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The Honorable Susan le Jeune d'Allegeershecque
Ambassador of Britain
Jauresgasse 12,
1030 Wien, Austria

December 24, 2013

RE: Violation of Rights in Austrian Judicial Proceedings – Case of Ms. Schlesinger and Minor Children in Austria

Dear Ms. Ambassador,

I am contacting the British Embassy in Vienna regarding the violation of the rights of Ms. Schlesinger and her two minor children during judicial proceedings in Vienna, the well-being of said children, and the appropriate action of the Austrian courts at this time as provided for under the decision of the International Courts of Justice - *Mexico vs. USA*, (see attached) inter alia.

The violation of human, civil and constitutional rights of women and children are rampant in family courts across the globe, with these violations and the discrimination against women (particularly foreigners) well documented in reports by the United Nations, Amnesty International, Save the Children, inter alia. Please find enclosed *Family Courts in Crisis* newsletters (Nov. 2013 – Jan. 2014)¹ which define these rights, the acts and omissions of acts by judicial actors which violate these rights, and the implications for governments under international law.

Domestic abuse is well established as a human rights violation with a government's obligation to protect under the principle of due diligence by international courts and commissions in *Gonzales vs. USA*, *Velasquez vs. Honduras*, *A vs. UK*, inter alia.

A government's obligation to protect victims of abuse, torture and all forms of violence is further set forth and defined under the *Convention on Human Rights*, *Convention on the Rights of the Child and Optional Protocols*, *Convention on the Elimination of All Forms of Discrimination against Women and Optional Protocol*, *Declaration on the Elimination of All Forms of Violence*

¹ Nov. 2013 edition, [Save the Children - Spanish Justice System Faced with Child Sexual Abuse within the Family](#); Dec. 2013 edition, [United Nations Report - Violence Against Women as a Human Right Violation](#), Jan. 2014, [Amnesty International - What Specialized Justice?](#) – Previous editions are posted <http://worldpulse.com/node/71182>

against Women, International Covenant on Civil and Political Rights and Optional Protocol, International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and Rome Statute of the International Criminal Court (see FCC, Dec. 2013 newsletter [United Nations Report - Violence Against Women as a Human Right Violation](#)).

The fact that victims are residing under a foreign jurisdiction does not extinguish a government's obligation to protect their citizens. The Vienna Convention of Consular Relations (VCCR) clearly and compellingly provides Consulates with the power and authority to fulfill this obligation, under the following (inter alia):

- *Art. 5 – Consular functions consist in: (a) **protecting in the receiving State the interests of the sending State and of its nationals**, both individuals and bodies corporate, within the limits permitted by international law; (h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, **the interests of minors** and other persons lacking full capacity who are nationals of the sending State, particularly **where any guardianship** or trusteeship is required with respect to such persons;*
- *Article 36 – Communication and contact with nationals of the sending State 1) With a view to facilitating the exercise of consular functions relating to nationals of the sending State: (a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and **access to consular officers of the sending State**; (b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State ... **is detained in any other manner**. Any communication addressed to the consular post by the **person... [in] detention** shall **be forwarded by the said authorities without delay**. The said authorities shall inform the person concerned without delay of his rights under this subparagraph; (c) consular officers shall have the right to visit a national of the sending State who is **in... detention**, to converse and correspond with him and **to arrange for his legal representation**. They shall also have the right to visit any national of the sending State who is... **in detention** in their district in pursuance of a judgement.*

In the course of Ms. Schlesinger case there have been repeated violation of art. 5 and 36 of the Convention of Consular Relations, inter alia as well as a failure of the British Consulate and Embassy in Vienna to protest to said violations. In *Avena and Other Mexican Nationals (Mexico vs. USA)*, the International Court of Justice ruled that the appropriate course of action in cases where violation of art. 36 of the VCCR has occurred consists in **providing review and reconsideration of the sentences involved**.

I hope that the British Embassy and Consulate will, through appropriate channels and as provided for under Austrian and international law, request that the Austrian courts review and reconsider the decisions made in the custody decision of the Schlesinger children. Judicial decisions which have violated rights and proper protocol have placed the two minor children in considerable distress in

the past years and have been detrimental to their proper and healthy development, as well as being in clear violation of the letter and spirit of the Convention on the Rights of the Child, inter alia.

Thank you in advance for your time and consideration. If you should have any questions, I may be contacted at my email, quenby@global-xpats.com.

Sincerely,



Quenby Wilcox
Founder – Global Expats
Founder – Safe Child International

Cc: Ambassador Ronald S. Lauder, President World Jewish Congress
The Board of Deputies of British Jews, Vice President Alex Brummer
The Board of Deputies of British Jews, Vice President Jonathan Arkush
Mr Matthew Offord MP
Mr Chris Grayling MP, Lord Chancellor, Secretary of State for Justice, British Ministry of Justice
Human Rights Watch, Kenneth Roth, Executive Director
Human Rights Watch, Michele Alexander, Deputy Executive Director, Development and Global Initiatives
Human Rights Watch, Zama Coursen-Neff, Executive Director, Children's Rights Division
Human Rights Watch, Richard Dicker, Director, International Justice Program
Human Rights Watch, Liesl Gertholtz, Executive Director, Women's Rights Division
Human Rights Watch, Hugh Williamson, Director, Europe and Central Asia
International Commission of Jurists, Leah Hoctor, Legal Adviser, Women's Human Rights Programmes
International Commission of Jurists, Alex Conte, Director of International Law and Protection Programmes
Joan Meier, Founder and Executive Director of DV LEAP and Professor of Clinical Law at George Washington University Law School
Caroline Bettinger-López, Associate Professor of Clinical Legal Education Director, Human Rights Clinic
Viviana Waisman, Executive Director, Women's Link Worldwide
Salil Shetty, Secretary General, Amnesty International London
Widney Brown, Senior Director, International Law and Policy, Amnesty International London
Heinz Patzelt, Secretary General Austria, Amnesty International Austria
Sudha Shetty, Director Hague Domestic Violence Project