

## Current Situation and Challenges of the Operation of the Hague Convention on the Civil Aspects of International Child Abduction from Practitioner's Point of View (summary)

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While five years have passed since Japan implemented the Hague Convention on the Civil Aspects of International Child Abduction on April 1<sup>st</sup>, 2014, Tokyo Family Court and Osaka Family Court established their practice. Both courts have applied the fast-track procedure, so called the “6-week-model” and court-associated mediation has been widely used enabling both parties to have more flexible solutions.

On the other hand, a finalized return order was not always complied and direct enforcement by court bailees more likely failed. Time-consuming multiple processes for the direct enforcement, the mandatory prerequisite indirect enforcement, and the requirement of the presence of both subject child (ren) and the taking parent at the site of direct enforcement have had negative impact for the successful enforcement. Child's strong objection after a long-term separation from a left behind parent have also made enforcement difficult in some cases. Consequently, on April 1<sup>st</sup>, 2020, the amended Implementation law was enacted to tackle with each of these problems.

Additionally, this article points out problems associated with the examination of child's opinion where the issue of child's opposition is raised and introduces mediation for Hague return cases in Japan by comparing court-associated mediation with out-of-court mediation by ADR centers.