

2020年04月24日 公開 外国語(10) (/keyword/219) Limited delivery(2) (/keyword/217) child abduction busi(2) (/keyword/215)

Darkness of child abduction business continued Here are the "Villains" who killed the Hague Convention | Yoshiko Ikeda

Second Special Scoop : Why Japan has become known as the child abduction nation. So-called human rights lawyers and other proponents solicit parental child abduction and have been pulling the strings behind the scenes of this issue. their methods to neutralise the Hague Convention are uncovered in this edition.

Tweet



7

目次

- Lawyer who directs parental child abduction
- Japanese unique rules
- The trap that Japan set in the Hague Scheme
- What's unusual about Japanese domestic violence criteria
- Three-piece tool set for false domestic violence claims
- Who killed the Hague?
- The reason why "human rights sect" oppose
- Ministry of Foreign Affairs as guardian of "Human Rights Sect"
- Vague shadow of Soka Gakkai
- No more serious human rights violations



出典: <https://con-rights-child9.localinfo.jp> (<https://con-rights-child9.localinfo.jp/posts/7758728>)

Lawyer who directs parental child abduction

A surprising fact was reported at the House of Councilors Legal Committee on March 24, this year. On May 15, 2018, the Ministry of Foreign Affairs and the Japan Bar Association held the "Legal Custody (Physical Custody) of Children and the Hague Convention Seminar for International Marriage" in Paris, where parents were advised on how to abduct their children.

The Hague Convention is officially called the "Convention on the Civil Aspects of International Child Abduction." In order to solve the international child abduction issue, the convention consists of processes for returning a child to the country of original habitual residence and securing the exercise of rights of access for both parents. Japan ratified the Hague Convention in 2014.

At the seminar in Paris, Toshiteru Shibaïke, a lawyer sent by the Japan Federation of Bar Associations, gave a lecture on the Hague Convention to Japanese parents (mainly mothers) living in France. Shibaïke, who wrote *The International Human Rights Law Practice Handbook*, (co-written with Mikiko Otani, a lawyer and a member of United Nations Committee on the Rights of the Child) is widely known as a human rights lawyer.

Everything Shibaïke said in Paris was recorded by one of the participants. According to the recorded content, he did not advise the participants in a way that was consistent with the

spirit of the Hague Convention. This would have been to discuss how couples could divorce amicably whilst putting the needs of their children first. On the contrary, he specifically advised how to violate a child's rights by suggesting how it would be possible to take a child to Japan without having the Hague Convention applied.

For example, he explained, "All of you want to know that after you come back to Japan with your children, they would not be returned even if the claim will be made by the Hague Convention. I would like to talk a little about it...When your case does not meet the requirements of return refusal, none of them are satisfied, then you may think you must return your children if the trial is carried out in Japan. It's not true because the Japanese court can decide whether to return or not by agreement, which is the unique characteristic of Japanese court and Japanese Hague cases. So you do not need to give up."

Japanese unique rules

The Hague Convention consists of 45 articles. Among them, only two articles refer to the requirements to refuse the return of the child. It is apparent from this that the main focus of this convention is not to refuse to return the child to their habitual living place. This is only allowed in extremely exceptional circumstances. This is understandable as it is a treaty designed to prevent the abduction of children. Nonetheless, Shibaïke explained in detail for 30 minutes what to do in order to satisfy the requirements of this return refusal, despite the fact it doesn't apply to the majority of cases. It is highly logical therefore, that this event could be referred to as a Child Abduction Solicitation seminar.

How is it possible to abduct children? The explanation of Shibaïke is quoted below:

"Look at the articles briefly. Articles are important, so let's look at them.... There is Article 28. Article 28 provides the grounds for refusal to return. If you satisfy the grounds stated here, you are allowed to not return the child...See this Article 28, it states that the court shall not order the return of a child if there is a grave risk that his/her return to the state of habitual residence would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation... Looking at this paragraph, it seems that the grave risk does not include domestic violence against mothers...But the other paragraph provides that the grave risk as stated above includes a risk that the respondent would be subject to violence, etc. by the petitioner in such a manner as to cause psychological harm to the child, if the respondent and the child entered into the State of habitual residence. The respondent written here means mothers, or all of you. The respondent means those who must respond to the petition based upon the Hague convention. In other words, the respondent is those who take their children. The article provides that whether or not to return the children depends upon the risk that the wife would be subject to violence by her husband to cause psychological harm to the child, if (the wife and) the child comes back to France."

Anyone who has read the articles of the Hague Convention should be skeptical of Shibaïke's explanation. This is because the Hague Convention has no provisions for domestic violence as grounds for refusal of the return of the child.



出典: <https://con-rights-child9.localinfo.jp> (<https://con-rights-child9.localinfo.jp/posts/7758728>)

The trap that Japan set in the Hague Scheme

The Hague Convention is a treaty that puts the interests of children first. Therefore, the marital relationship is irrelevant to the decision to return the child. It doesn't matter if one of the couples was unfaithful or if there was domestic violence. Even if there is domestic violence, the problem will be resolved if the couples live separately and introduce coparenting. Thus, it cannot be used as the grounds for refusal to return. The Hague Convention only states that violence to children should be taken into account.

It is the provision of Article 13 of the Hague Convention that states that if "there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation,⁰" then return could be refused. A

situation that exposes a child to physical or psychological harm is, for example, the case where the child is being abused. An example of an intolerable situation is when the country in which he or she used to live is in a state of war. Thus, the Hague Convention allows the refusal for a child to be returned only when it is clearly recognized that the interests of the child will be harmed.

However, after the ratification of the Hague Convention, Japan manipulated the domestic law, implementing the convention. It is called the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction. The Japanese government included domestic violence as a grounds for refusal to return a child in this act, which the Article 13 of the Hague Convention itself does not include.

As explained by Shibaiki, Article 28 of the Implementing Act states that when deciding to refuse to return a child under the Hague Convention, the court shall consider a risk that the respondent would be subject to violence by the petitioner in such a manner as to cause psychological harm to the child, if the respondent and the child returned to the state of habitual residence.

The reason why domestic violence harm the interests of children may be that when it occurs in front of the child it causes psychological harm to the child, so can be considered child abuse and that the child is exposed to physical and psychological harm. In Japan, this is called witnessing domestic violence and is regarded as a form of child abuse under the Act of the Prevention of Child Abuse. In any case, what is important is that it is the Japanese court which decides whether there is a risk of witnessing such domestic violence. Therefore it is important to know what the criteria are in Japan for determining domestic violence according to Japanese standards.

What's unusual about Japanese domestic violence criteria

According to Japanese government information, examples of domestic violence actions include shouting and ignoring for a long time. In other words, a husband who finds evidence of his wife's flirting can be accused as domestic violence if he shouts at her, and this may be considered child abuse if the child is there. In addition, in case of a quarrel between husband and wife shouting at each other, the Japanese court accepts the husband's actions as domestic violence if his wife abducts their child and appeals to court complaining that she has been a victim of these actions. This is common practice in Japanese courts.

If a Japanese parent who abducted a child from another country and returned to Japan claiming that he / she was a victim of domestic violence, and made a petition for refusal of return under Article 28, the Japanese court would refuse to return the child based on this domestic violence judgment criteria in Japan. Moreover, as is clear from Article 28, it is

sufficient if there is a risk of violence. The word risk is an inflammatory word that can be abused with a broad interpretation. It is again the Japanese judge who determines such risk.

In other words, if you take even one step inside a Japanese court, the international rules such as the Hague Convention will not be applied at all. As long as Japanese parents successfully abduct their children to Japan from the country in which they currently live with evidence of domestic violence fabricated by using dirty tricks that the so-called human rights lawyers suggest, a Japanese judge will approve the refusal to return under the Hague.

At the seminar, Shibaike further explained the following points to the Japanese parents in France in order to apply Article 28. "It's also important to come back with proper evidence of domestic violence. For example, a good way is to go to a French hospital to get a proper medical certificate. If you're in a shelter, go to the shelter to ask its staff to write a paper to certificate that you're in the shelter. If you go to the police, ask the police to write down the records of the consultations with the police, etc..... and bring back such evidence properly."

No matter how indifferent a Japanese judge is, it is difficult to have a determination of domestic violence without any evidence. Especially, in the case of Hague, which is also seen by the international community. So it would be helpful for the Japanese judge to refuse to return the children because of domestic violence against their mother if the mother could show some kind of 'evidence'.

Three-piece tool set for false domestic violence claims

芝池 俊輝 Toshiteru Shibaike



主な経歴

- 1995年 私立ラ・サール高等学校卒業
- 2000年 東京大学法学部卒業
- 2002年 弁護士登録
- 2008年 英国エセックス大学大学院修士課程終了 (LLM)

出典: <https://kotonoha-law.com> (<https://kotonoha-law.com/lawyer/shibaike>)

The three types of evidence presented by Shibaïke are the three-piece tool set used by these so-called human rights lawyers in directing the fabrication of false domestic violence evidence for use in Japan. Medical certificates can be utilised when there is a diagnosis such as stomach ache caused by stress. The fact that a woman stayed at a shelter can be admitted as evidence of domestic violence in Japanese courts. The fact that a woman consulted with the police or the Women's Counseling Center can also be used as evidence. With these three points, even if no domestic violence has taken place, it is possible to provide satisfactory 'evidence' and Japanese courts will take this as proof. In other words, what Shibaïke wants to say is that if you abduct your child to Japan according to his directions, you need not return the children by taking advantage of the Implementation Act which provides domestic violence the grounds for refusing to return the child and the Japanese courts which treat the false domestic violence claim as a fact.

In 2011, child abduction by Japanese was reported on the ABC broadcaster in the United States of America. In the program, an email sent from a Japanese wife, who abducted a child and returned to Japan, to her American husband was shown. The email proudly says, "Now it's time to start this game by Japanese rules." This particular email was sent before Japan ratified the Hague Convention, but the situation remains almost unchanged today. In other words, despite the fact that Japan has ratified the Hague Convention, it is still just as possible to abduct a child under Japanese rules as it was before joining the Hague Convention. Indeed, as Shibaïke says, this is "the characteristic of the Japanese court and of the Hague case in Japan." And, as was written in the email above, this is a game for the child abductors and the so-called human rights lawyers who support them. And it is the children who end up being the ultimate victims of those who enjoy this game.

Who killed the Hague?

The history of the establishment of the Implementation Act that waters down the Hague Convention was clarified in an article in the Komei Shimbun (the newspaper of Komeito party) on May 9, 2014. The title of this article is "How did Komeito party play when the Implementation Act of the Hague Convention was legislated? – we added the clause to enhance the support of domestic violence victims while keeping the interest of children." The article describes the activities of Kanae Yamamoto, a Diet member and former official of the Ministry of Foreign Affairs.

The article says, "The Komeito party resolved matters relating to the provisions of the Hague Convention in the process of legislating the Implementation Act of the convention when concluding the convention. The Komeito party discussed and quelled the anxiety of those who were afraid of concluding the convention such as domestic violence victims one by one through the legislative discussion. The Komeito party asserted to ensure the effectiveness of the provision of the refusal of the child in case of "a grave risk that his or

her return would expose the child to physical or psychological harm." It was incorporated in the Implementation Act as a result of repeated negotiations with Japanese government."

It should be noted, in this article, that Seiko Hijikata, a representative of the NPO All Japan Women's Shelter Network expressed her gratitude for the Komeito party which did its best to water down the Hague Convention at the time of legislating the Implementation Act. Hijikata was mentioned in an article titled "Darkness of child abduction business" in the May edition of the journal HANADA this year as being sued for defamation because she distributed a false domestic violence flyer. In the article, Hijikata says "At that time when the plan was announced to conclude the Hague Convention, we did not have enough opportunity to express our opinion." Certainly the Hague Convention was ratified even though Hijikata and her comrades protested against it.

The Hague Cautious Association was formed when the Japanese government was about to sign the Hague Convention. Looking at the members of this group, we can see not only the members of the All Japan Women's Shelter Network, but also the other people who are mentioned in the above-mentioned HANADA article as also having been accused of defamation, such as Chiiko Akaishi and lawyer Masao Honda. There is also the name of Chizuko Ueno, who was a professor of Yuki Senda in her student days. Senda is also a defendant in the defamation case.



NPO法人しんぐるまざあず・ふぉーらむ理事長

赤石 千衣子

CHIEKO AKAISHI

出典: <https://gendai.ismedia.jp> (<https://gendai.ismedia.jp/list/author/chiekoakaishi>)

The reason why "human rights sect" oppose

Why were they opposed to ratifying the Hague Convention? The reason is that the ratification of the Hague Convention could have had a huge impact on the domestic child abduction business, as Yoko Yoshida, one of the so-called human rights lawyers and a member of "Hague Cautious Association," reports in the newsletter of the Gender Equality Committee of the Japan Federation of Bar Associations "The ratification of the Hague Convention has a significant influence over the domestic cases of the separation with children."

In other words, it is logically impossible to ban international child abduction by adoption of the Hague Convention while also not banning domestic child abduction. So, it follows that the relevant domestic laws and the ruling of Japanese courts would naturally be changed in order to resolve this inconsistency. Then, these so-called human rights lawyers can no longer carry out their child abduction business in Japan. Due to this situation, they tried to resolve the inconsistency in a surprising way. In other words, instead of matching Japanese local rules with the world rules, they attempted to apply the Japanese rules to the rest of the world.

It was nearly 40 years after the Hague Convention came into effect in 1983, and more than 90 countries were already members of the Convention at the time when Japan joined them. Under this situation, Japan, a newcomer, tried to bring its own Japanese rules to the treaty. This is the opposite from how it should occur. After the ratification of the convention, groups opposed to the convention changed their strategy to approach the Komeito party, which had just joined in a coalition with the ruling party, and Soka Gakkai (a Japanese religious organization), which was behind the party, to water down the Hague Convention through legislating the Implementation Act. In addition, these so-called human rights lawyers never publicly said their real intentions for trying to water down the Hague Convention which is in order to maintain the domestic child abduction business. While they divulge the real intention in the newsletter of their associations, they officially pretended as if they opposed ratifying the Convention in order to protect the victims of domestic violence.

According to a report by "Red Flag (Akahata)" (a newspaper produced by the Japan Communist Party) on June 13, 2013, Yoko Yoshida also said at the House of Councilors Legal Committee, "Even if a mother returns from a foreign country with her child to escape domestic violence, the child will be returned to the country of original habitual residence. That's my concern."

Their strategy worked successfully. And it is Shibaïke who, like an evangelist, instigates Japanese parents to keep abducting their children internationally by explaining to them the loophole of the Hague Convention under the support of the Ministry of Foreign Affairs. Looking at Shibaïke's profile, we can see that he is a director of NPO Human Rights Now. He seems to have been working on various human rights issues both inside and outside Japan as a secretariat staff member since the establishment of this NPO. This NPO is led by lawyer

Kazuko Ito, who continued to assert her opposition to ratification of the Hague Convention through NHK (Japan Broadcast Public Corporation) and others. If the Shibaïke, who worked under her, was entrusted with the Hague Convention Seminar, it would be natural to conclude that it would be a Hague Convention Loophole Seminar.

Ministry of Foreign Affairs as guardian of “Human Rights Sect”

What is strange is the Ministry of Foreign Affairs' reply at the time of the Legal Committee, where the above seminar was mentioned. Osamu Yamanaka, the Counselor of the Ministry of Foreign Affairs, clearly said that the purposes of this seminar was, "to promote correct understanding of many people about the issue of child removal and prevent child removal." Nonetheless, he proudly said "we, as host of this seminar, expect that these purposes have been achieved."

As the May edition HANADA article mentioned earlier described, the image of Japan as a child abduction nation is becoming more and more established among the international community. Under such circumstances, the statement of the Ministry of Foreign Affairs in the Diet to praise the seminar which taught the loopholes in the Hague Convention and the way to abduct children officially has developed into a serious diplomatic issue with not only France, which was humiliated by Japanese holding such a seminar there, but also the whole international community.

Why is the Ministry of Foreign Affairs defending Shibaïke so strongly, despite the risk of it resulting in a serious diplomatic issue? If you look at Shibaïke's homepage, you can understand the extraordinary relationship between him and the Ministry of Foreign Affairs. In addition to serving as an official lawyer in charge of telephone consultation (the Hague Convention matters / Pilot Project matters) regarding child removal cases of the Ministry of Foreign Affairs, Shibaïke also serves as a lecturer of the Hague Convention Seminar hosted by the Embassy of Japan in the United Kingdom in 2014 prior to the seminar in France. In Japan as well, from 2016 to 2017, he held a total of six lectures of the Hague Convention Seminar hosted by the Ministry of Foreign Affairs.

And it seems unlikely that the Ministry of Foreign Affairs did not realise that the content of such lectures promoted child abduction. In fact, even at the seminar in France, the consul general also attended the event and praised Shibaïke as an expert on this subject. I can't help thinking that Shibaïke and the Ministry of Foreign Affairs have worked together closely to hold the Child Abduction Solicitation seminar in Japan and overseas.

Vague shadow of Soka Gakkai



Soka Gakkai (a Japanese religious group) Three color flag

Why does the Ministry of Foreign Affairs so cherish lawyer Shibaïke who teaches parents how to abduct children? His background is thought to be the answer. Reading an article in the May issue in 2015 of a journal called "The Third Civilization" (the official journal of Soka Gakkai) Shibaïke gave a lecture on SOKA Global Action at a symposium hosted by the Student Department of the Soka Gakkai. People who are not Soka Gakkai members are able to give lectures at symposiums hosted by the Student Department of Soka Gakkai. Thus we cannot conclude that he is a member. However, it can be said for certain that Shibaïke, the Komeito party and Soka Gakkai have a fairly close relationship.

The Komeito party and Soka Gakkai are also very close to the Ministry of Foreign Affairs. For example, in the above Komei Shimbun, Hijikata, member of the NPO All Japan Women's Shelter Network said, "Diet member Yamamoto (Kanae), Oguchi (Yoshinori) and other member of Komeito party took care of us the most cordially and introduced the officials of the Ministry of Foreign Affairs many times."

That reminds me of a lecture text. According to the lecture text, in 1970 's, Soka Gakkai set forth "Total Revolution," which meant that Soka Gakkai would lead every society by planting its members in mainstays of national power such as bureaucracy and legal circles. In particular, its emphasis is on the profession of legal circles and diplomats. In order to pass the national examinations, its Student Department launched a study group circle, such as "Legal Study Committee." At the same time, it set up organizations called Shizen Tomo No Kai (Natural Friends Association) and Kyokujitu Group (Rising Sun Group) to support the members who passed the bar exam and an organization called Ootori Kai (Giant Fenix Association) to support the members who passed the diplomatic service examinations.

No more serious human rights violations



Licensed by
gettyimages® (htt

p://welcome-to-
gettyimages.jp/li
censed-by-gettyi
mages/)

I have no way to confirm the authenticity of this lecture. Moreover, even if it is true, it does not immediately become a problem. However, if those members who are working as professionals in legal circles and as diplomats, planted in the organisations by Soka Gakkai, and conspire to enhance the child abduction activities by Japanese and bring serious issues to Japan, denounced as a child abduction country by many countries, then it would be a very big problem.

Soka Gakkai is an organization which has been dedicated to the protection of children's rights as the December issue in 2019 of The Third Civilization featured the "30th anniversary of the Convention on the Rights of the Child." The Komeito party is no different. Nevertheless, if they are involved in activities that harm children, it must be true that it has been deceived by the actual child abduction business sects. Child abduction and disruption of parent-child relationships are serious human rights violations that are in breach of Article 9 of the United Nations Convention on the Rights of the Child. I would like Soka Gakkai to realise this as soon as possible and to cut ties with such sects as soon as possible to regain its original form as an upholder of children's rights.

The same applies to the Ministry of Foreign Affairs. The Ministry of Foreign Affairs has

completely lost sight of its original role due to the fact that it has been overrun by proponents of child abduction. The ministry should immediately break the ties of the inappropriate relationship with the sects and revise Article 28 of the Implementing Act, which violates the spirit and intention of the Hague Convention. In addition they should immediately tell the Supreme Court through the Ministry of Justice that child abductions and the severance of parent-child relationships are violations of human rights and therefore it is necessary to urgently revise the rulings. I want the Ministry of Foreign Affairs and the Supreme Court to return to their appropriate functions as soon as possible.

Yoshiko Ikeda (<https://hanada-plus.jp/articles/329>)

<https://hanada-plus.jp/articles/329> (<https://hanada-plus.jp/articles/329>)

Freelance Journalist. Former reporter for a professional journal. Exposing irrationality and injustice in the world from a humanistic perspective.

月刊『Hanada』定期購読はこちら (<https://www.fujisan.co.jp/product/1281697388/>)

Tweet



7

関連するキーワード

[外国語 \(/keyword/219\)](/keyword/219)

[Limited delivery \(/keyword/217\)](/keyword/217)

[child abduction busi \(/keyword/215\)](/keyword/215)

[Hague Convention \(/keyword/232\)](/keyword/232)

関連する投稿



Darkness of child abduction business | Nozomi Makino (/articles/311)

In Japan today, parental child abductions occur on a daily basis, and false DV claims are...

3690 views

2020/03/26 18:00

(/articles/311)

The identity of VANK | Fumiaki Yamasaki (/articles/296)

At present, "influence operations" is gaining the attention of intelligence agencies all over the...

2487 views

2020/03/07 18:00

(/articles/296)

문재인 대통령, 선거 개입의 "전과" (文在寅大統領に選挙介入の"前科") | 변희재(邊熙宰) (/articles/258)

"문재인 정권은 울산 시장과 같은 공직자의 선거 뿐만 아니라, 독립적인 민간 단체에까지 개입하고, 반...

(/articles/258) **1235 views**

문재인 대통령의 '반일'로 한국은 멸망한다 | 경제학 박사 이우연 (文在寅大統領の反日で韓国は滅んでしまう | 経済学博士・李宇衍 (/articl…
한국에서 베스트셀러가 된 '반일종족주의'의 공동 저자인 낙성대경제연구소 이우연 박사.사무실에서 습…

1279 views

2019/11/16 18:00

(/articles/233)

GSOMIA파기 문재인의 본성 (GSOMIA破棄 文在寅の正体) | 변희재 (邊熙宰) (/articles/165)

변희재(邊熙宰)

1905 views

2019/10/04 12:00

(/articles/165)

最新の投稿

なべやかん遺産 | 「大魔神」 (/articles/303)

芸人にして、日本屈指のコレクターでもある、なべやかん。そのマニアックなコレクションを紹介する…

605 views

2020/03/31 15:00

(/articles/303)

月刊『Hanada』2020年5月初夏号 (/articles/314)

5月号も永久保存版！なぜ早期に、安倍首相は中国全土からの入国禁止をしなかったのか。コロナ…

1929 views

2020/03/28 17:00

(/articles/314)

「2020年5月号」新聞広告大公開！ (/articles/313)

完売続出の5月号。今回の新聞広告もかなりおもしろい展開に…。「武漢肺炎」「武漢ウイルス」がOK…

1509 views

2020/03/27 20:00

(/articles/313)

Darkness of child abduction business | Nozomi Makino (/articles/311)

In Japan today, parental child abductions occur on a daily basis, and false DV claims are…

3690 views

2020/03/26 18:00

(/articles/311)

新型コロナ蔓延は中国共産党の「殺人だ」 | 楊逸 (/articles/301)

中国出身で2012年に日本国籍を取得した芥川賞作家が、涙と怒りの告発！ 文化大革命の経験から、…

11876 views

2020/03/24 12:30

(/articles/301)

[メディア \(/media\)](/media)

[政治・経済 \(/seizi\)](/seizi)

[中国・韓国 \(/tyuugokukannkoku\)](/tyuugokukannkoku)

[国際・英語記事 \(/kokusaienglish\)](/kokusaienglish)

[ライフ \(/life\)](/life)

[ねこ \(/neko\)](/neko)

[バックナンバー \(/backnumber\)](/backnumber)

[記事一覧 \(/articles/newest\)](/articles/newest)

[キーワード一覧 \(/keywords\)](/keywords)

[Hanadaプラスについて \(/boards/2\)](/boards/2)

運営会社

[\(http://www.asukashinsha.co.jp/\)](http://www.asukashinsha.co.jp/)