



PANEL DISCUSSION:

International Child Abduction: Hong Kong, Philippines, and Japan

IAFL INTRODUCTION TO INTERNATIONAL FAMILY LAW SYMPOSIUM

INTERNATIONAL CHILD ABDUCTION: PHILIPPINES HONG KONG JAPAN

Session 1 · 9:15 AM – 10:45 AM

Monday 12 October 2026

University of the Philippines, College of Law, Manila

Session panel

MODERATOR

Jaerey Velasco

Payne Velasco · Hong Kong, China

SPEAKER

Sasha Allison

Central Chambers · Hong Kong, China

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Tomoko Takase

Arcus Partners · Osaka, Japan

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Undersecretary Raul T. Vasquez

Department of Justice · Philippines

Jaerey Velasco

MODERATOR · PAYNE VELASCO · HONG KONG, CHINA

- Partner leading the Family and Matrimonial team at Payne Velasco
- Advises on international relocation, children custody and arrangements, and financial relief
- Trained Family Mediator, Collaborative Practitioner and Accredited Private Financial Adjudicator
- Executive Committee member, Hong Kong Family Law Association
- Committee Member, Hong Kong Collaborative Practice Group



Sasha Allison

SPEAKER · CENTRAL CHAMBERS · HONG KONG, CHINA

- Called to the Bar in Hong Kong in 2015; admitted as a solicitor there in 2008
- Practises exclusively in family law, covering both finances and children
- Taught family law at the University of Hong Kong
- Trained family mediator and member of the Hong Kong Family Law Association
- Contributor to the Hong Kong Reports & Digest and Court of Final Appeal Reports



Tomoko Takase

SPEAKER · ARCUS PARTNERS · OSAKA, JAPAN

- Accredited by the Japan Federation of Bar Associations in 2000
- Works on jurisdictional disputes, child abduction proceedings and parenting matters
- Part-time judge in the Kyoto Family Court, 2010 to 2014
- Vice chair of the Osaka Bar Association international family law committee since 2016
- Hague Convention mediator at the Osaka Mediation Centre and on the MiKK panel



Raul T. Vasquez

SPEAKER · DEPARTMENT OF JUSTICE · PHILIPPINES

- Senior Undersecretary for the Legal Services and Liaison Cluster since July 2022
- Joined the Department after more than three decades in private practice
- Managing and senior partner of Vasquez, Bretana & Sibal-Pulido Law Offices
- Graduated cum laude and class salutatorian from the U.P. College of Law in 1987
- Has taught corporation and commercial law at U.P., LPU and DLSU



What are the key procedural steps in handling a Hague Convention application in Hong Kong, Japan, and the Philippines?

Sasha Allison

HONG KONG, CHINA

- Jurisdictional Consideration
- 5 Steps
 - Contact Hong Kong Central Authority / Department of Justice
 - Submit Form
 - Gather evidence
 - Initiate Proceedings
 - Seek Urgent Interim Orders

Tomoko Takase

JAPAN

- Apply for assistance through the LBP's Central Authority, or directly to Japan's, the Ministry of Foreign Affairs
- File the Return Application Form
- Court Application
- Applying for assistance gives access to Central Authority support: locating the child (highly successful in practice), translation and referrals to attorneys

Raul T. Vasquez

PHILIPPINES

- Central Authority – Department of Justice
- Judicial Petition

To what extent, if at all, is the best interests of the child a factor in deciding Hague Convention abduction cases in each jurisdiction?

Sasha Allison

HONG KONG, CHINA

- Prompt return to child's habitual residence
- Welfare becomes relevant only through the narrow exceptions: grave risk, child's objection, consent or acquiescence (Art. 13) and settlement after one year (Art. 12)
- Court's Discretion
- *SJ v C and S* [2024] HKCFI 2821: a 9-year-old's objection was found to reflect the mother's influence, and return to Germany was ordered

Tomoko Takase

JAPAN

- General principle: prompt return to the State of habitual residence
- Proceedings are expedited in the child's best interests, with decisions due within six weeks of filing
- Custody and the child's future are, in principle, for the courts of habitual residence
- Whether return serves the child's best interests in every individual case is a harder normative question

Raul T. Vasquez

PHILIPPINES

- Habitual residence of Child
- Courts must not decide the underlying custody or evaluate "best interests" beyond narrow exceptions (e.g. grave risk of harm)
- SC's Rule on International Child Abduction cases – definition of 'best interests of child'

How effective are enforcement mechanisms in ensuring compliance with return orders?

Sasha Allison

HONG KONG, CHINA

- Strict Pro-Return Approach
- Recovery Orders and Police Intervention (s.17, Cap. 512):
- Prohibition Orders and Border Alerts
- Contempt of Court and Committal Proceedings
- Coercive Financial/Procedural Orders (T v A [2022] 5 HKLRD 583)

Tomoko Takase

JAPAN

- Enforcement improved after the 2020 amendment to the enforcement law
- 75% of return orders are now successfully implemented

Raul T. Vasquez

PHILIPPINES

- Enforcement mechanisms
- Writs of Habeas Corpus
- Sheriff-assisted Recovery
- Police Coordination
- Hold Departure Orders

How do cultural attitudes toward custody and parental authority shape Hague Convention cases in Hong Kong, Japan, and the Philippines?

Sasha Allison

HONG KONG, CHINA

- Pro-Return Stance
- Mother or Father?

Tomoko Takase

JAPAN

- Sole Parental Authority = Mother?
- Conditional Agreement
- Joint parental authority was introduced in April 2026, but is not expected to affect Hague cases

Raul T. Vasquez

PHILIPPINES

- The Family Code of the Philippines underscores maternal care through the ‘tender years doctrine’ (Article 213, Family Code)
- Mothers should have custody of children under 7 years of age unless compelling reasons exists.

How are a child's views obtained?

Sasha Allison

HONG KONG, CHINA

- The six-week timeline (Art. 11) is applied strictly, which usually leaves no time for a Social Welfare Department report
- Practice Direction PDSL5 – Judge meeting with Children
- Separate representation (PDSL6) is decided case by case, through the Official Solicitor or a guardian ad litem

Tomoko Takase

JAPAN

- Children aged about 10 or older are interviewed by a court investigation officer trained in psychology
- Children around 8 may also be interviewed, depending on development
- The judge does not interview the child directly, but decides after considering the officer's opinion

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PHILIPPINES

- Evaluation and Home Visits by Department of Social Welfare and Development (DSWD)
- Conduct in-chamber interviews
- Appoint Guardian Ad Litem

What role do government agencies, consulates, and NGOs play in supporting families during Hague Convention proceedings?

Sasha Allison

HONG KONG, CHINA

- The DoJ, as Central Authority, is the main government body involved
- The role of other government agencies and NGOs in Hong Kong Hague cases is limited

Tomoko Takase

JAPAN

- The Central Authority locates the child when the TP's or child's whereabouts are unknown
- It provides translation, referrals to attorneys, and psychological or welfare professionals at airport returns
- Where a departure ban is issued, it holds the child's passport until the return order is final
- Houterasu, government-funded legal aid, is open to both LBP and TP, with fees advanced as a loan
- NGOs can support and supervise parent-child access, arranged through the Central Authority

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PHILIPPINES

- DOJ, through the Office of the Chief of State Counsel, as the designated Philippine HCAC Central Authority
- Bureau of Immigration
- National Bureau of Investigation
- Department of Social Welfare and Development

How accessible are legal and psychological support services for affected parents and children in each jurisdiction?

Sasha Allison

HONG KONG, CHINA

- Parties use private lawyers or apply for legal aid, subject to a means test
- Legal aid is open to foreign applicants when the proceedings are in Hong Kong
- Psychological support for parents and children is generally available only privately

Tomoko Takase

JAPAN

- Psychological support is available through the Central Authority
- Psychological or welfare professionals can be present when the child is returned, to reduce the burden on the child

Raul T. Vasquez

PHILIPPINES

- Legal Assistance: Public Legal Aid/ Public Attorney's Office
- Mental Health Support: Department of Health

QUESTIONS?