1980 Hague Convention and its implementation in Japan
(Convention on the Civil Aspects of International Child Abduction)

1. Overview of the Hague Convention

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Hague Convention Division
Ministry of Foreign Affairs of Japan

- Adopted in 1980, the Hague Convention **came into force for Japan on April 1, 2014**.
  - Approved by the Diet on May 22, 2013, signed on January 24, 2014 and promulgated on January 29, 2014.
- It establishes **procedures and cooperation among Contracting States** aimed at securing:
  1) **the prompt return of children, wrongfully removed or retained abroad by a parent, to the country of their habitual residence**, and
  2) **the exercise of parents' rights of access to their children abroad.**
- It is founded on the following **core concepts**:
  - **The interests of children are of paramount importance** in matters relating to their custody.
    ⇒Cross-border removal of a child by a parent can be contrary to the child's interests, disrupting the child's relationship with the other parent and forcing the child to adapt to a different language and cultural environment.
  - Custody disputes should be resolved in the country of child's habitual residence.
  - **The children should be returned to the country of their habitual residence** unless:
    - there are grave risks of physical or psychological harm to them,
    - they are settled in their new environment more than a year after the removal or retention, or
    - other grounds for non-return apply.
- **Applicable to children under the age of 16.** **Nationalities** of parents and children **do not matter**.
- Central Authorities should take all appropriate measures and cooperate with each other.
  Minister for Foreign Affairs serves as the **Japanese Central Authority (JCA)**.
- Contracting States:103 (See Appendix for details.)

2. Why the Convention matters to Japan

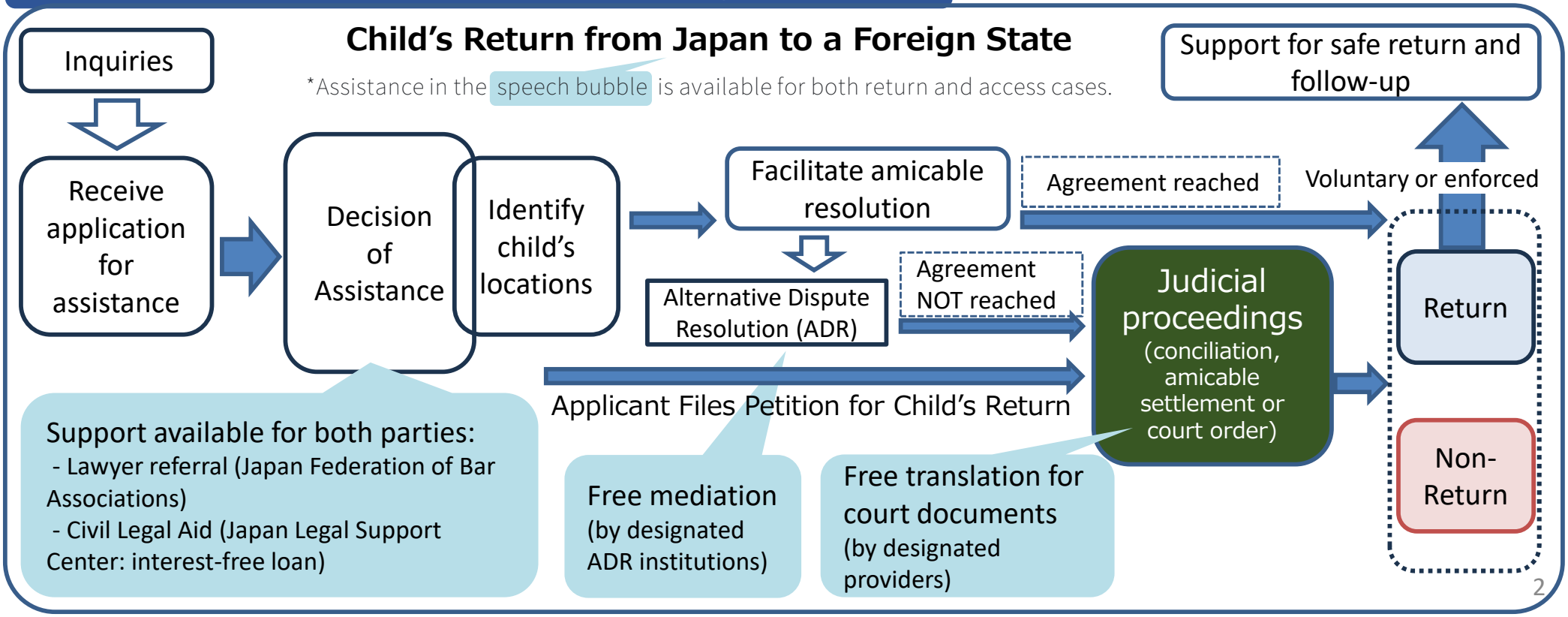
✓ Child's return to Japan

In seeking the return of a child to Japan, or access to the child abroad, the parties (parents) can receive assistance from foreign Central Authority and JCA under international rules, established by the Convention. The assistance may include identifying child's location, finding attorneys and other aids relating to judicial proceedings.

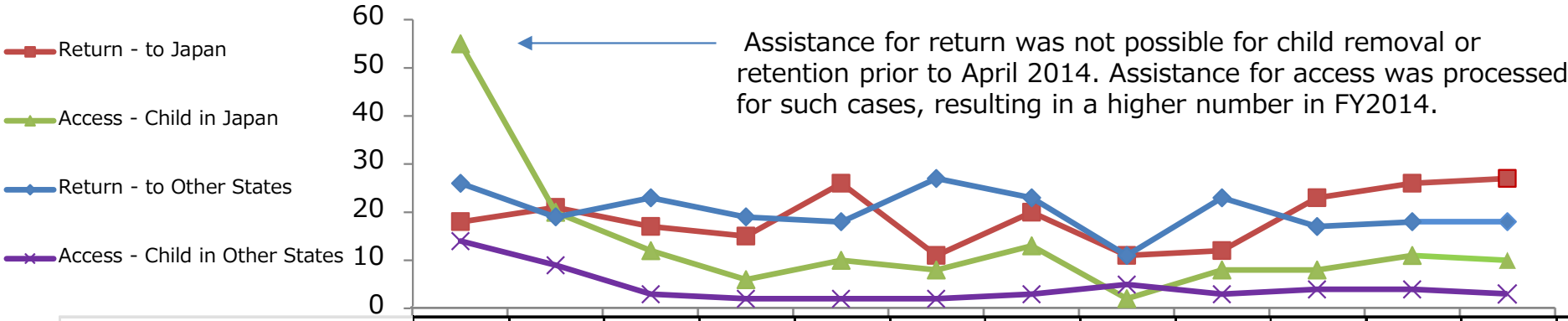
✓ Japanese nationals abroad traveling home

The Convention enables Japanese nationals residing abroad to travel to Japan with children without troubles as it may become easier to obtain consent of other parent or court orders for the travel. In the event they become parties to Hague Convention cases for having returned home without such consent, they can follow clearly defined steps toward settlement, and are also entitled to assistance from JCA.

3. Assistance by JCA (Ministry of Foreign Affairs)



4. Number of applications received by JCA (by fiscal year)



	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026 As of 10/1	Total
Return - to Other States	26	19	23	19	18	27	23	11	23	17	18	19	12	255
Return - to Japan	18	21	17	15	26	11	20	11	12	23	26	30	13	243
Access - Child in Japan	55	20	12	6	10	8	13	2	8	8	11	11	11	175
Access - Child in Other States	14	9	3	2	2	2	3	5	3	4	4	3	3	57
Total	**113**	**69**	**55**	**42**	**56**	**48**	**59**	**29**	**46**	**52**	**59**	**63**	**39**	**730**

5. Number of applications accepted by JCA – countries with a higher number of cases with Japan (only top 5)

	Child's Return	Access to Child
Children in Japan	**223 cases** - 80 (USA), 17 (Australia), 13 (Canada), 11 (UK), 9 (France, Germany)	**151 cases** - 66 (USA), 13 (UK), 12 (Australia),8(Canada), 7 (NZ, Singapore)
Children abroad	**209 cases** - 43 (USA), 21 (the Philippines), 19 (Thailand), 18 (Republic of Korea), 16 (Brazil)	**52 cases** - 12 (USA), 5 (Germany), 4 (Russia), 3 (Canada, Republic of Korea, Thailand), 2 (Australia, Ireland, the Netherlands, Singapore, Ukraine, UK)
Total	**432 cases**	**203 cases**
	635 cases	

6. Outcomes of Assistance: Child Return Cases

Child's return to a foreign state	223	
Ongoing cases	10	
Cases concluded with the child's return being settled or carried out, or concluded not to return the child	165	
	Return	Non-return
(breakdown)	98	67
1 Settlement through talks (including ADR, etc.)	29	17
2 Judicial proceedings 1) Conciliation (in-court mediation)	34	27
2) Amicable settlement	4	2
3) Court order	31	21
Others (Applications withdrawn after decision)	48	

Child's return to Japan	209	
Ongoing cases	25	
Cases concluded with the child's return being settled or carried out, or concluded not to return the child	151	
	Return	Non-return
(breakdown)	98	53
1 Settlement through talks (including ADR, etc.)	50	16
2 Judicial proceedings	48	37
Others (Dismissed by foreign Central Authorities)	33	

7. Outcomes of Assistance: Access Cases

- To facilitate cross-border access to children, JCA provides support, upon request by the parties, including liaison and coordination between the parties, funding the use of ADR institutions and visitation support institutions to realize contact with the child in a manner agreed upon by both parties.
- This support has facilitated agreements regarding parental access to the child, leading to face-to-face interaction and/or monitored online contact (online Mimamori contact), which were previously unavailable.

Appendix: Contracting States (103)

Asia

China (Hong Kong and Macau only)
Japan
Republic of Korea
Pakistan
Philippines
Singapore
Sri Lanka
Thailand

North America

Canada
United States of America

Oceania

Australia
Fiji
New Zealand

Europe

Albania
Andorra
Armenia
Austria
Belarus
Belgium
Bosnia and Herzegovina
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Georgia
Germany
Greece
Hungary
Iceland
Ireland
Italy
Kazakhstan
Latvia
Lithuania
Luxembourg
Malta
Moldova
Monaco
Montenegro
Netherlands
North Macedonia
Norway
Poland
Portugal
Romania
Russia
San Marino
Serbia
Slovakia
Slovenia
Spain
Sweden
Switzerland
Turkmenistan
Ukraine
United Kingdom
Uzbekistan

South and Central America

Argentina
Bahamas
Barbados *
Belize
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
El Salvador
Guatemala
Guyana *
Honduras
Jamaica
Mexico
Nicaragua
Panama
Paraguay
Peru
Saint Christopher and Nevis
Trinidad and Tobago
Uruguay
Venezuela

Africa

Botswana *
Burkina Faso
Cabo Verde *
Gabon
Guinea
Lesotho
Mauritius
Morocco
Seychelles
South Africa
Tunisia
Zambia
Zimbabwe

Middle East

Iraq
Israel
Türkiye

● Contracting States (regions) which have/had 1980 Hague Convention cases with Japan (48 states and 1 region)

● Contracting States (regions) which have never had 1980 Hague Convention cases with Japan

*Contracting States not partnered with Japan