



SENATOR THE HON BOB CARR

MINISTER FOR FOREIGN AFFAIRS
CANBERRA

30 JUN 2013

The Hon John Murphy MP
Chair
Standing Committee on Petitions
Parliament House
CANBERRA ACT 2600

Dear Mr Murphy

I refer to your letter of March 18, 2013, conveying a petition asking that the Australian Government 'take action to intervene and demand that the Japanese Government confirm the safety, welfare and location' of the petitioner's son.

The key instrument in international law pertaining to child abduction is the Hague Convention on the Civil Aspects of International Child Abduction. Japan has signed, but not yet ratified, the Convention. For this reason it is not legally bound by the obligations of the treaty.

I am advised by my Department that the Australian Embassy in Tokyo has made a number of enquiries in Japan, including representations to Japanese authorities to seek information on the whereabouts of the petitioner's son and to request consular access to him if he is in Japan. The Japanese Government has declined to provide the Embassy with information from Japanese immigration arrival and departure records, citing regulations governing the protection of personal information. The Japanese authorities have also informed our officials that they would have no legal basis to compel the child's mother to allow access by Australian consular officials. This advice was provided by the Department of Foreign Affairs and Trade to the petitioner on May 6, 2013.

Japanese officials have further informed the Embassy that the petitioner may also request information about his son from the Japanese Government through a local legal representative in Japan. I understand this advice was also conveyed to the petitioner on May 6, 2013.

I am advised that the petitioner may be able to apply for financial assistance under the Overseas Child Abduction Scheme. The Scheme is means - and merits - tested. It covers the costs of engaging an overseas lawyer and may also cover travel costs. The Scheme is managed within the Attorney-General's portfolio. Information about it can be found at:

www.ag.gov.au/LegalSystem/Legalaidprograms/Commonwealthlegalfinancialassistance/Pages/Overseaschildabduction.

Thank you for bringing this matter to my attention.

Yours sincerely

Bob Carr