

Welcome. [Register Now!](#) or log in here:

Username

[LOG IN](#)

[Forgot Password?](#)

- [News](#)
- [Classifieds](#)
- [Friends](#)
- [Forum](#)
- [Jobs](#)

## [JapanToday: Japan News and Discussion](#)

[ジャパントウデイ: 日本のニュースを英語で読む](#)

Japan News and Discussion



**Fontana**  
Apartments&Guesthouses  
www.tokyocityapartments.net

**Easy!fast!cheap!**

✓NO AGENCY FEE   ✓NO KEY MONEY   ✓FULLY FURNISHED

- [Home](#)
- [Recent](#)
- [Popular](#)
- [Features](#)
- [National](#)
- [Crime](#)
- [Entertainment](#)
- [Politics](#)
- [Business](#)
- [Technology](#)
- [Sports](#)
- [World](#)
- [Travel](#)

[« Back To Commentary Top](#)

print

only article  
article and comments

# Japan inches toward signing Hague treaty on child abductions

Two weeks ago, the Japanese government made a notable announcement that may make Japan more compatible with the legal conventions used internationally, and will be of particular benefit to non-Japanese spouses of Japanese. The announcement was that by 2010, Japan would sign the the 1980 Hague Convention on Civil Aspects of International Child Abduction, an international legal construct that attempts to deal with the thorny issue of court jurisdiction when children of international marriages are moved cross-border, often by a parent trying to thwart a court ruling in the previous jurisdiction.

Currently, Japan is known as a haven for disaffected Japanese spouses who, in getting divorced, abscond with their kids back to Japan. Once in Japan, they can dare their foreign spouses to try getting the kids back—something that despite around 13,000 international divorces a year in Japan and more overseas, has NEVER happened.

The reason for this astounding statistic, that of zero repatriations of abducted children from international marriages after the kids have been abducted to Japan, is entirely to do with the attitudes of the Japanese judiciary and their wish to maintain 19th century customs in the face of international pressure. Japan has ratified many parts of the Hague Convention treaties over the years, but in terms of repatriation of kids, they have been claiming for 20 years now to be “studying” the issue. That’s Japan-speak for “we’re not interested in making any changes.”

My guess is that the recent announcement occurred after pressure from the U.S. and Canada, in particular. Things started to come to a head about five years ago, when fed up by repeating occurrences of child abductions from both of those countries, and despite court decisions there for custody to go to the local parent, the consular staff of a number of these foreign embassies started holding annual summits to discuss the problem. These discussions escalated to pressure on foreign governmental agencies and politicians in some of Japan’s biggest trading partners—and finally someone spoke to the Japanese government at a sufficiently high enough level to get their attention.

The subject became especially sensitive when the Japanese were at the peak of their indignation over the North Korean abductions of Japanese citizens several years ago, and were seeking international support. All the while, Japanese law allowed similar types of abductions here.

In case you’re not up on the state of play, there were 44,000 international marriages registered in Japan in 2006, and probably a good percentage of that number again of Japanese marrying overseas but not bothering to register back in Japan. The divorce rate within Japan is about 30%, and for Japanese living overseas (take the U.S. as an example), it is typical of the local population, so more like 50%-60%. Thus there are a lot of international separations—many of which are not amicable.

But it’s when the kids are involved that things start getting really nasty. Usually in the case of a divorced international couple going to court overseas and after custody is awarded, if one of the parents fears a possible abduction situation, the couple can be placed under a restraining order not to travel without the other spouse’s consent. The U.S., Canada, Australia, and UK all do this. The kids’ passports will often be withheld as well. Unfortunately, there have been a number of cases where the Japanese spouse then “loses” the kids’ Japanese passports and applies to the local consulate for replacements—only to hop a flight back to Tokyo a few hours later, with the kids in tow.

Once in Japan, the jurisdiction suddenly falls to the Japanese courts, even if there is a foreign arrest warrant out for the absconding partner, and in several cases, even if there is an Interpol arrest warrant out. In Japan, there is no concept of joint custody, and the partner allowed to keep the kids is the one that has held them for the previous few months.

The courts’ opinion here is that kids need a stable environment, and the act of being the only guardian for a period of time, even if that guardian was in hiding, qualifies for this—unless the kids are under 5 years old, in which case they will typically be returned to the mother (if the father is the abscondee), or to the father if the mother has deceased. But not always. There are cases where the Japanese mother has died and the Japanese grandparents have kept the kids, instead of returning them to the foreign father. You can read more about this sad

state of affairs at <http://www.crnjapan.com/en/>.

You won't believe that this kind of thing is still going on in a first-world country like Japan in the 21st century.

The Japanese court attitude thereby encourages Japanese spouses wanting to hang on to their kids to hightail it back to Japan and lie low for six months. Currently, there has been no case, even after the Japanese Supreme Court has awarded rightful custody to the foreign parent, where that aggrieved foreign parent has been able to go get their kids back. The reason is quite simply that Japan doesn't have a mechanism for properly enforcing civil suit judgments, and typically a breach of an order in a civil suit does not result in the offender being subject to a subsequent criminal suit.

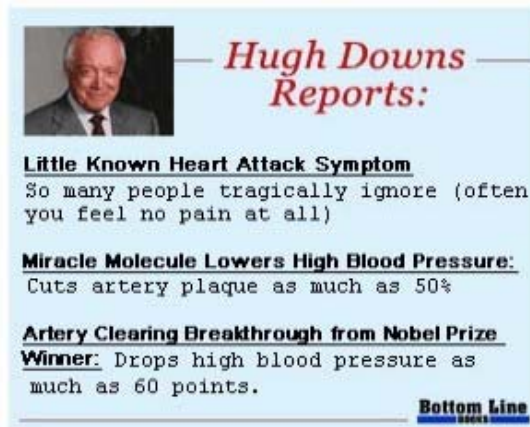
Thus, the Hague Convention on child abduction provides a mechanism whereby if children are illegally removed from their country of habitual residence, they must be returned, and the jurisdiction for subsequent court decisions is taken out of the hands of the Japanese courts. This is the first step in making international court rulings involving kids, stick.

I believe that this is going to be a long and slow process, but once the treaty is signed and the first few cases start to be heard, either the kids involved will be returned or the parent trying to hang on to them will create an international brouhaha that will highlight to the world the lack of protection of rights for international parents here in Japan. Who knows, maybe this will start another process—that of allowing foreigners actually residing within Japan to also regain the simple right of access to their children after a divorce.

But in reality, I think this level of change will take several more generations and a lot more foreigners living in Japan to achieve.

*Terrie Lloyd writes a weekly newsletter for entrepreneurs and business people about business and political opportunities in Japan. You can find the newsletter at [www.japaninc.com](http://www.japaninc.com). For further contact with Terrie, email him at [terrie.lloyd@japaninc.com](mailto:terrie.lloyd@japaninc.com).*

[ShareThis](#)



**Hugh Downs Reports:**

**Little Known Heart Attack Symptom**  
So many people tragically ignore (often you feel no pain at all)

**Miracle Molecule Lowers High Blood Pressure:**  
Cuts artery plaque as much as 50%

**Artery Clearing Breakthrough from Nobel Prize Winner:** Drops high blood pressure as much as 60 points.

**Bottom Line**

[www.bottomlinesecrets.com](http://www.bottomlinesecrets.com)

Ads by Google

For 8 Years.  
DreamLifeDreamStyle.com

## Latest 15 of 25 Total Comments [Show All](#)



[weedkila](#) at 11:47 PM JST - 21st May

you cannot come here defending North K actions on account of Japanese parental abduction.

Who is defending North K. actions? Certainly not me nor the writer of this article, I'd imagine. Go back and read what I've written.

Unfortunately you did not understand the premise of the argument. Japan has been sanctioning the illegal actions of it's citizens by turning a blind eye for at least 20 years. And because the state of Japan has been sanctioning these abductions it has a strong similarity to what NK did. The point is that they are BOTH wrong and both are criminal acts whether or not one type of abduction happens to be worse than the other.

Contrary to what you say in your 'donkey's reasoning' the author has a valid point when he says " Japanese law allowed *similar types* of abductions here."



[weedkila](#) at 11:57 PM JST - 21st May

Correction:

by turning a blind eye for at least 20 years

That should have been '... by actively intervening in many cases to ensure abducted children were not repatriated'



[Peeping Tom](#) at 12:15 AM JST - 22nd May

"Who is defending North K. actions? Certainly not me nor the writer of this article"

You didn't say in so many words, but it can be inferred from your stance and line of argument; Japanese don't have cause to complain about NK because they condone parental abduction! Plain and simple, that's exactly what yours and the author's argument is trying to tell us. Because after all there's not difference between NK's abductions and Japain aiding their citizens who 'kidnap' their own kids, isn't it?

And contrary to what you believe, I do understand the premises of the argument; you didn't as it appears. There's no similarity whatsoever between what NK did and what Japain is doing, no matter how you try to twist it. They're both wrongdoings, but some wrongdoings are worse than others. One thing is for you to kill the Peeping; quite another is for you to intentionally kill your own dad. Both are murders, but your father's called patricide and carry a stiffer penalty FYI.



[borscht](#) at 12:33 AM JST - 22nd May

Peeping Tom and Weedkila,

Kidnapping is the forceful taking of an individual (whether that individual is related to the kidnapper is irrelevant). North Korea kidnapped Megumi and others. Japanese citizens have kidnapped children. Which is worse Legally? In Japan, Megumi's kidnapping is far worse. In Japan's legal system, there's nothing wrong with kidnapping children.

Foreign nationals who have divorced Japanese nationals and who have had their children stolen from them would disagree. If I lost my children to a divorce, I'd be very upset. As upset as the Yokota's have been about the loss of their daughter.



[weedkila](#) at 01:34 AM JST - 22nd May

borscht:

In Japan's legal system, there's nothing wrong with kidnapping children.

Well, sort of. It's very arbitrary. The Japanese Govt. hardly lifted a finger in Megumi's case for years. They only decided to do something about it when it became politically expedient for them to do so - it took almost 20 yrs I think.

If a J-J couple divorces and the left-behind parent tries to take his/her kid back then the police will usually act. Between a Japanese and non-J parent it would probably depend on who is doing the kidnapping, although it's almost a moot point because no foreigner gets custody unless his/her Japanese spouse decides so, at least within Japan. Whether the courts/police act would also depend on the time the child has been with the abducting parent and other factors.

I am one of those foreign nationals who has had his child stolen and can tell you that the bigots at the J. family court go out of their way to make sure the child stays with the Japanese parent. If a foreign parent has evidence that the Japanese parent is not fit to raise children then they will ignore or trivialise it. "In the best welfare of the child" plays no part in a J. courtroom no matter how much they try to pretend otherwise.



[DeepAir65](#) at 09:11 AM JST - 22nd May

So they sign it - just means time wasted in court to hear the Japanese judge say the child stays with the Japanese parent. More heartache.

If the Japanese parent wants to live in Japan and the foreign parent not then I can not see a win situation for the children - it will just be a tug of war unless one parent is willing to make a huge sacrifice, for the good of the children and not the spouse.



[cleo](#) at 09:27 AM JST - 22nd May

What happens in other countries when an 'international' couple divorces and the parents want to live in separate countries?



[igotchu](#) at 09:46 AM JST - 22nd May

Peep this out Tom. the north Korean Govt. physically participated in the kidnapping of Japanese citizens, by (1)abducting, (2)SHELTERING, and (3) FAILING TO DISCLOSE THEIR PHYSICAL LOCATION OR WHEREABOUTS. Participating in any of the three is committing a crime, and that crime is KIDNAPPING.

The Japanese Government is guilty of (2) SHELTERING, and (3) FAILING TO DISCLOSE THE PHYSICAL LOCATION OR WHEREABOUTS of children who have been abducted from overseas, and children who have been abducted right here in Japan. The comparison to N.K. is valid, and I believe worst than North Korea because Japan will never admit to such an act.

You can argue there are different types of wrongs, but Japan does nothing to make it right. If you don't like the factual, well documented, and true life stories that reveal the similarities between the North Korean Government and the Japanese Government on the Abduction issue tell your Government to stop (2) and (3), and enforce parental rights.



[weedkila](#) at 02:58 PM JST - 22nd May

DeepAir:

If the Japanese parent wants to live in Japan and the foreign parent not then I can not see a win situation for the children - it will just be a tug of war unless one parent is willing to make a huge sacrifice, for the good of the children and not the spouse.

Sadly, even if you make huge sacrifices some people still can't compromise, even for the sake of their own children. One of the problems with the J. system is that the parent who has physical custody (before divorcing) gains the upper hand because the courts tend to favour the status quo. I've heard of cases where a child has been abducted by a mother, for example, but then lose when her husband abducts the child back. The husband establishes this new status quo and then has a strong chance of gaining legal custody if the court sees that the child is settled (or seems settled.) Often it doesn't matter that the abducting parent is often ill-suited to child raising.

Obviously there are special cases (ie; domestic violence) but parental child abduction and subsequent sheltering is generally regarded to be abuse. So you can see that because of the laws (or lack of them), the J. govt actually encourages abduction, lying and malicious fighting between couples. Then of course there is the problem of non-enforceable visitation and the manner in which they do 'mediation' here. The whole thing is ridiculous and any love for the children is often artificial.

Igotchu:

Thanks for the support.



[igotchu](#) at 07:46 PM JST - 22nd May

OThis one that many of you may not like, but the Japanese Government has to be careful to not create a huge welfare state where women with children who claim Domestic Violence are solely depended on the

government. I strongly believe that abused women should be protected and given shelter with their children, but the problem here is that some of the women and their lawyers are abusing the system to abduct their children. The courts can see this but they look the other way, and when foreigners are involved they close eyes, ears, and buttoles. Instead of the government trying to find the real reason to these divorces and preventing these abductions they are in fact making matters worst. Furthermore, they are making themselves liable to kidnapping charges. This is just one of the ways the Japanese Government is sheltering parental abductors.



[illsayit](#) at 07:34 AM JST - 23rd May

Japan should stick to it's belief that the children are the welfare of the Father.

That would give parents something to think about before jumping to divorce. More Koizumi type men would be nice, too many women have balls these days.

The Nth Korean kidnapping is totally irrelevant to this.



[CMEANDU26](#) at 10:56 AM JST - 23rd May

Peeping Tom and Weedkila: I have lost my child when my ex-wife took my daughter. I came back to Japan to get her and I was told that I don't have any right to see her or take her back to the states. Then I was told if I bother them or try to see my daughter I will see the inside of the prison cell. So I can care less what the North Koreans did. Having your child taken from you then asking help and being told that I have no rights is the same as killing my child and me at the same time. SO IT IS THE SAME.



[nigelboy](#) at 10:59 AM JST - 23rd May

I came back to Japan to get her and I was told that I don't have any right to see her or take her back to the states. Then I was told if I bother them or try to see my daughter I will see the inside of the prison cell.

Told by whom?



[weedkila](#) at 02:12 PM JST - 23rd May

Having your child taken from you then asking help and being told that I have no rights is the same as killing my child and me at the same time.

Sorry to hear about your situation and I can understand completely.

I know of at least one case where a Dutch father was arrested at Kansai Airport on a charge that was akin to child trafficking as he was trying to leave the country with his daughter. He was still married but estranged from his wife. The same "crime" does not apply to Japanese nationals. It's the opposite, in fact.

<http://www.crnjapan.com/articles/pre2003/en/20001213-jt-parentsdriventokidnap.html>

So I can care less what the North Koreans did.

You should not think that way. The families of the victims are in the same position as us.



[You dont know](#) at 06:30 PM JST - 27th May

This is a step in the right direction and hopefully, parents can be reunited with their kids after many years! Unfortunately, the abductors will never see the inside of a court room never mind a cell.

But, I did say several years ago (under another user ID), that the Japanese should shut up about North Korea abducting Japanese, until they sorted out their own problems with Japanese abducting kids from foreign countries first!



[Register](#) or login to add a comment!

## Invest in yourself

Search Japan *Today*

[TokyoApartment.com](#) Find your New Tokyo Apartment today [U.S. Tax Form Preparation and Planning](#)  
[Don't delay - act now and SAVE Solid Japan - Business setup and support](#) Back office, IT, HR, and office space, and more. [Sakura House monthly rooms](#) Over 1700 Tokyo apartments and guesthouses

### Feature Archive

[December 08- Latest Bar & Dining Spots in Tokyo](#)

[September 08- Business Schools](#)

[August 08- Serviced Apartment](#)

### Recently Popular Posts

- [\*\*Great final shows WBC has potential\*\*](#)

[Commentary](#) > 03:00 AM JST - 25th March

[19 Comments](#)

- [\*\*Local planning laws defy understanding\*\*](#)

[Commentary](#) > 05:31 AM JST - 21st March

[13 Comments](#)

- [\*\*Taxpayer fleecing must be stopped\*\*](#)

[Commentary](#) > 07:57 AM JST - 20th March

[10 Comments](#)

- [\*\*My plan for bad bank assets\*\*](#)

[Commentary](#) > 05:54 AM JST - 24th March

[6 Comments](#)

- [\*\*Sales staff need to be in constant state of readiness\*\*](#)

[Commentary](#) > 06:00 AM JST - 23rd March

[1 Comments](#)

- [View All »](#)

[Anaheim University Online MBA & TESOL Certificate/MA TESOL program](#)[VIEW OUR CAMPAIGN OFFERS!](#) [Tokyo Apartments | Short & Long Stay | Wide variety TOKYU STAY AOYAMA RESIDENCE](#) [Furnished apartments with status and elegance](#)[BUREAU & B-SITE serviced apartments](#) [17 locations in Tokyo & Yokohama, over 1300 apts. Semita: Hands-on solutions for all business needs](#) [Regain control of your projects with Project Rescue.](#)

|  |                                  |   |
|--|----------------------------------|---|
|  <b>JAPANTODAY</b><br>NEWSLETTER - The Latest Japan News<br>Delivered straight to your email inbox! | Signup<br>now for<br><b>FREE</b> |  <b>METROPOLIS</b><br>Japan's No.1 English Magazine<br>METROPOLIS.CO.JP |
|   |                                  |   |
| VISIT JAPANTODAY<br>ON YOUR<br>MOBILE PHONE<br><a href="http://japantoday.com/mobile">japantoday.com/mobile</a>  |                                  |   |

Prevention through education first.  
Effective organized recovery second  
[www.ChildShieldUSA.com/Indy](http://www.ChildShieldUSA.com/Indy)

### [Prevent Amber Alerts](#)

Prevent future Amber Alerts, locate child  
sex offenders in your area.  
[www.RegisteredOffendersList.Org](http://www.RegisteredOffendersList.Org)



## • Features

- [Chinese movies on Japan's wartime atrocities clear censors](#)
- [Seniors bowl for a healthier life](#)
- [Japanese teach Parisiens about street tidiness](#) (7)
- [Prince Hotels to end year-round operation of Niigata ski resort hotel](#) (2)
- [Digital paper viewer](#) (1)

## • National

- [Stationmaster cat Tama presented with own train before 2,500 fans](#) (10)
- [North Korea places Taepodong-2 missile on launch pad](#) (14)
- [Court rescinds Hiroshima decision on A-bomb victims](#)
- [Astronaut candidate Onishi makes his last commercial flight](#)
- [JAC plane makes emergency landing in Kagoshima due to engine trouble](#)

## • Crime

- [Fukuoka man gets life term for killing ex-girlfriend](#) (4)
- [Life term revoked; death penalty given to man over murder-robbery](#) (6)
- [Ex-head of apparel maker arrested for false labeling](#) (3)
- [Hawker's family hopes Japan will eliminate statute of limitations](#) (11)
- [Life sentence for woman upheld over murder of daughter, boy](#) (22)

## • Entertainment

- [Norika Fujiwara returns to Japan, ready to move on](#) (6)
- [Former Morning Musume leader 'Mikitty' to wed comedian Tomoharu Shoji in July](#) (8)
- [Jinnai confesses he cheated on Fujiwara](#) (72)
- [Nozomi Sasaki dances for her gum](#) (17)
- [Maki Goto and TOHOSHINKI walk the walk for Japan Fashion Week](#) (5)

## • Politics

- [Ozawa comes under fire for deciding to stay on as DPJ leader](#) (14)
- [Tottori assembly scraps disputed human rights ordinance](#)
- [LDP calls for public body to bail out troubled firms](#)
- [Ozawa backed by most local chapters of DPJ: Kyodo survey](#) (1)
- [Japan, Ukraine agree to cooperate on climate change](#)

## • Business

- [Japan's jobless benefit conditions worst among industrial nations: ILO](#) (8)
- [Honda shows cost-cutting hybrid Insight plant](#)
- [Japan may adopt so-called 'fair use' in secondary use of copyrighted work](#) (1)
- [Morgan Stanley, MUFG to merge Japan units: Nikkei](#) (1)
- [High court says JNR was unfair to anti-privatization union members](#)

## • Technology

- [Commercialization of nurse robots seen in 5 years](#) (7)
- [Mazda begins leasing hydrogen-gas hybrid also fueled by electricity](#) (1)
- [Sapporo, Petrobras plan hydrogen production with leftover food](#) (3)
- [Monex, Rakuten Securities disciplined over lax online trading systems](#)
- [Honda, GS Yuasa to form automotive lithium-ion battery maker](#) (1)

## • Sports

- ['Samurai Japan' return to heroes' welcome after WBC triumph](#) (21)
- [Tokyo Olympic gymnast gold medalist Endo dies at 72](#) (1)
- [Sato strike break Reds jinx in Nabisco Cup opener](#) (1)
- [Asashoryu rebounds, Hakuho still 1 win clear at spring sumo](#) (1)
- [Empire State Building lit up in Japanese flag colors after WBC victory](#) (15)

## • World

- [Unified Democrats mirror Obama budget priorities](#) (5)
- [Anger mounts in Europe over job cuts, exec bonuses](#) (1)
- [U.S. questions growing Chinese military power](#) (5)
- [Clinton says U.S. shares blame for Mexican drug wars](#) (3)
- [Sudan's Beshir defies war crimes warrant in Egypt](#)

- [総合案内/About](#)
- [編集部/Contact](#)
- [広告掲載/Advertising](#)
- [リンク/Link](#)
- [Privacy](#)
- [Terms](#)
- [Moderation Policy](#)
- [Sitemap](#)

© 2009 [GPlusMedia](#)