

International child abduction to and from Australia
Committee Secretary
Senate Legal and Constitutional Committees
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

17 May, 2011

Dear Committee Secretary,

I would appreciate it very much if you could educate those in the relevant government departments to stop sending Australian "left behind parents" who have had their children illegally abducted and retained in Japan the same old generic responses every time we write. Like the other Australian "left behind parents" I have also been instructed by the Australian Government to get an Australian court order and follow up on the recommended list of lawyers provided to me by them and take my case to the Japanese courts. Unfortunately, the message does not seem to be reaching those officials in the relevant government departments who should know better.

Because:

1. Under current Japanese laws, "left-behind" parents are prevented from visiting or making any contact with their abducted children, even when these children have been illegally abducted from their national home of origin.
2. Under current Japanese laws, when a Japanese parent dies, Japanese courts award illegally abducted children to their Japanese grandparents instead of their sole living foreign parent. The children are then denied any access to their only living parent.
3. In the last 59 years not one child has ever been returned to his or her country of habitual residence after being abducted to Japan.
4. Japanese courts habitually award custody to Japanese parents instead of to non-Japanese parents, and once again deny non-Japanese parent's access to their children.
5. Japan sanctions, and is a safe haven for abductions. The system is such that even non-Japanese parents can flee to Japan with their abducted children and then exploit the Japanese system to their own advantage.

6. Japan does not provide comity (reciprocation) to Australian Court orders.
7. The Government of Japan refused to criminally prosecute an abducting parent or relative when that parent or relative abducts a child to Japan. However, if I or another non-Japanese parent goes to Japan and attempts to retrieve our abducted children, we will be arrested and imprisoned for kidnapping.
8. On March 22 1994, the Japanese government signed and ratified **the United Nations Convention on the Rights of the Child** in its entirety, which enables children to have complete access to both parents. However, its current laws still allow the Japanese parent to decide whether or not the "left-behind" parent gets access or visitation rights, which are usually denied

Even though I went through the Australian legal system when granting my wife a divorce, such obligations imposed by Australian law, such as access, visitation rights and dual custody are not applicable under Japanese law.

Therefore:

- a) When my ex-wife is finally awarded custody, and she will, my name will be completely erased from the Japanese family registry (koseki), meaning that legally I no longer exist.
- b) If she chooses to re-marry, her new husband can legally adopt my two sons and there is not one thing I can do about it.
- c) As already mentioned above (refer to point 2), if my ex-wife were to die, my sons would be legally awarded to her parents. And once again, there would be nothing that I could do.

It totally astounds me that myself and other "left behind parents" are now forced to endure more pain and heartache by being forced to pay child support to our children's abductors by the Australian Government, even though Japan still refuses to sign the Hague Convention and there are no reciprocal agreements between our two countries. I know for a fact that if I was an Australian woman and my Japanese husband abandoned me, there would be no way on earth that I could make the Japanese Government make my Japanese husband pay me child support.

I guess I have to be truly honest with my feelings and say that I am one of those that still feels a great deal of anger towards Japan for its policies and attitudes towards international child abduction. These policies continue to allow my ex-wife to do what she pleases and prevent any contact between my two sons and I. As I lived in Japan for over ten years, 1995-2005, I am more than familiar with the racism and prejudice that exists towards non-Japanese. I have also continued to witness the inadequacies and failures of my own government to do anything to aid and assist myself and other "left behind parents" here in Australia. Their lame excuses and inabilities are truly mind numbing. I am reminded by government officials from both countries that they are only concerned with the best interests of the child. Well, were the best interests

of the child considered when my two sons were uprooted and taken away from their home, their school, their friends, their grandparents and their father and placed in a truly foreign environment? I think not. Are their best interests being considered now, not being able to talk to their father and being placed in extreme danger in light of the recent earthquakes, tsunami and now fears of radiation leakage from nuclear power plants not far from where they are now living? I think not.

When talking to the Department of Foreign Affairs on Wednesday night, 16 March 2011, regarding my deep concerns for the safety and whereabouts of my sons, I was reminded that even though I am their father, because they were abducted, confidentiality regarding their whereabouts will be of major concern.

I used to naively think that being an Australian, my government would always be there to help me. However, I am now rudely finding out that this is far from the truth. Since this nightmare began I have received letter upon letter from various Australian Government departments, such as yours, giving me advice that leads to nowhere. I have been fortunate to have met other "left behind parents" who have followed the same advice and are now lingering in a barren wasteland of hopelessness and depression. They have spent tens of thousands of dollars on legal fees and have not seen any progress whatsoever. The Australian court orders that they were told to get have not been worth the paper they were written on. The only people who are profiting from their misery and despair are greedy lawyers.

I am in contact with "left behind parents" who were at the mercy of ignorant judges who blindly allowed the Japanese parent free access to return back to Japan even after the Australian parent begged and pleaded with the judge not to let their wives return to Japan for their children would never be returned and therefore would be lost for the rest of their childhood. Unfortunately, these parents have now lost all contact with their children, thanks to judges who are not held accountable for their own irresponsible actions.

For over two years I have not received any help or assistance whatsoever from the Australian Government. Now I am told that I will have to pay child support to a child abductor who has refused to allow any contact whatsoever between my sons and I, even after the devastating earthquake, tsunami and now threats of radiation leakage that has affected Japan. I am worried sick, and no one in the relevant government departments cannot or will not help. It is extremely frustrating to see my ex-wife's name pop up on Skype and have all my concerns about the welfare and safety of my children completely ignored. I cannot help now but feel that my ex has more rights in my country than I do, and feel totally neglected by my own government.

I was encouraged to apply for financial assistance under the Overseas Custody (Child Removal) Scheme from the Legal Assistance Branch of the Attorney-General's Department only to have it rejected. I have since discovered that other Australian "left behind parents" have been lead up the same garden path, only to have their applications denied. I am sure that those at the Attorney-General's Department are fully aware that such legal action is doomed from the very beginning and only illustrates how bias the Japanese courts really are. Which begs to ask why

then does the Attorney-General's Department encourage us to seek such action in the first place?

For a better understanding of what we would be faced with if we were to take the advice of the Australian Government, please watch the following you tube link of Navy Commander Paul Toland testifying before the Tom Lantos Human Rights Commission of the U.S. House of Representatives in Washington D.C. on December 2nd, 2009.

<http://www.youtube.com/watch?v=f9lfTWFX0f8>

When I started to write this it was 3:50am. Another sleepless night on the sofa, where I have been attempting to sleep for the past two years. I still have my sons school bag and hat hanging on the back of the chair, I still have their toys scattered around the house and I still have my youngest sons apple juice waiting for him in the fridge, even though the used by date is well and truly passed. Some may say it is time to move on and let go of this anger. Well, I consider myself to be of strong spirit, but there are certain things that I cannot let go of at this point in time.

In early December, 2010, after receiving a letter from the ACS agency informing me that I would now be forced to pay child support, in utter shock and disbelief, I called the Australian Child Support Agency to tell them about my situation. After politely explaining that my wife had illegally abducted our two sons, was keeping them in Japan against my consent and that contact was almost non-existent, the response I received was totally unbelievable! **"I don't care if your wife abducted your sons, I don't care if you can't see them. There are plenty of fathers that cannot see their children. Don't you care about your son's welfare? You will pay or else!"** I was completely blown away by this response and as a consequence reported the incident to the Commonwealth Ombudsman.

For the past few months I have been told that the incident was under investigation. I also thought that it would be my word against my then case officer, but was then informed by the ACS that all telephone conversations are recorded, which put my mind at ease.

On 14 April, 2011, I finally received a letter from the ACS which stated the following;

"Unfortunately we have been unable to access a recording of the call you refer to in your letter. We have however discussed with staff the need to be mindful of customer circumstances-particularly in cases such as yours where the situation is distressing."

What a complete and utter insult to one's intelligence.

Yes I am truly angry with Japan, but at the same time I am truly angry with my own government for doing absolutely nothing to help me connect with my abducted children. I cannot help but feel that the buck is constantly being passed around.

Can I ask you, if your children were abducted,

1) How would you feel?

2) What would you do?

3) Would you be prepared to pay an abductor of your children child support, even when all access and visitation was non-existent?

I would be very interested in your answers.

I've heard many similar stories over the past two years about the CSA and child maintenance payments for abducted children. The "left behind parent" is going through enormous emotional & financial stress yet this agency simply keeps demanding CSA payments under threat of prison sentences.

The "left behind parent" ends up being treated like a criminal while the authorities provide a green light for the abducting parent through the absence of anti-IPCA legislation, privacy laws, and by turning a blind eye to countries that are either not compliant with their international Hague Convention obligations or, like Japan, won't even sign the agreement.

It's disgraceful.

Sincerely,

Matt Wyman and ⁶other Australian 'left behind parents'

Paul Brown
George Obisso
Blanche Knight
Scott Beckingsale
Daniel Wass

Australians with abducted children in Japan

www.awac.asn.au

For further information on our situation please take the time to watch ABC Nightline - Americans Taken to Japan- Fathers' efforts to return American children taken by their mothers to Japan.

<http://www.youtube.com/watch?v=8nG2plrH5HQ>

Jim Moran, the Northern Virginia Congressman speaks on the House floor about his resolution on child abduction to Japan, which passed 416-1.

<http://www.youtube.com/watch?v=zI-IWGmH9jQ>

Family Law in Japan: Experiences in Parents' Own Words

http://crnjapan.net/The_Japan_Childrens_Rights_Network/res-perstor.html



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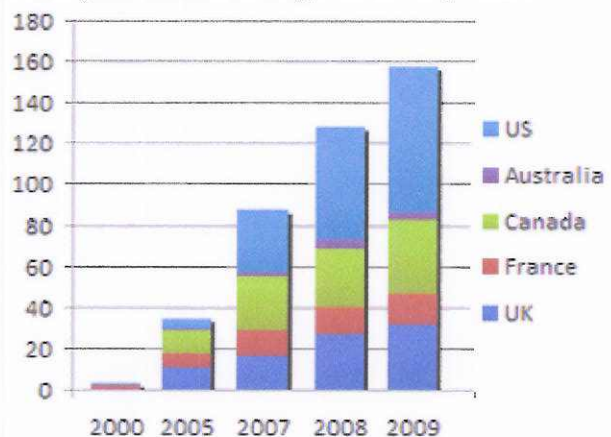
AMERICAN VIEW - WINTER 2010

Rapid Increase in Child Abductions to Japan

The bar graph below graphically shows the rapid increase in the number of parental child abduction cases to Japan since the year 2000. Depicting statistics provided by the United States, United Kingdom, Australia, Canada, and France, the chart shows the growth in the number of cases tracked by these countries from the year 2000 through Nov. 30, 2009.

All cases shown are the result of a Japanese spouse removing the child of an international marriage from a foreign country to Japan without the consent of the other parent, or unlawfully keeping a child in Japan in violation of custody or visitation arrangements. Many of the cases involve multiple children.

In these five countries alone, the number of cases of parental child abduction to Japan has almost doubled in the past two years and has more than quadrupled in the past four years.



The growth in the number of international parental child abduction cases to Japan has prompted a number of nations to call upon the government of Japan to accede to the Hague Convention on the Civil Aspects of International Child Abduction, and to assist in resolving current abduction cases. Japan is the only G-7 nation that is not a signatory to the Hague Convention.

To date, no child has been returned to his/her country of habitual residence as a result of any action taken by the government of Japan.

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