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# Global Village

By Kevin Buckland

## Remember the Children

One year on, has anything changed in the fight against international child abduction?

Last January, Metropolis publicized the plight of parents fighting for access to children abducted by Japanese spouses. A year on, few can report any progress.

It's been more than two years since Canadian Murray Wood's children were abducted to Japan by his ex-wife, Ayako Maniwa-Wood. Any hope for the quick return of son Takara, now 12, and daughter Manami, 9, faded last January after a year-long battle in the Japanese courts ended in failure.

"The first year was a mad frenzy of documentation and court proceedings," Wood says. "The second year was quieter. My family and I were exhausted and still emotionally drained."

Not a day goes by that Wood doesn't think of his kids, and worry about how they are coping with life separated from one half of their family. But it's only recently that he's started to realize that Takara and Manami are not the same children he kissed goodbye at Vancouver International Airport in November 2004.

"Now that it has been two years I find myself confronting the fact that we have been excluded from each other's lives for a really long time," Wood says. "It breaks my heart to think about how much they must have changed since the last time we were together."

However, the passing of time has served to harden Wood's resolve, not weaken it. "The harm this situation is inflicting on the children is increasing with time," he says. "We cannot, and we will not, give up."

Wood's is just one of the 31 active cases of child custody and family distress that the Canadian Embassy is currently dealing with in Japan, a sharp increase from the 21 active cases a year earlier.

“With increasing globalization, the issue of parental child abduction is becoming more prevalent and problematic as the number of international marriages and divorces rises,” said an embassy spokesperson. Canadian officials are discussing ways to address the issue with Japanese authorities, but progress has been limited.

As we reported 12 months ago, no Japanese court has ever caused a child abducted to Japan by a Japanese parent to be returned to the child’s habitual residence outside Japan. Part of the problem is that Japan is not a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which works to ensure the prompt return of abducted children to their country of habitual residence.

There is no reason to hope for change any time soon: Japan’s Ministry of Foreign Affairs says it is still studying the document, more than 25 years after its inception. “Japan continues to be a haven for international child abduction, and I see no sign of any improvement,” says Jeremy D. Morley, a New York attorney who specializes in international child custody cases. The problem, he says, goes much deeper than simply the ratification of a document.

“The Hague Convention requires that each signatory country have effective courts that can issue prompt, fair and non-discriminatory orders that are then promptly enforced,” Morley explains. “For this reason, Japan would likely be in default of the convention shortly after its effective date.”

In addition, Japanese custody laws differ substantially from those of other developed countries—another reason that consideration of the document is taking so long, according to the Ministry of Foreign Affairs.

“In custody matters, the Japanese system merely rubberstamps the status quo,” Morley says. That means the parent that has physical possession of the children is guaranteed legal custody, and since parental child abduction is not a crime in Japan, the result is a system that indirectly encourages abduction. “It is ‘finders keepers, losers weepers’ in its rawest and most cruel form,” Morley says.

“The concept of dual custody is totally alien to them,” adds Briton David Brian Thomas, co-founder of the Children’s Rights Council of Japan, a volunteer child advocacy organization whose motto is “the best parent is both parents.”

Thomas’ Japanese wife abducted their two-year-old son, Graham Hajime, in November 1992 from their home in Saitama. Although Thomas is still legally married to the woman, something that should give him access to the child, the reality has been quite different: he hasn’t seen him in almost 15 years.

The boy turns 16 this month, an age when psychologists say children ask more and more questions about missing parents. "That's why I stay in Japan," Thomas says. "Some people ask me why I don't just go back to Great Britain and start over, but then how could he access me?"

Although Thomas knows where his son lives and goes to school, he hasn't tried to approach him, as that could hurt things more than help them. "It would defeat the whole purpose of what I'm trying to do by staying here," he says.

Wood also knows his children's whereabouts, and while desperation has sometimes driven him to think of going to Japan to take them back, he knows that is not an option. "Re-abducting the children would do even more damage to them," he says. "Who would they be able to trust then?"

Instead, Wood and his family send letters, cards and gifts, and post messages to the children on the internet. They also try via email to encourage Wood's ex-wife to allow Takara and Manami to get back in touch with them.

"Ayako has a responsibility to help the children re-establish contact with their Canadian family, and I will ensure that she and everyone around her is aware of that responsibility," Wood says. While he doubts his struggle to access his kids will be over any time soon, he remains optimistic that as they get older, they will come to understand what has happened to them and eventually find a way back to him.

"The children will find out the truth," he says. "And when they do, I hope they will know that we are here for them."

## Support the Cause

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Children's Rights Council of Japan [www.crcjapan.com](http://www.crcjapan.com)

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