

Child Abduction in Japan By Rudy Wartella

Parental Kidnapping has been a crime for as long as I can remember. What is in the news now, takes a different twist. Can you go to jail for exercising your court ordered custodial rights? Well, this is a question that was inspired by a recent case in Japan. The case involves an American with a valid U.S. Court order of custody and his attempt to take the children from their mother (a fugitive of American justice living in Japan) back to America. As I write this article, the American is sitting in a Japanese jail. Read the story at:

<http://edition.cnn.com/2009/WORLD/asiapcf/09/29/japan.father.abduction/index.html?iref=newssearch>

The 1991 Hollywood move, “***Not Without My Daughter***” depicts the real life escape of American citizen Betty Mahmoody and her daughter from her husband in Iran. The most recent case involving an American father trying to take his children from Japan, may not be made into a movie, but is sure to be in the news for some time to come. It doesn't matter whose side you are on, the point is clear: If you come to Japan for the purposes of taking your kids back to America you could end up in a Japanese jail if you do not have the consent of the Japanese parent or do not have a Japanese court order authorizing removal.

By the time this article gets published, Christopher Savoie might be out of jail, but it may be a long time before all of the developed countries of the worldⁱ can agree with the 1980 Hague Convention on international child abductionⁱⁱ. So, I recommend that you not take the law into your own hands no matter how great of a case you may have. If you do, you risk going to jail. Mr. Savoie is facing 5 years in a Japanese prison.

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ⁱ Members and Non- Members:

http://www.hcch.net/index_en.php?act=conventions.status&cid=24

ⁱⁱ The *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* is a multilateral treaty, which seeks to protect children from the harmful effects of abduction and retention across international boundaries by providing a procedure to bring about their prompt return. The "Child Abduction Section" provides information about the operation of the Convention and the work of the Hague Conference in monitoring its implementation and promoting international co-operation in the area of child abduction.

http://www.hcch.net/index_en.php?act=text.display&tid=21