

ハーグ条約シンポジウム

～国際家事調停の在り方を巡って～

Symposium on the Hague Convention

– in Considering the Modality of International Family Mediation –

日時：平成25年1月16日(水) 13:00～16:30

場所：三田共用会議所

主催：外務省

協力：日本仲裁人協会

後援：日本弁護士連合会

Date: Wednesday, January 16 2013, 13:00~16:30

Place : Mita Kaigisho

Organiser: Ministry of Foreign Affairs

Cooperation : Japan Association of Arbitrators

Sponsorship: Japan Federation of Bar Associations

プログラム

- 12:30 会場・受付開始
- 13:00 開会
開会の辞 鈴木俊一 外務副大臣
総合司会 西岡達史 外務省総合外交政策局ハーグ条約室長
- 13:10 基調講演
－アン・マリー・ハチンソン(弁護士, Dawson Conwell法律事務所パートナー, reunite理事長, 英国)
「国境を越えた子の監護紛争とハーグ条約・調停の在り方」
－鈴木五十三(弁護士, 日本仲裁人協会国際家事調停の私的調停スキームに関する研究会座長)
「ハーグ条約事案への対応に当たっての日本における国際家事調停の課題」
- 14:05 休憩
- 14:30 パネルディスカッション 「ハーグ条約の枠組みにおける調停～イギリス・ドイツの経験に学ぶ」
モデレーター: 大谷美紀子(弁護士, 日本仲裁人協会国際家事調停の私的調停スキームに関する研究会会員・日本弁護士連合会ハーグ条約に関するワーキンググループ副座長)
佐野みゆき(弁護士, 日本弁護士連合会ハーグ条約に関するワーキンググループ委員)
パネリスト: クリストフ・コルネリウス・パウル(弁護士, MiKK理事長, 独)
サンドラ・フェン(ハーグ条約調停専門家, reunite, 英国)
棚村政行(早稲田大学法学学術院教授)
相原佳子(弁護士, 日本弁護士連合会ハーグ条約に関するワーキンググループ委員)
鈴木五十三
(弁護士, 日本仲裁人協会国際家事調停の私的調停スキームに関する研究会座長)
宮島昭夫(外務省総合外交政策局長補佐官)
- (15:45 会場からの質疑応答)
(16:15 パネリストからのコメント)
- 16:30 閉会

プロフィール(1)

開会の辞

鈴木俊一外務副大臣

1977年早稲田大学教育学部卒業。1990年に衆議院議員初当選後、党要職(党水産部会長、党社会部会長、党水産総合調査会長、党社会保障制度調査会長、党党紀委員長)を歴任。1996年に厚生政務次官、2002年に環境大臣等を歴任。2012年12月から現職。

講演者

アン・マリー・ハチンソン (弁護士, Dawson Conwell法律事務所パートナー, reunite理事長, 英国)

1985年、弁護士登録。1998年1月、Dawson Conwell法律事務所児童課長着任。国内、海外の家族法、子どもの国際的な移動、特に国際的な離婚裁判、国際的な親権争い、子どもの連れ去り、代理母、国内または海外における養子を専門としている。家族法を専門とした弁護士団体(Resolution)によって、強制結婚、名誉を理由とした暴力、子どもの連れ去り、児童法のスペシャリストとして認定されている。現在、reunite理事長。

鈴木五十三 (弁護士, 日本仲裁人協会国際家事調停の私的調停スキームに関する研究会座長)

一橋大学法学部卒業、カリフォルニア大学バークレー法学修士取得。1975年弁護士登録(第二東京弁護士会)、1981年ニューヨーク州弁護士登録。日本仲裁人協会国際家事調停の私的調停スキームに関する研究会座長、アジア国際法学会日本協会理事、LAWASIA(アジア太平洋弁護士協議会)次期会長・日本代表、日本ローエイシア友好協会常任理事・副会長を務める。

モデレーター

大谷美紀子(弁護士, 日本仲裁人協会国際家事調停の私的調停スキームに関する研究会会員・日本弁護士連合会ハーグ条約に関するワーキンググループ副座長)

1987年上智大学法学部国際関係法学科卒業、1999年米国コロンビア大学国際公共政策大学院修士課程修了(国際関係修士、人権人道問題専攻)、2003年東京大学法学政治学研究科修士課程専修コース修了(法学修士、国際法専攻)。2012年から弁護士法人東京パブリック法律事務所三田支所共同代表。日本弁護士連合会国際人権問題委員会副委員長、同ハーグ条約に関するワーキンググループ副座長、同家事法制委員会委員、同子どもの権利に関する委員会幹事、ローエイシア家族法および家族の権利に関する委員会日本代表、東京家庭裁判所調停委員などを務める。

佐野みゆき(弁護士, 日本弁護士連合会ハーグ条約に関するワーキンググループ委員)

1991年一橋大学社会学部卒業、1997年同大学大学院法学研究科修士課程卒業。2003年東京弁護士会弁護士登録。東京弁護士会子どもの人権と少年法に関する特別委員会委員、日弁連家事法制委員会委員、日弁連子どもの権利委員会幹事、東京都児童相談所協力弁護士などを務める。

プロフィール(2)

パネリスト

クリストフ・コルネリウス・パウル（弁護士，MiKK理事長，独）

ベルリンに所在するパウル&パートナー弁護士・公証人事務所所属。弁護士及び公証人，特に家族法を専門とした弁護士及び仲裁人を務める。そのほか，MiKK(親と子に関わる国際紛争仲裁委員会)理事長，ベルリン調停研究所の調停人育成トレーナー，EUTレーニングプロジェクトの首席トレーナー，ハーグ条約の調停に関するグッドプラクティスガイド専門家も務める。

サンドラ・フェン（ハーグ条約調停専門家，reunite，英国）

2002年まで25年間，政府職員，特別社会福祉士を務める。2001年から2003年の間，reuniteの受託者として，国際的な子の連れ去り事案における仲裁を目的としたパイロットプログラム作成のために構成された運営グループの一員として活動。この際，仲裁人としての訓練を受け，パイロットプロジェクトとして26件を仲裁。このプロジェクトの成功に伴い，子の連れ去り事案と面会交流事案の仲裁を継続している。

棚村政行（早稲田大学法学学術院教授）

早稲田大学大学院法学研究科長。専門は，民法・家族法。1977年早稲田大学法学部卒業，1984年同大学院法学研究科博士後期課程修了。その後青山学院大学法学部教授を経て，1997年早稲田大学法学部教授，2009年より早稲田大学法学学術院教授，現在に至る。独立行政法人大学評価・学位授与機構法科大学院認証評価委員会委員，裁判所職員総合研修所講師，東京家庭裁判所調停委員・参与員，法制審議会臨時委員，外務省懇談会委員，日本学術会議連携会員，日本家族〈社会と法〉学会事務局長，ジェンダー法学会理事などを務める。

相原佳子（弁護士，日本弁護士連合会ハーグ条約に関するワーキンググループ委員）

1978年愛媛大学法学部法学科卒業，国家公務員(法務教官)を経て，1991年第一東京弁護士会所属弁護士，現在に至る。第一東京弁護士会少年法委員会委員，第一東京弁護士会人権擁護委員会委員，日本弁護士連合会高齢者障害者の権利に関する委員，第一東京弁護士会成年後見センター委員，日本司法支援センター総務部広報室・調査研究室室長などを務める。

宮島昭夫（外務省総合外交政策局長補佐官）

1981年早稲田大学政治経済学部政治経済学科卒業，同年外務省入省。欧亜局大洋州課長，アジア大洋州局大洋州課長，北米局北米第一課長，在大韓民国日本国大使館参事官，同大使館公使，国際連合日本政府代表部公使，総合外交政策局審議官を歴任し，2013年1月より現職。

Programme

12:30	Registration
13:00	Opening Remarks Opening Address : Syunichi Suzuki, Parliamentary Senior Vice-Minister for Foreign Affairs, Ministry of Foreign Affairs Chairperson: Tatsushi Nishioka , Director of Hague Convention Division, Foreign Policy Bureau, Ministry of Foreign Affairs
13:10	Keynote Speech <ul style="list-style-type: none">– Anne-Marie Hutchinson OBE (Solicitor and Partner at Dawson Cornwell, Chair of the Board of Trustees of reunite, United kingdom) “Cross-border Child Custody Disputes and the Ideal Modality of the Hague Convention and the Mediation ”– Isomi Suzuki, (Attorney at Law, Chairperson of the Study Group on Private Mediation Schemes of Japan Association of Arbitrators) “Challenge of International Mediation in Japan in response to the Hague Convention Cases”
14:05	Break
14:30	Panel Discussion “Mediation in the Framework of the Hague Convention-Learning from Experiences of Germany and the United Kingdom- ” Moderators <ul style="list-style-type: none">– Mikiko Otani (Attorney at Law, Member of the Study Group on Private Mediation Schemes of Japan Association of Arbitrators, Vice Chair of the Hague Convention Working Group of Japan Federation of Bar Associations)– Miyuki Sano (Attorney at Law, Member of the Hague Convention Working Group of Japan Federation of Bar Associations) Panelists: <ul style="list-style-type: none">– Christoph Cornelius Paul (Lawyer, Chair of the Board of Mediation in International Conflicts Involving Parents and Children (MiKK), Germany)– Sandra Fenn (Expert for the Mediation of Hague Convention, reunite, United Kingdom)– Masayuki Tanamura (Professor, School of Law, Waseda University)– Yoshiko Aibara (Attorney at Law, Member of the Hague Convention Working Group of Japan Federation of Bar Associations)– Isomi Suzuki (Attorney at Law, Chairperson of the Study Group on Private Mediation Schemes of Japan Association of Arbitrators)– Akio Miyajima (Assistant to Vice-Minister for Foreign Policy, Foreign Policy Bureau, Ministry of Foreign Affairs) (15:45 Q&A) (16:15 Panelist’s Comment)
16:30	Closing Remarks

Profile (1)

Opening Address

Syunichi Suzuki, Parliamentary Senior Vice-Minister for Foreign Affairs, Ministry of Foreign Affairs

Graduated from the Faculty of Education, Waseda University, Tokyo (B.A.). In 1990 he was elected to the House of Representatives and thereafter appointed to responsible posts of the Party (Director of Fisheries Division, Director of Society Division, Chairman of Research Commission on Fishery Policies, Chairman, Research Commission on Social Security System, Chairman, Party Ethics Committee). He served as Parliamentary Vice-Minister of Health, Labour and Welfare in 1996, Minister of the Environment in 2002 and since December 2012 has been in his current position.

Speaker

Anne-Marie Hutchinson OBE, Solicitor and Partner at Dawson Cornwell, Chair of the Board of Trustees of reunite, United kingdom

Admitted in 1985. In January 1998, she joined Dawson Cornwell (law firm) as head of the Children Department. She now heads up an expert and recognised team. She specialises in all aspects of domestic and international family law and the international movement of children. In particular she has expertise in international divorce forum, and jurisdictional disputes on divorce, child abduction, surrogacy, domestic and international adoption. She is accredited by Resolution (Resolution is an organisation of 6,500 lawyers in England and Wales, who believe in a constructive, non-confrontational approach to family law matters. Resolution also campaigns for improvements to the family justice system.) as a specialist family lawyer with particular specialisms in forced marriage and honour based violence, child abduction and children law. She is also Chair of the Board of Trustees of reunite.

Isomi Suzuki, Attorney at Law, Chairperson of the Study Group on Private Mediation Schemes of Japan Association of Arbitrators

Acquired B.A. in Law from Hitotsubashi University and LL.M. from Berkeley Law, University of California. Admitted to the bar in Japan (Daini Tokyo Bar Association) in 1975 and in State of New York in 1981. He is Chair of the Study Group on Private Mediation Schemes of the Japan Association of Arbitrators, a director of Japan Chapter of the Asian Society of International Law, President-Elect and Country Representative of Japan of LAWASIA, an executive director and Vice Chair of Japan-LAWASIA Friendship Association.

Moderator

Mikiko Otani, Attorney at Law, Member of the Study Group on Private Mediation Schemes of Japan Association of Arbitrators, Vice Chair of the Hague Convention Working Group of Japan Federation of Bar Associations

Acquired B.A. in Law (International Legal Studies) from Sophia University in 1987, Master of International Affairs (Human Rights and Humanitarian Affairs) from Columbia University School of International and Public Affairs in 1999 and LL.M (International Law) from University of Tokyo in 2003. She is Co-representative of Mita Branch, Tokyo Public Law Office (TPLO). She is also Vice Chair of the Committee on International Human Rights of the Japan Federation of Bar Association (JFBA), Vice Chair of the Hague Convention Working Group of JFBA, Member of Committee on Family Affairs Legislation of JFBA, Member of Committee on Children's Rights of JFBA, Country representative of Japan for the Family Law and Family Rights Section of LAWASIA and a Family Affairs Mediator at the Tokyo Family Court.

Miyuki Sano, Attorney at Law, Member of the Hague Convention Working Group of Japan Federation of Bar Associations

Acquired B.A. in Social Sciences in 1991 and LL.M in 1997 from Hitotsubashi University. In 2003 she was admitted to the bar in Japan (Tokyo Bar Association). She is a member of Special Committee on Children's Human Rights and Juvenile Law of the Tokyo Bar Association and Committee on Family Law Legislation of the Japan Federation of Bar Associations. She also serves as Secretary of Committee on Children's Rights of the Japan Federation of Bar Associations and a consultant attorney for Tokyo child guidance offices.

Profile (2)

Panelist

Christoph Cornelius Paul, Lawyer, Chair of the Board of Mediation in International Conflicts Involving Parents and Children (MiKK), Germany

He belongs to the notary's and lawyer's office of Paul & Partner located in Berlin. He serves as a lawyer, notary, specialist lawyer for family law and mediator. He is Chair of the Board of Mediation in International Conflicts Involving Parents and Children (MiKK). He is also a mediation trainer at the Berliner Institut für Mediation (BIM), lead trainer of EU Training Project TIM and expert for the Guide to Good Practice/Mediation.

Sandra Fenn, Expert for the Mediation of Hague Convention, reunite, the U.K.

She had served as a government employee and special case welfare officer for 25 years until 2002. Between 2001-2003, as a Trustee of the charity Reunite International Child Abduction, she sat on the steering group formed to construct a pilot programme for the use of mediation in International Child Abduction Cases. Trained as mediator at this time, and mediated 26 cases for the pilot project. Following the success of this project, have continued to mediate child abduction and contact cases.

Masayuki Tanamura, Professor, School of Law, Waseda University

Professor at School of Law since 2009 and Dean of Graduate School of Law, Waseda University. He specialises in civil law and family law. He graduated from School of Law at Waseda in 1977, where he completed a doctoral course in Law. Before joining Waseda in 1997 as a Faculty of Law Professor, he was a Professor at Aoyama Gakuin University. He is a Lecturer at the Training and Research Institute for Court Officials. He serves as a Conciliation committee and Councillor at the Tokyo Family Court. He is also a member of the Legislative Council of the Ministry of Justice, the MOFA Round Table, the Science Council of Japan. He is Secretary-General of the Japan Society for Socio-Legal Studies on Family Issues and a Director of the Japan Association of Gender and Law.

Yoshiko Aibara, Attorney at Law, Member of the Hague Convention Working Group of Japan Federation of Bar Associations

Graduated from School of Law at Ehime University in 1978. Before joining the Dai-Ichi Tokyo Bar Association as an attorney at law in 1991, she was a government official (law instructor). She is a member of the Committee for Juvenile Law, the Committee for Human Rights Protection and the Adult Guardian Center at the Dai-Ichi Tokyo Bar Association. She is also a member of the Committee on the Rights of the Elderly and the Disabled at the Japan Federation of Bar Associations and Director at the Public Relations Office and the Survey and Research Office, the General Affairs Department, the Japan Legal Support Center.

Akio Miyajima, Assistant to Vice-Minister for Foreign Policy, Foreign Policy Bureau, Ministry of Foreign Affairs

Graduated from the Faculty of Political Science, Waseda University, Tokyo (B.A.) and entered the Ministry of the Foreign Affairs of Japan in 1981. He was Director of the Oceania Division in the European and Oceanian Affairs Bureau, Director of Oceania Division in the Asian and Oceanian Affairs Bureau, Director of First North America Division in the North American Affairs Bureau, Councillor of Embassy of Japan in Republic of Korea, Minister of Embassy of Japan in Republic of Korea, Minister (Political Coordinator) of Permanent Mission of Japan to the United Nations in New York, Deputy Director-General of Foreign Policy Bureau and since January 2013 has been in his present position.