

0842/2019

Petition No 0842/2019 by Vincent Fichot (French) concerning international child abduction in Japan

The petitioner sets out his problems, indicating that his Japanese wife has abducted his two children, who are of French and Japanese nationality, and argues that Japan is infringing the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which it ratified in 2014. He points out that Japanese legislation makes no provision for shared custody, visiting rights or the right of access to their children for non-Japanese parents. He is accordingly asking the European Parliament to make representations to Japan, calling on it to do everything necessary to prevent further infringements of national and international law, in particular the 1989 UN Convention on the Rights of the Child.

Information

- On 28 April 2016, the Parliament adopted a resolution on safeguarding the best interests of the child across the EU, based on petitions received (procedure 2016/2575(RSP)). In this resolution, adopted on a Petitions Committee (PETI) initiative, the European Parliament pointed out the major problems with the implementation of the Brussels IIa Regulation and underlined the need for clarifying the legal framework with view to strengthening the rights of parents and safeguarding the best interests of children.
- On 15 May 2017, the PETI Committee adopted an opinion on the proposal of the European Commission for a regulation amending Regulation (EC) No 2201/2003, considering that the proposal has globally reached its aim and proposes interesting improvements. Nonetheless, some changes needed to be made in order to make it even more effective and offer a better protection of the best interests of the child and of EU citizens' fundamental rights and freedoms in general.
- On 2 July 2019, the OJEU published Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction.
- Petitions 0594/2019 and 0841/2019 are on the same subject and are treated as outlined below.
- The petitioner has entered the petition on the advice the Coordinator on Children's Rights.

Recommendations

- Declare admissible;
- inform the petitioner that the committee members have taken careful note of his petition; send to the petitioner the information included in the previous section that shows the work done in this regard by the PETI Committee and the European Parliament as a whole, as well as the other EU institutions;
- explain to the petitioner that the Committee on Petitions does not have the competence to intervene in individual cases, nor can it override decisions taken by competent authorities within Member States or third countries; as the European Parliament is not a judicial authority, it can neither pass judgement on, nor revoke decisions taken by the courts of law in Member States or third countries;
- ask the Commission for information;

- forward for information to the JURI Committee;
- consider together with petitions 0594/2019 and 0841/2019.