

Status of Implementation of the Hague Convention (Convention on the Civil Aspects of International Child Abduction)

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Hague Convention Division

Ministry of Foreign Affairs of Japan

1. Overview of the Hague Convention

The Hague Convention came into force on April 1, 2014 in Japan.

- Basic principle : the interests of children are of paramount importance in matters relating to their custody,
- a) to secure the prompt return of the child wrongfully removed to or retained in any Contracting State; and
⇒ **principle : the child should be returned to the state of his or her habitual residence**
 - b) to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

2. Status of Applications

	Application for Child's Return	Application for Access
Applications concerning children located in Japan	123 (of which 101 accepted for assistance) USA 27, Australia 10, Germany 7, France 6, Canada 5, UK 4, Singapore 4, Brazil 4, Italy 4, Hong Kong 3, Russia 3, ROK 2, Spain 2, Turkey 2, Switzerland 2, Thailand 2, NZ 2, Sri Lanka 2, Belgium 1, Fiji 1, Colombia 1, Sweden 1, Mexico 1, Ireland 1, Hungary 1, Argentina 1, Ukraine 1, the Philippines 1 (Under examination 7, Applications dismissed etc. 15)	108 (of which 92 accepted for assistance) USA 47, UK 7, Australia 6, Canada 6, France 5, NZ 5, Singapore 4, Germany 3, Mexico 2, Thailand 1, Costa Rica 1, Italy 1, Sweden 1, Finland 1, Czech 1, Colombia 1 (Applications dismissed etc. 16)
Applications concerning children located abroad	105 (of which 92 accepted for assistance) USA 18, , the Philippines 11, Thailand 10, ROK 6, Brazil 6, Peru 5, Russia 4, France 4, Germany 3, Poland 3, Canada 2, Sweden 2, UK 2, Sri Lanka 2, Hong Kong 2, Australia 2, Italy 1, Spain 1, Switzerland 1, South Africa 1, Slovakia 1, Romania 1, Belarus 1, Ecuador 1, Czech 1 (Under examination 1, Applications dismissed etc. 12)	32 (of which 31 accepted for assistance) USA 6, Russia 3, Canada 3, Germany 2, Ukraine 2, Thailand 2, ROK 2, UK 2, Ireland 2, Australia 1, Uruguay 1, the Netherlands 1, Poland 1, Hong Kong 1, Fiji 1, Singapore 1 (Withdrawal 1)
Total	228 (of which 193 accepted for assistance)	140 (of which 123 accepted for assistance)

3. Total number of applications in each fiscal year

	FY 2014 (April 2014 – March 2015)	FY 2015 (April 2015 – March 2016)	FY 2016 (April 2016 – March 2017)	FY 2017 (April 2017 – March 2018)	FY 2018 (April 2018 – March 2019)	FY 2019 (As of October 1, 2019)	Total
Total	113	69	55	42	56	33	368
(a)	26	19	23	19	18	18	123
(b)	18	21	17	15	26	8	105
(c)	55	20	12	6	10	5	108
(d)	14	9	3	2	2	2	32

(a) Number of applications seeking child's return from Japan to another contracting State (incoming return cases)

(b) Number of applications seeking child's return from another contracting State to Japan (outgoing return cases)

(c) Number of applications seeking access to the child in Japan (incoming access cases)

(d) Number of applications seeking access to the child in another contracting State (outgoing access cases)

(Note 1) Total number of applications for a child's return per year remains mostly unchanged.

44 cases in FY2014, 40 cases in FY2015, 40 cases in FY2016, 34 cases in FY2017, 44 cases in FY2018

(Note 2) There was a large number of applications for access the in the first year. This is because it was only possible to apply for access in cases where the removal or retention of a child predated the entry into force of the Hague Convention for Japan.

69 cases in FY2014, 29 cases in FY2015, 15 cases in FY2016, 8 cases in FY2017, 12 cases in FY2018

4. Achievements to date: (1) Cases granted assistance in a child's return

Of the return cases from Japan to another contracting State, 77 cases have been concluded with the child's return being settled or carried out, or with the conclusion not to return the child. Approximately 70% of these cases were resolved amicably, which is a characteristic of cases settled in Japan.

Concerning the return cases from other contracting States to Japan, 61 cases have been brought to conclusion.

Cases of assistance in a child's return to a foreign state	101	
Ongoing cases	18	
Cases concluded with the child's return being settled or carried out, or with the conclusion not to return the child.	77	
(breakdown)	Return	Non-return
1 Settlement through talks (including ADR etc.)	12	11
2 Court proceedings		
1) Conciliation (in-court mediation)	15 (*1)	13
2) Amicable settlement	1	1
3) Court order	15 (*2)	9
Other (Withdrawn after decision to provide assistance)	6	

Cases of assistance in a child's return to Japan	92	
Ongoing cases	26	
Cases concluded with the child's return being settled or carried out, or with the conclusion not to return the child.	61	
(breakdown)	Return	Non-return
1 Settlement through talks (including ADR etc.)	21	6
2 Court proceedings	17	17
Other (Cases dismissed by foreign Central Authorities)	5	

*1: Of which in 1 case the enforcement of the agreement failed.

*2: Of which in 2 cases the enforcement of the court order failed. Of which 2 cases are currently in the process of realizing the return of the child.

(2) Cases granted assistance in access

In most cases where assistance was granted to achieve visitation or contacts, talks between the parties and court proceedings have taken place. Among these cases, visitation has been arranged across borders, some with the help of visitation support institutions, and contact has been carried out via video calls, and Online Mimamori Contact (monitored online contact assisted by experts) etc.