

Tokyo, 6 March 2018

Please allow us to share our concerns regarding a very delicate issue, to which we attach the utmost importance, as Ambassadors of the EU Member States to Japan.

The community of EU citizens living and working in Japan has grown very rapidly in recent years, and many of our fellow nationals have started families in this country. There are many good reasons to choose Japan as a place to build a life and a career. Those EU citizens contribute to growth in Japan and to the internationalization of its economy.

However, there are also many cases of divorce and separation in Japan involving EU citizens. Unfortunately, when children are also involved, in some cases they have become victims of a situation in which the relevant laws and judicial decisions do not appear to be fully enforced.

We have at this moment several instances of EU citizens who, even after a decision is given which grants them custody or visitation rights, cannot have any contact with the minors, due to strong opposition by the other party. In some cases it has not been possible to implement decisions of Japanese Courts even with the presence of tribunal staff.

For these reasons we hope that you will take into consideration our letter, in which we reaffirm the exclusive role of the Japanese Courts in ruling about this delicate matter. Therefore we wish to draw your attention to the issue of the right of a child, in accordance with the UN Convention on the Rights of the Child to which Japan is a party, to maintain contact with both parents on a regular basis, in order to signal the importance of the enforcement of the rulings of Japanese Courts. Moreover, the UN Convention requires that the states parties must act in the best interests of the child and shall use their best efforts to ensure the recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. We also strongly support the decisions Japan has made, also at the international level, to grant protection to children: the ratification of the Convention of The Hague in 2014 is one clear example of the willingness of Japan to enhance the international law on this matter.

We sincerely hope that this joint letter will help in raising the awareness of the competent authorities in order to implement the judgements of the Japanese Courts, fostering even further the outstanding relations between Japan and all the 28 Member States of the EU.

As a follow up to this letter, we wish to enhance dialogue and exchange on this matter with the relevant departments under your responsibility

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TOKYO