



## When the **Honeymoon's** Over ... Contemplating kids or an international marriage? Read this.

**J**apanese financier Seichi Wada sits in a restaurant at Hong Kong's Grand Hyatt, a wealthy but broken man. His nightmare dates back to 1999 when he met a beautiful Spanish-Japanese woman in Tokyo who became his lover, then his partner, and eventually bore him a baby boy. "When he was born, something ignited inside," he recalls. "He was a part of me and became my responsibility." That instinctual urge to protect was ripped apart when, in July 2001, his partner's mother convinced her daughter to leave Tokyo with her baby and move back with her to a

northern Japanese prefecture. "They locked the doors, drew the curtains and made it impossible for me to see him," he says forlornly. "I just can't understand how anyone could do that to a father."

For three months Wada stalled, wondering what to do. He had never married the woman, so his options were limited. On October 8, desperate and at breaking point, he took back possession of his son and, for the next 13 days, checked in and out of hotels across the country, on the run from authorities. "They were the best days," he claims. "I played with him and we bonded; and

even if I never see him again, I think he will remember."

When the police turned up at the Prince Hotel in Hiroshima on October 21, they arrested Wada on kidnapping charges. "But how can you kidnap your own son?" he queries, still confused as to how a mother could legally take a child away from his father, but for the father to do the same renders him a criminal. "It is a stupid and backward system," he barks.

Locked in a cell for 19 days, Wada refused all food and would not sign any papers. "In jail I still had some sympathy for her," he says, explaining what was going through his head at the time.

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"I knew what it was like to endure the shock of losing a child," he adds, flipping open his mobile phone to show blurry photographs of a small boy playing in a park. He was released when the woman opted to accept ¥10 million compensation and to withdraw the complaint.

Despite the hefty sum, Wada has been awarded no rights over his son; and the courts deemed it "potentially too disturbing" for him to be allowed any visitation rights. "I worry about him every second of every day locked up in a house with those women and no male influence," he says. "Their narrow-mindedness is extreme."

Wada's ordeal is not uncommon in Japan, where domestic and international lobby groups, as well as lawyers and individuals, are battling to bring related laws more in line with the rest of the developed world's policies. Change, unfortunately, hovers somewhere between zero and slow.

#### **Adoption factor**

David Brian Thomas has been waging his own similar battle for almost 16 years and, as head of the Children's Rights Council of Japan, is now committed to helping others with support and information. In hindsight, Thomas thinks it would have been better to stay in England where he had met and married his Japanese wife, rather than bringing her back to Japan where they ended up living in a house that shared a garden with his wife's parents.

"Very soon after the birth of my son in 1990, my in-laws said their house was deteriorating and they would need to move in with us for a while," recalls Thomas. "They did; and to my amazement, my mother-in-law started sleeping with our son. It was very odd." He was against the extended living arrangements, but tried to remain culturally sensitive. Thomas never imagined, however, his meddling mother-in-law taking it as far as she did.

"Little things would happen all the time," he points out. "I would arrange a weekend trip away, and they would force my wife to cancel and go with them somewhere else instead. An official family portrait was taken and I was excluded, and soon after that they started asking me to sign adoption papers for 'inheritance reasons.' I checked with lawyers, though, and was told it was completely unnecessary."

Then in 1992, when his son was two, Thomas returned from work to find barbed wire blocking the entrance to the house and a note saying the family had moved to his sister-in-law's house. Confused, he arranged a mediation session with his wife to talk about his son; but when he turned up, his mother-in-law was there instead to talk. He was told that there was nothing to discuss because he no longer officially had a son. The adoption had been granted.

"I just froze," recalls Thomas. "It felt like the world had ended. They had forged my signature

and taken my son." Frightened by what he calls the family's "untrustworthy and unscrupulous behavior," he immediately filed for court proceedings to commence. The case went all the way to the Supreme Court and he did get the adoption annulled, but the family wriggled out of the forgery investigation and was never prosecuted. Of more importance to Thomas was finding a way to participate fully in his son's childhood. A lawyer did eventually manage to get him some visitation rights; but right from the start, the mother-in-law would call to say the boy had a cold and could not make it.

"I haven't seen him since," says Thomas. "Of course, I have hired private investigators and such; but in the end, I can't really do much. I stayed, though, so when he comes looking for me, he will discover that I never stopped fighting and I never left."

#### **Non-signatory**

Domestically, both Japanese and foreign fathers face insurmountable barriers when dealing with their former or estranged wives who refuse to let them see their children. The laws are more non-laws designed to fudge and leave things be. And when the issue becomes international, the predicament can be even more dire because, despite pressure, Japan still refuses to sign the Hague Convention on the Civil Aspects of International Child Abduction, which has more

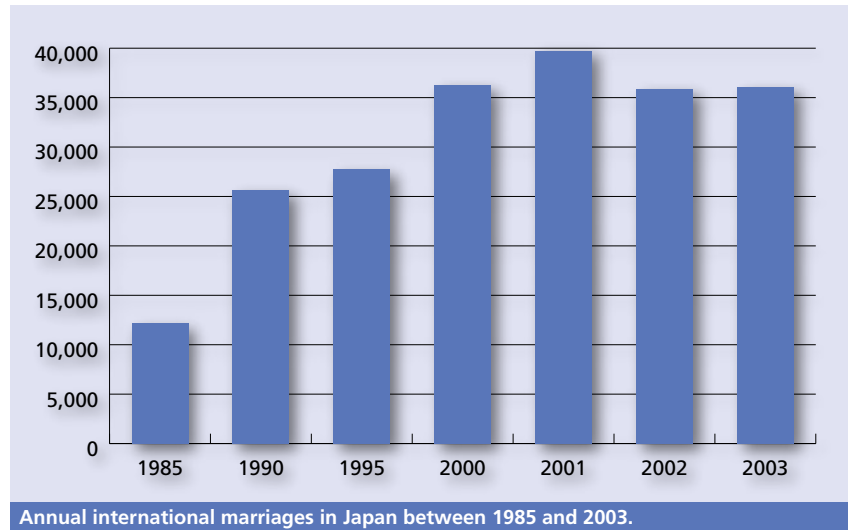
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than 80 signatories, including every other member of the Group of Seven (Canada, France, Germany, Italy, the UK and the U.S.). The convention requires that if a child has been abducted to another country, the other country must not retry the custody case, but must return the child to the country of habitual residence.

In 2004, Murray Wood won sole custody of his two children in a Canadian court. In December of that year, the Japanese mother secretly packed up her apartment belongings and resigned from her job with Japan Airlines (JAL). She told her former husband that her father was sick and she wanted to take the children back to Japan for a brief 12-day visit to see him. He obliged, but has not seen his children since – bar for a brief meeting last year with his son, 10, and daughter, 7, in a Saitama courthouse, which went on to award custody to the children's mother, Ayako Wood. That finding is in clear violation of the Hague Convention and effectively turns Japan into a safe haven for kidnapers. No amount of court appeals have helped Wood, and an international warrant is out for the arrest of Ayako, which she continues to ignore.

#### Life links

None of these are isolated instances. The U.S. Embassy in Japan is currently dealing with the abduction of 20 children. Groups like the Children's Rights



Council of Japan ([www.crcjapan.com](http://www.crcjapan.com)), which advocates "the best parent is both parents," and the Japan Children's Rights Network ([www.crnjapan.com](http://www.crnjapan.com)) are both good English-language information centers. Yet, it is not just foreigners who struggle with the Japanese system. The Fathers' Web site ([www.fatherswebsite.com](http://www.fatherswebsite.com)) is a group of Japanese parents who all have their own harrowing tales of denied access and who are involved at the grassroots level in lobbying the government to recognize joint custody in Japan and properly act when visitation agreements are violated.

"We want fathers to be properly and legally recognized like they are in other countries," says Hideaki Tanaka, president of the group. He says in 80-90% of custody cases here, women automatically win, putting fathers at a disadvantage before proceedings even begin.

#### Courts decide

Sam (not his real name), 39, is a British IT specialist and has been based in Tokyo for 10 years. In 1996 he married his pregnant Japanese girlfriend and the union lasted until November 2004. "She wanted to control me," he says. "She didn't want me to go out and would fly into a temper every other day over nothing." The couple arranged for settlement papers to be drawn up and expected everything to go through smoothly. "She got everything she wanted when it came to money and I shared custody of my son," he explains. "I was happy with that because I had heard the chances of not being able to even see my son were high and she had raised the possibility of her moving back to her hometown."

To his amazement, the court rejected Sam's settlement request. "I was told our agreement entailed joint custody

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and that was impossible," he explains. "The judge wanted me to agree to pay an outlandish sum of money, with no real guarantees of ever seeing my son; and when I challenged them, they said that was just the way it was." A new divorce settlement was written up. Sam paid his former wife half of all their savings accrued since their marriage, agreed to pay ¥350,000 per month for four years, then ¥150,000 per month for child support until his son turns 18, and all educational expenses.

The settlement also included visitation rights. "But I was warned that that meant nothing," he says. "If she denied me the visits, I could take her to family court, but I wouldn't win because she is Japanese and the law offers no rights to non-custodial parents." On the flipside, if Sam defaulted on his payments, there is very little his ex-wife could do about it. "It is a completely dysfunctional system," he adds. "Bad for fathers and bad for mothers because legal solutions can't really be enforced."

#### Stats speak

Delving too deeply (or critically) into the harsh realities of marriages between Western men and Japanese women is dangerous territory, but to ignore the topic entirely is like pretending not to notice the proverbial elephant standing in the middle of the room. In 2000, 202 American women married Japanese men

and 1,483 American men married Japanese women. Local women's magazines publish "how to" guides and call snagging a tall foreign hubby a "win." What the articles don't focus on is that making any marriage successful is hard work, making an international marriage work is even harder; and despite many fabulous success stories, making an international marriage between a Japanese woman and a Western man work is a tricky, culturally complicated, endeavor – and the statistics are not good. In 2002, out of 757,331 registered marriages, 35,949 were international, with the number of divorces involving a foreign spouse topping 15,200, according to a survey conducted by the Health, Labour and Welfare Ministry.

Lawyers, through word-of-mouth recommendations, have become well known among Japan's expatriate community. Those spoken to for this article did not want to be quoted directly, but did nod their heads knowingly with a bemused expression when questioned. Most seemed to think international marriages were more likely than not to end up in their offices, and blame cultural differences and poor research on behalf of the men about the real personalities (not public personas) of the women they choose to marry.

"Marriage here is more of a deal," points out Ken Joseph of Japan Helpline ([www.jhelp.com](http://www.jhelp.com)), a service that can listen to

your story, help you find a lawyer and guide you through mediation and court proceedings. "She acts nice and makes him look good; and in return she rules the finances, the house, and gets her way in other intangible ways ... it is that hidden side to the bargain which foreign men are not really aware of."

#### Usual suspects

The typical scenario goes something like this. Guy comes to Tokyo and meets a beautiful girl. Everything about her seems better than the girls back home: she looks good, demands less and treats him better. Every man spoken to for this article used words like obedient, demure, accommodating, nice, unthreatening and sexy to describe how he first felt about his partner. So, he marries her.

"After the wedding she completely changed ... I had no idea that a personality could flip so extremely," says one man. "She wanted to give up work soon after we got married," says another, "and now it feels like I have a housekeeper, not a friend, because our lives are so separate."

It is a recurring tale. "She never says I love you; and when I ask her about it she says, 'Japanese wives don't talk like that,'" says one man. "When we were dating, everything was great," says a father of two. "After the wedding she became a wife; and since the kids were born, she has become a mother and we haven't even been to the movies since. It

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is like she role-plays, and my role is just money earner."

#### Harsh truth

Taeko Mizuno does a lot of pro-bono work for Asian immigrants facing discriminatory difficulties, but finds herself being called upon more and more by Westerners in need of legal marriage counsel. Her sympathy is sobering.

"Look, it is the dead-beat dad that the law is set up to deal with. And it is unfortunate that the good dads get done over in the process ... but I still see more abandoned mothers who need help than the other way around," she observes. "I know a lot of

foreign fathers complain about the Japanese system; but there are always more sides to the story and, really, a lot of these men are not doing the right thing for their wives, but think they can keep getting away with it."

Harsh but fair? It may surprise you that Mizuno calls it "common sense" that women get custody in the majority of cases. She even sees sense in limiting paternal access. "Seeing one parent for a few hours each month can be very disturbing and difficult for both child and mother," she says. "I see it all the time. The father brings presents then disappears; and the child suffers, and the

mother has to explain and try her best to cope until the next visit. Sometimes it is just easier to cut ties altogether."

It's the prevailing opinion that, when coupled with an emasculated legal system, it doesn't bode well for either Japanese or foreign fathers who think it is their right to fully participate in the upbringing of their children.

Calling Japan "40 years behind," Wada's hands tremble when he says he doubts he'll ever see his boy again. "I can't imagine it," he admits. Thomas, on the other hand, thinks because his son is older, his wait might be coming to an end; yet, he still considers Japan a "callous society" and the resentment he harbors for a system he feels failed him shows.

Wood, despite the many setbacks, is refusing to give up. "I am hopeful that [former] Prime Minister Koizumi's promise to open dialogue between the Canadian and Japanese governments will lead to an agreement that will bring my children home quickly," he comments from Canada.

Sam, relieved that his relationship with his son remains in tact, admits that the whole ordeal has left him trapped. "Without all this, I wouldn't be here," he says. "I could have taken more risks with my career and my whole life; everything would be very different."

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*"As part of the settlement, your wife is asking for any three of the six letters of your surname. You, of course, would retain the remaining three."*