

HOTLINE TO NAGATACHO

DVD should be seen by all in divorce process

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Dear Prime Minister Hatoyama,

Around 1 in 4 children in Japan is affected by divorce. When parents go through a divorce or separation, it is sometimes necessary for courts to step in and protect our most innocent, valuable resource: our children.

It has come to my attention that a video called "What Couples with Children Must Think About When They Live Apart" was made by the Supreme Court of Japan. While this video is in most of the family courts throughout Japan, it is largely unknown. In order to see this video you must have an ongoing case and you must get permission from the court/judge to watch it.

It seems to me that watching this video should be the first step in any divorce. Instead, I was told by a lawyer, the Supreme Court decided that it should only be shown as a last resort, if at all.

The video clearly shows that it is in the best interest of the child to have both parents involved in the child's life, and yet the courts and judges consistently remain neutral. Children end up being cut off unilaterally from one parent.

When the children and the parents need the courts and judges the most, they fail miserably. Courts rarely require evidence or documents to verify claims. They take people at their word, leaving it very difficult or impossible to reverse the process of harm. Psychiatrists, counselors and individuals experienced in conflict resolution are not required and are rarely ever used in the court proceedings. Uncooperative parents have no reason to change their actions because the court/police will not penalize them. The family courts often use the "best interests of the child" argument to rule in favor of the status quo. As a result mothers deny visitation, fathers refuse to pay child support, and the children suffer.

Japan has continued to garner support internationally to secure the return of Japanese citizens abducted to North Korea. However, Japan is the only Group of Seven country that has not signed the Hague Convention on the Civil Aspects of International Child Abduction.

When international marriages have fallen apart, there have been countless cases where the Japanese parent (usually the woman) has abducted his/her children from a foreign country to Japan. Because Japan has not signed this convention, it makes it impossible for the left-behind parents to see their child again.

To confuse things even more, Japan has signed and ratified the United Nations Convention of the Rights of Children. This treaty states that children have the right to have direct contact with both parents, and that if contact is unilaterally cut off, the state (Japan) must re-establish contact. According to Article 8, the child's identity and nationality must be preserved. Article 9 says the child shall not be separated from his parents against his will. And Article 10 states that when parents live in different states, the child has the right to maintain direct contact with both parents.

It is time Japan reformed its family law system and made the changes necessary to catch up with the rest of the civilized world. In your interview with the Japan Times Herald (JTH) blog last July you said you would sign the Hague Convention. You also said you could feel for the fathers and mother who could not see their kids. It is time to make a difference and help children maintain a long and loving relationship with both parents.

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