

Interview with Anne Marie Hutchinson OBE

RR: Many congratulations on your recent award from the IBA. How did you come to work in law and what led you into the world of Family Law and more specifically your area of expertise, international child abduction?

AM: It was by accident; my degree is in International History and I had no intention of becoming a lawyer, so it wasn't any great design and Family Law, just by accident as I used to work in the rag trade! Then my partner in the firm I was in, in the West End, got sick so I just took over his practice by accident. Also with Child Abduction, I did a couple of cases and people sent me more cases and then I got involved with Reunite and I'm still a trustee of that organisation and it just took off from there. None of it was by design.

RR: How do these sorts of cases typically come to your attention?

AM: Well, it will depend. I've just seen a poor girl whose children have been taken to Algeria and it's incredibly hard to have to say to her, look, I know you've been sent to me with this great hope that I can do something but sometimes people can't and in this case, I couldn't as we have no reciprocal arrangement with Algeria and that it would require some kind of fluke to get those children back and I find that very hard to deal with.

Often I will get contacted from abroad where children have been brought here. Of course the Child Abduction and Custody and Contact Unit as it is with official solicitors now has a panel of lawyers specialising in incoming cases and I get quite a lot of work from there as well.

RR: Does the law enable fast action in this field and how long, generally speaking, does it take to reunite children with their parents or carers?

The law in the UK specifically has provision, for example if it's a Hague Convention case and to fast track it and it has to be fast tracked then there is always an out of hours and a duty judge for urgent orders. How long a case will take will depend on where they've gone. If the child is taken to France, the odds are that those children will come back because we have a reciprocal arrangement with them.

If they've gone to locations where we don't have reciprocal arrangements, less likely than not unless there's something else within the case that I can use to put pressure on. I've got a case at the moment where a father has gone abroad with the children but he is waiting for completion of sale on his house. I will sell the house but he will not get those funds until he brings the children back. That is the problem with a lot of lawyers, they forget the law. They forget that they have to look at other issues because there's no law that is going to get a child out of certain countries but there might be another issue, for example in contract.

RR: You were awarded the UNICEF Child Rights Lawyer award in 1999 and received an OBE for your work on international child abduction and adoption in 2002: if there was one defining personal quality that compels you to strive in your field, what would you consider this to be?

AM: I'm a stroppy cow! Anybody who deals with me will say "She's great company outside the office but a nightmare to deal with"! Joking aside, I just like to get on with stuff but I do get outraged at some of the things people do. You can't go around stealing children or forcing you teenager to get married, I find that really offensive.

RR: Chambers & Partners in 2008 described you as possessing passionate fighting commitment; passion is often overlooked in the very objective world of law. Do you feel it has a positive place within the context of working for your clients?

AM: I think so, but then again I'll say to clients, look, I do feel for you but I'm not a social worker and I'm very matter of fact and it's not because I don't care it's just in your best interests and if you want somebody to talk to I can give you names of lots of people and advice lines and I often say that from the start. I also do a lot of legal aid work, which is very unusual for central London but I think you have to.

RR: We may be here indefinitely if we describe each and every one of your wonderful awards but if I could just add one more, you were chosen in 2004 as Legal Aid Lawyer of the Year for your work with victims of forced marriage and you are of course well known for your work on the Humayra Abedin case which led to PACE drafting a resolution aimed at targeting gender-based human rights violations: how do you empower the women who come to you in such situations?

RR: It will depend and it's quite difficult really. We had the law before the Forced Marriage Act but what we don't have is sufficient follow-up provisions, so often these young girls, once we get them back and usually the girls, and I haven't done a study on this but I would guess at least 60% of them within time find themselves going back to the family because life outside of the family is just so rubbish; there's so little support, they can't go to college, they're lonely or are living away from home in a hostel so it is quite difficult to empower them because there's not sufficient follow-up. So they bought in the Act, which was supposed to have these sexy bits in them to get them back which is all well and good but then what? It's different with children, but these are young adults, so if they're over 18 no-one's got any obligation towards them, so it's quite hard.

But it can give the families a real shock, with the police and lawyers involved so they probably don't try to put undue pressure on their children again because they are afraid of the consequences this time around. It can also be a bit of a shock to the girl in question as it may be the first time she has stood up to her family too.

RR: It must be quite a sensitive exercise working with different cultural norms, such as those relating to custom and marriage; how do you manage the differences?

AM: Well Human Rights are Human Rights but there are instances where those customs are a priority because of the impact they have on families and so bodies like The Legal Services Commission need to factor those in when dealing with cases.

I deal with a lot of women who have come into this country as spouses to British nationals and often, not always, but often, they are treated abysmally by the husband and the family but for these women who have come from traditional backgrounds, to be rejected and divorced, to go home is not an option because it would be the end of her world, her family would not want her back and she would be assumed to have done something wrong and often, the husband's family will spread the rumour that she did do something wrong, to save face.

In reality, what usually happens is that the boy has not had the courage to stand up to his parents and tell them he did not want a foreign bride, he gets sick of her and then returns her, as if she was a package from Amazon. It's atrocious.

RR: You are also recognised as actively encouraging women to pursue a career in the law: what are the personal sentiments that spur you on to support women in the profession?

AM: I don't know that my girls would say that! Well, it never occurred to me that there was anything I couldn't do. I don't think gender's an issue and I don't think it should be.

RR: If there was one thing you would like to change about the current legal framework for international child abduction, what would it be and why?

AM: I would give Reunite some more money... government, please! Well, especially in Hague Convention cases, which are mostly incoming, but when that Convention was made in 1980 and negotiated in the 70's, it was structured and drafted to deal with classic kidnapping cases. These sorts of cases now probably only constitute 20% of the cases worldwide that are dealt with and not all but the majority of the cases are women, often primary carers, going home and yet you've got this sledgehammer that was created to deal with a different scenario to deal with this which can be quite difficult although our courts have been slightly softening up lately in the last three or four years, since Brenda Hale got into the House of Lords!

RR: And finally, what do you feel is the most positive, powerful aspect of the legal structure you work in?

AM: High Court judges and Inherent Jurisdiction. The judges are great for lateral thinking..... Shits lose!