

## 1. Overview of the Hague Convention

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

The convention was approved by the Diet on May 22, 2013, signed on January 24, 2014 and promulgated on January 29, 2014.

➤ **Basic principle: the interests of children are of paramount importance in matters relating to their custody.**

➤ **Purpose:**

a) to secure the prompt return of the child wrongfully removed to or retained in any Contracting State.

(Based on the idea that it is desirable to resolve conflicts over child’s custody in the state of their habitual residence.)

-> principle: the child should be returned to the state of their habitual residence.

exception: in such cases as there is a grave risk that his or her return would expose the child to physical or psychological harm.

b) to ensure that the right of parent-child access is effectively respected in Contracting States.

➤ **Contracting States take all appropriate measures and co-operate with each other to secure within their territories the implementation of the objects of the Convention.**

(Note) Nationalities of parents do not matter in both case a) and b). The Central Authority of Japan is the Minister for Foreign Affairs.

## 2. Status of Applications

	Application for Child’s Return	Application for Access
Applications concerning children located in Japan	<p>208</p> <p>(of which 184 accepted for assistance)</p> <p>USA 67, Australia 15, France 9, UK 9, Germany 9, Canada 7, Singapore 6, Brazil 6, Italy 4, Russia 4, Hong Kong 4, Republic of Korea 4, Spain 4, Sri Lanka 3, NZ 3, Switzerland 3, Hungary 3, Turkey 3, Mexico 3, Thailand 2, Argentina 2, Ireland 2, Belgium 2, Fiji 1, Colombia 1, Sweden 1, Ukraine 1, the Philippines 1, Paraguay 1, Estonia 1, Finland 1, Jamaica 1, Peru 1</p> <p>(Applications dismissed etc. 24)</p>	<p>147</p> <p>(of which 127 accepted for assistance)</p> <p>USA 55, UK 11, Australia 11, Canada 7, Singapore 7, NZ 6, France 5, Germany 5, Italy 5, Switzerland 3, Mexico 2, Thailand 1, Costa Rica 1, Sweden 1, Finland 1, Czech 1, Colombia 1, Brazil 1, Belgium 1, Argentina 1, Estonia 1</p> <p>(Under examination 1, Applications dismissed etc. 19)</p>
Applications concerning children located abroad	<p>183</p> <p>(of which 161 accepted for assistance)</p> <p>USA 36, the Philippines 15, Thailand 14, Brazil 13, Republic of Korea 12, Russia 8, Peru 7, France 7, Australia 5, Germany 5, UK 5, Sweden 4, Hong Kong 4, Italy 4, Poland 3, Sri Lanka 3, Canada 3, Singapore 2, Spain 1, Switzerland 1, South Africa 1, Slovakia 1, Romania 1, Belarus 1, Ecuador 1, Czech 1, Guatemala 1, Denmark 1, Turkey 1</p> <p>(Under examination 2, Applications dismissed etc. 20)</p>	<p>49</p> <p>(of which 44 accepted for assistance)</p> <p>USA 9, Germany 5, Russia 4, Canada 3, Republic of Korea 3, Ukraine 2, Thailand 2, UK 2, Ireland 2, the Netherlands 2, Singapore 2, Australia 2, Uruguay 1, Poland 1, Hong Kong 1, Fiji 1, Zimbabwe 1, Denmark 1</p> <p>(Under examination 1, Applications dismissed etc. 4)</p>
Total	391 (of which 345 accepted for assistance)	196 (of which 171 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 (April 2019 – March 2020)	FY 2020 (April 2020 – March 2021)	FY 2021 (April 2021 – March 2022)	FY 2022 (April 2022 – March 2023)	FY 2023 (April 2023 – March 2024)	FY 2024 (April 2024 – July 2024)	Total
Total	113	69	55	42	56	48	59	29	46	52	18	587
(a)	26	19	23	19	18	27	23	11	23	17	2	208
(b)	18	21	17	15	26	11	20	11	12	23	9	183
(c)	55	20	12	6	10	8	13	2	8	8	5	147
(d)	14	9	3	2	2	2	3	5	3	4	2	49

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

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

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

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

(Note) There was a large number of applications for access to the child ((c) and (d)) 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.

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

Of the return cases from Japan to another contracting State, 134 cases have been concluded with the child's return being settled or carried out, or with the conclusion not to return the child. Approximately 60% 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, 116 cases have been brought to conclusion.

<b>Cases of assistance in a child's return to a foreign state</b>	<b>184</b>	
<b>Ongoing cases</b>	<b>10</b>	
<b>Cases concluded with the child's return being settled or carried out, or with the conclusion not to return the child.</b>	<b>134</b>	
<b>(breakdown)</b>	<b>Return</b>	<b>Non-return</b>
<b>1 Settlement through talks (including ADR etc.)</b>	<b>22</b>	<b>15</b>
<b>2 Court proceedings</b>		
<b>1) Conciliation (in-court mediation)</b>	<b>24</b>	<b>20</b>
<b>2) Amicable settlement</b>	<b>3</b>	<b>2</b>
<b>3) Court order</b>	<b>28</b> <small>(Note)</small>	<b>20</b>
<b>Other (Withdrawn after decision to provide assistance)</b>	<b>40</b>	

Note : Of which 1 case is ruling in lieu of conciliation.

<b>Cases of assistance in a child's return to Japan</b>	<b>161</b>	
<b>Ongoing cases</b>	<b>22</b>	
<b>Cases concluded with the child's return being settled or carried out, or with the conclusion not to return the child.</b>	<b>116</b>	
<b>(breakdown)</b>	<b>Return</b>	<b>Non-return</b>
<b>1 Settlement through talks (including ADR etc.)</b>	<b>37</b>	<b>12</b>
<b>2 Court proceedings</b>	<b>36</b>	<b>31</b>
<b>Other (Cases dismissed by foreign Central Authorities)</b>	<b>23</b>	

### Successful rate in enforcement of court orders to return children

The amended Implementation Act was enacted on April 1, 2020 in Japan.

	Before 4/2020	After 4/2020
Enforcement of court orders to return children	9 cases	6 cases
The children's return was carried out by enforcement	1 case	4 cases
The children's return was carried out by habeas corpus	3 cases	1 case
<b>Successful rate in enforcement</b>	<b>44%</b>	<b>83%</b>

## (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.