims.

Abusers are well aware of the criminal implications, the stringent sanctions, and incarceration of those who resort to international child abduction, and are freely and frequently using the Hague Convention as a tool to intimidate and abuse their victims. They do so knowing full well that victims will not be assisted by Receiving State's judicial and law enforcement systems, nor will they be assisted by Sending State's Consulates, consular affairs division in Sending State's headquarters, or Sending State's judicial system, which are plagued by the same "failure to protect" due to the same "lack of diligence" as in 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 and 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 and documented testimonies show that this is an increasing phenomenon amongst victims of domestic abuse. In my own case all of my assets were illegally misappropriated by the courts and the negligence of my legal counsel, with my incarceration a very real possibility on several occasions.

Then, when I confronted my lawyers (recommended on the American Embassy website) with their overt negligent actions and 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 petitions to the *Defensor del Pueblo*, *Consejo General del Poder Judicial* and *Instituto de Mujer* for an investigation into my case and allegations were totally ignored, even though the professional and criminal negligence of implicated

³ The Office of Child's Issues does not compile or retain gender statistics in its reporting of incoming or outgoing cases. Therefore, I have used the common and repeatedly reported rate of 70% for "State failure to protect" (Amnesty International, American State Bar Associations, inter alia)

⁴ Consolidating Schedule of Net Costs, US Department of State Fiscal Year 2012 Agency Financial Report, p. 116

⁵ Each year the Office of Child's Issues deals with an average of 300 incoming cases with abused children, which are then condemned to living with the abusive parent for 10-16 years +. (My own children are 19 and 21, but until they are financially self-sufficient, or until I am financially solvent, they cannot defy their father's order to have no contact with me.)

parties is well detailed, documented, and argued (posted on <http://worldpulse.com/node/52011> and <http://worldpulse.com/node/50602>, respectively.)

The culture of “*laissez faire*” and silencing of victims, apathy of law enforcement and 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 and FAM guidelines (victims of crimes/domestic abuse), inter alia, provide the motive, opportunity, and means for abusers to utilize judicial systems and government institutions to freely and overtly continue abusing and harassing their victims.⁶

Of additional importance for the US government and White House, as my particular case demonstrates, is how American entrepreneurs in their business dealings abroad are open to corruption and discrimination in foreign courts. And, how the lack of due diligence by, and apathy of, US State Department officials permit unfair trade practices and misappropriation of American assets by foreign courts.

As the American Consulate in Madrid has been aware from the beginning of my case, the escalation of violence and threats upon my life by my ex-husband’s were caused by my desire and efforts to provide financial independence for me and my children. My company, Global Expats (www.global-xpats.com) is modeled after the Federation of American Women’s Clubs Overseas (FAWCO), but is a revenue-generating entity which remunerates its *trailing spouse* managers and employees, as well as assistants them in career maintenance and entrepreneurial efforts. Revenues are generated from a networking/local search-city guide global website with estimate lost opportunity costs at \$200 million to date (see enclosed.)

The disinterest and negligence of the American Consulate in Madrid and US State Department, Office of American Citizen Services and Crisis Management in Washington, DC in the past 6 years, has not only been responsibility for millions of dollars in lost revenues of my company, but has prevented the creation of hundreds of jobs of American women living abroad.

International organizations such as the IMF,⁷ World Bank,⁸ and United Nations⁹ are increasingly examining the link between corruption and the present economic crisis. My case provides a perfect

⁶ The traditions and customs that for centuries have been used to silence dissent against government abuses of power are being used to silence the dissent of women and children who defy and denounce the abuses of power within the home.

⁷ Factsheet - The IMF and Good Governance (www.imf.org/external/np/exr/facts/gov.htm), Improving Governance and Fighting Corruption (www.imf.org/external/pubs/ft/issues/issues21/index.htm), Corruption and Development (<http://www.imf.org/external/pubs/ft/fandd/1998/03/pdf/gray.pdf>), Roads to Nowhere: How Corruption in Public Investment Hurts Growth (<http://www.imf.org/external/pubs/ft/issues12/index.htm>), Economic Issues No. 6 -- Why Worry About Corruption? – IMF (www.imf.org/external/pubs/ft/issues6/index.htm)

⁸ Corruption and Economic Development (<http://www1.worldbank.org/publicsector/anticorrupt/corruptn/cor02.htm>), World Bank Institute (<http://wbi.worldbank.org/wbi/topic/governance>), Measuring and reducing the impact of corruption in infrastructure (<http://documents.worldbank.org/curated/en/2006/12/7269830/measuring-reducing-impact-corruption-infrastructure>), Anti-corruption policies and programs : a framework for evaluation (<http://documents.worldbank.org/curated/en/2000/12/748708/anti-corruption-policies-programs-framework-evaluation>), The silence of corruption : identifying underreporting of business corruption through randomized response techniques

case-study on how and why widespread corruption in the courts impedes economic growth and entrepreneurial development, and the role negligent governance by regulatory agencies is playing in promoting judicial corruption.¹⁰

In order to effectively protect and promote the interests of Americans living abroad, it is imperative that American Embassies and Consulates abroad comply with the guidelines in U.S. Department of State Foreign Affairs Manual Volume 7 - Consular Affairs (FAM), and utilize their prerogatives provided for in art. 5, 36, 37 & 38 of the Convention of Consular Affairs, and other international treaties, in assuring due process and respect for the rights of American citizens in foreign jurisdictions.

I hope by bringing these issues to the attention of the White House, your administration will take positive action in assuring that the US State Department reassess their policy of non-compliance with FAM, the Convention on Consular Affairs, and other international treaties which provide them with the power and authority to promote and defend the interests and rights of Americans living abroad.

I thank you in advance for your time and 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,

(<http://documents.worldbank.org/curated/en/2011/06/14420546/silence-corruption-identifying-underreporting-business-corruption-through-randomized-response-techniques>), A trio of perspectives on corruption : bias, speed money and "grand theft infrastructure" (<http://documents.worldbank.org/curated/en/2011/11/15505870/trio-perspectives-corruption-bias-speed-money-grand-theft-infrastructure>), Social marketing strategies to fight corruption (<http://documents.worldbank.org/curated/en/1998/01/440233/social-marketing-strategies-fight-corruption>), Corruption and development (<http://documents.worldbank.org/curated/en/1998/05/438765/corruption-development>), Enrichment with growth (<http://documents.worldbank.org/curated/en/2011/10/15348701/enrichment-growth>), Building public support for anti-corruption efforts : why anti-corruption agencies need to communicate and how (<http://documents.worldbank.org/curated/en/2010/01/12204776/building-public-support-anti-corruption-efforts-anti-corruption-agencies-need-communicate>), An analysis of the causes of corruption in the judiciary (<http://documents.worldbank.org/curated/en/1999/08/437874/analysis-causes-corruption-judiciary>), Corruption in economic development - beneficial grease, minor annoyance, or major obstacle? (<http://documents.worldbank.org/curated/en/1999/02/438609/corruption-economic-development-beneficial-grease-minor-annoyance-or-major-obstacle>), Experiments in culture and corruption : a review (<http://documents.worldbank.org/curated/en/2012/05/16259932/experiments-culture-corruption-review>)

⁹ Corruption and the Global Economy (<http://mirror.undp.org/magnet/Docs/efa/corruption/Chapter02.pdf>), The Cost of Corruption (www.un.org/events/10thcongress/2088b.htm), Organized Crime - United Nations Office on Drugs and Crime (www.unodc.org/unodc/en/organized-crime/index.html), United Nations Convention against Corruption (<http://www.unodc.org/unodc/en/treaties/CAC/>), Struggle against Organized Crime, Corruption, Drug Trafficking (www.un.org/News/Press/docs/2010/gashc3975.doc.htm), Fighting Transnational Organized Crime - the United Nations (www.un.org/events/10thcongress/2088f.htm), The study to examine the links between organised Crime and Corruption (<http://ec.europa.eu/>)

¹⁰ The importance of the role that government agencies play in assuring transparency, integrity and accountability of the industry it regulates is clearly demonstrated in *Governance of Financial Supervisors and its Effects – A Stocktaking Exercise* by Marc Quintyn <http://ideas.repec.org/b/erf/erfstu/47.html>.



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cc¹¹: US Secretary of State John Kerry, US State Department

Ambassador Janice L. Jacobs, Assistant Secretary, Consular Affairs, US State Department

Jim D. Pettit, Deputy Assistant Secretary, Overseas Citizens Services, US State Department

Michael H. Posner, Assistant Secretary, Bureau of Democracy, Human Rights and Labor, US State Department

Stephen J. Rapp, Ambassador-at-Large, Office of Global Criminal Justice, US State Department

Beth Van Schaack, Deputy, Office of Global Criminal Justice, US State Department

Joyce Namde, European Division Director, Office of American Citizen Services and Crisis Management

Joanne Hunter, Office of American Citizen Services and Crisis Management

Ambassador Alan D. Solomont, Embassy of the United States Spain

Peggy Gennatiempo, General Consul, Embassy of the United States Spain

ⁱ ***US State Department » Under Secretary for Civilian Security, Democracy, and Human Rights »
Bureau of Democracy, Human Rights, and Labor » Human Right***
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 and corruption, strengthen democracies, and 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 and 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, and the protection of minorities;*
- **Promote the rule of law, seek accountability, and change cultures of impunity;**
- *Assist efforts to reform and strengthen the institutional capacity of the Office of the UN High Commissioner for Human Rights and the UN Commission on Human Rights; and*
- *Coordinate human rights activities with important allies, including the EU, and regional organizations.*

The Bureau of Democracy, Human Rights, and Labor (DRL) applies three key principles to its work on human rights:

- 1. DRL strives to learn the truth and state the facts in all of its human rights investigations, reports on country conditions, speeches and votes in the UN, and asylum profiles*
- 2. DRL takes consistent positions concerning past, present, and future abuses. With regard to past abuses, it actively promotes accountability.*
- 3. DRL forges and maintains partnerships with organizations, governments, and multilateral institutions committed to human right.ⁱ*

***U.S. Human Rights Commitments and Pledges
Bureau of Democracy, Human Rights, and Labor
Washington, DC - April 16, 2009
www.state.gov/j/drl/rls/fs/2009/121764.htm***

We are dedicated to combating both overt and subtle forms of racism and discrimination internationally. The United States is party to the International Covenant on the Elimination of All Forms of Racial Discrimination, and is

¹¹ Posted on <http://worldpulse.com/node/64031>

committed to seeing the goals of this covenant fully realized. Particular emphasis should be placed not only on eliminating any remaining legal barriers to equality, but also on **confronting the reality of continuing discrimination and inequality within institutions and societies.**

**Patrick F. Kennedy, Under Secretary for Management, US State Department,
Statement to the Senate Committee on the Judiciary
Advantages to the USA in complying with the
Convention of Consular Affairs in their assistance to American's living abroad**

- The protection of U.S. citizens abroad ranks among the Secretary's and the Department's absolute highest priorities
- Without guaranteed consular assistance, Americans cannot travel the world freely, safely, and with peace of mind
- When a U.S. citizen finds him or herself in a foreign government's custody, a consular officer is often the best, and 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 and fundamental rights
- Ensuring compliance with our legal obligations is essential to our foreign relations and close bilateral relationships
- Our treaties are critical to protecting U.S. sovereign interests... facilitate our businesses' international economic relationships.
- Chief Justice Roberts' opinion for the Court recognized that judgment as a binding international legal obligation, and agreed that the United States' interests in observance of the Vienna Convention, in protecting relations with foreign governments, and in demonstrating commitment to the international rule of law through compliance with that judgment were —plainly compelling

United States Strategy to Prevent and Respond to Gender-based Violence Globally

"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 and rights of women, and working to empower the next generation of women entrepreneurs and leaders. Because when mothers and 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, New York, New York, September 22, 2010

"Around the globe, violence against women is an epidemic. Violence robs women and girls of their full potential and causes untold human suffering. Violence against women impedes economic development, threatens peace and prosperity, and 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 and 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, November 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 socially unacceptable, to recognize it is not cultural; it is criminal." – Secretary of State Hillary Clinton, Remarks on the Adoption of a United Nations Security Council Resolution to Combat Sexual Violence in Armed Conflict, United Nations Headquarters, New York, New York, September 30, 2009

ⁱⁱ Mechanisms to Prevent and Respond to Gender-based Violence

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

The Department of State will employ various mechanisms to ensure a coordinated process for enhanced intra- and inter-agency coordination on addressing gender-based violence. The mechanisms outlined below mirror the framework detailed in the Secretary's Policy Guidance on Promoting Gender Equality, and will be integrated across existing coordinating bodies on gender issues, both in Washington and within embassies and missions.

Strategic and Budget Planning

Under the Secretary's Policy Guidance, relevant Department of State bureaus and embassies will develop strategies to promote gender equality and advance the status of women and girls across geographic regions and functional bureaus. Bureau and country strategies to address gender issues will be developed as part of the Department of State's ongoing strategic planning and budgeting process. Strategies will be grounded in analysis of existing inequalities and focused on action items that the Department and embassies can advance in both near-term and longer-term timeframes. To implement the strategy on gender-based violence, the Department of State will:

Review relevant functional bureau strategic plans to ensure that gender-based violence is adequately addressed; and

Request that relevant regional bureaus and embassies include specific gender-based violence issues within their strategic plans, as applicable to specific country or regional contexts.

Guided by newly-revised definitions and guidance to bureaus and embassies, current budget processes have been strengthened to more accurately represent budget levels for the following Key Issue areas: gender equality/women's empowerment (both primary and secondary attribution), gender-based violence, and women, peace, and security. The process informs the annual Congressional Budget Justification in these critical areas and serves to advance gender equality through both direct and integrated approaches. United States Strategy to Prevent and Respond to Gender-based Violence Globally 31

Policy and Programming

Embassies and bureaus will strive to ensure that the full range of U.S. policy and assistance programming identifies and addresses existing gender disparities, capitalizes on the unique skills and contributions of women and girls, and is accessible and responsive to ongoing challenges confronted by women and girls. In order to further this agenda on issues specific to gender-based violence, the Department of State will: Establish an intra-agency working group, consisting of representatives from a wide range of bureaus and offices across the Department, to assist in internal coordination and integration of gender-based violence prevention and response in Department programming and policies.

The working group will share information and establish priorities, as well as coordinate existing policies and programs to eliminate gaps and effectively maximize existing resources.

Through existing policy and diplomatic mechanisms and programming, including the Secretary's International Fund for Women and Girls and S/GWI, the Department of State will: Advocate for development and implementation of laws and policies in other countries to monitor, prevent, and respond to gender-based violence. This includes work to strengthen institutions and support partner governments' efforts to develop appropriate legislation, harmonize laws and other provisions in the legal code, develop action plans for implementation, and help train oversight of and advocacy for implementation of the laws; Support capacity-building of and outreach to civil society, including the media, criminal justice sector, and health providers; Support civil society and community-level approaches to change behaviors and attitudes concerning violence and to facilitate discussion among families, community organizations, and religious, traditional, and other community leaders around human rights and gender-based violence, and effective ways to address these issues. Through these community level approaches, the Department will aim to target and engage:

- Men and boys;*
- Female leaders and women's groups;*
- Religious, faith-based, and community leaders; and*
- Youth*

Build off existing platforms (GHI, PEPFAR, etc.) and scale up programs that have been found effective, contingent on resources. This could include programs that integrate screening of and response to gender-based violence into health service delivery programs, as well as psychosocial support where feasible; or programs that require health and life skills programming for adolescent and pre-adolescent girls and boys, for example to address sexual coercion and abuse and promote elements of healthy relationships; Establish multi-sector linkages regarding violence prevention and response programs, with particular attention to the legal/judicial system and the education and economic sectors; and Address the causes, including root causes, of gender-based violence, especially violence against women and girls. This includes reducing barriers between women and men and girls and boys in economic, political, and civic arenas and implementing initiatives that protect human rights and raise societies' respect and value for all women and girls, including inclusive education and economic empowerment opportunities.