

International Covenant on Civil and Political Rights  
(CCPR)

NGO Submission to  
the UN Human Rights Committee

for  
130th Session  
(12 Oct 2020 - 06 Nov 2020)

in regard of  
Child Abductions

in  
JAPAN

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Children's Ombudsman Japan  
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With

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# Child Abductions

## Preface

The following report is in accordance with our firm belief that:

The limited mixture of ethnicity with Chinese, Russian, and Korean, etc. should not be the reason to deny ANY Japanese, including Okinawan and Ainu, the status of their indigenesness to Japan.

Children must be exempt from being exploited as a means of extortion.

## 1. Relevant Article, Recommendation and Resolution

### 1.1. ICCPR Articles

Article 6-1

Article 8-1 and 2

Article 9-1

Article 10-1 and 2 (a)

Article 12-1 and 4

Article 14-1, 2 and 3 (g)

Article 15-1

Article 17-1 and 2

Article 18-4

Article 19-1 and 3 (a)

Article 23-1, 2 and 4

Article 27

### 1.2. Recommendations by CRC

UN Convention on the Rights of the Child recommends as follows to the State party in CRC/C/JPN/CO/4-5, issued on the 5 March 2019<sup>1</sup>.

27. The Committee recommends that the State party take all necessary measures, supported with adequate human, technical and financial resources, to:

(a) Support and strengthen families, including by facilitating an appropriate balance between work and family life, and provide sufficient social assistance, psychosocial support and guidance to families in need, inter alia, to prevent abandonment and institutionalization of children;

(b) Revise the legislation regulating parent-child relations after divorce in order to allow for shared custody of children when it is in the child's best interests, including for foreign

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<sup>1</sup> <https://undocs.org/CRC/C/JPN/CO/4-5>

parents, and ensure that the right of the child to maintain personal relations and direct contact with his or her non-resident parent can be exercised on a regular basis;

31. The Committee recommends that the State party take all necessary efforts to prevent and combat illicit transfer and non-return of children, harmonize its legislation with the Hague Convention on the Civil Aspects of International Child Abduction and ensure the proper and expeditious implementation of judicial decisions on the return of children and contact rights. It also recommends that the State party strengthen dialogue and consultation with relevant countries, notably those with which the State party has signed an agreement regarding custody or visitation rights.

Then Minister of Justice Takashi Yamashita claimed at the Congress Legal Committee on February 25, 2019, that the Japanese government operates in line with the CRC, and did not show any understanding of the need of improvement.

The stance of the Japanese government has been mostly consistent in which that Japanese government comply with the treaty as it sees fit therefore the Japanese government is in line with the treaty as long as it declares an arbitrary interpretation.

The president Macron of France and the prime minister Conte of Italy protested against the child abductions in Japan at G20 summit to the prime minister Abe of Japan in June 2019 to no avail.

President Macron repeated his protest on July, as well as further call for improvement by chancellor Merkel of Germany. Japan remains unchanged by any of these interventions.

### 1.3. Resolution by EU

The EU parliament has passed resolutions in protest against the child abductions in Japan with an overwhelming majority on July 8th, 2020.<sup>2</sup>

European Parliament resolution on the international and domestic parental abduction of EU children in Japan (2020/2621(RSP)<sup>3</sup>)

The European Parliament,

1. Expresses concern over the situation of children who are suffering as a result of a parental child abduction in Japan and over the fact that relevant laws and judicial decisions are not enforced everywhere; recalls that EU children in Japan must enjoy the protection provided for in the international agreements that safeguard their rights;

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<sup>2</sup> Reuters JULY 10, 2020

EU lawmakers urge Japan to end parental child "abductions"  
<https://in.reuters.com/article/japan-children-eu-parliament/eu-lawmakers-urge-japan-to-end-parental-child-abductions-idINKBN24A2GR>

<sup>3</sup> [https://www.europarl.europa.eu/doceo/document/B-9-2020-0205\\_EN.html](https://www.europarl.europa.eu/doceo/document/B-9-2020-0205_EN.html)

2. Notes with regret that Japan, as a strategic partner of the EU, does not appear to be complying with international rules in cases of child abduction; recalls that the country's legal framework should be improved so that, for instance, decisions handed down by the Japanese and other courts of relevant countries in procedures under the 1980 Hague Convention on the return of the child are enforced in Japan effectively;

3. Points out the fact that parental child abduction can harm a child's well-being and can have long-term harmful effects; stresses that child abduction can lead to problems of mental ill-health for both the child and the left-behind parent;

A similar resolution has been adopted earlier in the February 2020 by the French Senate.

## 2. Main points

Ever since Japan has adopted the current constitution, which was notably written by the United States, Japan as a nation has lost its tie to the moral ground that has been cultivated by its indigenous people for millennia. A rare tradition of Japan which considers children as treasures, along with other traditional values, has been subjected to relentless and systematic attack by the radical leftist often supported by non-indigenous people. While the indigenous people of Japan are obstructed from inheriting moral values across the generations, one cannot simply standby and hope that the Japanese government understands what "the inherent right to life" actually means. (article 6) Besides, the current political climate in Japan, being divorced from both oriental and Abrahamic moral compass, provides its politicians little to no incentive to care for the children who are not even their constituency.

While we are on the subject of divorce, let us draw your attention to thousands of children each year who are being alienated from their parents due to the unregulated divorce or false domestic violence charges. Japanese law enforcement, although unconstitutional, refuses to enforce Article 10 of CCPR and subjects people to the arbitrary arrest or the detention in violation of Article 9 of CCPR.

While noting the UN's compulsion of capitalism for Japan by the means of the WWII, it would be only fair for the UN to also reveal that the servitude, especially for the children, is absolutely uncalled for. Deteriorated governance in Japan now allows children to be "adopted" at the price, or placed under subjugation by the parent or the lawyers to become pawns for their financial gains which are laughably disguised as child support. Those children are pressured or even forced against their free will to exercise their right to freely access their parents within Japan or to return to their native country where they are originally abducted from. Numbers of parents who fell victim to the aforementioned human rights violation boycott this extortion called "child support" in an often futile attempt to force the offenders to come to the reasonable term. Instead of supporting these unfortunate victims, the Japanese government and the judiciary make up false accusations of domestic violence or infidelity.

We the Japanese victims hereby report this crime against humanity, in solidarity with foreign victims around the world, to this committee in protest and demand that dignity as human beings be restored.

### 3. Background and Current situation

#### 3.1. Background

Japan is the oldest country in existence in the world. Its monarch has provided people of Japan the stability, wealth, and most notably the moral compass for them to look up to. The emperor of Japan is not merely a ruler of Japan but the highest priest of its indigenous religion Shintoism, which is roughly equivalent to the pope of Catholicism, or the Caliph in the Islamic world. Because of the patriarchal hereditary nature of the crown, Japanese society has evolved to have a definition of family around the 8th century at the latest of estimation. This is in stark contrast to the imported but prominent religion in Japan, Buddhism, which views the attachment to the existence as Abhinivesha, a type of destructive emotion Kleshas that cause emotional pain.

In the medieval society in Japan, children were meticulously attended to their needs by their family members and neighbours because children were considered to be the highest treasures.

The sense of innate duty to the children amongst Japanese people was further strengthened when they began to encounter Christian based European culture and Southeast Asian culture which is predominantly Islamic in the 19th Century. This apex of rights for children, however, was unfortunately short-lived. The new constitution of 1946 written and forced by the United States to Japan was designed to destabilize the society of Japan by introducing socialism thereby destroying indigenous Japanese culture.

Japan under the current constitution has had no authority to safeguard its indigenous people from foreign espionage and sabotage, notably from the former Soviet Union, China, and Korea. The lack of protection of its people by the Japanese government is vividly exemplified by the case of the abduction of Megumi Yokota by North Korea. Such inaction has set the stage to the new era of human rights violations fueled mainly by, foreign sabotage, socialism, and feminism.

#### 3.2. Current situation

The Article 92 of the Civil code in Japan clearly states “In cases there is any custom which is inconsistent with a provision in any law or regulation not related to public policy, if it is found that any party to a juristic act has the intention to abide by such custom, such custom shall prevail.” According to the survey done in 2011 by Recruit Marketing Partners Co., Ltd. people who marry at the Christian church were only 2.2% in the '60s, it jumped up to 64.2% in the '00s. Since we all know how the Christian marriage vow goes, such couples who marry at the Church are literally bound together “for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish, till death” by a contract. It would be unthinkable therefore, for the divorce to increase in said period of time IF the judiciary in Japan were functioning at all. The statistics from MHLW(Ministry of Health, Labour and Welfare) however tells us a different story. The divorce in Japan has increased by 4 folds in

the same time period. This is the evidence that Japan has structural issues in the law regarding marriage and contract at the most fundamental level. Children in Japan, as a result, are put under vulnerable position regardless of the status of the marriage of their parents.

In 2019, the Tokyo High Court (2nd instance) ruled that it is not a violation of the child's interest to abduct a child then alienate the child from the child's left-behind-parent. Furthermore, it ruled that the poverty of the abductor is not a sufficient reason for the child to be returned to her rightful home. This type of attitude of courts across Japan encourages people with greed to commit crimes against humanity such as child abduction while causing major child poverty in the country. In some cases, such as in the case of the divorce of Muslim Burmese couple in 2019, for example, the court has recklessly violated by its ruling the right of the child to his Wali, the legal guardianship of his father in the Islamic law, despite none of the parties concerned were Japanese national. It is almost as if the Japanese judiciary is hell-bent on violating the rights of children for the purpose we can only speculate. It is possible that judges are somehow mistaken the violation on the rights of children with freedom, in other words, liberation from the traditional constraints.

Ghoulis attitude against human rights isn't confined to the judiciary by any stretch of the imagination. Actions of the XIE Lian Fang(MP), JIN Cheol-rang(MP), and BAEK Jin-hoon(MP) are the prime example of the relentless systematic attack on indigenous Japanese, particularly to the future generations. These political saboteurs, along with many accomplices in the legislative branch, actively discount, discriminate, and defame indigenous Japanese culture which by design regards particularly highly of children.

A comment made by Senator Kimmy Onoda, who is a member of the government party, at the senate committee of law on March 24th, 2020, "alienation with their parents are non-lethal for the children", illustrates serious lack of understanding of jus naturale among the members of the legislative branch in Japan. The fact of the matter is that number of children and parents lost their life due to this issue either by suicide or murder.

As for the executive branch, we all know its problems thanks to Carlos Ghosn the former CEO of Nissan Motor. The most despicable of which is the Minister of Justice Masako Mori, who asserted the presumption of guilt in front of the press on January 9th, 2020. Police and prosecutors follow her example by arbitrary deciding who to charge - or not, which by decades-long corruption, accepted by the court 99% of the time.

NPOs, NGOs, and attorneys of law collaboratively exploit this gaping hole in the system when they act by their leftist ideology. They initially persuade mothers to abduct her child, put them in the cubicle in undisclosed locations where they are not allowed to leave until they convince the mother to divorce her husband, then manufacture single mothers with the aforementioned system. The police and the regional government are often complicit in this type of crime against humanity. Once single mothers are manufactured they are left behind until they get menial jobs, often a type of jobs that disgrace womanhood. By this time the Child Protective Services is ready for the action, and snatch the child from the mother who is isolated and helpless. Child Protective Services then forward these practically orphaned children to the NPOs such as Florence, where they are to put up for adoption with a hefty

service fee. It is important to note that due to the incredible contribution by feminists, many women in Japan today find their marital partners very late, often beyond their fertility, which makes this whole business scheme work so well, for the leftists anyway.

Other voluptuously better-gifted mothers remarry, and their new husbands adopt their children without the consent of the father of those children. In this situation, children are very often abused, some sexually, some to their death. This may have a connection to a nauseating situation in Japan where the mother and her new husband or boyfriend account for 86% of the culprit in the cases of murder of children by their family.

Some fathers in Japan abduct their children before any of these happens. In some unfortunate cases, it also results in parental alienation, although the fate of the children is not as fatal as the aforementioned case.

In the event that the child wishes to escape such a predicament, the chance of his wish to come true is disappointingly small. Attempts by parents to rescue children result in either criminal charges or lengthy and unfruitful lawsuits. An Australian journalist Scott McIntyre, for example, was arrested in 2019, and later found guilty of breaking and entering for knocking on the door where his children resided.

#### 4. Proposed Recommendation

A) Invite member states of OHCHR to grant asylum to the child who is a victim of human rights violations in Japan, along with his friendly parent.

B) Recommend ambassadors of member states to emphasize on all opportunity that limitation or complete denial of parental access and visiting rights stay in breach of article 9 of the UNCRC.

C) In the light of non-compliance of international laws on the part of Japan, recommend member states to suspend initiating new contracts/treaties with Japan.

D) On the part of Japanese government,

- 1) Recalls that the shared custody is a right of the children as per CRC; neither the authority nor the parents should escape from this obligation by law; and to suspend certain rights of the abuser to protect children.
- 2) Calls to confirm the illegality of the child abduction in Japan; and punish the violator under the law.
- 3) Calls to apply the friendly parent rule in cases of a custody battle.
- 4) Calls to abolish the child abduction business by lawyers and NPOs
- 5) Calls on ban of embezzlement of the child support, or the alimony, by the lawyers, companies or the NPOs
- 6) Calls on the proper criminalization of the domestic violence; and strict application of a presumption of innocence.
- 7) Recalls to apply the rules and philosophies of the 1980 Hague convention.