



G7 KIDNAPPED TO JAPAN REUNIFICATION PROJECT

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Government: Prime Minister Theresa May, Secretary of State for Foreign and Commonwealth Affairs Boris Johnson, Minister of State for Foreign and Commonwealth Office Rt Hon Mark Field, His Excellency Ambassador Paul Madden

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Government: President Donald Trump, Vice President Michael Pence, Senate Majority Leader Mitchell McConnell, Representative Christopher Smith

Press: USA Today Thomas Maresca, Washington Post Anna Fifield, Jonathan Soble, New York Times



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April 26, 2018

Dear all:

Subject: 2018 G7 Summit, open letter - G7 Kidnapped to Japan Reunification Project

Thousands of children including our own have been kidnapped by their Japanese parent to or within Japan, and they suffer from a lack of access to both of their loving parents and families. This has been tolerated by the Japanese government and judiciary. Currently, repatriation of children or the right of access to these children kidnapped by Japanese parents is impossible to enforce without the consent of the kidnapping parent.

On behalf of the precious children who remain illegally retained in Japan, we parents beseech you as government officials of the G7 member states to take firm, decisive, public action with the government of Japan to resolve the crisis and cases of parental child abduction. We implore you to set this issue on the Canada 2018 G7 agenda and take action in appropriate G7 working groups to resolve this urgent problem. This should be done on the basis of an objective interpretation of the children's human rights as declared in the United Nations Convention on the Rights of the Child (1989) (UNCRC), the Hague Convention on the Civil Aspects of International Child Abduction (1980) (Hague Convention), the Vienna Convention on Consular Relations (1963) (Vienna Convention), all of which have been ratified by Japan, and the revised Japanese civil code article 766 of 2011 (article 766).

The international community of parents, members of the press and media around the world, who are copied herein, and concerned stakeholders of this kidnapping crisis, who have advocated respectfully and persistently, still expect proper resolution of this urgent human rights problem after many years. Despite every effort, the situation in Japan remains in a long-standing, unsatisfactory state of affairs. Meanwhile our children's lives in their formative years pass in great confusion and suffering without the loving care and attention of one of their parents. There has been no effective, actual change in the systemic basis of this human rights problem in Japan.

Parental child kidnapping causes ongoing, lifelong harm to the children. Reports from the US Hague Central Authority indicate that since 1994 more than 400 American children have been kidnapped from the US to Japan. Add to that many other children kidnapped from the other G7 member states and non-G7 European Union countries. The estimated number of children now within Japan who have lost access to one of their parents is 3 million. There is an abject inability to enforce and enjoy access to kidnapped children and co-parent them if the abducting parent does not cooperate. References and sources are available upon request.

Previous efforts such as four public, joint démarches by an alliance of countries worldwide were served to Japanese officials from October 2009 to February 2011 calling on Japan to join the Hague



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Convention. However, we note that compliance by Japan with the Hague Convention is exceptionally poor. This has been documented and reported recently in the Japanese press. Non-cooperation by the Japanese kidnapping parent leads to persistent failure to return victimized children. Some of the few cases that have been resolved by a Hague return order resulted in traumatic episodes for the children or were not actually carried out within the scope of the Hague Convention itself. Rights of Access under the Hague Convention in cross-border cases have not been upheld, and the relationship between children and their parent under the UNCRC in domestic and international cases have not been protected by and large. In the current Universal Periodic Review of Japan, Canada has cited a problem with the UNCRC, and Italy has cited a problem with the Hague Convention. Conventions lose any deterrent effect if not properly implemented. Children around the world in a union involving a Japanese citizen live with the constant risk of being totally separated from their non-Japanese parent if taken to Japan. Action to increase awareness of judges in order to get travel restrictions imposed should be considered.

Why has there been no substantive improvement in this issue? Thorough research and consideration indicate that the Japanese judiciary is governed by implicit and explicit retention of the “continuity principle” in the rulings of domestic and cross-border kidnapping cases, regardless of applicable conventions and applicable laws. Simply put, according to this principle, whoever abducts first keeps the children. We determine the persistence of the jurisprudence of the “continuity principle” by our empirical observation of the rulings of many cases in the Family Court, High Court, and Supreme Court of Japan. In case after case, without respect for human rights, conventions, and laws, favorable rulings are being furnished to kidnapping parents in direct contravention of relevant statutes. The human rights of the children, who are the subject of these rulings, are being violated. The rhetoric of the rulings contains apparently reasonable, proper legal terminology, but fails to follow governing law. Consequently, the wrongful status quo established by the kidnapping parent is maintained. Human rights violations against kidnapped children continue and contact with one parent is lost. There is no access to and no return of kidnapped children. Therefore, the continuity principle must be addressed in order to resolve this crisis. We respectfully request proper compliance with the letter and spirit of the UNCRC, the Hague Convention, the Vienna Convention, and article 766, the Japanese implementations notwithstanding.

We will continue to inform media and concerned stakeholders around the world in many languages of the ongoing developments that ensue from this open letter for our children and do this with an earnest intention to collaborate in a constructive manner with you. If this human rights problem is not resolved, there will be many more children abducted in the coming decades. Wealth and prosperity without the well-being and freedom of our children is without happiness. National security without our families is without the hearth and home of our loved ones. For whom do we work and protect if not our children who are all the undeniable future of humanity?

Sincerely yours,



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