

Seminar Organized by Japan Federation of Bar Associations,

Co-organized by

Ministry of Foreign Affairs of Japan

Tokyo Bar Association  
Dai-ichi Bar Association  
Daini Bar Association

# Hague Convention and Practice of Child Custody in Japan

**20-21 July 2010**

**Tokyo, Japan**

**Who should attend?**

Lawyers, judges, government officers, embassy staffs,  
family law and other scholars

An international dispute arises on child custody, when a Japanese parent brings his/her child back to Japan without the consent of the other parent after breakup of international marriage. The Hague Convention on the Civil Aspects of International Child Abduction provides for an obligation of prompt return of a child in such cases. The governments of Western developed countries are requesting the Japanese government to ratify the Hague Convention, in response to which the Japanese government has been studying the possibility of the ratification of the Convention. The international child abduction and the ratification of the Convention is not an issue only for those lawyers specialized in international family law cases. It should be widely discussed and studied with the participation of legal profession from the perspectives of practice on the ground.

This seminar will be held by Japan Federation of Bar Associations to understand and discuss the following items, including, (i) basic principles and frameworks of the Hague Convention; (ii) problems, from the international perspective, of the current domestic practice in Japan in an international dispute of child abduction, as background of the requests from foreign governments to the Japanese government to join the Convention; (iii) impact of ratification of the Convention on the domestic law and practice of child custody and child abduction - whether the ratification requires the review of the current law of child custody or the legislation on visitation rights in the Japanese law, as well as the current practices of the domestic child custody and abduction cases, or the impact is limited to the cross border child abduction cases; (iv) practice, operation and challenges in implementing the Hague Convention; and (v) other relevant issues.

In this seminar, an expert from the Permanent Bureau of the Hague Conference on Private International Law will provide participants with the guidance on the Convention, followed by which participants will learn, through a case study, about the difference in the procedure of child return between under the Japanese domestic law and practice and under the Hague Convention. Participants will also discuss questions, concerns and challenges with regard to the procedures for the return of children under the Hague Convention, in comparison with the current domestic practice. Experts from the contracting countries to the Hague Convention including the United Kingdom, the United States, Canada, Australia and New Zealand are also expected to participate the seminar to share the information and experiences of the practice in their countries.

# Programme

Simultaneous interpretation will be provided in English and Japanese for all sessions.  
Please note that the sessions on 20 July 2010 will take place in the Auditorium CREO at the Bar Association Building (2nd Floor) and the sessions on 21 July 2010 will take place in the International Main Conference Room at the Ministry of Foreign Affairs of Japan (7 Floor).

## **Tuesday 20 July 2010      Auditorium CREO, Bar Association Building**

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**Registration**

0900 – 0930      **Welcome and Opening Remarks**

0930 – 1230      **Guidance on the Hague Convention on the Civil Aspects of International Child Abduction**  
**Comparison of the procedure for child return under the current Japanese practice and under the Hague Convention – Case Study**

*Speakers*

Expert from the Permanent Bureau of the Hague Conference on Private International Law  
Members of the JFBA Working Group on the Hague Convention

1230 – 1400      **Lunch**

1400 – 1730      **Objectives and practice of the Hague Convention and the Japanese law and practice of child custody**  
- **Custody, Visitation and Child Abduction**

*Speakers*

Members of the JFBA Working Group on the Hague Convention  
Experts from the Contracting Countries to the Hague Convention

**Wednesday 21 July 2010 International Main Conference Hall, Ministry  
of Foreign Affairs of Japan**

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**Registration**

- 0930 – 1230      **Issues in practice of the Hague Convention in comparison with the current Japanese law and practice Part I**
- **Hearing of applications for child return: requirements and defenses**

*Speakers*

Exert from the Permanent Bureau of the Hague Conference on Private International Law  
Members of the JFBA Working Group on the Hague Convention

- 1230 – 1400      **Lunch**

- 1400 – 1730      **Issues in practice of the Hague Convention in comparison with the current Japanese law and practice Part II**
- **Issues related to procedure for child return: location of child, enforcement of child return order, mediation**

*Speakers*

Members of the JFBA Working Group on the Hague Convention  
Experts from the Contracting Countries to the Hague Convention

- 1730                **Closing Remarks**

Registration is required by June 25. Application will be accepted on a first-come first-registered basis up to maximum 100 due to the limited spaces. There is no registration fee but the participants will be charged 1,000 Japanese Yen for the seminar materials.