

TREATY

between

the Czech Republic

and

the Kingdom of Norway

on the surrender of minors

The Czech Republic and the Kingdom of Norway, hereinafter the “Parties”,

Aware of the need for international protection of minors and legal protection of families,

Bearing in mind the achievement of these objectives through the **surrender** of minors with citizenship of the other of the Parties who have been removed from the care of their parents with citizenship of the other of the Parties by a Party's public authority **to their home country**,

Respecting the reciprocity principle in the surrender of these persons,

Have agreed as follows:

Article I Definitions

For purposes of this Treaty:

a) the term “*Surrendering State*” means the Party from which a Minor may be or has been surrendered;

b) the term “*Receiving State*” means the Party to which a Minor may be or has been surrendered;

c) the term “*Minor*” means a person being surrendered or to be surrendered who has not reached full legal capacity under national law of the Party of which the person is a national;

d) the term “*Removal from Care*” means a not insignificant restriction of contact between Parents having citizenship of the other of the Parties and a Minor in the territory of the other Party of which that Minor is not a national by Public Authorities against the Parents' will. The term “*Removal*” means especially any placement of a Minor in an institution, into the care of a foster family or into adoption without parental consent. For purposes of this Treaty, the term “*Removal*” means only a not insignificant restriction of contact between a Minor and both of the Minor's Parents, or one of the Parents where the other Parent shows no serious interest in the Minor;

e) the term “*Parents*” means the Mother and the Father of a Minor. For purposes of this Treaty, the term “*Mother*” means the person who gave birth to the Minor. The term “*Father*” means the person whom the law presumes to be the legal father in accordance with the law of the Party of which the Minor is a national. Only those persons are considered Parents for purposes of this Treaty who have the citizenship of the Receiving State but not the citizenships of both Parties concurrently;

f) the term “*Public Authority*” means any body, institution, office or other unit of the state or of the regional and other self-regulatory authorities of either Party;

g) the term “*Home Country*” means the national territory of the Party of which the Minor is a national.

Article II

Fundamental Principles

(1) The Parties respect the principle of **reciprocity**, i.e. mutuality of the surrender of Minors under the conditions of this Treaty.

(2) The Parties are hereby committed to adhere to the **ban on re-surrender**, i.e. the ban on the Receiving State's surrendering or handing Minors over to a third state without prior consent of the Surrendering State.

Article III

Rights and Obligations of the Parties

(1) The Surrendering State whose Public Authority removed a Minor with citizenship of the Receiving State from Parents with citizenship of the Receiving State shall surrender the Minor at the request of the Receiving State to the Minor's Home Country.

(2) This rule **shall not apply** where:

a) either of the Parents does not have the citizenship of the Receiving State, or has the citizenship of the Surrendering State in addition to the citizenship of the Receiving State;

b) the Minor has another citizenship in addition to the one of the Receiving State;

c) a criminal sanction for commission of a criminal offence or other criminal act has been imposed on the Minor or a prosecution is pursued against the Minor.

(3) Every case of surrender under this Treaty shall be initiated through diplomatic channels at the written request of the Receiving State addressed to the Surrendering State. The request may be made only with the consent of at least one of the Minor's Parents, a sibling or an ancestor in a direct line. The consent shall be a necessary part of the request. It shall be at the absolute discretion of competent authorities of the Receiving State to decide whether to make the request. The Surrendering State

shall surrender and hand the Minor over to the Receiving State within 90 days of receipt of the request at the latest.

(4) Authorities of the Surrendering State shall hand the Minor over to authorities of the Receiving State at a time and place in the territory of the Surrendering State agreed by both Parties.

Article IV

Costs

Any costs related to the implementation hereof shall be borne by the Receiving State, with the exception of the costs incurred exclusively in the territory of the Surrendering State.

Article V

Temporal Application

This Treaty shall apply to the surrender of Minors removed by a Party's Public Authority under this Treaty both before and after the entry into force of this Treaty.

Article VI

Final Provisions

(1) This Treaty shall be subject to ratification and shall enter into force on the 60th day after the exchange of instruments of ratification. The instruments shall be exchanged in Prague as soon as possible.

(2) This Treaty may be terminated in writing at any time and it shall lose its effect six months after the receipt of a notice of termination by the other Party.

In witness whereof the undersigned, being duly authorized thereto, have signed and sealed this Treaty.

Done in duplicate in Prague on, each in Czech, Norwegian and English languages. In case of divergences of interpretation, the English text shall prevail.

For the Czech Republic

For the Kingdom of Norway