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DPJ rule raises Hague treaty-signing hope

'Left-behind parent' urges Japan to side with child-abduction pact

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It has been over five years since Murray Wood's two children left their home in Canada with his Japanese ex-wife for a supposed visit with their ill grandfather in Japan.

But what he believed to be a short trip was actually the beginning of the end for his time as a father. The children have not set foot in Canada since then.

Wood is a so-called left-behind parent in an international divorce due to an apparent violation of the 1980 [Hague Convention](#) on Civil Aspects of International [Child Abduction](#), which aims to protect children from being wrongfully taken out of their country of "habitual residence" by a parent. Japan is not a party to the treaty.

In February 2004, Wood was granted sole custody of the two children by the [Supreme Court](#) of British Columbia. But after his ex-wife took their children — a boy and a girl — to Japan, Wood fought and lost in the Japanese legal system. The courts gave custody of the children to his ex-wife, a common practice in Japan, where [child custody](#) is almost always granted to mothers. And since then, Wood has had virtually no contact with his offspring, who still live in Japan.

"I worry constantly about how my children are making sense of what has happened to them and what kind of a future will be

available to them," Wood said in an e-mail. "It is heartbreaking to be so cut off from my children."

Article 1 of the [Hague Convention](#) states that its objective is "to secure the prompt return of children wrongfully removed to or retained in any Contracting State." At present, there are 82 signatory states, including Canada, the United States and Great Britain. Of the Group of Eight countries, only Japan and Russia have not signed the treaty.

"There is a part of this convention that is alienated from the Japanese legal system," the Foreign Ministry said in a written reply to The Japan Times. "In concluding this convention, there are several issues that need to be thoroughly discussed, including the consistency with our country's judicial system on families."

Under Japanese law, only one parent gets custody over children after a divorce, whereas rulings on joint custody are often seen in Europe and the United States. But with the number of international marriages on the increase and a rise in divorces as well, Japan faces increasing international pressure to change the current system and sign the convention.

Last month, [Kurt Campbell](#), U.S. assistant secretary of state for East Asian and Pacific affairs, brought up the issue during his meetings with Japanese officials in Tokyo and even held a special news conference on the topic at the U.S. Embassy.

"The [U.S. government](#) places the highest possible priority on the welfare of children who have been victims of international parental [child abduction](#) and strongly believes that children should grow up with access to both parents," Campbell told reporters.

He urged Tokyo to sign the convention, citing cases where American parents have little or no access to their offspring in Japan after failed marriages with Japanese spouses. "This issue left unresolved has the potential to raise very real concerns — something that all of us seek to avoid," he said, in reference to an option of demanding extradition.

On the Japanese side, meanwhile, some have expressed hope that things may finally change with the historic election victory of the [Democratic Party of Japan](#) last summer, in which the long-ruling conservative [Liberal Democratic Party](#) was sent packing.

Justice Minister Keiko Chiba has conveyed her intention to consider revising the [Civil Law](#) to legalize joint custody, and Foreign Minister Katsuya Okada has also said he was considering the possibility of Japan becoming a signatory of the Hague Convention.

Under Okada's orders, the Foreign Ministry has set up special Japan-U.S. and Japan-France divisions to deal with the issue. According to the ministry, the officials have not only been looking into signing the convention, but have also been trying to reach Japanese parents who have taken children, urging them to hold meetings with consular officials — although such attempts are "rarely" successful.

"Of course I understand that there are various circumstances, but I feel that we should do something about (the parents) not even being able to see their children," Okada said during a news conference last month.

Okada also made it clear, however, that any changes to related laws or actual signing to the convention will not happen during

the current ordinary Diet session.

Despite this, Wood remains optimistic.

"I am hopeful that the current round of discussions will lead to Japan making the necessary changes to be able to comply with the provisions of the Hague Convention," Wood said. "These changes would prevent others from doing what (his ex-wife) has done and would provide a system under which many Japanese children could maintain or re-establish meaningful relationships with their noncustodial parents after divorce."

Raymond Baca, the consul general of the U.S. Embassy in Tokyo, who has been meeting with Foreign Ministry officials over the issue of international parental child abduction, said he sees a "sharper focus" by the DPJ-led government as opposed to the previous LDP administrations.

"Prior to the new party taking power, the standard reply that we got, which I'm sure was sincere, but was consistent — that they were studying the issue — and it really never went beyond that, we felt," Baca said during a recent interview with The Japan Times. "Now it appears that there is a sharper focus, as I said, and perhaps a deeper interest and perhaps a deeper realization that this issue must be carefully addressed and reviewed sooner rather than later."

According to Baca, the [U.S. government](#) is aware of roughly 75 cases of child abductions between Japan and the United States. Known cases are believed to number 37 for Canada and Great Britain and 35 for France. Baca pointed out that ratifying the convention would be a positive step for Japan as well with more marriages and divorces between Japanese and foreign spouses.

"We really believe that it is in Japan's interest to accede to the Hague Convention because more and more Japanese are going to find themselves as the left-behind parents," Baca said.

One key concern often cited in the Japanese media is cases of domestic violence in which mostly Japanese women are fleeing their abusive husbands and bringing their children to Japan to protect them.

But Article 13 of the convention stipulates that children do not need to be returned if there is a risk that the return "would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation."

Baca said: "There is this perception out there, and I believe it's widely held, that if Japan joined or acceded to the Hague Convention, that Japanese parents here would be required to send their children back to an abusive environment.

"It's important to point out that there are explicit safeguards against this within the Hague Convention," he said.

Baca, who meets regularly with left-behind American parents, said their situation was heartbreaking, adding their offspring were growing older as time flies by.

This goes for people like Wood, too.

Over the past five years, Wood has had almost no contact with his children despite repeated pleas to his ex-wife to see them, he said. Meanwhile, time continues its frantic pace, as Wood's children, who were in elementary school in 2004, are now 15 and 13 years old. Wood urged the DPJ government to do something as soon as possible.

"Please act now. Childhood is short," Wood said. "My children have suffered immeasurably because of previous governments' inaction. The sooner meaningful action is taken, the fewer children will be harmed under the current system."