

Left Behind Parents Japan and Asian Peoples Friendship Society Joint Policy Statement

1. Joint Custody

We strongly urge the Government to adopt new laws that abolishes the Sole Custody System and facilitates Joint Custody and Joint Parental Authority. We believe this is urgently needed to protect the Rights of both Children and Parents, and to amend wrongful judgments of the past. The current Sole Custody System is harmful to a Child and Parent; furthermore it interferes with the Human Rights of Japanese Citizens, Foreign Citizens, and Children of all Races in the country. The Sole Custody System creates anxiety amongst Japanese Parents with Bi-Cultural Children living in Japan and abroad because the Sole Custody System give reason for Parental Kidnapping by both Parents when they fear they will lose all access to their Child if the Child remains or makes it to Japanese shores. The mixed feelings amongst both Parents, regardless of nationality, race, ethnic background, or religion, leads to suicidal tendencies, loss of work, low self-esteem, and unhealthy future relationships with the opposite sex. It also contributes to Parental Alienation Syndrome which is recognized around the world as harmful to a Child. For these reasons we strongly urge the government to adopt a Joint Custody System with Joint Parental Authority. A Joint Custody System with Joint Parental Authority will protect the Rights of both Children and Parents and amend wrongful judgments of the past.

2. Enforcement

The Rights of the Parent and Child to maintain contact with each other in the event of divorce, separation, or decease of one Parent is a Fundamental Human Right that is recognized by Governments around the World and practiced in nearly every culture on earth, except Japan. This Fundamental Freedom has to be protected with the full force of the law. The Government should use all means at its disposal to ensure these Basic Rights are protected, including Police Enforcement and Jail Time for violations of the law. We urge the Government to adopt measures proposed by former Judge Masanori Watanabe. Mr. Watanabe's proposal should be the guide the Government uses when drafting an Enforcement Mechanism to protect the Rights of Parents and Children. We strongly believe that without a strong Enforcement Mechanism the Rights of the Non-Custodial Parent will continue to be violated in the future. Furthermore, we do not recommend monetary fines and idle threats of losing custody alone as a future deterrent measure; these actions alone will not work. We urge the Government to create new laws with a strong Enforcement Mechanism and obligate Law Enforcement Officials to cooperate in restoring the Rights of any Parent who has lost contact with their Child.

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3. Visitation Rights

First, we strongly demand the Government to facilitate the immediate Reunification of all our members with their Children. Second, we strongly urge the Government to bring an immediate end to Limited Visitation Rulings that grant a small number of Parents 1 day per month or 1 day every 6 weeks. We urge the Government to immediately draft measures that guarantee both Parents equal Parenting Time. We would like to see the Government create measures that require both Parents to create a Parenting Plan if couples choose to divorce or a Child born to unwed couples chooses to raise a Child in separate households. Furthermore, we strongly believe that a Parenting Plan should be a requirement for divorce and a requirement for the upkeep of a Child born out of wedlock or separated from one or both Parents. Third, we strongly urge the government to apply new laws to past judgments determining Custody of a Child and Visitation Rulings.

We urge the Government to immediately prevent Legal Professionals, Medical Professionals, Government Employees, Elected Officials, School Administrators, and anyone abusing their authority to deny a Parent access to their Child or information about their Child to stop these unwarranted actions. We strongly urge the Government to bring these actions to an immediate end.

4. Immigration Procedures

We strongly urge the Government to guarantee status for residence in Japan for Foreign Parents with a Child living in Japan and who sincerely longs to see his or her own child. We want the Government to understand that Foreign Parents with Children between Japanese Nationals who happen to divorce their Japanese Spouse will lose their Spouse Visa Status and may be compelled to return to their Country of Origin if they cannot change their Visa Status. In addition, many Foreign Parents come to Japan seeking their Child but cannot obtain enough information with a Temporary Visa Status. We strongly urge the Government to guarantee the Visa Status of Foreign Parents with a Child living in Japan by adopting a new Visa Category for Foreign Parents.

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5. Domestic Violence

We deplore Domestic Violence in any shape or form and we applaud the Government's efforts to protect Women and Children from Physical and Mental abuse. We believe that Women and Children deserve the protection of the State when there is a legitimate threat of physical harm to their well-being. We understand, in these cases the first priority is to protect Women and Children from physical harm and to secure their safety. We applaud the Government's actions toward a gender equal society, but we have some legitimate concerns about how the Law for Spousal Abuse and Domestic Violence is currently administered by the State.

First, We strongly recommend the Government to create clear guidelines that state how a Parent who loses Custody of his/her Child because of Domestic Violence or Child Abuse can recover his/her Parental Authority. We recommend the Government create Counseling Centers where Parents who have lost any form of their Parental Authority or have been found guilty in a Court for Domestic Violence or Child Abuse can receive counseling and education on Parenting and Marital Relations based on the Customs and Traditions of Japan. In cases where Foreign Nationals are involved we urge the Government to give more serious consideration to the Traditions and Customs of the Foreign Parent, and any form of counseling for Foreign Parents should, as much as possible, be carried out in the mother tongue of the Foreign Parent.

Second, We strongly urge the Government to review the standards for accepting evidence in the Court. Domestic Violence should be proven by clear and objective proofs as recommended by former judge Masanori Watanabe. We strongly request the Government to review the Law for Spousal Abuse and Domestic Violence. We urge the Government to use the recommendations of Mr. Watanabe as the standard of proof. Furthermore, we urge the Government to take actions to prevent Government Officials, Law Enforcement Officials, Legal Professionals, and Medical Professionals from abusing their authority to sway the Court's opinion in determining the Custody of a Child. We recommend suspension of professional licenses for any professional found guilty of abusing their authority to determine the Custody of a Child.

Third, The Government should seriously consider No Fault Divorces. We would like the Government to understand that forcing couples to stay married when there is no real affection between two spouses contributes to anger and hatred between couples, leads to Domestic Violence, and subject Women and Children to bondage to the family's breadwinner.

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Fourth, Women and Children near the poverty line who need assistance from the State should not have to use Domestic Violence to qualify to receive benefits from the State, at any level of Government. The Central Government and Local Governments should abolish any practices that qualify Women and Children for Social Services based solely on Domestic Violence.

Concluded by:

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