



DEPARTMENT OF STATE

**STATEMENT
OF
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**BEFORE THE
HOUSE COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND
HUMAN RIGHTS**

INTERNATIONAL PARENTAL CHILD ABDUCTION

JULY 28, 2011

Chairman Smith, Ranking Member Payne, and distinguished Members of the Committee, thank you for the opportunity to appear before you today to testify on international parental child abduction in Japan. I want to particularly thank this Committee for its leadership on advancing dialogue and focus on this important issue.

Overall U.S.-Japan relations are strong. The Japanese public has been enormously grateful to the United States for the speed, size and effectiveness of our response to the earthquake and tsunami on March 11, including the U.S. military's "Operation Tomadachi (friend)" that supported Japanese search, rescue, and relief operations. The United States has also provided equipment and expert assistance to assist with the damaged nuclear reactors. American business and private citizens have donated generously to relief efforts. Thanks in part to American relief efforts, favorable opinion of the United States is at its highest point in nearly a decade, climbing to 85 percent positive this spring.

The U.S.-Japan alliance is the cornerstone for American strategic engagement in the Asia-Pacific. With American forward deployed forces in the Pacific stationed in Japan, our ability to operate and project power and influence in Asia is directly linked to our treaty alliance with Japan. The U.S.-Japan alliance has helped underwrite peace and stability in East Asia for over 50 years and enabled a context for economic growth and prosperity. As the world's third largest economy and a democratic nation our shared interests in promoting peace, security, and prosperity are central features of our partnership,

While the U.S.-Japan relationship is overwhelmingly positive and an essential feature of our strategic engagement in the Asia-Pacific region, the perennial issue of international parental child abduction in Japan remains a point of concern for the Department of State and the United States Government. Greater access to Japan – enabled by more frequent and direct air links to Tokyo – has increased the number of parental abduction cases involving Japan, and with a direct impact on U.S. nationals as well as Japanese citizens. As recently as 2005, the Department counted only 11 reported abduction cases involving Japan. Today the Department tracks 123 active abduction cases involving 173 children with Japan alone.

To address this issue Secretary Clinton, Assistant Secretary Janice Jacobs, Ambassador Roos, and Ambassador Susan Jacobs, and I, alongside many other Department officials have consistently urged Japan to ratify the 1980 Hague Convention on the Civil Aspects of International Child Abduction ("the

Convention”) in the hopes of establishing a legal mechanism to address the rising tide of international abduction cases in Japan. Secretary Clinton has repeatedly raised this issue at the highest levels of the Japanese government. In addition, all of us routinely hold town hall meetings and correspond with members of the community of U.S. nationals who have had their children illegally abducted to Japan. These town hall meetings provide important inputs to our policy formulation process and allow parents to meet with a broad range of interagency stakeholders from the U.S. government to help answer questions. Regardless of the progress made toward Japanese ratification of the Convention, I am personally committed to holding these meetings.

The Convention seeks to protect children from the harmful effects of their wrongful removal or retention across international borders, which is a tragedy for all concerned. The Convention further establishes procedures to ensure the prompt return of children to the country of their habitual residence when wrongfully removed or retained and secures protection for rights of access of both parents to their children. Under the Convention, a country is not bound to order the return of a child, if it is established that there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation. While this exception to return is intended to be applied narrowly, it is an important measure to protect those children who would be placed at risk if returned to the habitual residence. To date, 85 countries have acceded to the Convention.

Japan is the only G-7 nation that has not implemented the Convention. Currently the left-behind parents of children abducted to or from Japan have little hope of having their children returned and encounter great difficulties in obtaining access to their children and exercising their parental rights and responsibilities.

We are pleased, however, that our efforts to encourage Japan to join the Convention appear to be bearing fruit. On May 20 of this year, Prime Minister Naoto Kan’s Cabinet publicly stated the GOJ’s intention to ratify the Convention. Soon thereafter, Prime Minister Kan himself relayed this message to President Obama when the two heads of state met at the G-8 Summit held in Deauville, France.

Japanese officials have indicated that after ratification Japan’s implementing legislation will include reservations to the Convention permitting a Japanese court to reject a return application. Among the reasons under which a court could reject a return petition are reportedly: 1) The taking parent has been abused (or is likely to be further abused) by the left-behind parent if she/he returns with the child; 2)

the taking parent faces criminal prosecution in the other country; or 3) The taking parent cannot meet the financial cost of living in the other country. These exceptions are based primarily on Article 13(b) of the Convention. They appear to be responsive to objections raised by Japanese opponents of the Convention, particularly that the Convention does not protect Japanese mothers. Our view is that the Convention and procedures it calls for adequately protect the legitimate rights and needs of Japanese mothers as well as children and other parents. Japanese officials have assured us that Japan will implement the Convention properly and does not seek to circumvent the basic premise of the Convention that custody of children should be determined in the court of the child's habitual residence. We look to Japan to take the necessary steps to ensure its full compliance and commitment to the Convention.

We will continue to look for ways to ensure the Convention, once ratified by Japan, becomes an effective tool to address these heart-wrenching cases. While the Convention will only apply to cases that arise after ratification, we continue at all levels to encourage the Government of Japan to implement measures that would resolve existing child-abduction cases and allow parents currently separated from their children to reestablish contact with them and ensure visitation rights. In this regard, we call on the Japanese government to take steps to enhance opportunities for visitation and access. We are prepared to use all necessary political and legal means necessary to facilitate contact and access for parents and abducted children.

As part of these continuing efforts we have sent Hague experts to meet with and brief Japanese officials on the inner workings of the Hague process and are planning to host Japanese officials within the Bureau of Consular Affairs to give them the chance to see how our own central authority handles cases of international child abduction. We are constantly looking for additional opportunities to engage with our Japanese counterparts on this issue, make progress on successful implementation of the Hague Convention, and gain tangible results in existing cases.

We value the continued support of you and your colleagues in what we at the Department of State consider to be one of the most important issues facing the U.S. - Japan relationship. At the end of the day we are all here to assist United States citizens and, while much work remains to be done, a great deal has been accomplished. Together, over the course of the past two years, we have moved from a place where there was little if any dialogue on the issue of international parental child abduction in Japan to one where ratification of the Hague Convention is part of the public discourse in Japan and on the agenda for ratification. We also have a public commitment by the Government of Japan to put

in place the legislation needed implement the Hague Convention. These are considerable accomplishments, ones we should all be proud of, but at the same time recognizing the remaining challenges of resolving existing cases. This issue remains a top priority for Department of State and I look forward to continuing to work with you and your colleagues in the days ahead to try to reach a satisfactory outcome.

Thank you for the opportunity to testify before you today on this important issue. I welcome any questions you may have.