

Abducted in Japan

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## Eighty-two Australian children have been abducted in Japan – and it's legal

Australian parents whose Japanese former spouses have abducted their children are demanding urgent action from both governments as years pass without any contact.

By Eryk Bagshaw and Natalie Clancy

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82 Australian children have been abducted. MATTHEW ABSALOM-WONG

**T**okyo: Three busloads of children. Some laugh; others cry. One likes blowing bubbles in the garden in summer; others prefer making castles in the sand. All of them have disappeared from their Australian parents' lives.

In the dead of night, at daybreak or after school, 82 Australian children have been snatched by Japanese partners since 2004, never to see their Australian parent again.

Now an investigation by *The Sydney Morning Herald*, *The Age* and [60 Minutes](#) can reveal that this is just the start of a system of parental abduction that has driven dozens of parents to breaking point, pushed children into psychiatric wards and torn families apart. Their pleas have fallen on deaf ears, as Japanese police repeatedly ignore Interpol missing person notices and the justice system refuses to enforce court orders guaranteeing parents access to their children.

Japanese government figures show 200,000 couples separate in Japan each year, and a third of children lose all contact with one of their parents under the country's sole custody system - a number that critics say is a stain on Japan's human rights record.

French authorities have identified more than 100 abducted children; the United States 475 - drawing condemnation in the United Nations, the French Senate and the US House of Representatives. The number of Australian children whom the Australian government has identified as abducted in Japan has grown from 68 to 82 in the past two years alone, [threatening the blossoming relationship](#) between Australia and its most important partner in Asia.

But the unprecedented international pressure has done little to sway the Japanese government, which maintains the disputes are a private matter and that sole custody helps protect partners fleeing abusive relationships.

Japan's sole custody system gives one parent total control over every decision about a child's life by default - from schooling to where they live to parental access. Opponents of the system argue it is facilitating parental abduction on an industrial scale, shutting parents out of their children's lives permanently. In many cases, custody is granted to the mother or father who was last with the child, triggering a race to snatch the child and disappear before the other parent finds out.

"It's worse than watching someone die because you are going through this every single day, and there is no sense of relief," says Melbourne-raised father of two Daniel Potocki.

Potocki has not seen his children Emilia and Lukasz in five years after they were taken by their mother in Gunma, north of Tokyo.

"I miss them growing up. I miss being able to pray with them at night. I miss playing with them," he says.

Now he fears for the safety of his 13-year-old daughter after fighting for years to access her hospital and school records. Last year he found out she was in a psychiatric ward. But he has no way of talking to the daughter he used to take horseriding with her younger brother in the fields outside Yokohama.

"My daughter has been taken to child protective custody three times. The last time she was taken was because she had an argument with her mum and she wanted to commit suicide," he says.

"The only thing missing from this equation is me. Because when I was there, she felt protected, and she felt safe, because she knew I would be there."

### **'It's like I didn't even exist'**

The downhill spiral of Potocki's relationship with his Japanese wife follows a familiar pattern.

Young Australians move to Japan, often to teach English or study, and fall in love. They have children but after a few years, some of those relationships sour. In Potocki's case, he says the relationship fell apart after a business dispute. Like each of the dozen parents spoken to by *The Herald*, *The Age* and *60 Minutes* for this series, when Potocki's relationship ended, the 46-year-old did not know that would mean he would never be able to hold his kids again.

David Fleming went to work one day as a teacher in Osaka at 6am. Then he got a message from his wife of 11 years, saying she was taking the kids and not coming back.

A year later he found out his three children – Leon, Eugene and Alan – had been adopted by the man his former wife was having a relationship with in Kishiwada, south of Osaka.

"They changed their name to his family name," he says. "I haven't seen a single photo of them for more than four years now."

The last time the 38-year-old from Toowoomba saw them, they were nine, seven and one. Two of them are now well into their teenage years, grown beyond recognition. Alan has just started school.

"It's like I didn't even exist," says Fleming.



David Fleming holds a picture of his abducted children at his rural property outside of Brisbane. GLENN HUNT

“All the pieces have fallen together. The abductions of the kids were completely planned ... then she put all the savings into her bank account.

“I went out for a long day, and she just took the kids and that was it. She won everything. That’s all they have to do: take the kids and they win.

“The relationship got so toxic to the point where like I knew divorce was coming and that was fine, but I didn’t know the kids were going to be gone - forever.”

## UN reprimand

Japan is Australia’s most searched-for travel destination, but few tourists are aware of the torment suffered by Fleming and the dozens of other parents who have made it their home.

“Everything you get told is pink cherry blossoms and beautiful smiles and beautiful scenery. And that is the case,” says Fleming. “But once you take off the wrapping, it’s really horrible what you actually find out about what is really going on in the country.”

Fleming is part of the third generation of Australian parents who have tried to find their children. Parents say the 82 abducted children recognised by the Australian government since 2004 is a fraction of the total number. Many of those in the first and second generations are too broken to speak about it anymore and have given up trying as an act of self-preservation.

Their children are now adults, and very few, if any, have reconnected with their Australian father or mother after years of being told by the abducting parent that they had died or had abandoned them.

*The Herald*, *The Age* and *60 Minutes* attempted to contact each of the parents accused of abducting Australian-Japanese children. All declined to comment.

The parents who have been left behind denied any allegations of violence or abuse and no charges have ever been laid. Some have obtained court-ordered visitation to see their children, but claim the orders have not been enforced and remain largely at the discretion of the parent with sole custody.



Kyoko Takada, an associate professor of family law at Hiroshima University. JACK DONOHOE

Kyoko Takada, an associate professor of family law at Hiroshima University says the laws were designed to protect women both financially and emotionally after leaving abusive relationships in a completely male-dominated society. But the century-old system has come under pressure as Japan's gender roles have slowly modernised and divorces surged from 0.7 per cent in the 1960s to 33 per cent today.

"In some cases, the mother can't see the ex-husband because of anxiety or emotional conflict," she says.

Japan's domestic violence infrastructure has also failed to keep up, leaving those in abusive relationships struggling to find help from police, while the blanket sole custody rule cuts out parents who have never faced domestic violence charges.

The United Nations Human Rights Committee in November reprimanded Japan over the removal of children from parents, saying it was "concerned about frequent cases of child abductions" and criticised the Japanese government for a "lack of adequate responses".

The UN's convention on the rights of the child calls for children to have the right to see both parents.

[A 2016 study by the Scandinavian Journal of Public Health](#) found children with access to only one parent had higher levels of psychological complaints and were at risk of worse mental health.

### **'I was like his slave'**

In some cases, Japan's system appears to be failing those it was designed to protect.

Saori's husband abused her and her son so much the neighbours could hear the screams. Then he installed surveillance cameras in every room. He ordered their son not to talk to his mother and then banned them from using electronic devices. "I was like his slave," she says.

Saori, a Japanese citizen who asked only to be identified by her first name to protect her safety, was also the family breadwinner. "I came home late at night and they were gone. His attorney's business card was left on the table and a letter that said 'please contact my attorney if you have anything to say'."

Distraught, Saori went to the police to tell them her son had been kidnapped. "They said it's a family issue."

Nearly 18 months later she still does not know where her son is. Despite submitting evidence of domestic violence, including bruises, intimidation, doctor reports and surveillance cameras to Japan's High Court, her appeal for custody was rejected in January. The court ruled that her husband was now the child's primary caregiver because he had spent the past year living with him and had now settled into a school routine.

"He is turning 10 at the end of this month, and again, I'm going to miss his birthday," she says between tears.

Takada says the ruling is not uncommon. "This kind of situation happens in Japan because the court thinks that keeping the same environment contributes to the child's interest," she says.

The professor says those parents who want change to the system should moderate their anger.

"Firstly, they need to calm down their frustration. They should show a more soft and supportive behaviour to the family. I think in Japan, the family culture is not so bad. The situation has improved a lot."



Japanese mother Saori, who had her child abducted by her abusive husband. IKKEI BEN SUZUKI



Australian father Scott McIntyre hasn't seen his children in four years. JACK DONOHOE

## 'State-sponsored abduction'

Australian father Scott McIntyre believes the entire system is stacked against parents like him. McIntyre has a yellow Interpol notice for his children Hinata and Harugo, identifying them internationally as missing persons since they were taken from his home in May 2019.

"Not only do I not know where they are, but I also don't know who they are. I don't know what they're doing. I don't know if they're in school. I don't know if they died of COVID. I don't know if they had an accident," he says.

"And for me, the hardest thing is in four years children change a lot. I can't even begin to imagine what they look like.

"How did Japan, a country that has one face to the world, that says, 'we're a modern democratic nation,' get to this point? How did we get to the point where a father can pass his kids in the street and not recognise them?"

When *The Herald*, *The Age* and *60 Minutes* visited Tokyo police with the Sydney father in January, he was told there was nothing they could do.

"This is not a police matter," a Tokyo police officer said.

"It's state-sponsored abduction," claims McIntyre.

McIntyre has had [run-ins with the Tokyo police](#) before. In 2020 he was arrested while trying to find his children after he entered the lobby of the apartment building of his in-laws. He spent six weeks in jail and was only released after pleading guilty to trespassing.

"All I want is for them to know that they have a father who's worried about them, who's curious about them, who wants to be involved in their lives, who wants to be a father as much as I can in this situation," he says. "So I've made every attempt under the sun to find them. But the walls are so thick, the barriers are so high, and the system is so strong that it's not easy."

After four years of campaigning, McIntyre is now losing hope that he will ever see his children again.

"I have to accept the reality that my kids aren't coming back through the door. The only hope I personally have is that they may choose to reach out to me when they're adults," he says.

"But what I want to do is to make sure that this doesn't happen to any other Australian kids."

## 'Keep quiet to keep Japan happy'

The Japanese embassy bristles at the suggestion that the system alienates parents. Japan's ambassador to Australia Shingo Yamagami declined to be interviewed but has previously said that Japan [did not allow for joint parenthood](#).

"Because it is based on the idea that if the terms of the relationship between father and mother are not good enough, then children may suffer from dealing with both of them," he said last year.

He said the system dealt with all cases of "child removal" fairly and equitably, despite his personal experience.

"I went through a divorce to a Japanese spouse and have had my son removed from me," he said. "I know that the pain never goes away."

Japan's government has initiated a public consultation period for a review of the custody system. Of the world's 20 largest economies, Turkey, is the only other country that gives total authority to one parent. While the Japanese Parliament debates change, the number of Australian parents potentially exposed to the system could grow exponentially.

In January, Australia's military signed a Reciprocal Access Agreement with Japan. The deal will allow hundreds of Australian troops to be stationed in Japanese bases, binding Australia to its key economic and military partner at the same time as it exposes more Australians to the only major diplomatic issue between the two countries.

"Australian service personnel are going to be up against this," says Randy Kavanagh, whose daughter Anna was taken by her mother in Takasaki, northwest of Tokyo.



Randy Kavanagh teaches English to children similar in age to his abducted daughter. JACK DONOHUE

Kavanagh has built a reconciliation centre for parents and children in the town in the hope that he will one day be able to reconnect with Anna. There are bottle brushes growing in the Australian-themed garden, next to eucalyptus and banksias. Inside, the walls are plastered with Indigenous landscapes. On a cold day in January with Nagano's snow-capped mountains on the horizon, a dozen local kids sit at his feet playing with possum puppets and mimicking Randy in his thick Queensland accent. "G'day mate," they scream in unison.

The 53-year-old teaches English to primary school students so that he can keep up to date with children the same age as his daughter.

The last time he saw Anna at home she was blowing bubbles in the back garden. That was five years ago.

"There are three platoons of Australian children missing here in Japan. If it was anyone else, there'd be a royal commission. But no, it's just Australian children over here, and we'll keep quiet to keep Japan happy," he says.

## Private diplomacy

Potocki, Fleming, Kavanagh, McIntyre and half-a-dozen other Australian parents that did not want to be identified are fed up with the Australian government's strategy of quiet diplomacy.

"How inappropriate is it for us to have a military alliance with a country that has clear human rights abuses being committed against Australian children," says Fleming.

McIntyre asks: "Why do we hear from repeated ministers that they've raised the issue quietly? It's not good enough."

"It's been raised silently for 20 years. Why does Penny Wong claim to be an ambassador and a warrior for human rights? Why does she write [newspaper columns on International Human Rights Day](#), declaring that Australia stands for human rights? No. She stands for human rights in countries where it suits her agenda."

"We have 82 Australian kids that are missing or abducted in Japan. How on earth is the government not standing up and demanding action? Where are these Australian children? For me, when I hear what Richard Marles says, what Mark Dreyfus says, what Penny Wong says, what Anthony Albanese says, that we are great partners, we're great mates, we're great friends with Japan. Get out of here. You don't say this to a nation that's been systematically abducting your own citizens."

In a meeting with parents in 2021, a senior Australian embassy official said that this was “an issue where certainly Australian ways and Japanese ways do not align”.

“We have been calling out their behaviours. But it’s got to be done privately. Why? Because our engagement with Japan over many years now ... shows that we get the best outcome when we do that,” said the official.

Wong, Australia’s Foreign Minister, declined multiple requests for an interview.

In a statement, she said Australian parents’ concerns had been raised with Foreign Minister Yoshimasa Hayashi and Justice Minister Ken Saito.

The government has also made a submission to Japan’s custody law review, encouraging Japanese authorities to adopt a joint custody system.

“I understand that the pain and distress these families are feeling is immense,” Wong said. “We will continue to engage with affected families and with the Japanese government to support these families to be reunited.”



Anna Kavanagh has been separated from her father for five years.



Catherine Henderson has received little government support in searching for her abducted children. IKKEI BEN SUZUKI

## A mother’s plea

Melbourne mother of two Catherine Henderson cannot wait any longer.

The English teacher has not seen her children in almost four years after her husband suddenly took her kids and all their possessions from the home they shared in Tokyo.



Her daughter turned 18 in October, leaving Henderson fearing she will be taken off the list of active cases being pursued through the Australian embassy. Her son is 14, but Henderson has no way of contacting either of them in Japan's labyrinthine system that has driven her through several breakdowns and class actions.

In November, she asked the Australian government to send her daughter a Hogwarts-style admissions letter telling her she is eligible for an Australian passport and can receive consular assistance if she needs it. The United States has sent similar letters to its abducted children in Japan. The Australian embassy drafted a letter. Then Canberra refused to send it.

With little government support, Henderson has been forced to leave a trail of clues for her kids as they grow older. In dozens of videos, she walks the streets trying to find a glimpse of the kids who once built castles on the beach in Sandringham and cuddled koalas on Phillip Island.

On each of their birthdays and her own, she records herself talking to the children she last saw in her living room on that spring day in April 2019.

She hopes that one day they may see them again, but is painfully aware she may not.

"I never ever imagined in my wildest dreams that I would be apart from you and cut off from you," Henderson said alone and crying on her couch in Tokyo on the eve of her 50th birthday.

"Something is terribly, terribly, terribly wrong that this is possible. I've always loved you no matter what. I think that eventually, you will want to search for your family and want to know your mother.

"Be brave, my little kids."

Crisis support is available from [Lifeline](#) on 13 11 14.

Watch the [60 Minutes report](#).

Tomorrow: How I got my child out of Japan's 'black hole' of abduction

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