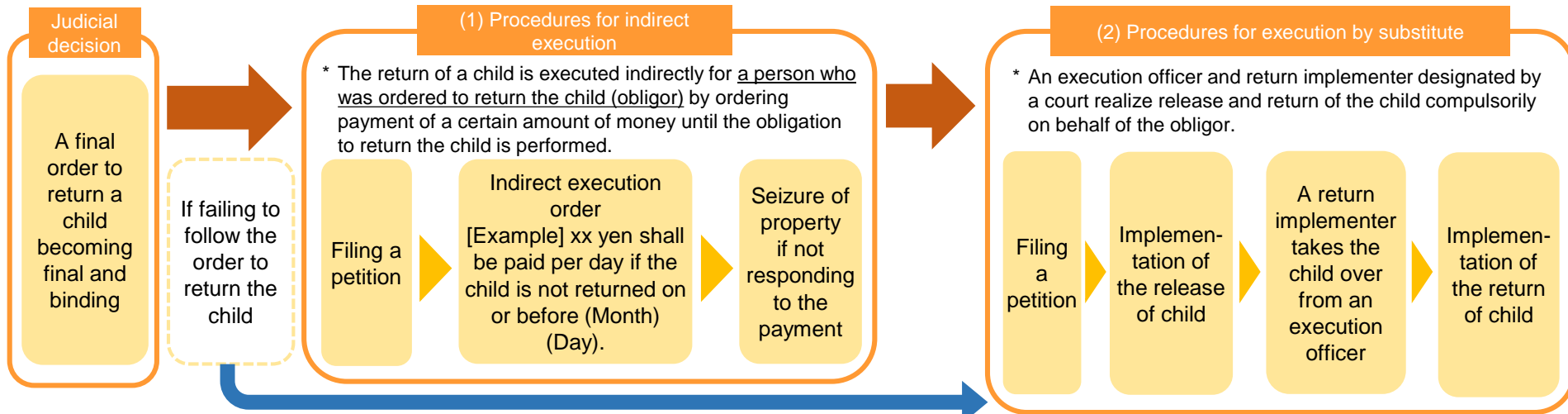


Outline of Amendment of the Hague Convention Implementation Act

- Since the Convention on the Civil Aspect of International Child Abduction (Hague Convention) entered into force for Japan in April 2014, Japan has been implementing the convention under the “Act for Implementation of the Convention on the Civil Aspects of International Child Abduction” (Implementation Act).
- In May 2019, [the bill for partially amending the said Implementation Act](#) (the Bill for Partially Amending the Civil Execution Act and the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction) was approved. [The amended Act is scheduled to come into force on April 1, 2020.](#)
- Aim of the amendment: to [further ensure the effectiveness of compulsory execution procedures for the return of a child](#) (note: The Act also establishes similar provisions on compulsory execution for having custody of a child surrendered in Japan)

<Procedures for compulsory execution of a court order to return a child>



<Before amendment>
 <After amendment>

Point of amendment 1

- Execution by substitute is possible **after the elapse of two weeks** from an order of indirect execution.

- **Execution by substitute is possible without passing through indirect execution** under certain conditions*.

※ When the return of the child through indirect execution is not deemed likely, when there is a need to prevent imminent danger to the child and etc..

Point of amendment 2

- Release of a child is possible **only when the child is with the obligor**.

- Release of a child is **possible*** even when the child is not with the obligor.

※ Presence of the left behind parent (obligee) is necessary in consideration of the interest of the child (presence of its agent who fulfills certain conditions can substitute the presence of the LBP).

Point of amendment 3

- If execution by substitute is performed in a place possessed by a third party, **consent of the possessor of the place is necessary**.

- If the place of execution is a residence of the child, **execution by substitute is possible with permission of the court even without the consent of the possessor** of the place.