

Christoph C. Paul, Sybille Kiesewetter
and Ischtar Khalaf-Newsome (Eds.)

Cross-Border Family Mediation

International Parental Child Abduction,
Custody and Access Cases

3rd updated and expanded edition



Co-funded by
the European Union



Wolfgang Metzner Verlag



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with MiKK e. V.

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Edited by

**Christoph C. Paul, Sybille Kiesewetter and
Ischtar Khalaf-Newsome**

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International Mediation Centre for Family Conflict and
Child Abduction



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Our heartfelt thanks goes to Allie Malkin who handled the editorial office and the use of language in this third updated edition with such great enthusiasm, patience and a great eye for detail! A great big thank you goes to the MiKK Team for their superb support on all fronts. We would also like to express our gratitude to the European Union for co-financing this project.

We know from our own experience as mediators what it means for parents to embark on the difficult path of mediation: they must put an end to smoldering conflicts, actively seek new opportunities for constructive communication and shift their focus back to the well-being and needs of their children. For this reason our special thanks are due to the many parents from all over the world who have committed themselves to the mediation process. They have given us the opportunity to listen and to learn from them and their experiences of separation and collaboration for the sake of their children's future.

Christoph C. Paul, Sybille Kiesewetter and Ischtar Khalaf-Newsome
Berlin, June 2023

■ Foreword

Dear Reader,

I am very honoured to support the publication of the third edition of this important work on cross-border family mediation. As the previous editions have done, this book will guide and inspire you in your mediation practice, whether you are just a beginner in international family mediation or want to update and refresh your practice and knowledge.

As the European Parliament Coordinator on Children's Rights, where one of my key functions is to support parents and families in cross-border family disputes, including parental child abduction, I am all too aware of the difficult and heart-breaking journey parents and families endure when a cross-border conflict involving children happens. The introduction of the 1980 Convention on Civil Aspects of International Child Abduction saw the beginning of societal and legal changes to address this violation of the rights of the child. Since then, we have had other legal instruments at international and European level, including most recently in the European Union, the Brussels IIb Regulation that applies in all Member States except Denmark.

Alongside developments in the legal framework, academic research and practitioner advocacy has served to highlight the adverse psychological cost to the child, the practical difficulties faced by parents as they navigate (often-unfamiliar) legal territories and to promote the use of out of court resolution through mediation.

The increased recognition of the role of mediation and the benefits it brings to parents in finding practical and sustainable solutions is beyond doubt. However, cross-border family disputes are both legally complex and highly conflictual thus requiring a level of knowledge and understanding that goes beyond mediators' skills in domestic family law cases. This is why we must continue to build upon the existing foundations to provide the highest standards in mediation practice, and ensure mechanisms for the recognition and enforcement of agreements made in cross-border mediation to safeguard both the rights of the child and the parents.

One of my tasks as the EP Coordinator is to promote the use of mediation in such cases, and I could not do this if we did not have organisations

and networks of specialised, trained and motivated mediators with the expertise to engage with families in these complex and sensitive cases.

I am therefore very proud of our long association with MiKK – International Mediation Centre for Family Conflict and Child Abduction, and involvement in projects in the Member States that promote mediation in cross-border disputes that focus on the best interests of the child, and highlight the impact of parental disputes including parental child abduction on children and their mental and physical wellbeing.

I wish to thank the contributors to this third edition for their passion and continued dedication to improve the lives of children, for their contribution to understanding and knowledge of mediation in cross-border family conflict and their advocacy for improvements in the legal landscape. I am deeply grateful for their continued cooperation with the Office of the EP Coordinator on Children's Rights and I wish success to you all in this very important and challenging work.

Ewa Kopacz

Vice President and European Parliament Coordinator on Children's Rights

June 2023

■ Preface

Globalization brings with it an increasing number of bi-national and bi-cultural relationships all over the world. In the EU, freedom of movement offers EU citizens the chance “to move for education, lifestyle or love – with few of the hurdles mobility generates elsewhere”.¹ Bi-national parents and their children usually perceive their family’s cosmopolitan identity as enriching. However, if the parents’ relationship falters and separation or divorce are looming – a rising trend almost everywhere in the world – matters can become complicated. In Europe alone, over 175,000 bi-national divorces are registered each year.² Unmarried parents are not faring much better apparently, as statistics suggest that two-thirds of co-habiting parents split up before their child reaches age 12.³ If a parent unilaterally decides to relocate to their home country taking the child with them or if a parent retains the child after a holiday without permission of the other parent, the parental conflict invariably escalates.

Legal systems are confronted with a constantly growing number of such cases of so called ‘international parental child abduction’. Just like cross-border custody and contact disputes, parental child abduction is a phenomenon of our times which has become even more prevalent over the past decades. In many cases the ‘taking-parent’ may not even be aware that they are breaking the law and are committing an offence under civil law as well as under criminal law in many countries. Child abduction usually causes great pain in families. It is the children in particular who

1 Benton, M. & Petrovic, M. (2013). How free is free movement? Dynamics and drivers of mobility within the European Union. Migration Policy Institute Europe. <https://www.migrationpolicy.org/pubs/MPIEurope-FreeMovement-Drivers.pdf>, p. 1. Accessed 12.06.2023.

2 See: *Impact Assessment Study on Community Instruments concerning matrimonial property regimes and property of unmarried couples with transnational elements*. FINAL REPORT To the European Commission DG Justice, Freedom and Security (2010). <https://op.europa.eu/en/publication-detail/-/publication/48820a62-4950-4ebb-a20c-d5bc9f35bd84>, p. 9. Accessed 12.06.2023.

3 Reeves, R. & Krause, E. (2017). *Report. Cohabiting parents differ from married ones in three big ways*. Brookings Institution. <https://www.brookings.edu/research/cohabiting-parents-differ-from-married-ones-in-three-big-ways/>. Accessed 12.06.2023.

suffer the most because of the escalated parental conflict and the extreme, all-encompassing feeling of insecurity and anxiety that ensues on all levels.

The Hague Convention on the Civil Aspects of International Child Abduction (1980 Hague Convention)⁴ provides the legal framework for these cases, seeking to protect children from the harmful effects of abduction. It is a procedural convention, which is applicable between Contracting States and aims to ensure that a wrongfully removed or retained child is swiftly returned to his or her country of habitual residence. With 103 Contracting States at present, the 1980 Hague Convention is one of the most successful of all Hague Conventions and the number of countries acceding to the treaty is steadily growing. In child abduction cases between EU Member States, the application of the 1980 Hague Convention is modified by the Brussels IIb (Recast) Regulation⁵ which provides additional rules.

Cross-border abduction, custody and access cases are often marked by particularly sensitive conflict dynamics. The legal instruments available are inevitably too blunt, in the sense that they cannot possibly take into account the complex network of relationships involved as well as the specific needs and interests of all parties. Mediation, by contrast, helps to address both the (underlying) emotional as well as the legal aspects of the conflict. It is a more flexible process, allowing for the crafting of infinitely more creative solutions. Mediation is well suited for resolving bi-national and bi-cultural cross-border family disputes. The parties' anxieties and insecurities are often particularly exacerbated when the parents are of different nationalities and religions and live in different countries. In an intact relationship the other culture is generally considered attractive, while it may be perceived as a threat in the event of separation. In the separation scenario, with all its inherent conflicts and insecurities, the parties (unconsciously) retreat to what is familiar to them and what feels right, plausible, normal and meaningful. Here, just like in a domestic family dispute, mediation can help to de-escalate the parental conflict and put the child's needs and interest at the heart of the mediation.

Cross-border Family Mediation: Development Into a Separate Discipline

The realization of the significant benefits of mediation also in international child abduction cases, has ensured that cross-border family mediation (CBFM) has "gradually become a more common practice" and that it has

4 <https://assets.hcch.net/docs/e86d9f72-dc8d-46f3-b3bf-e102911c8532.pdf>

5 EC Regulation 2019/1111 (hereafter Brussels IIb Recast Regulation), applicable as of 1 August 2022 and binding on all EU Member States replacing the Brussels IIa Regulation.

evolved slowly but steadily into a specialist field.⁶ A number of hard and soft law instruments coupled with the pioneering role of three specialised mediation NGOs, *reunite International* (UK), *MiKK International Mediation Centre for Family Conflict and Child Abduction* (Germany & internationally) and *IKO International Child Abduction Centre* (Netherlands) have significantly aided this development. On an international and EU legal level, both the Hague Conference and the European Union have been encouraging mediation as a means to amicably resolve cross-border family conflicts and child abduction cases for some time. While mediation is not specifically mentioned in the 1980 Hague Convention which puts the emphasis on 'voluntary return' and 'amicable resolution', later legal instruments do make specific reference to mediation. Accordingly, both the 1996 Hague Child Protection Convention and the Brussels IIa Regulation⁷ explicitly require Central Authorities to facilitate agreements through 'mediation, conciliation or other means'. On 1st August 2022 the latter was replaced by the Brussels IIb (Recast) Regulation which goes a step further in promoting and strengthening the use of mediation in cross-border parental responsibility disputes, and particularly in child abduction cases. It does so, more than any other legal instrument before. The European Parliament has also sought to promote the use of mediation in international child abduction cases through the creation of the office of the *EU Parliament Mediator for International Child Abduction* in the late 1980s, now known as the *Office of the European Parliament Co-ordinator on Children's Rights* which is headed by European Parliament Vice President **Ewa Kopacz**, the author of **the foreword** for this book. The Publication of the Guide to Good Practice on Mediation (the Guide) by the Hague Conference in 2012 represents another milestone in the field of cross-border family mediation. The Guide provides important standards for the use of mediation in 1980 Hague child abduction cases. It incorporates key mediation principles and recommends mediation models which are particularly helpful for child abduction cases, such as the bi-lingual and bi-cultural mediation model as practiced by MiKK. The Guide presents a number of other best practices developed by the three specialist mediation NGOs, which have been offering mediation in child abduction cases in a systematic way. However, since the publication of the Best Practice Guide more than ten years ago, further developments in

6 See also: Khalaf-Newsome, I. (2023). *Cross-border family mediation in parental child abduction cases*. In M. Freeman & N. Taylor (Eds.): *Research Handbook on International Child Abduction*. The 1980 Hague Convention (pp. 368–386). Cheltenham: Edward Elgar Publishing.

7 Council Regulation (EC) No. 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No. 1347/2000.

the field of cross-border family mediation have taken place. In this respect the third edition of this publication provides a useful update since its previous editions in 2009 (in German), 2011 and 2014 in English.

CBFM 3rd Updated and Expanded Edition: What's New?

The third updated and expanded edition of *Cross-border Family Mediation* aims to provide a comprehensive overview of key themes surrounding international parental child abduction and cross-border family mediation in these cases. It brings together recent developments, recommendations and best practices in this field. Written by international experts and practitioners, the twelve chapters cover a wide range of topics involving legal, theoretical and practical aspects as well as one very personal account of a case of parental child abduction. With six new chapters by nine new authors and six updated and significantly revised chapters, the third edition of this publication charts significant developments and best practices in the field over the past years which will assist all professionals involved in parental child abduction cases. The book also contains important contact information, useful checklists, templates and links (section 3). Relevant key international and EU legal instruments applicable in child abduction cases are provided in full length (section 4), as well as three representative case studies (section 5).

In order to safeguard the interests of the affected children all parties involved in cross-border family conflicts are called upon to react sensitively, adequately and promptly. Parental child abduction cases involve a considerable number of parties: the parents' respective lawyers in both jurisdictions, judges, Central Authorities, youth welfare offices, international social services, foreign consulates, prosecution services and also the mediators. They all need to understand more about the complex legal issues and other aspects specific to parental child abduction cases. In her updated chapter "**The Legal Framework of Child Abduction Cases**" **Kyra Nehls** takes a detailed look at the working mechanism and the intricacies of the 1980 Hague Convention and other relevant legal instruments applicable to international parental child abduction cases, such as the Brussels IIb Recast Regulation.

The main incentive for the use of mediation in proceedings involving the Hague Convention in Germany came as early as 2001 from Eberhard Carl, mediator, former judge and division head at the German Ministry of Justice. It followed on from the Franco-German Parliamentary mediation project which had been initiated by the French and German justice ministries in 1999. The reunite Mediation Pilot Scheme (2003–2006) was another important impulse. Over the past twenty years, a number of bi-national projects were initiated by MiKK to further develop mediation in bi-national

conflicts involving children. In their updated chapter **“Mediation in Action”** Eberhard Carl & Jamie Walker introduce and discuss in detail some of these bi-national projects as well as a number of EU co-financed projects, such as for example the LEPCA project (Lawyers in Europe on Parental Child Abduction), conducted by the two NGOs IKO and MiKK.

The advanced training of qualified mediators in this specialized field, is another important development. Following on from the EU co-financed TIM project *Training in International Family Mediation* (2011–2012), MiKK has continued to conduct 50-hour trainings in cross-border family mediation (CBFM) annually in Berlin as well as in Japan and Singapore. The chapter **“Cross-border Family Mediation (CBFM) Training”** by Jamie Walker and Ishtar Khalaf-Newsome is a new addition to the book in which the authors give a detailed account of the content, methodology and practical experience of CBFM trainings conducted for mediators from all over the world. The mediators are trained in accordance with the MiKK “4 B Mediation Model”, i.e. mediators are trained in conducting bi-cultural, bi-professional, bi-gender and bi-lingual co-mediations.

One aspect of the 4 B Mediation Model has been given closer consideration: The updated chapter on bi-lingualism in mediation entitled **“Cross-border and Bilingual: Bridging the Linguistic Gap”** by Mary Carroll examines important linguistic aspects of cross-border family mediation. It explores the potential need for parties to speak their mother tongue and the added value that bi-lingual or multi-lingual mediations can offer in high conflict cross-border family mediations. The article also looks at the pros and cons of working with an interpreter.

As this book has been written for all professionals who in one way or another are involved in the resolution of conflicts arising from parental child abduction, and especially for mediators working in this field, it is only fitting that this book provides essential tools and case studies that are otherwise only available in excerpts in specialized further training. The updated article by Sybille Kiesewetter and Christoph C. Paul **“Family Mediation in an International Context”** and the case studies in section 5 are aimed at mediators in particular. The case studies demonstrate the extent to which mediation and thus the mediators themselves must be open to solutions worked out by the parents, which can subsequently provide a viable alternative to a court order.

Parents involved in cross-border custody disputes and child abduction cases are normally only familiar with their own legal system and tend to be worried that the other parent will have a certain “home advantage” with courts and authorities in their home country. In this situation many parents feel disadvantaged, misunderstood and powerless. However, the courts,

lawyers and all other professionals involved in family law proceedings are also confronted with seemingly insurmountable challenges which can only be solved with considerable investment of time and effort. Extended communication routes and language difficulties are the very least of the problems. More significant is the fact that everyone involved perceives the conflict and its potential resolution through the prism of their own cultural imprint and experience. They thus run the risk of not adequately appreciating the specific perspective of the party from a different cultural background than their own and of not considering possible solutions to the conflict. In light of this complex situation, which even seasoned professionals experience as particularly challenging, the updated chapter by **Eberhard Carl and Martina Erb-Klünemann “Integrating Mediation into Return and Parental Responsibility Court Proceedings”** looks at the advantages of integrating mediation into court proceedings, including practical ways in which this can be accomplished. The chapter is very detailed and makes highly useful recommendations in this regard. On a practical level, section 3 of the book contains a number of very useful templates for practitioners, such as: an Agreement to Mediate, templates of Court Information Letters, examples of Mediated Parental Agreements, Checklists for Practitioners and a template of a choice of Choice of Court Agreement pursuant to the Brussels IIb Recast Regulation, prepared by Martina Erb-Klünemann.

In this context, **Sabine Brieger introduces the Mediator in Court Model (MiC)**, a new chapter to the 3rd edition of this book. The MiCs started as a pilot project based on the Dutch model, which she implemented together with MiKK in 2012 while sitting as a family judge in child abduction cases in the Berlin court. The model is regularly introduced by MiKK as a ‘best practice’ to German Judges at the bi-annual Hague Judges’ Seminars organized by the German Central Authority.

The promotion of the MiC Model, also termed ‘Best Practice Model’, was a topic in the EU Co-financed AMICABLE (2019–2021) project, which was carried out with legal experts from Germany, Poland, Spain and Italy. The key objective of AMICABLE was the creation of practical legal guidance, so called “Best Practice Tools” to assist judges and lawyers with the recognition and enforceability of mediated agreements in the EU. AMICABLE built on the good work of the Hague Conference on Private International Law (HCCH) in this field, which had set up a Working Group on the cross-border recognition and enforceability of mediated agreements, resulting in the publication of the Practitioners Tool (2022). In their chapter “**Rendering Mediated Family Agreements Legally Binding and Enforceable**”, **Juliane Hirsch and Sabine Brieger**, respectively leading legal expert and German national expert in the AMICABLE project, set out in detail the complex and

complicated topic of rendering mediated family agreements binding and enforceable, with reference to the AMICABLE project.

While some five years ago, mediating online was not really a wide-spread practice, especially in cross-border cases, this has become much more common since the pandemic in 2020. In “**Mediation with a Twist – Handling Mediation Online**” Lin Adrian and Charlotte Baek Risbjerg give a concise overview and sound practical guidance on the topic of Online Mediation. The chapter explores for example how to handle the different tasks of managing the process and the technology, while at the same time establishing a good rapport with the parent and how mediating online has become the ‘new normal’ today.

The questions as to why the majority of Muslim countries whose family law is based on Islamic law have not acceded to the 1980 Hague Convention is more complicated than meets the eye at first glance. This aspect is taken up and discussed in the chapter by **Mohamed M. Keshavjee and Ishtar Khalaf-Newsome** entitled “**International Parental Child Abduction to Non-Hague Muslim Countries: Mediation as a Viable Option**”. This chapter, now co-authored, has been significantly revised to include recent legal developments in parental care regimes in Muslim countries whose family law is based on Islamic law. The chapter investigates possible reasons as to why the majority of Muslim countries have not joined the 1980 Hague Convention. The authors also seek to illustrate how, in the absence of an applicable international legal framework, mediation can offer a genuine chance to find a solution in child abduction cases to Non-Hague Muslim countries. In this respect, the chapter also summarizes the results of the *MiKK Expert Meeting* (2017) which investigated the suitability of the MiKK 4 B Mediation Model for these cases.

In order to safeguard the best interest of the child, it is important to ensure that the child’s voice is heard in child abduction proceedings. In a new chapter in this edition entitled “**The Voice of the Child in International Family Mediation**”, **Lesley Allport** provides an overview of the research and developments in different countries, particularly in the UK and Australia, relating to the Voice of the Child in Mediation also through direct consultation with children in mediation. She gives an overview of the steps mediators are required to follow in this process and how to provide feed-back to the parents.

A publication like this which brings together many experts sharing their insights into different aspects on international parental child abduction and mediation would not be complete without hearing from someone who has actually experienced this first hand. Bringing the all-important ‘voice of the child’ to life, the 3rd edition of this book also features a personal account.

In “**Parental Child Abduction – A Personal Story**” Konstanze Welz very courageously relays the many twists and turns of her own abduction by her father from Germany to India at the tender age of two. Her moving story echoes the research findings by Marilyn Freeman⁸ on the significant and detrimental long-term effects of parental child abduction. Konstanze Welz’ personal story has been placed at the beginning of the book to helpground the reader in the reality of child abduction with the many complexities of such cases explored in the chapters which follow.

This third edition of *Cross-border Family Mediation* is the result of a continued lively exchange with experienced, knowledgeable and committed colleagues who are experts in their respective fields. Their support and that of all international MiKK mediators who have been providing their expertise and participating in diverse MiKK’s projects over the past 20 years have been instrumental in aiding the development of cross-border family mediation into a distinct discipline. We look forward to continuing the collaboration with MiKK mediators and other international mediation experts, NGOs and international authorities to help promote and develop the field of cross-border family mediation even further.

Christoph C. Paul, Sybille Kiesewetter & Ischtar Khalaf-Newsome

Berlin, June 2023

⁸ Freeman, M. (2014). *Parental Child Abduction: The Long-term Effects*. International Centre for Family Law, Policy and Practice, London.

■ Parental Child Abduction – A Personal Story

Konstanze Welz

“... belonging is biology, and disconnection destroys our health. Trauma is disconnecting, and that impacts every system in our body.”

(Winfrey & Perry, 2021)

Introduction

A few years ago, I had just finished my training as a mediator when I found myself googling ‘intercultural family mediation’. As a woman raised in a bi-cultural family with a painful early childhood history of parents dragging their children across the world in the aftermath of their separation, I wanted to specialize in this form of mediation. I could not believe my eyes when I came across the International Mediation Centre for Family Conflict and Child Abduction (MiKK). There was an organization specialized in parental child abduction in Germany? How could I possibly not have heard of them earlier? My Indian father had abducted my brother and me to India at a very young age and we were returned to Germany to stay with my German mother by an Indian court order a few years later. All my life I had lived with this dark family history thinking that what had happened in our family was such a unique experience that unless someone shared a similar one, it could not be understood by anyone. And here was this organization that had expertise in exactly this field. I knew immediately that I too wanted to become engaged in this kind of work and so reached out to them.

Since then, I have shared my personal experiences with child abduction professionals, have trained to be a mediator with MiKK, as well as a trauma recovery coach helping families in similar situations. This is the first time I am sharing my very personal experiences with a wider audience. I am doing this with the intention of giving abducted children a voice and to bolster the case that parental abduction is a cause of developmental trauma with severe long-term consequences for the abducted children. My hope is that by learning more about the effects of abduction for children, families in dispute will seek help and reach out to mediators, family therapists and coaches specialized in this field, not only in the best interest of their children, but as I strongly believe, in their best interest too.

Though my younger brother and I have always been very close, I intentionally leave him out in my reflections. As in all families, siblings experience the same childhood in different ways and his relationship and experiences with both our parents are very different from mine.

1. What Happened

1.1 The Events Surrounding the Abduction

My parents met at the beginning of their medical studies in Germany. They both had big dreams. My father had run away from home at the age of 18 because he saw no future for himself in his village in Kerala, in South India. His father wanted to keep him on the family farm, but he dreamed of one day going to America and becoming successful and wealthy there. My mother also had exotic dreams. She saw herself as a doctor working in a developing country like India or Africa, helping people in need. She met my father only a short time after he had arrived in Germany as a student from a developing country, and helped him get along with his studies. Later, I often thought that their dreams could not have been more incompatible. One dreamed of success and wealth, the other of social engagement in a poor country. And yet, the two quickly became friends and then a couple soon after. When my mother was pregnant with me towards the end of their studies, my parents got married and moved into the house of my German grandmother, who was to take care of the baby while the two of them worked.

Arguments between them apparently started very soon. Many of them were most likely due to cross-cultural misunderstandings. My father often said later that his upbringing in a very traditional family in rural India had not prepared him for this situation. He was now married to a woman who in no way corresponded to his understanding of marriage; who loved her job and had no intention of staying at home to care for child and husband. The arguments escalated and after an especially ugly fight he found himself kicked out of their home. My mother had changed the locks while he was at work. Soon after my mother found out that she was pregnant again. By this time, my father had already looked for another job in a different city. As he told me later, he was so ashamed that his marriage had failed and that he had been put out on the street by his wife. Much later both my parents told me about how my father doubted whether the child was really his and had secretly gone to the clinic after my mother had given birth to find out. But the baby looked very Indian and was clearly his son. My mother filed for

divorce, but he refused. However, an arrangement was made through the courts for a right of visitation. Every Tuesday afternoon he was allowed to pick up his little daughter and once a month his baby son.

On one of these Tuesdays, the day after Christmas 1966, he did not bring the children back to my mother in the evening. She immediately notified the police and the next day learned from Lufthansa that her husband had been on board one of their flights from Frankfurt to New Delhi with two small children. At the time I was 2½ years old, my brother 10 months. It was not difficult for my father to leave the country with us. We children were Indian citizens and registered in his passport. In India, my father flew on with us to Cochin in Kerala, and from there by taxi to his parents' house. He had not informed them in advance, but just showed up unannounced at the door with a toddler at his hand and a baby in his arms. From then on, we lived with my Indian grandparents and the extended Indian family. When I asked my father many years later how he explained to me that my mother had been left behind, he told me that he did not remember, but that to his biggest surprise I had not asked about my mother once. He added that he did not remember noticing any signs of sadness or distress in me and concluded that I did not miss my mother at all. There are only a few photos from that time. They show my brother and I with family members and children from the neighborhood. When I saw them many years later, I could not recognize myself at all in that little, very Indian-looking girl. I knew too little about that time in India. Those early childhood years lay too much in the dark.

My mother came to Kerala a year later accompanied by her brother. She hired a local lawyer, tracked down my father's whereabouts, and one day stood before him unannounced: in a hospital room, as it happened, because he had broken his leg shortly before. We children were with the grandparents. Just a few days later, my father was served with a writ of habeas corpus through the Kerala High Court and was ordered to appear with us children. His broken leg was no excuse. This was the first time we had seen my mother again since leaving Germany. My uncle captured this situation on camera and in these photos I see my brother, not yet two years old, on the arm of my Indian grandmother. And I am in those images from the courthouse too: shy, and probably therefore clowning around a bit. Later my mother often broke out in tears when she recalled that moment of seeing her children again for the first time in more than a year. She was heartbroken that we did not recognize her and did not speak a word of German anymore. As an adult, I often reacted to these recollections of hers with anger and asked her what she had expected after leaving her children alone for more than a year. I asked her reproachfully why she had not come earlier. After one year we had of course become Indian children and