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RE: Protecting American's Living Abroad Interests and Rights – US Department of State non-Compliance with the Convention of Consular Relations, 7 FAM & CFR 22

Dear Congressman/Congresswoman,

I am contacting you in your capacity as a member of the Americans Abroad Caucus, and in regards to the interests of the over 6 million Americans residing overseas as well as the millions of Americans with commercial interests abroad.

On July 27, 2011 in his testimony to the Senate Committee on the Judiciary, the Under Secretary of Management Patrick Kennedy stated *“The protection of US citizens abroad ranks among the Secretary's and the Department's absolute highest priorities.”* And, the Department of State website is filled with their commitment to promoting human rights around the world as well as eradicating violence and discrimination against women (www.state.gov/j/drl/hr/index.htm, www.state.gov/j/drl/rls/fs/2009/121764.htm, www.state.gov/documents/organization/196468.pdf, www.state.gov/documents/organization/196468.pdf.)

Unfortunately, while the State Department is very vocal about protecting and promoting the rights and interests of Americans (as well as promoting democracies and human rights principles around the world) their rhetoric does not translate into reality.

State Department guidelines (7 FAM & CFR 22) provide comprehensive protocol, detailing with enormous precision the actions Consular agents must follow when dealing with American victims of domestic abuse and crimes abroad. However, in the reality they provide absolutely no help or service to these victims, falsely contending that they are prohibited by law to providing any assistance.

My own case in Spain has been dragging on for almost 7 years now. And, even though I have provided Consular officials with detailed, concrete information as to what actions they can, and should be, taking in order to assist me, they have always refused to provide the assistance requested. **They have even contended that they are under no legal obligation to assist Americans involved in judicial proceedings in a foreign country.**

My requests for assistance have involved the following:

- The protection of foreign held asset and commercial interests of an American overseas
- The violation of rights of an American illegally arrested in a foreign country and the refusal of Consular notification
- The rights of an American victim of violent crimes/domestic abuse under foreign jurisdiction
- The protection of the rights of American minor children involved in custodial decisions (art. 5 of the Convention of Consular Relations, inter alia)
- The right to due process of an American under foreign judicial proceedings

With more and more Americans living, working and traveling abroad each year the contention of the US Department of State that they are under **no obligation to assist, or protect the rights and interests of Americans living abroad is disquieting and worrisome**, particularly in light of the following:

- The US Department of Commerce, Bureau of Economic Analysis reports that Americans own over \$21.6 trillion in assets overseas, with almost \$4.3 trillion in foreign investments
- Over 3,500 Americans each year are arrested and involved in legal proceeding in foreign jurisdictions
- The US State Department, Office of Consular Affairs handles over 1000 new international child abduction cases under the Hague Convention each year. Noting that the Hague Convention Domestic Violence Project (www.haguedv.org) found that 70% of mothers involved in international child abduction were protecting children from domestic abuse and the failure of family courts to protect. Please see *Family Courts in Crisis* Newsletters posted on <http://worldpulse.com/node/71182>.

Please find enclosed a copy of my correspondence to Under Secretary of Management Patrick Kennedy and American Ambassador Solomont, which explain many of the issues involved. These letters and all other correspondences with the American Consulate in Madrid and US State Department officials in Washington, DC are posted on <http://worldpulse.com/node/73335> (June 2013) and <http://worldpulse.com/node/64031> (March 2007 - April 2013.)

With the globalization of our world, more and more Americans will be residing abroad, and cross-national marriages and international divorce will become more and more frequent. Additionally, Americans involved in international commerce and the holding of foreign assets will become increasingly common, along with involvement in international litigation and disputes.

The US Department of State has at its disposition international treaties such as the Convention of Human Rights, Convention on Civil and Political Rights, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Convention of Consular Relations, inter alia which they may use in the protection of American's rights and interests abroad. **But, they are categorically failing, and refusing, to utilize these legal instruments in fulfilling their obligations to defend the rights of thousands of expatriated Americans each year.**

Under-Secretary-General and Executive Director of UN Women Michelle Bachelet, said in her closing remarks to the Stakeholders' Forum on Preventing and Eliminating Violence Against Women *"there is no shortage of good and innovative practices and programmes being initiated by women in cities and communities around the world to respond to this crisis. The shortcomings are not in the vision, voices and the voluminous efforts undertaken by determined women around the world. No, the shortcomings lie elsewhere—in the lack of political prioritization... Now is the time for governments to translate international promises into concrete national action...."*

Until and unless, government agencies are ready and willing to transform **rhetoric into reality**, governments will continue to be **in violation of their duty to protect as defined by the Inter-American Commission on Human Rights in *Gonzales vs. USA, 2011, inter alia***.

As a member of the American Abroad Caucus, I hope that you will initiate an Oversight Hearing on the US Department of State's refusal to insure that all US Consulates are in full compliance with CFR 22-§71.1, §10.735–215(b)&(c), §101.1(a)&(b), §101.3(b), and 7 FAM 1700's & 1900's (Victims of Crime and Domestic Abuse), as well as the Convention of Consular Relations in their dealings with Americans involved in foreign judicial proceedings.

I thank you in advance for your consideration, and I remain at your disposition for any questions you may have.

Sincerely,



Quenby Wilcox
Founder – Global Expats
Founder – Safe Child International

Americans Abroad Caucus

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