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## Child Abduction and the Same-Sex Marriage Issue

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On April 4, 2013, the [story](#) of a mother's struggles to regain custody of her daughter, who had been kidnapped by her husband and taken to Iran was published in the *Washington Post*.

To better understand the difficulties this desperate mother encountered in the pursuit of her daughter, one must know about the [Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction](#). It is "a multilateral treaty, which seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return." Unfortunately for this mother and daughter, [Iran](#) is one of many countries that are either not members of the Hague Convention or do not have treaties with the United States pertaining to international child abduction. As a result, the Iranian authorities were unwilling to address the issue. It was only through the help of the FBI and Turkish authorities that mother and daughter were reunited after father and daughter had been taken into custody in Turkey.

How does this relate to the issue of same-sex marriage in the United States? On May 14, 2013, Minnesota became the [12th state](#) in the United States to legalize same-sex marriage. Eleven counties currently allow same-sex marriage, not including Uruguay and New Zealand. It will go into effect in both of those countries in August 2013. In order to understand the relationship between the same-sex marriage issue and international child abduction, consider how child abduction works in same-sex situations as a result of governmental policies in the majority of the states within the United States and abroad.

Let's say that a child is born to a same-sex married couple (or registered domestic partnership or civil union). What do you think happens if that same couple later moved to a jurisdiction that fails to recognize their relationship? What happens if the birth parent relocates to a state that does not recognize such relationships because they want to deprive the other parent of the child? Unless the child was either adopted by both or a second parent adoption occurred, the biological or adoptive parent could exclude the other parent from the child's life. What if the couple had been married and raised the child together for 10 years before breaking up? Is the other parent somehow not entitled to any parental rights? How does that impact the child? This is a serious issue and it applies to situations in which the child was either conceived through artificial insemination, surrogacy, adoption, or other such means.

If states in the United States and countries that fail to recognize same-sex marriage even recognized the nature of the relationship as registered domestic partners, civil unions, or the like and granted such couples similar rights and obligations, these issues would not exist. Are the citizens of those states and countries that refuse to recognize same-sex marriage even aware that they live in places that are in essence similar to those countries that refuse to become members of the Hague Convention?

You may say that same-sex couples should consider such issues before having children. Isn't that the same as telling someone who had a child with a person from a country that is not a member of the Hague Convention that, by doing so, they "assumed the risk" that the child could be taken from them and they would have no recourse? Who says such a thing? Who even considers such a thing before having a child?

People are entitled to their beliefs. However, a line must be drawn when the beliefs of one person or a group of people harm another person or group of people.

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