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QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Protection of the rights of children and parents in  
 cases of removal or retention of children

Report by the Secretary-General

Addendum

SUMMARIES OF REPLIES RECEIVED FROM GOVERNMENTS UNDER  
 ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1982/39 1/

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1/ The full text of the communications are available for consultation in the files of the United Nations Secretariat.

COLOMBIA

[Original: Spanish]

[5 January 1983]

The Government of Colombia reports that chapter 8 of Administrative Decision No. 0773 of 1981 refers expressly to permits to leave Colombia and prescribes the requirements concerning minors.

1. When both parents agree to the minor's departure:

In this case, a statement of intent that has been signed by both parents and authenticated shall be submitted in writing to the Ministry of External Relations so that a passport may be issued to the minor or minors concerned.

2. When there is disagreement between the parents regarding the minor's departure from Colombia, the official having competence to settle the dispute is the Minors' Judge.

3. When the domicile of one of the parents or legal representatives is unknown, the Minors' Counsel shall, in administrative proceedings, allow or refuse to allow the minor or minors concerned to leave Colombia, as appropriate.

All these decisions must be complied with by the immigration authorities.

In addition to such cases, somewhat irregular de facto situations occur when one of the parents manages, by resorting to bribes, forging signatures or travelling by land to the borders with Ecuador, Brazil, Venezuela, Panama, etc., unlawfully to obtain a visa for other countries from the competent officials.

In view of the foregoing, we consider it advisable, important and urgent that international agreements should be concluded on such matters and that the Commission on Human Rights should draft agreements on the rights of children which take account of the protection of their rights in cases of unauthorized and unlawful international travel.

It is extremely important that such agreements should deal not only with the protection of minors, but also provide for machinery to pave the way for, facilitate and make possible the repatriation of a minor or minors unlawfully removed from Colombia.

YUGOSLAVIA

[Original: English]

[7 January 1983]

According to Yugoslav law parents shall exercise the parental right together and by mutual consent, and in case of disagreement the guardianship authority shall decide. If parents are separated, the parental right shall be exercised by the parent with whom the child lives; in the case of parental disagreement a decision shall be reached by the guardianship authority or in specified cases by the court. Furthermore, if, in case of the separation of parents, dissolution or annulment of their marriage, the child has been entrusted by a court decision or by the decision of any other competent authority to the care and upbringing of one of the parents, that parent shall exercise the parental right.

In exceptional cases Yugoslav laws provide that a child may be removed from a parent by a decision of the guardianship authority, if the child's proper upbringing is seriously threatened. The act of removal of the child in such cases does not imply that any other rights and duties of parents have ceased. Anyone who removes or retains a child not entrusted to him/her would be subject to civil and criminal liability. The penal laws of the Republics and autonomous provinces provide for a specific type of offence (removal of a minor) for which, in cases of unauthorized removal of a minor by a natural parent, adoptive parent, guardian or any other person, the offender may be punished with imprisonment.