Advocacy for Children Amid Japanese Law and Public Policy that Drive Parental Alienation

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October 12, 2026

Perth, Australia

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CPR

epigraph

Japanese officials are free to pick and choose among laws, using them to further their own causes. When law and bureaucratic policy appear to conflict, officialdom adjusts the law to the policy by newly ‘interpreting’ it.

Karel von Wolferen - The Enigma of Japanese Power 1989

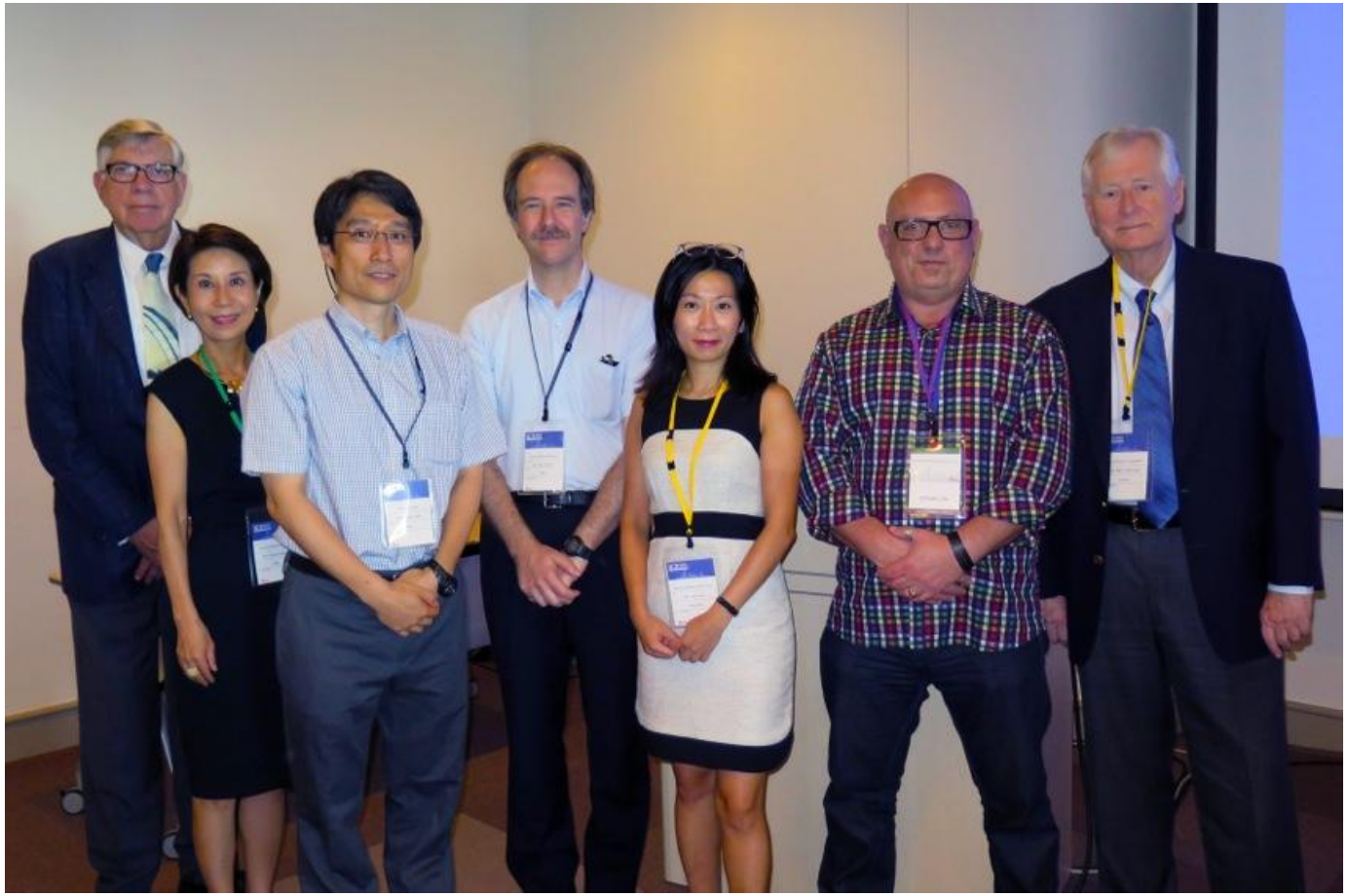
Colin Jones - In the Best Interests of the Court 2007

JG – The Infinite Game (referring to Carse and Sinek) 2019

a bit about me …

American
31 years in Japan
18 years on our issue - 2008

International Congress of Psychology Yokohama July 2016



Kizuna Child-Parent Reunion (CPR)

- Japanese registered NGO - established in 2013
- Promoting change in law and public policy
- Raising public awareness – press articles, conferences
- Supporting families – gender neutral, child focused
- **Purpose: reunite children with their parents**

Family law conditions in Japan

- Only sole custody after divorce until April 1, 2026.
- Zero-sum scenario – one parent gains custody, the other loses it
- Highly contentious battles over custody
- Prisoner's dilemma – who betrays first
- Sole custody obtained by **parental child abduction**!

What happens

- Lawyers recommend it – ‘you could abduct your child’

- Judges reward it – grant sole custody

- Family court ruling – Continuity Principle

The abducted child is settled in new environment and not returned

- Sometimes during court proceedings lasting more than a year no access is arranged
- Alleged perpetrator of DV is not interviewed
- **Meanwhile child(ren) are being alienated**

Results of abduction and sole custody

- Custodial parents can deny access to and visitation with the child(ren) with impunity
- Children completely lose access to their parent
- They lose the child-parent relationship
- Significant psychological damage – individual and societal scale
- **Loss of access after divorce in Japan drives parental alienation**
- **Parents do this, yet the government allows and enables it.**

How many children are affected in Japan?

Counting the Children

- How many children are affected?
- How many children lose access to their parent after divorce in Japan?
- Vital Statistics – Japanese government has the data but does not do the calculation
- So, I did.

3 million children

- **3 million children**
- Estimated
- have lost access to their parent after divorce in Japan
- in 20 years
- More than the population of Perth!

The Whale in the Aquarium



https://qualla.com/national-museum-of-nature-and-science/#list/xn77/national-museum-of-nature-and-science-wp

Normal but not healthy

- The whale is huge, but this is … hidden in plain sight
- Normalized – “I thought it is normal for children not to see their parent after divorce.”
- Normal is widespread but not healthy.
- Japanese culture - cultural relativism or universal human rights?
- **But, human rights apply to all humans, don’t they?**

Relevant laws and treaties

- Japanese civil code since 1896 - civil law rather than common law
- Vague, not detailed
- Judges have wide leeway and discretion in rulings
- United Nations Convention on the Rights of the Child (UNCRC 1994)
- The government's responsibility to ensure children have access to both parents
- Hague Abduction Convention 2014 – return children in int'l cases
- Joint custody 2026 – only suggestions for parents to cooperate but no clear consequences if they do not – **judge's discretion**

Alienation - Justifying the unjustifiable -- an abduction, the big lie

- Justification for child abduction: the big lies, distortion

- Dangerous – domestic violence,
- Does not love you – abandonment
- Died (not true)

- Some sole surviving parents are denied access by other family and courts

- Some children abducted before birth!

Brainwashing – repeating the big lie

Joost Meerloo Dutch Physician

"Fear, and continual pressure are known to create a menticidal hypnosis. The conscious part of the personality no longer takes part in the automatic confessions. The brainwashee lives in a trance, repeating the record grooved into him by somebody else."

Rape of the Mind (*1956*)

enforced confession - agreeing to and saying something that one knows to be false

“The words were mine, but the thoughts were theirs.”

This breaks the psychological reality and psychological integrity, the will of the child.

“The Schwable case is but one example of a defenseless prisoner being compelled to tell a big lie.”

-- false confessions and betrayals of those they loved.

We must consider the context in which children speak.

Psychological prison
Compliant prisoner

- Children are trapped in an invisible psychological prison.

Children may be trapped because they are dependent
– food, clothing, shelter, education, health care, social network,

but some of them become aware of what has happened.

Some child survivors are still enmeshed and trapped even after they have become adults.

Result of 3 million children without access

- Human Rights Violation of UN Convention on the Rights of the Child
- Geneva advocacy Jan 2019 – country review of Japan
- Even worse, whereabouts of children are not known,
- Not disclosed by Japanese government
- The Japanese government is complicit in this human rights violation.
- Their relationship with a parent has been severed, erased.
- **Access depends on the taking parent.**

  – Sasayama, Washington, DC

- Parents in Japan are being prevented from accessing their children by the policies of the government.

- Sometimes there is no knowledge of their whereabouts.

They do not even know the nature of the alienation of their children because they have no access to them whatsoever.

Hague Abduction Convention

- International pressure, global standard, advocated for Japan to join 2014
- Kizuna is one of 17 organizations chosen from around the world
- participated in two DV Hague Abduction Convention Forums
- South Africa - June 2024
- Brazil – October 2025
- Unlike family law in Japan, children do not have zero-sum relationships with their two parents.
- I advocated for access to the parent who does not succeed in their Hague ruling. Will be taken up for future consideration by Hague Conference in spite of stiff opposition by DV advocates.
- **Access is for healing and reconciliation, and to alleviate and counteract the loss of access due to an international abduction and alienation.**

Comparing
Hague Abduction Convention
to Japanese law

- If a parent abducts a child across international borders, the default rebuttable presumption is the child(ren) should be returned to their habitual residence

- If a child(ren) is abducted from one prefecture to another in Japan…

- Abducting parents have been obtaining sole custody
- Child whereabouts are not disclosed.
- **children are not returned**

Joint Custody since April 1, 2026, well maybe; let's see

- Parental child abduction neither explicitly addressed nor prohibited
- Parental cooperation is suggested, but clear guidelines are not explained.
- If parents are not agreeable, then sole custody will be assigned by judge just as before.
- The law asks them to respect each other and cooperate, but there are no clearly defined consequences if they do not.
- No clear guidance nor guarantee toward co-parenting & access after divorce
- Then, what has actually changed?
- After six years of parliamentary caucus deliberations, very little has actually changed. Let's see about the divorce rulings. Some have not been good.
- Divorce by mutual consent is the category, but this does not mean the two parties are satisfied with the conditions of divorce or results of mediation.

The Advocacy

- How long -- 18 years of activity since 2008
- – same as first grade elementary to master's degree
- Where -- Five continents + Australia! – Kizuna logo has Olympic colors
- Like the whale and the seven seas
- Asia – Japan
- North America – Washington DC – ten times in twenty months, escalated to President Obama brought Japan to join Hague Abduction Convention
- Europe – Geneva, UN Convention on the Rights of the Child – Jan 2019
- Africa – Sandton near Johannesburg, South Africa – Hague Forum Jun 2024
- South America – Fortaleza, Brazil – Hague Forum Oct 2025 – flying 56 hours
- What languages? -- Articles in nine languages, partial articles in many more
- Who - Supported hundreds of cases
- More work is needed.


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