

Tom Lantos Human Rights Commission

Hearing
on
The Rights of Parents and Children: How to Better Implement the Goldman Act on Child
Abduction

September 29, 2021- 1:00 p.m.
2172 RHOB and Virtual, via WebEx

Statement of Jeffery Morehouse
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Thank you Co-chairman Smith, Co-chairman McGovern and the commission for inviting me here to share my expertise and personal experience with the ongoing human rights crisis and crime of international parental child abduction.

Bring Abducted Children Home is a nonprofit organization dedicated to the immediate return of internationally abducted children being wrongfully detained in Japan and strives to end Japan's human rights violation of denying children unfettered access to both parents. We collaborate with an international alliance of partners working to end child abduction to and within Japan. We are also founding partners in The Coalition to End International Parental Child Abduction uniting organizations to work passionately to end international parental kidnapping of children through advocacy and public policy reform.

Japan is internationally known as a black hole for child abduction. According to U.S. Government figures there have been more than 475 U.S. children kidnapped to Japan since 1994. The Government of Japan supports International Parental Child Abduction and the violation of our human rights while persistently failing to aid in the reunification and return of our victimized children. For seven years The Goldman Act has not been used to its potential by The State Department. It is overdue for an overhaul to obligate State to be true to the intent of The Act--- to return our kidnapped children.

Co-chairman Smith, in your opening remarks of the April 6, 2017 House hearing, "ENFORCEMENT IS NOT OPTIONAL: THE GOLDMAN ACT TO RETURN ABDUCTED AMERICAN CHILDREN," you said, "We need to apply the Goldman Act sanctions to Japan. Yes, they are a friend and an ally. All the more reason. Friends don't let friends commit human rights abuses."

Today in Japan Fumio Kishida was elected LDP president and will be the next Prime Minister. In your opening remarks of the April 11, 2018 House hearing, "NO ABDUCTED CHILD LEFT BEHIND: AN UPDATE ON THE GOLDMAN ACT", you highlighted, "On February 14, 2017, 1 month into the new Trump administration's tenure, Japan's Minister of Foreign Affairs, Kishida, noted in the Diet discussion of abduction that, and I quote him, 'Until now, there is not a single example in which the U.S. applied the Goldman Act sanctions toward foreign countries.'"

He went on to note that, 'According to the United States, Japan is not included in the category of the noncompliant countries.' In other words, no fear. Hasn't been used, will not be used, and Japan is off the list."

We are now in the third administration since the Goldman Act was signed into law. The State Department and the administrations they've served have demonstrated they are quite comfortable letting Japan and other countries keep our kidnapped children. They may occasionally express sympathy for it, but they don't commit to the action that is needed. They plod along without oversight or consequences.

In a July 16, 2015 Congressional hearing, Special Advisor for Children's Issues, Ambassador Susan Jacobs testified the top three offending countries are Brazil, India and Japan. She furthered that we get cooperation from some of these countries, but we don't get the returns.

On May 25, 2018, my colleague and I met with Japanese Embassy officials to try to better understand if there was any genuine path for Japan to reunite parents with their kidnapped children. The Head of Chancery, Mr. Takuya Sasayama was shockingly candid, he said, "you're access depends on the mother and child's wishes."

State Department officials met with the Japanese Central Authority in November 2018, to again raise cases of American children kidnapped to Japan and the lack of progress and failures in enforcement of judicial rulings. There were three important points in it. Japan acknowledged that:

1. Enforcing an order depends on the voluntary cooperation of the kidnapping parent;
2. If this parent refuses there are no repercussions for ignoring an application for access, return or a court order; and
3. The kidnapping parents in Japan know this.

Japan admits the problem, deflects its responsibility and blames it on the kidnapper. As we muster the strength to beg for scraps of assistance from the U.S. Government, parents are frequently ignored or told you're on your own. Please consider filing another legal motion in a foreign country that won't be enforced and kindly go away. It is a constant marginalization and retraumatization. The pain and isolation can be so great, tragically, some don't survive.

In my case I was granted sole custody of my son, "Mochi" Atomu Imoto Morehouse in the State of Washington in May 2007. All Japanese consulates and their Embassy in the U.S. were notified twice in writing of my custody and the court orders barring my ex-wife from holding or obtaining a passport for our son or leaving the state. When the Seattle Consulate of Japan denied her passport request in April 2010 she simply went to the Japanese consulate in Portland, which issued her one in violation of their Ministry of Foreign Affairs Passport issuance policy.

I've won two lengthy legal cases in Japan where the courts ruled the U.S. custody order has legal effect and then they refused to provide any reunification. The last time I saw my only child, the last time I heard his voice, was Father's Day 2010 when I dropped him off to visit his mother.

Access under Article 21 of the Hague Abduction Convention in Japan has been useless because it is unenforceable and relies on kidnapping parents to voluntarily comply. In 2014 BAC Home assisted parents by securing pro-bono counsel, which resulted in more than 30 applications being submitted on the day the convention went into effect in Japan. In 2017, we checked in with these parents on their progress, three parents reported receiving one Skype session and one received three sessions before the kidnapping parent cut them off. None of these parents received true unrestricted access to their kidnapped children. In my case the kidnapping parent weaponized my application against Mochi and me and filed a separate motion that lasted two more years. After it concluded she refused to respond to requests for mediation for access under Article 21 passed between our central authority and theirs. Filing a motion for access in Japanese courts was not a practical option since compliance with an order for access would have been at the discretion of the kidnapping parent who has no incentive or obligation to obey it.

My son demonstrated the violation of his human rights when he told his attorney in the autumn of 2016, "sometimes I dream of my father," as tears rolled down his face. Helpless because no one protects his human right to reunite with me and come home. He holds his pain, his trauma, alone. His abductor, with the assistance of Japanese Government, silence him.

While silencing children kidnapped to and within Japan and providing direct and indirect support for the kidnapping parents, The Government of Japan continues to enlist the U.S. to help it resolve the 1977-1983 kidnappings of 17 Japanese citizens to North Korea. I feel for those parents. I understand their pain. It is my pain. It is our pain. We should help with that. It's the right thing to do.

Former Prime Minister Abe publicly used President Obama and President Trump for help. Both Presidents, while in office, met with Japanese families and made public statements of support. Outgoing Prime Minister Suga continued this again with President Trump and toward President Biden. On July 20, 2021 the Office of the Spokesperson issued a readout of the meeting between the Japanese Vice Foreign Minister and the U.S. Deputy Secretary of State. Spokesperson, Ned Price wrote, "Deputy Secretary Sherman reiterated the U.S. commitment to the immediate resolution of the abduction issue."

I immediately emailed the Deputy Secretary and her chief of staff to clarify if the support is for the more than 475 U.S. children kidnapped to Japan since 1994 or Japan's desire for assistance with abduction victims to North Korea. I received no response. Are the human rights of kidnapped American children and their traumatized parents of interest to those at the steering wheel of U.S. policy?

In Japan the leading candidates for LDP party president this month voiced intention to continue to engage on the North Korea abduction issue. This means Japan will continue to enlist President Biden privately and publicly through the press to continue to meet Japanese families and lend U.S. backing when the winner Mr. Kishida becomes Prime Minister.

In my eleven years of advocacy work I have been to The White House more than once about focusing policy on International Parental Child Abduction to reunite and return children. Next time I am there, a true sign of support will be for President Biden to meet and stand for public photos with the press for the more than 475 American children kidnapped to Japan.

Two years ago, the law firm Zimeray & Finelle filed a complaint against Japan with the United Nations Human Rights Council, accusing it of conducting a pattern of serious violations of the rights of the child.

On May 15, 2018 as Japan was about to be cited for International Parental Child Abduction by the United States, they held a public seminar at the House of Culture of Japan in Paris co-organized by the Ministry of Foreign Affairs of Japan and the Japan Federation of Bar Associations. In an audio recording from inside the event, we hear participants being educated about The Hague Convention on the Civil Aspects of International Parental Child Abduction. They are also taught how to prevent having their children returned to France should they take them without consent to live in Japan. More simply put, organizers lay out how to abduct to Japan and get away with it.

This act of complicity was first exposed and published by BAC Home on November 8, 2018. The Sydney Morning Herald reported last month, "It was one of 18 organised by the Japanese government around the world."

The Government of Japan is a shameless co-conspirator.

Last year The European Union passed a resolution on Japan and in the press release stated "MEPs are concerned over the high number of parental child abduction cases due to the reluctance of Japanese authorities to comply with international law."

There is also reluctance by The State Department to uphold the intent of The Goldman Act. So let's get it fixed.

For seven years State has refused to use the tools provided by Congress beyond démarches. Their annual Action Report on International Child Abduction is littered with these letters. It is not going to improve without legislative measures. This has been explored in multiple hearings in the House and Senate. It is essential to create an escalation of tools and require they are issued from the Secretary directly or at least the Ambassadors in our embassies. There needs to be weight behind the message and the messenger. There must be a shift from the policy of resolving cases to a commitment to reunite and return our kidnapped loved ones.

When countries transition from non-Hague to Hague signatory countries, as was the case with Japan in 2014 and more than a dozen other countries since, all pre-convention cases were reclassified as access cases in the Secretary of State's Annual Report on International Parental Child Abduction. Hundreds of kidnapped children were erased when evaluating Japan for non-compliance. If our children were counted as intended by Congress, Japan would be cited every year. Do not let them continue to invalidate the kidnapping of our children. Let's fix the law.

There should be a full accounting for how many children have been kidnapped to each country and how many returned to the U.S. The reporting requirements in The Goldman Act will benefit from redefining to include historical data for kidnappings and returns for the previous ten years for each country so trends are transparent.

When State closes a case without the child being returned and decides it is resolved there should be clear data for the category they've selected included in the annual report. Was a foreign judicial or administrative ruling? Did the parent withdraw the request or application? Was there a

voluntary agreement? Did the parent or child pass away? Were they unable to locate the parent for more than one year? Did the kidnapping victim reach turn 16 and age out?

The State Department's focus on the term "open cases" opaquely implies progress. Figures provided to the Senate Judiciary Committee in 2018 and a report I saw from State this summer show most children never make it home.

Concealing information leaves the full story shrouded in mystery from the American people and Congress. It fails thousands and thousands of parents and our 25,000-30,000 children that have been kidnapped from the United States since 1994 when the Office of Children's Issues was created. Let's fix the law.

We need consistent and meaningful response from State and a whole of government commitment to maximize action to reunite and return our children. Start with our ally and friend, Japan. We've all tried talking with them about this ongoing human rights abuse of our children and the children within Japan that are victims of parental child abduction for more than a decade. It is time for a punitive act from Congress so Japan hears and understands that the United States demands our kidnapped citizens are reunited and returned.