

Child Abduction - Japan

Disclaimer: Any information contained in these pages relating to the legal system in Japan is provided for general information only. Independent legal advice should be sought in Japan for specific information relating to individual cases.

Parental Child Abduction

The abduction of a child by a parent is not in itself a criminal offence in Japan. However, in certain circumstances it could be classed as 'kidnapping' which is classified as a crime. To establish the legal position in an abduction case, the left behind parent should seek advice from a [Japanese lawyer](#) or try speaking to the police in Japan.

The British government cannot, under any circumstances, force the taking parent or the Japanese courts to return a child to the country where they normally live.

The 1980 Hague Convention on the Civil Aspects of International Child Abduction (The Hague Convention) is a multilateral treaty which seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return to their normal place of residence for the courts there to decide where they should live. The Hague Convention came into force in Japan on 1 April 2014.

The Hague Convention cannot be used retrospectively. If children were taken to Japan before 1 April 2014, left behind parents will be unable to use the Hague Convention to return their children to the UK.

Within each country, which is a signatory to the Convention, there is an administrative body known as the Central Authority which is responsible for administering the operation of the Convention.

In the UK, the designated Central Authority for England and Wales is the International Child Abduction and Contact Unit (ICACU) in the Ministry of Justice. In Scotland it is the Scottish Government. In Northern Ireland it is the Northern Ireland Courts Service.

The contact details are:

Central Authority for England and Wales

The International Child Abduction and Contact Unit

Viceroy House

30-34 Kingsway

London WC2B 6EX

Tel: 020 3681 2608

Email: enquiries@offsol.gsi.gov.uk

Fax: 020 3681 2763

www.justice.gov.uk

Central Authority for Scotland
International & Human Rights Branch
St Andrews House
Regent Road
Edinburgh EH1 3DG
Tel: 0131 244 4827 or 0131 244 4826/7
www.scotland.gov.uk/childabduction

Central Authority for Northern Ireland
Central Business Unit
Northern Ireland Courts and Tribunals Service
4th Floor
Laganside House
23-27 Oxford Street
Belfast BT1 3LA
Tel: 028 9072 8808
Fax: 028 9072 8945
www.courtsni.gov.uk

In Japan, the Central Authority is the [Ministry of Foreign Affairs](#).

Hague Convention Division
Foreign Policy Bureau
Ministry of Foreign Affairs
Kasumigaseki 2-2-1
Chiyoda-ku
Tokyo 100-8919
Japan
Tel: +81 (0)3 5501 8466
URL: <http://www.mofa.go.jp/index.html>
E-mail: hagueconventionjapan@mofa.go.jp

Custody Issues

In Japan, unless there is a court order to the contrary, married parents have joint custody of their children. Where children are born out of wedlock, the mother has custody.

When parents decide to divorce, they must agree who will take sole custody of any children. The Japanese family court will provide mediation to facilitate a decision, but if the parents are still unable to agree the court will determine custody. Foreign court orders are not automatically recognised in Japan but might be considered under certain circumstances.

Generally speaking there are two types of child custody in Japan: legal custody, also known as parental authority (shinken) and physical custody (kango). It is possible for parents to be granted separate 'legal' and 'physical' custody, but it is far more common for one parent to be given full custody after divorce, leaving the other parent with no custodial rights. There are ways of pursuing custody or contact claims

through the Japanese courts so it is important for parents to seek [specialist local legal advice](#).

The Japanese Family Courts generally consider it to be in a child's best interests to remain in their current environment and therefore usually gives full custody to the parent that has most recently been taking care of the child. In many cases, especially with young children, this leads to the mother being awarded full custody as she would usually spend more time with the child.

If the non-custodial parent wishes to retain contact with their child, the Family Court will conduct an investigation and issue a decision. If contact rights are granted but the custodial parent does not comply, the courts may order monetary compensation to be paid to the other parent until full compliance with the court decision.

The [Japan Legal Support Centre](#) (Ho Terasu) Tokyo office provides free legal counselling for some foreign nationals with low income.

The [Japan Federation of Bar Associations](#) provides a link to legal counselling for foreign nationals by various bar associations (generally charged, but free counselling provided for some individuals with low income)

N.B. This section constitutes general information on the Japanese legal system. For detailed information and advice on how the law may apply to the circumstances of individual cases, independent legal advice should be sought in Japan.

Mediation

In addition to mediation through the Family Courts (see "Custody Issues" section), Reunite is the leading UK charity specialising in international custody disputes and parental child abduction. The services range from offering practical impartial advice and mediation to providing a helpful support network. For more information about Reunite and their services, visit their website at www.reunite.org or call their advice line 0116 2555 345.

Travel

A parent who has legal and/or physical custody of a child in Japan generally has the right to remove that child from the country. There are no specific legal requirements for a child to be able to leave Japan. If a child leaves with a parent, they will not be stopped and asked for evidence that the other parent consents to the travel. It is not possible to put a 'stop' order with immigration to prevent a child from leaving Japan. Exit visas are not required for foreign nationals but confirmation of departure, in the form of a stamp from an immigration inspector, is necessary.

Dual nationality is recognised in Japan until a minor reaches age 20. At age 20 but before 22, they must choose which nationality they wish to retain as only one nationality will be officially recognised in Japan. Dual British /Japanese nationals are expected to enter and leave Japan on their Japanese passport.

Emergency Travel Documents (ETDs) are valid for travel in to and out of Japan for all British nationals. Anyone leaving Japan using an ETD will first need to regularise their visa status with the immigration authorities, either at their local immigration office or at the airport on departure.