

# 訴状 (要約版) Brief (Summary Version)

## 1 原告らの権利侵害について

### 1. About the breach of the plaintiff's rights

原告らは、配偶者に子を連れ去られた(引き離された)結果、<sup>1</sup>リプロダクティブ、<sup>2</sup>親権、<sup>3</sup>監護権の基本的な人権を、それぞれ侵害された。

As a result of their spouse abducting their children (child), the following basic human rights of the plaintiff's have been violated: 1. physical custody, 2. legal custody, 3. the right to bring up their children.

下記が原告者らの権利侵害の概要である。

The following is a summary of the breaches of the plaintiff's right.

#### a) Plaintiff A

(1) 原告Aが、妻の暴言、大量の荷について妻の両親に相談したところ、妻は、家庭内で原告Aと長男を近づけさせなくなった。

After Plaintiff A consulted with her parents in law about his wife's verbal abuse and their excessive amount of belongings his wife started to distance herself and their son from him within the home.

約1年後、原告Aの妻は、原告Aの承諾を得ることなく、妻の実家に長男を連れて行き、原告Aから連れ去った(引き離した)。

Approximately one year later, the wife took their son without his consent and abducted him to her parent's home.

審判で、長男の監護者は原告Aの妻と指定された。原告Aは、長男が連れ去られて(引き離されて)から約半年間、長男に全く会うことができず、面会交流調停成立後は、月に〇回、〇時間の面会交流の時間しか長男に会えない。

In the Family Court case, his wife was awarded custody. After the abduction, Plaintiff A was unable to see their son for about 6 months, as a result of visitation mediation, plaintiff A was granted a minimal amount of time each month to see their son.

#### b) Plaintiff B

(2) 原告Bの妻は、平成27年11月14日、長女（当時2歳2か月）を実家へ長女を連れて行き、原告Bから連れ去った（引き離した）。

Plaintiff B's wife abducted their daughter (2 years and 2 months old at the time) to her parent's home on the 14th of November 2015.

平成30年3月30日、審判では、子の監護者は原告Bの妻と指定され、面会交流は、月1回、7時間が原則とされた。

On the 30th of March, 2018, custody was awarded to his wife. He was granted one visit per month of 7 hours by the court.

原告Bは、長女が連れ去られて（引き離されて）から、原則として月1回、7時間の面会交流しか認められない。

Since his daughter was abducted, Plaintiff B has basically only seen his daughter once a month for 7 hours.

### **c) Plaintiff C**

(3) 原告Cの長女が出生後、原告Cと妻は、長女のことと夫婦喧嘩が多くなった。

Since the birth of their first child, a daughter, the fights between Plaintiff C and his wife increased.

原告Cの妻は、平成30年3月3日に、原告Cが自宅を不在中に、原告Cの承諾を得ることなく、長女（当時3歳2か月）を妻の実家に連れて行き、原告Cから連れ去った（引き離した）。

On the 3rd of March 2018, Plaintiff C's wife abducted their daughter to her parents house without his permission whilst he wasn't home.

審判では、長女の監護者は原告Cの妻と指定された。同年10月に面会交流調停が成立するまで、原告Cは、長女に3回しか会うことができなかった。調停成立後は、原告Cは、月1回、7時間の面会交流時間しか長女に会えない。

At the Family Court, his wife was awarded custody. From the date of abduction until mediation was completed, he was only able to meet their daughter three times. Since mediation concluded in October 2018 Plaintiff C has only been able to see their daughter once a month for 7 hours.

### **d) Plaintiff D**

(4) 原告Dの妻は、長男を出生後、原告Dにストレスをぶつけるようになり、平成29年3月、原告Dが仕事で自宅を留守中に、原告Dの承諾を得ずに、長男(当時1歳1ヶ月)を妻の実家に連れて行き、原告Dから連れ去った(引き離した)。

After the birth of their first child (a son), Plaintiff D's wife started to get stressed and take her frustration on him. In March 2017 she abducted their son (1 year and 1 month old at the time) without his permission whilst he was at work and took him to her parent's house.

離婚訴訟では長男の親権者は原告Dの妻とされた。  
At the court case his wife was awarded custody.

審判では「2か月に1回、1時間、第三者機関を利用する」条件で面会交流が認められたが、原告Dの妻は、全く面会交流に応じない。

In the court case, Plaintiff D was granted visitation of one hour, once every two months, under supervision, however his wife doesn't comply with this ruling.

原告Dが、長男に会えたのは、平成30年10月が最後であり、2年半の間にわずか24時間、この1年間でたった40分であった。

Plaintiff D hasn't seen their son since October 2018. In the last two and a half years has only seen him for 24 hours in total; with only 40 minutes in the year leading up to October 2018.

原告Dは、長男の状況を一切知らされず、長男の写真も送られていない  
Plaintiff D gets no information about their son's condition, and isn't even able to receive photographs of him.

原告Dは、長男から「パパ」、「お父さん」と呼ばれたことが一度もない。長男は、原告D側の祖父母とも会えず、祖父は長男に会えないまま、亡くなった。

Plaintiff D has never heard his son say 'daddy' or 'father'. He never met his paternal grandfather, who unfortunately passed away before meeting him.

## e) Plaintiff E

(5) 原告Eは、夫の不貞行為が原因で別居を決意した。

As a result of her husband's infidelity, Plaintiff E and her husband decided to begin living separately.

引っ越し当日の平成29年3月6日、夫は、原告Eが拒否するのを無視して夫の実家に二女（当時5歳8か月）を連れ去った（引き離した）。

On the day of moving, March the 6th, 2017, her husband abducted their second daughter (who was 5 years and 8 months old at the time) to his parents house.

長男（当時7歳7か月）も夫の母により連れ去られた（引き離された）。

Their son (7 years and 7 months old at the time) was abducted by Plaintiff E's mother in law.

原告Eは、2人の子を連れ帰ることを拒否され、1か月後には、2人の子に全く会えなくなった。

Plaintiff E was unable to bring the two children home, and one month later was unable to meet their children.

長女（当時8歳7か月）は、弟と妹に会えず、精神的に不安定となり、住んでいた家に行ったところを原告Eの夫に連れ去られた（引き離された。）

The eldest daughter (who was 8 years and 7 months at the time) felt anxiety at not being able to meet her younger siblings, and was abducted by her father when she went to the house they were living in.

審判では、3人の子の監護者は原告Eの夫と指定された。

The court awarded custody of all three children to Plaintiff E's husband.

原告Eが3人の子を連れ去られて（引き離されて）以来、試行的面会交流さえ行われず、原告Eは3人の子に一度も会うことができない。

Since the three children were abducted, Plaintiff E has not been able to meet their three children even one time, not even as a trial visitation.

面会交流審判では、2か月に1回の手紙の送付、誕生日とクリスマスにプレゼントを贈ること及び2か月に1回の写真の送付しか認められなかった。

At the visitation mediation it was determined that letters and photos would be sent to her once every two months and that presents could be sent to their children for birthdays and Christmas.

## f) Plaintiff F

(6) 平成26年8月4日, 原告Fと妻は, 些細なことで口論となり, 妻が長女を車に乗せて連れ去ろうとした。

On the 4th of August in 2014 , Plaintiff F and his wife had an argument over trivial things and she attempted to abduct their daughter in the car.

原告Fと妻は, 長女を取り合ってもみ合いとなり, 妻が警察に通報し, 原告Fは逮捕, 勾留された。

They had a physical tussle over their daughter, after which his wife reported him to the police and he was arrested and detained.

原告Fの勾留中, 妻は, 原告Fの承諾を得ることなく, 長女(当時7か月)を妻の実家に連れて行き, 原告Fから連れ去った(引き離した)。

Whilst Plaintiff F was detained, his wife abducted their daughter (7 months old at the time) to her parent's house.

原告Fは, 離婚訴訟で, 妻が虚偽の主張を繰り返して原告FをDV加害者に仕立て上げたと言張して争い, 裁判官もDVは認められないとの判断を示した。

At the divorce court case his wife repeatedly made false domestic violence claims against Plaintiff F, however the judge did not accept these claims.

しかし, 2度の裁判官の交替があり, 3人目の裁判官は, 原告Fの妻を親権者と定めた。

The judge was changed twice, and the third judge granted Plaintiff's wife custody of their daughter.

原告Fは, 長女を連れ去られて(引き離されて)から長女に2年2か月もの長期間, 試行的な会交流を除いて会うことができず, 親子関係を断絶された。

Two years and two months after Plaintiff F's daughter was abducted they were only able to meet for a trial visitation, the parent-child bond was severed.

この苦痛は耐え難いものであった。

The pain of this was intolerable.

その後3年以上もの間、原告Fは、月1回、2時間、年間でわずか24時間の面会 交流の時間しか長女に会うことができない。

Since then, for the last three years, Plaintiff F has only been able to see his daughter for two hours, once a month, for a total of 24 hours per year.

### **g) Plaintiff G**

(7) 不貞行為をしていた原告Gの妻は、平成29年9月29日、原告Gが出勤で自宅を不在中に、妻の母親と計画的に長男(当時3歳8か月)を、原告Gの承諾を得ることなく宮城の妻の実家に連れて行き、兵庫の自宅に戻さず、原告Gから連れ去った(引き離した)。

On the 29th of September in 2017, Plaintiff G's wife who had been having an affair, and her mother, took Plaintiff G's son (3 years and 8 months old at the time) to the wife's parents house in Miyagi Prefecture whilst he was at work. They didn't return to their home in Hyogo, thereby abducting him without Plaintiff G's permission.

原告Gの妻は、長男を奪われるという理由で面会交流を拒んだ。  
Plaintiff G's wife refused to allow him any visitation with their son.

審判では、長男の監護者は原告Gの妻と指定された。  
At the court case, custody of their son was awarded to Plaintiff G's wife.

面会交流調停の申立後、原告Gは、平成30年2月以降は、月1回2時間、指定された場所において、妻又は第三者の監視付きの条件で、ようやく長男と会えるようになった。  
In visitation mediation, Plaintiff G was awarded 2 hours of supervised visitation per month, so from February 2018 he was able to meet their son.

審判では、月1回、7時間の監視付き面会交流しか認められなかった。  
At the court case, it was awarded that he could have a supervised visitation once a month for 7 hours.

原告Gは、面会交流のための交通費と婚姻費用の負担とで財政的に追い詰められている。  
Plaintiff G is financially constrained by the transportation and other costs associated with the marriage.

### **h) Plaintiff H**

(8) 平成28年3月10日、原告Hは妻の不貞行為と家庭の軽視を問いただそうとした際に妻の腕を強く掴んだ。

On the 10th of March 2016, Plaintiff H grabbed his wife's arm when asking her about her infidelity and neglect of her family responsibilities.

これが理由で、原告Hは、警察署で事情聴取を受けた。

As a result of this, Plaintiff H was questioned at the Police Station.

この間に、原告Hの妻は、2人の子(当時、長男は8歳11か月、長女は4歳3か月。)を、原告Hの承諾を得ることなく、いずこかへ連れ去った(引き離した)。

While this was taking place, Plaintiff H's wife took their two children (a son, 8 years and 11 months and a daughter 4 years and 3 months old at the time) without his permission to an unknown location.

平成28年12月の離婚調停において原告Hが妻の不貞行為を追及すると、妻はその後1年以上、面会交流を拒んだ。

In December 2016 in the divorce mediation when he pursued the topic of his wife's infidelity, she refused visitation for over a year.

面会交流の審判では、月2回各6時間及び長期休暇に二泊三日程度の宿泊交流が認められた。

At the court hearing it was decided that he could meet their children twice a month as well as for two nights and three days over long vacations.

面会交流を続けるうちに、原告Hの妻が長男に対し頻繁に肉体的・精神的暴力を加えていることが発覚した。

During these visitation times Plaintiff H realised that his wife often emotionally abused and used physical violence against their son.

長男は母が怖いので父に保護してほしいと小学校の担任に要望したが、学校側はそれを黙殺して児童相談所に連絡し、その結果、原告Hの2人の子は、児童相談所に一時保護された。

The son told his elementary school teacher that his mother was scary and that he wanted his father to take care of him, but the school didn't inform Plaintiff H directly, and instead contacted the Child Welfare Centre. As a result, Plaintiff H's children were temporarily placed in child protective custody.

令和元年6月、一時保護が解除され、原告Hの妻のもとに2人の子が戻された。

In June of 2019 the protective custody ended and the children were returned to Plaintiff H's

wife.

同年8月23日,原告Hの2人の子は,原告Hによる保護を希望して母親のもとを去り,原告Hの監護下に入った。

On August 23rd 2019, the children wished to live with Plaintiff H and ceased living with their mother and returned to their father.

原告Hの妻が申し立てた子の監護者指定の審判が今も係属している。

A court case for custody was started by Plaintiff H's wife and the final judgement is still pending.

## **i) Plaintiff I**

**(9)** 原告 I と妻は, 妻の妊娠期間中に家事や家計のやり取りが原因で, 夫婦不和となった。

Plaintiff I fell out with his wife during her pregnancy due to disagreement over their family budget and housework.

原告 I の妻は, 平成 28 年 1 1 月 2 7 日, 原告 I が当直勤務で自宅を不在中に, 原告 I の承諾を得ずに, 長女 (当時生後 2 か月) を連れ去り (引き離し), 長女の居所を原告 I に教えなかった。

His wife abducted their daughter (2 months old at the time) on September 27th, 2018 whilst he was at work, and his wife did not inform him where they had gone.

離婚訴訟の第 1 審では, 原告 I の妻が親権者とされたため, 原告 I は, 控訴した。

At the first divorce court case, custody of their daughter was awarded to Plaintiff I's wife.

面会交流審判では, 月 1 回の長女の写真の送信, 毎年 3 回の数十秒程度の動画の送信しか認められなかった。

At the visitation court case, it was determined a photo would be sent to him once every month and ten of seconds worth of video footage would be sent to him three times every year.

抗告審では, 長女が 4 歳になってから, 2 か月に 1 回, 2 時間以内, 第三者機関の援助を受けるとの条件でしか直接の面会交流が認められなかった。

In the visitation court case appeal, Plaintiff I was awarded 2 hours of supervised visitation

per two month but after she will be 4 years old.

原告 I の妻が長女を連れ去って（引き離して）から現在までの約 3 年間、原告 I は長女と一度も会えていない。

Plaintiff I has not met their daughter for three years since she was abducted by his wife.

原告 I の妻は、家庭裁判所内での試行的面会交流さえも拒否し、原告 I が長女を目にすることができたのは、たったの一度、平成 30 年 11 月 26 日にマジックミラー越しに 5 分間だけであった。

His wife refused a trial visitation. As a result, Plaintiff's I saw their daughter through a magic mirror for 5 minutes only once on November 26th, 2018.

## **j) Plaintiff J**

**(10)** 長女が出生後、原告 J と妻はともに体調が悪化し、些細なことで陰悪な雰囲気になった。

After Plaintiff J's wife gave birth, Plaintiff J and his wife both became unwell. As a result, Plaintiff's I fell out with his wife over trivial issues.

原告 J の妻は、療養のため長女（当時生後 2 か月）を連れて実家に帰省し、自宅に戻ら、長女を連れ去った（引き離した）。

His wife went to her family home with their daughter (2 months old at the time) and never returned to their home, thereby abducting her.

原告 J は、長女に会いたいと何度も妻に懇願したが、妻はこれを無視し、原告 J に離婚を求めた。

Plaintiff J asked to meet with their daughter many times, however, his wife ignored it, then requested Plaintiff J for a divorce.

それから 1 年 10 か月が経過したが、原告 J は、一度も長女と会うことができていない。After that even though one year and ten months had passed, Plaintiff J was unable to meet their daughter.

面会交流調停でも、原告 J の妻は面会交流を拒否しつづけ、長女の写真を 6 回しか送っていない。

At the visitation court case, his wife refused visitation. Plaintiff J has only received six photos of their daughter so far.

原告 J は、写真でしか、長女の顔を見ることができず、長女の成長を確認できない。Plaintiff's J can see only pictures of their daughter's face and is unable to confirm her growth.

### **k) Plaintiff K**

**(11)** グアテマラ共和国国籍の原告 K の妻は、同じ国籍の男性と不貞行為をした。Plaintiff K's wife is a Guatemalan national, and she had an affair with a Guatemalan man.

平成 28 年 5 月、妻は、原告 K の承諾を得ずに、長女をいずこかへ連れ去った（引き離した）。  
In May of 2016, she abducted their daughter without Plaintiff K's permission to an unknown location.

原告 K の妻は、原告 K から暴力・脅迫を受けたという虚偽の理由で、接近禁止等の保護命令を申し立てたが、広島高等裁判所は、暴力・脅迫の事実は認められないと認定し、申立てを却下した。  
Plaintiff K's wife made false domestic violence claims against Plaintiff K and requested a protection order including a restraining order. However the judge of the Hiroshima high court determined that they did not accept these claims and they were thrown out.

しかし、審判では長女の監護者は妻と指定された。  
However, custody of their daughter was awarded to Plaintiff K's wife.

連れ去り（引き離し）から約 1 年半後、試行的面会交流が実施されたが、長女が泣き出してしまい、約 10 分で中断された。  
One and half years after the abduction, a trial visitation was carried out, however, their daughter started crying during it. As a result, the trial visitation was suspended.

これ以降、面会交流は一度も実施されていない。  
Since then, no visitation has taken place.

面会交流の審判では、手紙等のやり取りさえも認められなかった。  
In the visitation court case, sending letters to their daughter was not granted.

原告Kは、約3年9か月もの長期間、父子関係を完全に遮断されている。  
The parent-child bond was completely severed for three and nine months.

## **l) Plaintiff L**

(12) 原告Lの妻は、婚姻当初から、夫婦間の問題を実家によく相談していた。  
Plaintiff L's wife often consulted with her family about their marital problems.

夫婦の問題は夫婦で解決したいと原告Lは両親との話し合いを断った。  
Plaintiff L felt that they should solve their problems by themselves so he declined to discuss them with her parents.

その日、原告Lが仕事に戻り、自宅を留守中に、妻と妻の両親は、原告Lの承諾を得ず、長男（当時2歳9か月）を妻の実家に連れて行き、原告Lから連れ去った（引き離した）。

That day when he returned home from work, Plaintiff L found that his wife and her parents had abducted their son (2 years and 9 months old at the time) to her parents in law's home.

原告Lが申し立てた子の監護者指定の審判などの第1回期日において、裁判官は他の裁判所の運用を説明し、先に面会交流することを提案した。

Plaintiff L filed court cases including those for custody. On the first court date the judge explained the procedures of the court and said that they must first try visitation.

原告Lは、申立てをすべて取り下げ、面会交流調停を申立てた。

Plaintiff L had to withdraw all of the complaints and filed an application for visitation mediation.

原告Lの妻は、離婚するまで面会交流させないと主張し、面会交流を拒絶した。

Plaintiff L's wife stated that she rejected visitation until the divorce was completed.

原告Lは、長男を連れ去られて（引き離されて）から試行的面会交流までの約11か月、長男に一度も会うことができなかった。

Since the day their son was abducted, until the trial visitation 11 months later, Plaintiff L was unable to meet their son even once.

## **m) Plaintiff M**

(13) 原告Mの妻は、原告M名義の銀行口座から無断で預金を引き出し、妻の婚姻前からの借金を返済した。

Plaintiff M's wife stole money from Plaintiff M's personal bank account without permission, and repaid her debts from before the marriage with his money.

妻による過去2年間の使途不明金は250万円だった。

The wife's unaccounted for expenditure for the two years was 2.5 million yen.

同年10月27日、原告Mが出勤で自宅を留守中に、妻は、原告Mの承諾を得ることなく、2人の子（当時、養子は7歳10か月、長女は3歳。）をいずこかへ連れ去った（引き離した）。

In the same year, on October the 27th, Plaintiff M's wife took their two children (a child they had adopted who was 7 years and 10 months old and a daughter who was 3 years at the time) without his permission whilst he was at work and took them to an unknown location.

後に、妻が二人の子とともに、原告Mの会社の男性とその男性宅で同居していることが判明した。

After that, it was discovered that Plaintiff M's wife and their two children were living with one of his colleagues.

審判では原告Mの妻が長女の監護者と指定された。

In the court case, Plaintiff M's wife was awarded custody.

原告Mは、母親監視のもと決められた場所で月1回2時間しか面会交流できない。

Plaintiff M is only able to meet their children for 2 hours once a month.

## n) Plaintiff N

(14) 原告Nは○○国籍で、Nの夫は日本籍である。

Plaintiff N has Australian nationality and her husband is Japanese.

平成27年頃から、原告Nの夫は、深夜や明け方の帰宅、出張が多くなり、喫煙を始めるなど、様子が一変した。

From about 2015 her husband was often out late at night. He had many business trips, started smoking and his attitude changed dramatically.

原告Nの夫は、平成29年10月、性格の不一致を理由に離婚したいと告げた。

Plaintiff N's husband said he wanted a divorce in October 2017, saying that they didn't suit each other.

原告Nと夫は、2人の子の親権者を原告Nとすること等で合意し、平成30年2月、原告Nの夫は、一人で家を出て、別居を始めた。

Plaintiff N's husband made an agreement, said that he would give custody of their children to her and in February 2018 he left the house and began living alone.

2か月後、原告Nの夫は、突如自宅に戻ってきた。

Two months later, Plaintiff N's husband suddenly returned home.

夫は、親権者を原告Nとすることは認めないと言い出し、原告Nが2人の子どもと接触する時間を作らせなかった。

Plaintiff N's husband said that he would not give custody of their children to her and didn't allow her to spend time alone with them.

原告Nの夫は、自宅に戻ってから約1年後、原告Nが仕事で自宅を留守中に原告Nの承諾を得ることなく、2人の子（当時、長女は14歳6か月、長男は9歳11か月。）を連れ去った（引き離した）。

One year after Plaintiff N's husband had returned to the home, he abducted their two children (a daughter who was 14 years and six months old and a son who was 9 years and 11 months old at the time).

これを原告Nは、夫の代理人弁護士から知らされた。

Plaintiff N was informed of this by her husband's lawyer.

原告Nの夫は、2人の子と原告Nとの面会を一切認めない。

Plaintiff N's husband hasn't allowed her to see their children.

原告Nの夫が原告Nを悪く言うなど片親阻害を続けたため、原告Nは2人の子と一切連絡を取ることもできない。

As Plaintiff N's husband has said many complaints about her to the children and his parental alienating behaviours have continued, she is unable to have any contact with them.

原告Nは、2人の子の誕生日やクリスマスにプレゼントを贈ることもできない。

Plaintiff N is even unable to officially send birthday and Christmas presents to the children.