

Responsibility of the Government in the Implementation of the Convention on the Civil Aspects of International Child Abduction — Function of the Central Authority (Summary)

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1. The Convention on the Civil Aspects of International Child Abduction (the Hague Convention) is an international network for prompt return of child unlawfully removed beyond international border, and it aims for the realization of the return of child through cooperation among the Central Authorities of the contracting states. It is stipulated in the Convention that the Central Authorities shall take all appropriate measures to achieve the objects of the Convention. It is not presumed that all the obligations of the contracting states should be assumed directly by the Central Authorities, but rather that the Central Authority takes the responsibility as the major institution for the contracting state implementing the obligations by the Convention. The Central Authorities are expected to carry out the function to promote the implementation of the Convention, cooperating with other institutions in the contracting state.

2. Regarding the specific functions of the Central Authorities, 9 items are enumerated in the Article 7-2 of the Convention, including the discovery of the whereabouts of child and the voluntary return and amicable resolution. In the domestic implementing legislation in Japan, the function of the Central Authority provided in the Convention are stipulated from the Article 4 to the Article 25. These articles are made from the part of the assistance in return of child and another part of the assistance in the visitation or other contacts, and each part are made from the part of incoming cases to Japan and another part of outgoing cases from Japan.

3. In more than half of the contracting states, the Ministry of Justice or other equivalent agencies are designated as the Central Authorities for the Hague Convention. On the other hand, there are not many contracting states where the foreign service agencies are designated as the Central Authorities. As a conclusion of the extensive arguments, the Ministry of Foreign Affairs was designated as the Central Authority in Japan, from the

viewpoints of fulfilling daily operation with the Central Authorities of other contracting states, and also coordination with the assistance by the Embassies and Consulates General of Japan, especially regarding the assistance to the victims of domestic violence. However, the responsibility of the Central Authority should be supported not only by the Ministry of Foreign Affairs but by the government and other institutions as a whole in Japan, including other relevant Ministries, Agencies, local governments and courts.