

## **Written Testimony for EAP Deputy Assistant Secretary Robert Koepcke on International Parental Child Abduction**

Chairman Smith, Ranking Member Wild, and distinguished Members of the Subcommittee:

Thank you for the opportunity to speak today about the Department's efforts on international parental child abduction (IPCA) in Japan and the Republic of Korea (ROK). I appreciate the work you've done over many years to reunite families, as well as the efforts of the parents in the audience today to advocate for this issue on a global scale.

As the Deputy Assistant Secretary for the Bureau of East Asian and Pacific Affairs (EAP), I am deeply committed to protecting U.S. citizens in Japan and the ROK and to promoting the interests of the American people in the Indo-Pacific region. The United States continues to strengthen its global partnerships, including with Japan and the ROK, on issues spanning from regional security to human rights. Our collaboration – bilaterally and trilaterally – is based on shared values as democracies, and it is because of our close relationships that we can speak candidly with one another on difficult issues like IPCA.

I want to assure you that IPCA is an important part of our broader foreign policy in EAP. Together with our consular colleagues, EAP has pursued a strategy of persistent diplomatic efforts, legal collaboration, and public awareness to prevent future abductions and ensure the expeditious return of abducted children.

We have consistently advocated on behalf of U.S. citizens through bilateral engagements, including on IPCA cases, and will continue to do so at senior levels. We are dedicated to implementing effective solutions to bring abducted children home and prevent future cases.

Over the last four years, we have made progress in Japan and the ROK:

## Japan

After Japan ratified the Hague Convention in 2014, it initially lacked strong enforcement mechanisms. This weakness allowed taking parents to ignore court orders to return their children to their homes in the United States. The problems with enforcement led the Department to cite Japan for patterns of non-compliance in 2016 and 2018. Intensive bilateral engagement, including high-level meetings between the U.S. Ambassador and the Japanese government, convinced Japan to enact new legislation in 2020 that strengthened its ability to enforce Convention court orders. Since 2021, Japan has successfully enforced returns of children in every U.S. Hague case in which the Japanese courts ordered a return.

With regard to pre-Hague cases in Japan, the State Department raises them regularly and at senior levels. In 2020, our governments undertook a comprehensive review of pre-Hague cases that were pending at the time of Japan's ratification of the Convention and committed to hold regular consultations on them. Almost half of the pre-Hague cases that resulted in a successful return or contact involved voluntary agreements reached through mediation and open dialogue, so we have emphasized the importance of mediation as well as prevention.

To that end, we have published options and resources on IPCA in both Japanese and English on the U.S. Embassy website; Japan's Foreign Ministry did the same. In 2020 and 2021, the State Department provided virtual trainings for judge advocates and staff of legal assistance offices at U.S. military bases across EAP. We cooperate closely with DoD and military branches to assist service members and families on IPCA. In 2022 and 2023, we held two separate trainings on IPCA in Japan and the ROK, engaging JAG attorneys, military security, and family advocacy personnel. We have an around-the-clock duty officer program to assist parents and legal guardians protect children, including when a reported abduction is in progress. In one notable pre-convention case in 2022, the State Department worked closely with the National Center of Missing and Exploited Children and facilitated the return of an abducted child after nine years.

Most recently, Japan's Diet revised its civil code on May 17 to allow divorced parents the option of joint parental authority. This will take effect in 2026, and will align Japan with most countries around the world. We will closely track the precedents set by Japanese judges for enforcement and the use of *habeas corpus*. We are also closely tracking how it will affect left-behind parents on pre-Hague cases. We have also begun another comprehensive review of pre-Hague cases to show our commitment to successful return.

### **The Republic of Korea (ROK)**

With regard to the ROK, we cited them as non-compliant in 2022, 2023, and 2024 for failure to enforce return orders. The ROK ratified the Hague Convention in 2012 and the Convention entered into force between the ROK and the United States in 2013. Since then, the ROK has faced challenges enforcing court-ordered returns of children under the Convention. Many of these challenges relate to the lack of effective and enforceable mechanisms under Korean law to compel compliance with return orders.

Under the current Korean legal system, IPCA cases are handled as civil cases not criminal cases. The enforcement officers, who are called "bailiffs," are semi-independent entities and not subject to direct orders from the Korean Supreme Court or the Korean Central Authority. Enforcement actions are reliant on these bailiffs, who have a great deal of autonomy in their decision-making and do not answer directly to judges, as court officers or law enforcement officers do in the United States. We have therefore seen cases where bailiffs seemingly refuse or take insufficient action to enforce a Hague judge's return order.

U.S. officials in Washington and Seoul have consistently raised these enforcement issues at senior levels. As a result of our advocacy over the last few years, the ROK established an interagency task force in June 2023 to address IPCA enforcement and potential solutions. The Korean Task Force, consisting of representatives from the President's Office, Ministry of Justice, Ministry of Foreign Affairs, Supreme Court, and other agencies, has met

three times. Following task force meetings, the Supreme Court issued new guidance aimed at aligning bailiffs with their Hague enforcement responsibilities. Since the new guidance came into effect in April 2024, the ROK has enforced two court-ordered returns, including one that was pending for multiple years.

We are watching carefully how the new guidance is being followed and whether it is bringing about effective, lasting change for our left-behind parents. Even with this new guidance, we continue to have frank discussions with the Korea Central Authority and the ROK government to ensure bailiffs receive appropriate training, address the independence that bailiffs have under the Korean legal system, and grant the police more tools to locate an abducted child.

We also regularly meet with ROK government counterparts on this issue. During the two successful enforcements in April 2024, our Embassy worked closely with KCA and others to prepare for the enforcement and ensure its completion. In addition, they worked with their Korean counterparts to facilitate the removal of unanticipated travel bans that caused a significant delay to one of the families attempting to travel immediately to the United States.

## **Conclusion**

In conclusion, we have made significant strides in our bilateral efforts with both Japan and ROK, but there is still more work to be done.

Addressing IPCA requires a concerted effort from all stakeholders, including governments, legal authorities, and civil society. We are committed to leading this effort and ensuring that every child is returned home safely and swiftly. I look forward to working with this esteemed Committee, anti-IPCA advocates, and our international partners to uphold the rights and well-being of children and left-behind parents around the world.

Thank you for the opportunity to testify today. I am prepared to answer any questions you may have.