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Think of the Children

Japan's prejudiced legal system encourages desperate parents to abduct their own kids

On November 26, 2004, Canadian Murray Wood kissed his 10-year-old son and 7-year-old daughter goodbye at Vancouver International Airport. His Japanese ex-wife was taking the kids on a 12-day trip to Tokyo to visit a sick relative. He didn't know it at the time, but none of them would be coming back.

Wood, who had been granted sole custody by a British Columbia court 17 months earlier, realized something was wrong when a check his ex-wife had given him for overdue child maintenance bounced. His fears were confirmed when he went to her apartment: It was empty, the phone disconnected, with back rent owing.

It wasn't the first time his ex-wife had disappeared with their kids. Three years earlier, shortly after they separated, she had done the same thing. But Wood got a court order, and she returned the children.

Wood was aware of the risk of abduction when he allowed his ex-wife to take the children again. As sole custodian he could have prevented the trip, but he wanted them to go. "I did everything I could to make them feel proud of both their Japanese and Canadian heritage," he explains, "including regular trips to visit Japan."

Wood knew his ex-wife's family and he knew where his children would be staying. "I always thought, 'What if she kept them there?'" he says. "But I always thought, I'll just go and get them back. It's Japan!"

In order for the trip to take place, Wood went to court to get the necessary order, specifying the departure and return dates. The order prohibited Wood's ex-wife from pursuing custody anywhere other than the province of British Columbia. With her consent, the order was entered into law the day before she left for Japan with the children.

More than one year later, Wood has seen his son and daughter only once, briefly, inside a Japanese courthouse. Shortly after Wood's ex-wife arrived in Japan, she applied for custody of the children, in direct violation of the British Columbia court order. In July 2005, a Japanese court transferred custody of the children to her.

Japan, unlike Canada and 74 other countries worldwide, is not a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The convention works to ensure the prompt return of abducted children to their country of habitual residence. It does so by compelling its signatories to respect the custodial rights of the left-behind parent.

If Japan were a signatory, the Japanese court would have been obliged to acknowledge Wood as having sole custody of the children and order their return to Canada. Instead, as is almost always the case in Japan, the court ordered a new hearing so that it could decide custody itself, which is exactly what the Hague Convention seeks to avoid. In the process, the Japanese court also disregarded a January 2005 British Columbia court order calling for the immediate return of Wood's children, as well as a warrant for his ex-wife's arrest on two counts of abduction.

Wood's case is far from unique. Foreign Affairs Canada says it is currently dealing with more than 900 known cases of child abduction, child custody and family distress around the world. Twenty-one of those cases are in Japan. The US State Department says it is engaged with about 1,100 families seeking the return of children abducted or retained abroad. Japan ranks first among East Asian countries in the number of active abduction cases that it handles.

The numbers are growing. Globalization means that there are more international marriages and more international divorces, exposing children to international custody battles. This may be especially true for Japan, where the government wants to attract more workers from overseas.

Cases of parental child abduction seldom find their way into the headlines. It's rare to see a story like that of Elian Gonzales, the 5-year-old Cuban boy whose mother died bringing him to the US in 2000, but who was ultimately returned to his father in Cuba. The dramatic escapade, with deep political undercurrents, captured the imagination of the media and the general public. But the truth is that all parental child abductions, whether or not we hear about them, are personal tragedies.

"I did everything I could to make them feel proud of both their Japanese and Canadian heritage"—Murray Wood

The stories we do hear about, like those of Murray Wood and Juan Miguel Gonzalez, are usually of left-behind fathers—70 percent of parental child abductions are perpetrated by mothers—but this is not always the case.

On January 18, 2003, Yamila Castellanos' Japanese husband abducted their 2-year-old daughter from Cuba to Japan. He allegedly forged Castellanos' signature to obtain a divorce and is now married to a Japanese woman. He has denied Castellanos any access to her child, even though she

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