

Catherine Meyer
Adjournment Debate, House of Commons, 11 June 2002
Question tabled by Keith Vaz, MP (Leicester, East)
Answer given by Mr. Denis MacShane, The Parliamentary
Under-Secretary of State for Foreign and Commonwealth Affairs

Mr. Keith Vaz (Leicester, East): I am grateful for the opportunity to raise in the House the case of Catherine Meyer, whose two sons were abducted by her former husband eight years ago, in 1994. This is a tragic case. It is impossible to imagine the pain and suffering that this mother has had to go through over the last few years. It has been described as torture. As the parent of two young children, one the same age as Lady Meyer's children when she last had custody of them, I can only dare to imagine how awful must be her grief. I know that the Minister also has young children, so he will know what I mean when I say this.

Although this debate will focus on one case, it is one case among many far too many. The House has debated the subject of child abduction before. The right hon. Member for Tonbridge and Malling (Sir John Stanley) raised the issue on 24 October 2000 when he called for a review of The Hague convention. The hon. Member for Aylesbury (Mr. Lidington) also raised the issue in respect of his constituent Lawrence Horne on 22 April 1999. The shadow Attorney-General, the hon. Member for Stone (Mr. Cash), has also talked about child abduction with his usual passion. We can change the names of the children, and the facts, but we seem unable to change the results.

Two Departments have responsibility for these matters: the Foreign and Commonwealth Office and the Lord Chancellor's Department; the Home Office also has a remit. This case has also been raised at the highest levels by President Chirac in 1997, President Clinton in 2000, and President Bush in 2001. Lady Meyer's husband is, of course, Her Majesty's ambassador to Washington.

We are also dealing with real gaps in an international convention, the complete failure of the German courts to bring justice to the situation, and the manipulation by their father of the emotions and the psychology of two young children. Dr. Hans Peter Volkmann has behaved appallingly in robbing his own children of their childhood.

This sad story began eight years ago. Catherine Meyer, a British citizen, had a legal separation agreement from her husband, Dr. Volkmann. She had legal custody of the children from the German court by a notarised separation agreement. It was 6 July 1994, and the two boys, Alexander aged nine and Constantine aged seven, were living with their mother in London. They went on a routine access holiday to be with their father in Germany.

On 24 August, four days before the children were due home in London, Dr. Volkmann wrote a 21-page letter telling Lady Meyer that he would not be returning the children to London and that he had applied for custody of the boys. Attempts by their mother to reach them by telephone were thwarted by Dr. Volkmann, who repeatedly said that they were not available. When she eventually spoke to Alexander, he said to her, "I'm German. I have to go to a German school."

There then began a history of court action, which continues to this day. It makes me wonder about the principles that underpin German justice. Dr. Volkmann's application for custody of the children was rejected by a court in Verden on 24 August 1994, but in spite of that

11 Jun 2002: Column 841

he decided to keep the children in Germany. He simply ignored the ruling. On 31 August, the High Court in London ruled the retention illegal and ordered the immediate return of the children. It also made them wards of court. A month later, the Verden court upheld the British order and ordered the immediate return of the children to the United Kingdom under the terms of The Hague convention, with help from the court bailiffs if necessary.

The father asked for half an hour to say goodbye to the children, and Lady Meyer's lawyer agreed. Volkmann and his family went to the caf where the boys were waiting and threw them into the back seat of a waiting car. The car sped away to the town of Celle, where his family had influence. He immediately lodged an ex-parte application against the Verden decision. Neither Lady Meyer nor her lawyer was informed; they were simply not represented.

In November 1994, the appeal court in Celle reversed the two previous decisions and ruled that the children remain in Germany, as they were suffering in a foreign environment because German was not spoken at home or at school. The judges also deemed that the children, then aged seven and nine, were mature enough to have their views taken into account. By that time, Lady Meyer had not seen them in more than four months and they were under the exclusive control of their father and his family. In March 1995, the German Constitutional Court rejected her appeal.

The Lord Chancellor's Department told Lady Meyer that there was little it could do and that she was now in the hands of the local German courts, to which she should apply for custody and access. Since 1994, Lady Meyer has tried repeatedly, and failed, to find redress in the German courts. Not only were her sons not returned to England, but she has been denied normal access to them for the entire eight years since their illegal retention in Germany.

The boys are now 17 and 15. Since summer 1994, she has been allowed to see her sons for a grand total of 25 hours only in Germany, usually in her ex-husband's house or on the premises of the Verden youth authority and on only three occasions without a member of the father's family or a German bureaucrat present.

The last visit was in early 1999, and the situation has gone from bad to worse. Lady Meyer is now forbidden to see her children until 2003. Then, she will no longer be able to apply for access under German law as her sons will be over 16. The handling of her case by the German courts and the youth authority has comprised a mix of bias, incompetence and malice, but the heart of the problem has been the creation of facts by the German courts, which justify subsequent decisions favouring her ex-husband. Central to that has been delay.

From the very beginning, the slowness of court proceedings has given her ex-husband ample opportunity to manipulate the children against her. It has taken up to a year to make a decision on access applications not custody applications, but applications for access. Statements are

extracted from the children, saying that they do not wish to see her. These are taken at face value by the German courts who seem unable to understand that the will of the children is in fact the will of the father.

11 Jun 2002: Column 842

Dr. Volkmann is therefore able arrogantly to tear up access agreements and force Lady Meyer to keep making these applications. For her, this has meant 20 fruitless trips to Germany over the last eight years, more than 30 applications and the expenditure of more than £200,000 in legal fees and travel costs.

The more time that elapses without her seeing her children, the more the courts and the youth authority resort to the argument that it would be too traumatic for the children to visit her. The German courts refused to fine Dr. Volkmann for disobeying access arrangements. In August 2000, a psychologist made a report after extensive interviews of all parties. His conclusion was that the children were being negatively influenced against their mother and that access to the mother should be resumed immediately in the mother's home. This led to the first positive decision.

However, Dr. Volkmann immediately appealed against this. A new psychologist was appointed; the mother was not even interviewed. The latest decision, scrapping all her access rights until 2003, is based on this very one-sided report.

The situation is not unique. There are many parents who find themselves in a similar predicament. These cases closely follow an established pattern. The court registers an agreed programme of access rights; the abducting parent refuses to abide by it; the court refuses to enforce it. The victim parent is required to begin again with new hearings. With the passage of time, the court relies increasingly on the child's will and the arguments of trauma of reunion with the left-behind parent. In too many cases, the victim parent cannot continue, emotionally and financially trapped in this vicious cycle. A few find release in suicide.

I have been alarmed at the number of children who go missing and are abducted every year. More than 100 children go missing every day in the United Kingdom. Although most are found or returned within a few hours, last year in England and Wales 1,300 children were still missing two weeks after they disappeared. Of these, 750 were from the Metropolitan police area. Some 546 had been abducted; 40 per cent. were victims of parental abduction. Reunite, whose work I want to commend, informs us that there was a 58 per cent. jump in the recorded number of children abducted from Britain between 1995 and the end of last year. The true figure could be far higher.

The US State Department estimates that at least 1,000 children are taken from the United States each year by a non-American parent without the consent of the other parent. In a parliamentary reply, the Lord Chancellor's Department informed us that, in respect of signatories to The Hague convention, there were 1,314 cases of abduction reported and 668 of these had been returned a 51 per cent. success rate. It came as no surprise to me that Germany had 80 cases of abduction and a success rate of only 35 per cent., one of the worst figures of any country.

What now can be done to resolve the situation? First, I want ministerial action at the highest levels between Britain and Germany on the issue. I shall be writing to the Prime Minister today to ask him to raise this case directly with Chancellor Schroder. Germany is an EU member, a signatory to the convention and a close ally of Britain. We know that the courts are independent of

11 Jun 2002: Column 843

Government, but they are supposed to exist in order to ensure that justice is done, not that national interests are served. There was rightly a lot of Government anger over the detaining of the British planespotters in Greece. I would like to see some ministerial anger over this. I will ask again before the summer recess what action has been taken to follow it up.

Secondly, I want the Lord Chancellor's Department to do much more. I know that Ministers in the Department treat the issue very seriously indeed. The area of justice and home affairs is ripe for co-operation, and no issues of sovereignty are at stake. Let us have some positive judicial co-operation. I know that the German Justice Ministry has been reformed in its dealing with Hague cases, and that is thanks to the campaigning of Catherine Meyer and others.

Surely the courts and judges in the two countries can talk to one another about the issue and produce some positive results. Perhaps we can offer some judicial training in child care law to those in the German courts who would like it. We need to learn from the administrative mistakes that have been made. It would be helpful if the Lord Chancellor's Department could ask the German authorities to review the conduct of the German courts in this case. I shall write to the German Chancellor to ask him to raise the matter directly with the German chief justice.

Thirdly, this must be seen as a human rights issue. What advice can the Government give to Lady Meyer on pursuing the matter in the European Court of Human Rights, and what are we to do about The Hague convention? It is a pointless exercise to sign, as Germany has done, without any inclination to ensure that the articles are actually followed.

Fourthly, I would like the Minister to agree to a meeting between the Foreign Office, the Lord Chancellor's Department and Lady Meyer. Let us have some joined-up action.

Finally, I would like the Government to support much more actively the work of non-profit-making organisations. In particular, I commend the work of PACT, the organisation founded by Catherine Meyer as a result of her terrible ordeal. She is a courageous woman who has dedicated the past eight years of her life to her beloved sons. PACT stands for Parents of Abducted Children Together, and its website is at www.pact-online.org. It exists to give information and advice to those who suffer the horror of having their children abducted and seeks to raise the profile of cases and of the subject generally in a positive and constructive way. Lady Meyer may not be able to help herself, but she intends to help others.

Lady Meyer wrote a book entitled "Two Children Behind a Wall", chronicling her attempts to be reunited with her sons. Her love for her children is of course never-ending. She ends her book with a moving message to her young sons:

"I have nothing left but my life to give you. This book is the only way I have left to communicate my indestructible boundless love for you. When you grow up and you are free perhaps you will read these words and understand. I do not know why life has burdened us with such a fate. I only know that even in my helplessness I will never abandon you . . . I will always be there for you but until the day when we are together again and we will be you must have faith. Till then sleep well, and let us meet in your dreams. In the dark at least our thoughts are our own to hold and to cherish and we can laugh again. For ever yours, Mummy."

11 Jun 2002: Column 844

I urge the Minister not to abandon this mother, and the Government to do what they can to help her and thousands of others who suffer because of the cruelty and spite of people such as Hans Peter Volkmann and the administrative failures of the German court system.

REPLY FROM The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, Dennis Mac Shane

11.9 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Denis MacShane): I congratulate my hon. Friend the Member for Leicester, East (Mr. Vaz) on securing this debate on the case of Lady Catherine Meyer, the mother of two children who were wrongfully retained in Germany by their father following an access visit in 1994. I congratulate him not only on the powerful case that he has made but on the way in which he has set it in the broader context of children who are abducted and disappear. Those of us who believe that family life should occupy an increasing rather than decreasing part in our society should be grateful to him.

I want to place on the record my admiration for my hon. Friend's persistence in this as in other matters relating to the right of mothers to be with their children. As children, we all learn to speak what is called a mother tongue. In today's world, the right of mothers to be mothers to their children is usually afforded primacy in law and custom, but this case is a grave and serious exception to that general rule. No one should doubt how seriously every decent European citizen would, once familiar with the details of the case as laid before the House tonight, regard the conduct of German lawyers in seeking to deny what Germans call Mutterrecht. The right of a mother to be a mother must be considered.

I am grateful to my hon. Friend for raising this important and distressing issue, and his initiating this debate is an indication of his commitment to Lady Meyer's case. As he said, there has been extensive parliamentary and public interest in it, and I welcome the opportunity to set out the action that the Government and we in the Foreign and Commonwealth Office have taken so far on Lady Meyer's behalf.

As my hon. Friend pointed out, Lady Meyer's children were wrongfully retained in Germany by her ex-husband, following a contact visit in 1994. Before that, Lady Meyer had full custody

under the terms of the separation agreement, and her husband had access rights. The High Court in England and Wales ordered the return of the children and made them wards of court. Initially, the lower courts in Germany made an order to return the children to the UK under The Hague convention, which governs the handling of abducted children by European countries.

In Lady Meyer's case, the initial decision of the German lower courts was overturned by the higher regional court, without her being present. Lady Meyer appealed against the decision, but lost in the German constitutional court in 1995. At that point, The Hague convention route was effectively dead. Lady Meyer therefore had no choice but to apply for contact with her children through domestic court processes in Germany. To aid those applications, the children ceased to be wards of court in the UK.

As my hon. Friend recounted in distressing detail, Lady Meyer has pursued applications for contact since November 1994. However, she has been permitted to see

11 Jun 2002: Column 845

her children for a total of just 24 hours throughout this period. Various contact orders have been awarded in Lady Meyer's favour, but the German courts have not enforced them. I believe that that is contrary to all European norms.

It is important to understand how Her Majesty's Government can assist families affected by child abduction. In broad terms, responsibility for assisting such families is divided into two areas: Hague convention cases and non-Hague convention cases. The Lord Chancellor's Department is the lead Department for abductions to and from Hague convention countries in England and Wales; Scotland and Northern Ireland have their own central authorities. The FCO is the lead Department for non-Hague convention countries.

The Hague convention on the international aspects of child abduction is a multilateral treaty. It seeks to return children who have been abducted abroad to their country of habitual residence, where issues of custody and contact can be resolved through the courts. It seeks to protect children from the harmful effects of international child abduction by providing a procedure to bring about their prompt return.

As I said, the FCO is the lead Department for non-Hague convention cases. Where The Hague convention is not in force between two countries, families of abducted children must pursue court proceedings in the foreign country to gain contact with, or custody of, them. The FCO provides support for parents who are pursuing contact or custody cases through the domestic courts of another country, but it also gets involved in Hague convention cases in which diplomatic intervention could expedite progress. That is why the FCO has been closely involved in Lady Meyer's case. Since January 2000, formal representations to the German authorities have been made on at least four occasions. Those have included correspondence to the German authorities from our ambassador in Berlin, our charge d'affaires in Berlin and Baroness Scotland. Other embassy and consulate-general staff have been closely involved in negotiating a compromise between the children's father, the court in Celle, and the lawyer appointed by the Celle court to look after the children's interests.

Although I do not have direct ministerial responsibility for Germany, I know the country and its Chancellor, and I believe that the denial of Mutterrecht the right of a mother to be a mother is not acceptable in a modern, tolerant, liberal Europe. I give the House my assurance that I will give my personal support to the case. It is the considered view of the Foreign Office that the German courts have been incapable of dealing fairly and objectively with the unique circumstances of Lady Meyer's case. She has been treated unsympathetically.

Mr. Vaz: I am most grateful to my hon. Friend for his remarks and appreciate greatly his support. Will he agree to convene a meeting with the Lord Chancellor's Department and Lady Meyer so that both Departments can be involved in helping her to pursue the next steps?

Mr. MacShane: The Foreign and Commonwealth Office stands ready to work with Lady Meyer on the next steps of her case and looks forward to discussing that with her. I shall convey my hon. Friend's suggestion to my

11 Jun 2002: Column 846

ministerial colleagues in the Foreign Office with direct responsibility for the matter, because it would be a sensible way to take matters forward.

Lady Meyer has clearly been active and energetic in pursuing contact rights to her sons. We will continue to provide assistance to Lady Meyer wherever possible and whenever she requests it. It is extraordinarily sad that Lady Meyer has been unable to secure substantial contact rights to see her sons. It is hard to accept that in a democratic, tolerant Europe that respects the rule of law this case has to be brought to the attention of the public authorities in such a way.

Lady Meyer's case is, in the experience of the Lord Chancellor's Department, atypical. There are currently thankfully no other cases in which British parents are suffering the same level of difficulties as Catherine Meyer, though parents of other nationalities are. While there have in the past been administrative difficulties concerning Hague convention cases in Germany, Germany has overhauled the court system that deals with Hague convention cases. The German Ministry of Justice recently reduced the number of courts dealing with cases under The Hague convention from 600 to 24 on the basis that fewer judges will lead to greater expertise. Those changes are welcome and they have come about not least because of the work done bilaterally by the Lord Chancellor's Department. But they are long overdue and it is a matter of deep regret that they are too late to help Catherine Meyer and other, non-British, parents, in their predicament. We hope nevertheless that they will ensure that parents in future will not suffer what Catherine has suffered.

The answer lies in a common European system. That requires a decision, agreed by all EU member states, that the rules of unanimity mean that just one country in this case, Germany can exercise its veto to prevent a fair and just system from coming into operation. Those hon. Members who always insist on national rules and systems, and the right of veto *uber alles*, so to speak, may reflect on what happens when national egoism prevails over a greater need for justice.

As my hon. Friend has stated, Lady Meyer has tried to use her difficult experience to help others. She has been the driving force behind the establishment of the charity Parents and Abducted Children Together PACT. I would like to take this opportunity to pay tribute to Lady Meyer's work with PACT and to welcome the presence on the Front Bench of my right hon. Friend the Leader of the House who, while Foreign Secretary, gave his strong personal support to Lady Meyer's case.

Returning to Lady Meyer's case, I am confident that the Foreign and Commonwealth Office has provided Lady Meyer with appropriate advice and consular assistance. My noble Friend Baroness Scotland, when she was a Minister at the Foreign and Commonwealth Office, showed an active interest in Lady Meyer's case, as did my hon. Friend the Member for Leicester, East when he was Minister for Europe. I will ensure that my noble Friend Baroness Amos, who now has responsibility for this issue, sees a transcript of tonight's important debate. I hope that the other interventions by my hon. Friend, which he mentioned earlier, will help to assist the case.

11 Jun 2002: Column 847

Staff at our embassy in Berlin and our consulate general in Hamburg have also devoted a good deal of time to assisting Lady Meyer. We will continue to do what we can to provide Lady Meyer with support and assistance, and to take a close interest in her case. It is utterly irrelevant that she is the wife of one of our ambassadors. She speaks as a mother denied the right to be a mother to her children. That is a crime against motherhood, and the

11 Jun 2002: Column 848

German legal system and those who have denied her right to be a mother should be thoroughly ashamed of it. The Foreign and Commonwealth Office stands beside her, as we stand behind every mother who wants to be a parent to her sons. Question put and agreed to.