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Letter from Mrs Banotti, Mediator in family affairs
Member of European Parliament to his German colleague

Mr Hans Gert Pöttering
President of the EPP Group
European Parliament
Rue wiertz
Brussels 1047

Brussels, 7 January 2004

Dear Hans Gert

I am writing to you for assistance in the context of my work as the European Parliament President; Mediator for Transnationally Abducted Children concerning a number of difficult cases which have now been of concern to me for some considerable time. I am enclosing details of the cases concerned.

Almost all of these cases concern the abduction of children from other countries within the European Union, by the German parent who returns to Germany after a divorce and cuts all links between the foreign parents and their children. These cases have been seriously complicated by the fact that the German authorities are almost systematically also permitting the abducting parent to change the child's surname without even informing the left behind parent thus erasing all trace of the foreign parent in the child's life. This does not mean to say that the social services/jugendamt do not know where to find the "absent" parent, as they regularly claim child maintenance from the parent despite the fact that nothing is being done to encourage and indeed enforce access for the foreign parent to his children.

The German government has signed up to the latest EU legislation on Child Abduction within the EU, along with all the other Member States, which is to come into force in January 2005 but is still failing to cooperate within the existing framework. We are on the verge of signing up to a European Constitution, another significant step on the way to European integration and yet I have failed to obtain any response from the Federal Justice Ministry and only a holding letter from chancellor Schroeder informing that the Justice Ministry will reply in due course. I am still waiting for a reply and positive action to resolve these case.

For most of these cases the return of the children at this stage would probably be counterproductive given the length of time that has passed since the children were first illegally removed, however it is now time, without any further delay, for measures to be taken to enforce visiting rights and for social services to take positive action to reinstate the rights of those parents who have no access to their children. I am fully aware that the situation has improved where new cases of abduction to Germany are concerned but for these more entrenched cases I feel high level intervention and mediation is the only solution. These cases are not going to go away by ignoring them. These are children who are caught up in this no win situation and whose first right is to know both parents and to be loved by them and who remain the prime losers in the affair.

I would be grateful for any assistance you may provide. My very best wishes for a happy new year.

Yours sincerely

Mary Banotti MEP