

About Japan NGO Coalition for the Rights of the Child (JNCRC)

Japan NGO Coalition for the Rights of the Child (JNCRC) is a coalition of Japanese civil groups and individuals involved in the rights of the child, the improvement of the child welfare system and the family values.

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I . Protection of Japanese Children Living Overseas

1. Relevant Articles of Convention on the Rights of Child, recommendations of the concluding observations (CRC/C/JPN/CO/3) and statements of the Government Report (CRC/C/JPN/4-5)

- Preamble and Article 29-1 of CRC
- Paragraphs 14, 16, 20, 22, 49 (c), 61, 71, and 87 of the concluding observations (CRC/C/JPN/CO/3)
- Paragraphs 11, 74, 120 and 124 of the Government Report (CRC/C/JPN/4-5)

2. Main Point

The Japanese Government has failed to take adequate protective measures for Japanese children living overseas against bullying and violation of human rights. Consequently, various problems have occurred concerning Japanese citizens overseas. Japanese children living abroad should be protected as fully as Japanese children in Japan and children of other nationalities living in Japan. The Government should devise preventive and protective measures, implement them and, if necessary, legislate them, as soon as possible.

3. Background

Overseas publications, news, and information on the Internet are flooded by anti-Japanese information and political propaganda regarding Japanese history and politics, which are far from the truth. As a result, at some schools in the United States and Canada, textbooks and educational programs carrying completely false Japanese history are being used.

This is truly harmful to all the children who are due to receive factual information and education. Among Japanese children living abroad, there have been cases in which, reflecting recent historical and political issues, Japanese children are bullied because they are Japanese nationals. This is a physically and psychologically painful experience

to children, preventing them from developing sound bodies and sound minds.

In recent years, in the United States, Canada, Australia and Europe, anti-Japanese political movements have been active, led by civic groups using historical issues. One of these issues is of the so-called comfort women, which has now become a diplomatic matter. Regarding this issue, through mediation by the United States, a Japan-ROK Foreign Ministers' Meeting¹ was held in December 2015, and Japan and the Republic of Korea agreed: "The Government of Japan and Korea confirm that this issue is resolved finally and irreversibly," and "together with the Government of the ROK, the Government of Japan will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations." However, since this agreement, the Korean Government and Korean civic groups have not ceased condemning Japan. All over the world, Korean civic groups establish monuments condemning Japan, and hold anti-Japanese events and demonstrations.

Bullying among children has much to do with familial and social environments. Parents, grownups, and the government are greatly responsible for the behaviors of children.

It is important to fully understand the present circumstances and problems regarding human rights of Japanese citizens and their children living overseas. However, there have been no official statistics or research conducted by the Japanese Government. So, the following information, provided by the American civic group, Himawari Japan², the Australian civic group Australia-Japan Community Network³ and Japanese citizens living overseas, will explain the present circumstances and problems.

3-1. Problems emerging for Japanese citizens and their children living overseas

3-1-1. Cases in the United States

1) High school students in New Jersey are made to use the McGraw-Hill Textbook⁴,

¹ Japan-ROK Foreign Ministers' Meeting

https://www.mofa.go.jp/mofaj/a_o/na/kr/page4_0016667.htm

https://www.mofa.go.jp/a_o/na/kr/page4e_000365.html

² "Himawari Japan" <https://himawarijapan.org>

³ "Australia-Japan Community Network" <http://jcnsydney.blogspot.com/>

⁴ J.H. Bentley and Herbert F. Ziegler, Traditions & Encounters: A Global Perspective on

- which aims to give a “biased education.”
- 2) After studying the “history textbook”⁵ by McGraw-Hill in class, I, a Japanese, was called “terrorist” and “rapist” by my classmates and they even spat at me. I was so emotionally overwhelmed by the experience that I was unable to go to school, shutting myself up at home for some time.
 - 3) In the city of Fort Lee, New Jersey, a Japanese father and his 12-year-old son were walking in the parking lot toward a Korean supermarket, talking in Japanese about what to buy, when suddenly, a strange Korean man spat at them. Taken aback, the father hurriedly put his son back into the car and drove away.
 - 4) In California, a story, that “those who were abducted by Japanese soldiers to serve as comfort women/sex slaves were 12 to 13-year-old girls who had not yet menstruated and moreover as many as two hundred thousand comfort women were brutally murdered to prevent them from telling about their ordeal,” was spread at school by Korean students and their parents. Japanese children who do not know the “true history” are made to believe that such a hideous story is factual. My daughter is extremely ashamed of herself for being a Japanese and when she returned home to Japan from a university in California, she was vexed and furiously, exclaiming to me, her mother, “What awful cruelties Japanese soldiers committed against Koreans!”
 - 5) In a high school English class in New Jersey, a Japanese girl was bullied by five Korean boys who had just come to the States from Korea. The boys told her, in Japanese, to “return Takeshima Island”⁶.
 - 6) At the Radiology Center in New Jersey, I was waiting for my turn to have my chest X-rayed, when a female Korean receptionist said in a loud voice, “Japanese eat monkey brains. How horrible!”
 - 7) At a junior high school in the town of Eastchester, Westchester County, New York,

the Past, McGraw-Hill, 2011

Requesting Correction of Factual Errors in McGraw-Hill Textbook

<https://19historians.com/requesting-correction-of-factual-errors-in-mcgraw-hill-textbook/>

⁵ Ibid.

⁶ <https://www.mofa.go.jp/region/asia-paci/takeshima/index.html>

where many Japanese live, the 7th graders were shown a film titled *Unbroken*⁷, which is supposed to be anti-Japanese. Around November 2015, the teacher had emailed to Japanese parents: “Since the film may make Japanese children feel uneasy, you can ask us not to show the film to your children.” The film was shown after the school obtained permission from Japanese parents. It is difficult for Japanese parents to discuss such a sensitive matter in English and there was no objection raised from any Japanese parents about showing the film at school. All the 7th graders saw the film. After seeing the film, teachers asked the 7th graders what they thought about the film. All the Japanese students remained speechless. Although the film was shown after the school obtained parents’ permission, still, the film is filled with “extremely cruel scenes,” depicting the Japanese people as “the most evil and atrocious.” As a mother, I feel very sorry to think how heartbroken my child felt seeing such a film with other classmates, being at a very sensitive age.

- 8) After some Japanese voluntarily put “an advertisement against the establishment of comfort-women statues” in a free local Japanese-language newspaper, a dead bird was put on their car and emails threatening to beat them emerged.
- 9) A Japanese woman in her eighties living in New Jersey tells what happened at a Chinese-Japanese-Korean Union Church, which functions as a bridge between Japan and Korea. “There used to be many Japanese churchgoers, but after the issue of comfort women came up and statues of comfort women were built in many places, all the Japanese members got angry and many quit going to church. At present, the number of Japanese churchgoers has dwindled down to nearly half. The priest preaches in Japanese and his wife simultaneously translates it into Korean. At first, half of the followers were Japanese people and the remaining half were Koreans. But when I began going to church in October 2013, there were fifty members, nearly all of whom were Koreans. It is most unbearable to see the friendly community shared by Japanese and Koreans break up owing to such a political issue. We must definitely do something to solve the comfort-women issue that breaks the peaceful bond of people living together, giving rise to new conflict.”
- 10) During a class at a school in California, I was made to see a video of *Nanjing*

⁷ <https://unbrokenfilm.com/>

Massacre and felt disgusted. The video was so cruel that our usually-noisy class became quiet and everyone watched the video speechless. Being a Japanese, I felt unbearably painful, sensing my classmates' eyes on me.

- 11) An incident in New Jersey: After school, I was playing in front of my house, when a boy at a little distance shouted, "I hate Japanese."

3-1-2. Cases in Australia

- 1) During history class, my teacher often made harassing comments about whale catching. I am the only Japanese student in this class.
- 2) A Japanese student at University of New South Wales was racial harassed by Chinese and Korean classmates. The teacher did not allow her to speak about the issue of comfort women in class.
- 3) At a sushi restaurant run by a Korean, hot water was poured into a non-transparent glass and my child unknowingly drank from it. I asked a waiter for a glass of water, but my request was not attended to for some time.
- 4) In a play planned for the celebration of elementary school graduation, a Japanese boy was made to play a Japanese soldier, an enemy. He could not practice his part at home and was totally at a loss, fearing that if his parents find out about it, there would be much trouble. Japanese parents saw the play and they got so furious that they informed the AJCN (Australia-Japan Community Network)⁸ of the play. They demanded that the school apologize and the school verbally apologized.

3-2. The current measures taken by the Japanese Government and ensuing problems

3-2-1. Current measures by the Japanese Government

- 1) "The Act for Promoting Bullying Prevention Measures"⁹ was enacted in September 2013.

⁸ Australia-Japan Community Network <http://jcnsydney.blogspot.com/>

⁹ http://www.mext.go.jp/a_menu/shotou/seitoshidou/1337278.htm

- 2) “#110 (emergency call number) for the Right of the Child”¹⁰ and consultation services using telephone and emails provided by the Ministry of Justice
- 3) Public corporate foundation, Japan Overseas Educational Services¹¹ established a consultation desk for “Bullying against Japanese Children Overseas” in 2018.
- 4) Japanese Embassies and consulates deal with information and cases involving bullying, harassment, discrimination, violent language and others.
- 5) Beginning August 2018, one civic organization in the United States and one civic organization in Australia were consigned by Japanese consulates to function as consultation desks.

3-2-2. Problems

- 1) Neither parents nor children know that there are consultation desks.
- 2) If there are such desks available, consulates should make efforts to let the desks known to people, using local newspapers and bulletins. All they have done so far is to just to put a notice on their Homepage: “About contact and consultation regarding damages caused to Japanese citizens by historical issues.” This is hardly enough.
- 3) In general, consulates are not trustworthy and Japanese people do not go to their consulates for consultation. Especially in North America, consulates are not trusted and the reasons are: ① After someone filed a complaint or an opinion with the consulate, it is said the consulate demonstrated disagreement by denying the renewal of his passport. ② As many Japanese mothers have come to live overseas, accompanying their husbands who have been transferred to overseas offices, they fear that speaking with the consulate about private matters will affect their husbands’ work or companies.
- 4) Since overseas Japanese citizens generally have no connection with the consulates, they don’t know how the consulate deals with issue. If consulates really want to know what damages are inflicted upon overseas Japanese citizens by historical issues, how

¹⁰ <http://www.moj.go.jp/JINKEN/jinken112.html>

¹¹ <https://www.joes.or.jp/>

about holding a meeting, inviting Japanese living overseas, instead of just waiting for people to contact them for consultation?

- 5) Consultation desk at the consulate is meant for damages caused by historical issues. However, it is difficult for a prospective consultor to decide whether bullying was caused due to historical issues or not. So, the person is not sure if his/her problem is suitable to be filed with consultation desk at the consulate.
- 6) It is not known where contents of one's consultation are reported, what measures are provided as a result of the consultation, or what concrete actions the Japanese Government officials will take. A solid process for solving problems should be made clear and be known to the general public.
- 7) Regarding the Ministry of Justice's "#110 for the Rights of the Child" and Japan Overseas Educational Services' consultation desk for "Bullying against Japanese Children Oversea", it is very unlikely for Japanese children living overseas to make an international phone call for consultation. Bullying is a very delicate issue and it is difficult to explain the case of bullying in detail by email. For children living overseas, phone calls or emails to Japan can hardly be effective measures.
- 8) It is doubtful whether persons in charge of consultation desks can cope with problems with clear understanding of respective local circumstances overseas.
- 9) The Website of Japanese Consulates shows two consultation desks, a Japan Overseas Educational Services' Consultation Desk for Japanese Children Overseas and a Consulate's Consultation Desk. The fact that there are two consultation desks can be very confusing to overseas Japanese citizens.
- 10) Regarding consultation desks, there is no uniformity of description in the Website of overseas Japanese Consulates, which sometimes gives the impression that the overseas Consulates are not eager enough to address this matter.
- 11) Regarding responses to historical issues: We cannot fundamentally solve problems, by merely saying that in Canada, being a multi-cultured country, firm actions would break multi-racial harmony or that Japan has apologized for what happened in the past. The Japanese Government should disseminate the truth about the issue of the

comfort women and the so-called Nanjing Massacre as official governmental statements.

- 12) One may hesitate to have consultation with the consulates, but one may feel easier to speak to people around or civic organizations.

4. Proposed Recommendations

We request that the Committee send the following recommendations to the Government of Japan:

- 1) Regarding Japanese children living overseas who are constantly in danger of having their rights violated, the Japanese Government should understand the circumstances and collect data.
- 2) To realize the rights of the child, the Japanese Government should make arrangements so that Japanese children living overseas may be included in the target of all the actions and measures currently under way domestically in Japan and should establish an adequate mechanism, equipped with sufficient human and financial resources.
- 3) To take care of parents (guardians) of children living overseas who are bullied or whose rights are violated, the Japanese Government should plan effective, concrete and feasible measures and take actions.
- 4) To protect and validate the rights of Japanese children overseas, the Japanese Government should continue to exchange views with civic and social organizations and make necessary adjustments.
- 5) Regarding the historical issues that gravely affect Japanese children overseas in various ways, the Japanese Government should fully realize that what they have done so far is insufficient and that they have a great responsibility for improving the situation. Accordingly, the Government should make plans to remove the cause and take actions.

- 6) On the principle of the protection of Japanese nationals, overseas Japanese consulates should clearly state to Japanese people overseas its will and responsibility to protect Japanese citizens and their children overseas and should do their best to gain people's trust.

Reported by "Japanese Women for Justice and Peace"

Yumiko Yamamoto (Ms.)

II. Judiciary and Administrative Problems Concerning Child Welfare in Japan

1. Relevant Articles of Convention on the Rights of Child, recommendations of the concluding observations (CRC/C/JPN/CO/3) and statements of the Government Report (CRC/C/JPN/4-5)

- Articles 9, 18, 19 and 20 of the Convention on the Rights of Child,
- Paragraphs 51 and 53 of the concluding observations (CRC/C/JPN/CO/3)
- Paragraphs 87 and 92 of the Government Report (CRC/C/JPN/4-5)

2. Introduction

My name is Hideyuki Ishigaki and I am a clinical psychotherapist. As such, I have submitted more than a hundred observations to the court so that children's ultimate interests may be attained in lawsuits concerning the issue of child separation, requested mainly by parents that are separated from their children.

I have made my findings after careful examination of documents and evidence submitted by both parties, the investigative report conducted by the investigator for the Family Court and previous findings of the court.

I have also been concerned with a range of people, from infants to adults (who are special-needs students) and their guardians, engaged in medical check-ups for infants and worked as a school counsellor--which are Japanese government-regulated occupations. After the Great East Japan Earthquake in 2011 (I currently live in the area that was struck by the disaster), I opened a psychological counselling office utilizing eye movement desensitization and reprocessing (EMDR), which is approved by the WHO as a patient-friendly, low-cost anti-trauma therapy, and action-recognition therapy. I have continuously engaged in psychological counselling for victims of domestic violence (DV) (mainly females) and for those who were separated from their children due being falsely accused of DV.

I have participated in an Internet survey for the revision of the international

classification of diseases (ICD-11) and I have submitted commentaries regarding the problem of Parental Alienation in care-giver-child relationships.

I feel, based on my educational and work experience, that I am qualified to speak on the current topic. I would now like to discuss judiciary and administrative problems concerning child welfare in Japan and improvement of child welfare and rights as well as the welfare and rights of parents who are separated from their children.

3. Judicial and administrative problems in child welfare

3-1. Problems with the Family Court investigator

The Family Court investigator usually examines the child's environment and quality of care for an about an hour for each case. In most cases, regarding the level of care the child receives at home, the contents of the "statement on the child's condition of care" submitted beforehand by the parent living with the child are taken as factual. What the investigator actually confirms visually and through other direct means are the child's environmental conditions as he or she lives with the parent. There is a case in which a separated parent hired a private detective to get a true picture of the child's circumstances due to inadequate investigation on the part of the Family Court investigator. A photo showing the child being abused was submitted to the court, but the parent, living with the child at the home of an unfaithful partner, was granted custody of the child. (At that time, the divorce was not yet settled.) Later, in the same case, a partner was charged with child abuse (not the same child as the one in the submitted photo). The Child Consultation Center did not shelter the child and the child still lives with the unfaithful parent at her partner's house.

The protection of the will of children is very important right, which is clearly stipulated in the Convention on the Rights of the Child. In cases where child care/custody and interview/exchanges are in dispute, many parents who live with the child often refrain from discussing the facts and make up information that will appear as if the child is being appropriately treated. A parent will also cast the other parent in an unfavorable light, as if that parent is a danger to the child. As a result, sooner or later, children come to despise the other parent without any reasonable explanation.

Family Court investigators are either unaware or indifferent of the psychological mechanism that leads to the formation of such attitudes, so their reports to the court claim that the statements made by the children under their own free will.

Family Court investigators don't even suspect that the act of taking a child away without legal custody is equal to psychological abuse. They are confident, without basis, in that the very parent that abducted his or her child is reliable and qualifies to continue living with the child. Without examining counter-arguments, investigators submit such reports to the court.

3-2. Problems of the Court

The Family Court usually allows the report submitted by its investigator as a reasonable assessment of child care, sometimes referring to a physician's statement submitted by the parents who have custody of the child. As I mentioned previously, the investigative report swallow whole statements made by the custodial parent. The other parent is not allowed to have another physician examine the child for a second opinion. Therefore, unless clear evidence of physical abuse, such as visible scars, is evident, the parent with the child is almost automatically designated as the child's guardian.

The family court allows only two hours a month or half a day twice a month for the other parent to spend time with the child. When the other parent asks the court for custody of his or her child due to dangerous circumstances on the part of the parent with child custody or to have more opportunities to see the child so that the child can continue to have a good relationship with both parents, it is not sufficient to show how good the other parent is taking care of the child and how much the parent loves the child. The other parent cannot help but believe that the custodial parent is abusive.

For the custodial parent to justify the abduction of his or her child, and for the lawyer representing the parent, exaggerations are made, such as the other household is domestic violence-prone. Sometimes, allegations of sexual abuse are raised. Lawyers stand to make money from lawsuits and consultations as well as taking a cut from settlements.

Following parallel arguments between the two parties, conflict worsen, and the

child's interest is ignored. The child is made a hostage and a transactional tool. The court never raises the point that the child was abducted but instead seeks to apply the concept of familial continuity. This judicial act destroyed many Japanese families and the opportunities for rebuilding good family relationships. Opportunities for peaceful parent-child relationships or cooperative child care are lost.

3-3. Problems with administration

There is a social consensus in Japan that nursing facilities and schools do not interfere, either directly or indirectly, with domestic family matters. When the relationship between husband and wife declines and the child grows anxious, unless either parent labels the present situation domestic violence, the situation cannot be viewed as domestic violence and the child is not protected. On the contrary, when one of the parents files charges of domestic violence, even if the case is a mere quarrel between the parents, the other parent is labeled as an abusive individual and is very likely to be distanced from the rest of the family.

Child Consultation Centers do not recognize illegal separation of children from their families as psychological abuse and do not take the trouble to temporarily shelter such children. Nor do these centers advise parents who continue to deny access for the other parent to see their child.

Without any regard for gender equality, Women's Centers completely swallow the assertions made by women, without expending any effort to investigate the circumstances, and judge the father (husband) to be in the wrong and to be blame. Thus, these centers make allegations of DV. To the administrative system, these allegations of DV are held as facts and are viewed as such by authorities.

3-4. Problem concerning specialists

There is no effective system for producing and training specialists who understand the serious effects of discord between parents on children.

From the perspective of child welfare, therapeutic measures are rarely taken at present, by mental health specialists, such as clinical psychotherapists (beginning within this fiscal year, public psychotherapists will be accredited by the government). Rather than merely listening to and agreeing with counselors, interventions could be applied, such as encouraging reintegration of the family, support and education to

parents prior to divorce, taking care of children who are hurt by divorce and problems between parents and therapy to improve the isolation of one-parent families.

These have yet to be carried out.

Even in the case of domestic violence, without any understanding of the family's background or the source of DV, the primary solution is considered to be punishment and separation of the perpetrator. Without clinical analysis of the perpetrator, it is highly likely that more victims of DV will emerge. There are very few mental health specialists who understand that parents have a shared responsibility child upbringing and fewer specialists who are capable of explaining the necessity of parental responsibilities to custodial parents who restrict parental visits and to those parents who refuse to contribute to child support.

4. Proposed Recommendations

We request that the Committee recommend to the Japanese Government to take the following measures:

- 1) Current judicial practice makes much of judicial precedents and judgments are made accordingly, which entirely disregards parental rights to form a family and prevents the formation of a sound parent-child relationship following divorce or separation. Therefore, we request judicial judgments to be made in accordance with human rights as stipulated in international treaties.
- 2) To diminish the influence of judicial "unilateral conviction", allow the admission of objective evidence and the views of specialists on child psychology and welfare (for example, public psychotherapists and clinical psychotherapists) appointed by the parent without custody and avoid dependence entirely on reports submitted by an investigator of Family Court.
- 3) We request wording and phrasing that states that parental abduction and separation of a child is an act of child abuse (an unlawful act) to be included in the law on the prevention of child abuse.

- 4) In view of the previous items, we request a law that firmly punishes the abduction of a child, if he or she does not need parental protection, to be added to the criminal law.
- 5) Except under special circumstances, we request, after a divorce, shared parental authority with shared responsibilities for child raising until the child comes of age to be stipulated in civil law and a law to be made stipulating that the evasion of parental responsibility is illegal.
- 6) Applying the friendly-parent rule, we request sanctions be imposed on parents who do not allow child-parent interviews for parents without custody.
- 7) To facilitate impartial parent-child interviews, we request that a supportive organization be established to this end, composed of administrators and specialists on child welfare (and not comprised of former Family Court investigators).
- 8) We request that the judicial system be organized to train the administrative organization and specialists to support impartial parent-child interviews after a divorce.

Reported by “The Coalition to Protect Every Children’s Rights (CPECR)”
President & Clinical Psychotherapist Hideyuki Ishigaki (Mr.)

III. The Problem of Child Abduction – A Father’s Report

1. Relevant Articles of Convention on the Rights of Child, recommendations of the concluding observations (CRC/C/JPN/CO/3) and statements of the Government Report (CRC/C/JPN/4-5)

- Articles 9, 18, 19 and 20 of the Convention on the Rights of Child,
- Paragraphs 51,53 and 69 of the concluding observations (CRC/C/JPN/CO/3)
- Paragraphs 87 and 92 of the Government Report (CRC/C/JPN/4-5)

2. A father’s report

My name is Yousuke Sumi and I live in Nagoya City and work for a company. Four years ago, I married a woman after seeing her for ten years. Then, a baby girl was born, and we were very happy as parents. After a while, a problem occurred concerning my mother-in-law, and my wife and I gradually became somewhat alienated from each other. I tried my best to fix our awkward relationship, but on October 10, 2014, when I came home from work, my wife and my little daughter were gone as well as all the furniture and household appliances.

Immediately after this, my wife’s lawyer filed for divorce, and we were to be divorced through Family Court. As things turned out, I came to face, for the first time in my life, the problem of child abduction in Japan and also realized that there are problems of the Japanese Government’s lack of compliance with the Convention of the Rights of the Child and the Hague Convention of the Civil Aspects of International Child Abduction.

For nearly a year and a half, our divorce proceeding at Family Court continued and I repeated the spirit of the Convention on the Rights of the Child and that the Constitution of Japan guarantees fundamental human rights.

To my surprise, however, an official of Family Court stated, “You cannot discuss laws during proceedings in Family Court.” Being disappointed at the failure in observing laws on the part of Family Court, I resolved to solve this problem, resorting to all means. I petitioned lawmakers and worked in cooperation with civil human rights groups. But,

all the while, I was not able to see my daughter even once since she was abducted at the age of two and a half.

Finally, Family Court determined that: “there is no problem concerning the parent-child relationship and no reason to prevent child-parent visitations.” As a matter of fact, I was not allowed to freely see my daughter but allowed only an hour once a month under the watchful eye of a third party. I was very upset and angry at such an unreasonable court decision, totally unworthy of a country that has ratified the Convention of the Rights of the Child.

The Family Courts in Japan work in an old, traditional manner, strictly following precedents in making determinations. Moreover, they firmly believe in the concepts of “maternity priority” and “exclusive maternal responsibility for raising children” and return determinations reflecting these concepts to parents and children suffering from separation. I was not at all satisfied with the court’s determination, but if I didn’t accept it, I would never be able to see my four-year old daughter again. So, I had no option but to accept the court’s determination. It was exactly as if I had to accept the conditions of negotiation over a hostage presented by the court.

Having decided to swallow the painful ruling, I was finally able to see my daughter a year and a half after she was abducted. A two-year-old infant was a four-year old little girl.

I had the opportunity to see my daughter in the office of a third-party, for an hour, once a month.

Two years have passed since then. Now we see each other for several hours, once a month. The hours got a little longer, but we cannot go anywhere together. We cannot go swimming or camping in summer. We cannot spend evenings together, drinking hot milk and reading books before she goes to sleep. In the four years since the abduction, my daughter has undergone constant brainwashing by her mother, and signs of repulsion of the other parent is gradually emerging.

Japan still maintains not only the system of single parental authority after a divorce, but also Japanese Family Courts work in an old-fashioned manner, believing in the concepts of “maternity priority” and “exclusive maternal rights to child raising.”

Child abduction by a parent with parental authority is legal, and the police will do nothing about it. The abducting parent is recognized as the parent with custody. If a separated parent, also with parental authority, looks for his or her child and gets the child back, the parent gets arrested for kidnapping.

Unfortunately, many lawyers cunningly use the system of single parental authority after a divorce and make it a business to prompt parents who are thinking about a divorce--they end up going to lawyers for consultation on how to abduct their child and then file for divorce in Family Court.

Under these domestic circumstances, parents who have had their children abducted can do nothing to get them back, and in most cases, they acquiesce to the situation in despair. Even if child-parent visits are allowed, they are usually held for several hours once a month.

Parental child abduction takes place almost every day as if they were nothing special. However, the Japanese Government tacitly approves of this unknown reason and takes a backwards stance in revising the civil laws, to legalize shared child support after a divorce, which can fundamentally solve the problem of child abduction. The Japanese Government has no intention of resolving a human rights problem, of parents who are forcibly separated from their children.

In the Diet, being asked about the Hague Convention on the Civil Aspects of International Child Abduction and the problem of child abduction within Japan, Prime Minister Abe clearly stated that “domestic child abduction and international abduction are quite different matters,” indicating a distinction between international child rights and domestic child rights.

It is a domestic issue to revise civil laws concerning the system of single parent custody after a divorce. But unless this issue is resolved, child abduction in Japan will never cease.

The Hague Convention only applies to cases of international child abduction. For example, a foreign national is married to a Japanese national. While they live in Japan, one of the parents abducts their child—the Hague Convention does not apply here. Even

in marriages between foreign nationals and Japanese nationals, parents who have had their children abducted in Japan are obliged to bear the same sufferings and sorrow as I have experienced.

With Tokyo Olympic Games in 2020, I strongly feel that there will be no true international friendship and exchanges found in Japan unless the problem of child abduction concerning child-parent human rights and human rights in general are resolved once and for all.

Unfortunately, however, the Japanese Government will not listen to its own citizens cry for help. To resolve the problem of domestic child abduction in Japan, which has much to do with the rights of Japanese children, we urgently need protest and pressure from the international community.

There is no difference between Japanese and people of other nationalities concerning the wish of parents and children to freely see each other and spend time together and the shared responsibility of child raising.

Due to child abductions, there are many cases in which separated parents commit suicide, desperately wishing, in vain, to see their children. Also, tragic cases of child abuse or murder by stepfathers have occurred. If the other parent had been allowed to see their child frequently, he or she would surely have noticed the child's physical changes or symptom of violence or neglect. Since the Japanese Courts do not allow frequent and free child-parent visits, tragic incidents occur one after another.

If the Japanese Government leaves the problem unsolved, it is likely that there will be more cases of suicide or mental disorder among desperate parents.

To solve this problem, at the very least, the Japanese Government should clearly legalize "obligation of joint custody" after a divorce, and if the obligation is not fulfilled, punitive sanctions such as partial restriction on civil rights or even suspension of civil rights, and other measures such as driver's license restriction and car ownership registration, which are now used in various countries, should be implemented. A legal system is urgently needed that gives the utmost priority to the rights of children and a promising future.

On February 2, 2010, United States Under Deputy Secretary of State Kurt Campbell referred to child abductions during a press conference held in Tokyo. Regarding the assertion that one of the reasons why Japan does not conclude the Convention is former Japanese wives, married overseas, who went back to Japan to escape domestic violence, Mr. Campbell said, "There are hardly any cases of actual domestic violence. It is quite a misconception. Mostly, they were divorced in the United States and shared parental authority is established. The act of the mother taking the child to Japan is nothing but kidnapping." Mr. Campbell added, "If there is no prospect of resolving this problem soon, I fear that the situation will threaten US-Japan relations. The assertion that a Japanese woman abducted her child to escape domestic violence is made by the woman herself and those close to her. No evidence that support her assertions are made public." Regarding this situation, Mr. Campbell said, "It is utterly pitiful that on top of being mercilessly separated from the child, the father is groundlessly accused of child abuse and violence."

3. Proposed Recommendations

I sincerely ask the Committee to save us from the problem of infringement on the rights of the child committed by the State of Japan.

We request that the Committee recommend the Japanese Government to take the following measures.

- 1) "Obligation of joint custody" should be legalized and for those parents who do not observe the law, a law should be made to restrict a part of their civil rights.
- 2) Child abduction should be made illegal and punitive sanctions against it should be enacted.
- 3) "Friendly-parent rule" (the concept of tolerance) should be applied in making determinations in Family Courts.
- 4) Instigation of child abduction by lawyers should be made illegal.
- 5) It should be made illegal for lawyers to deduct expenses from child support contributions, which should go entirely to the child, or from alimony that is entirely

designated to the former spouse.

- 6) To report domestic violence, it is necessary to have the case objectively assessed by the police or other official organ, instead of automatically putting restrictions on the other spouse, based on unilateral claim of a spouse. This should be added to the Law on the Prevention of Domestic Violence.
- 7) The Japanese Government should strictly and entirely observe the Convention on the Rights of the Child and the Hague Convention on the Civil Aspects of International Child Abduction.

Reported by “ Family Ties “
Yosuke Sumi (Mr.)

Photos of a father and his daughter

