



MASARYKOVA UNIVERZITA PRÁVNICKÁ FAKULTA

Office for International Legal Protection of Children



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Office for International Legal Protection of Children

- state body of the Czech Republic
- NOT international organisation
- was established by Social and Legal Protection of Children Act (No. 359/1999 Sb., § 3)
- act as „Central Authority“ (CA) under several conventions and treaties (see next pages)
- is responsible for protection of children in civil matters having cross-border implications
- head - director



Organisation structure of the Office

- structure is not given by law
- head – director – JUDr. Zdeněk Kapitán, Ph. D.
- deputy director – JUDr. Markéta Nováková
- lawyers – specialized in each fields of activity of the Office and geographically
- psychologists – help with cases of international adoptions and international abduction
- administrative staff
- **address: Šilingrovo náměstí 3/4, 602 00 Brno**



Office as Central Authority

- generally – CA is a state body or private organisation (authorized by the state) of a member state of some international convention or treaty
- the aim of CA is to fulfill duties which were imposed to member states of convention
- typically helps people to exercise their rights through various conventions (guidance, consultations etc.) and provides information about Czech law, communication and cooperation with other CAs and among state bodies from the home country to abroad etc.



Scope of activity of the Office

- International recovery of child support and other forms of family maintenance
- Inter-country adoption
- Wrongful removal or retention of children (i.e. "international child abduction")
- Protection of minors and protection of vulnerable adults in specific cases (e. g. the Office is authorized to act as a guardian ad litem).



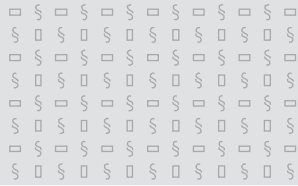
Other specialized activities of the Office

- The Office is an administrative body with state-wide authority. It is not, however, a court or a judicial body authorized to decide on judicial matters. Within the scope of its powers, the Office:
 - Provides consultation to the public
 - Communicates and interacts with foreign authorities
 - Assists lawmakers in developing international and domestic legislation



International recovery of maintenance

- Recovery of maintenance for obligees in the Czech Republic also for Obligees abroad (Obligor resides in the Czech Republic)
- Based on:
 - Convention on the Recovery Abroad of Maintenance, UN, New York, 20. 6. 1956
 - Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, Hague Conference on private international law, 2. 10.1973
 - Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children, Hague Conference on private international law, 15. 4.1958
 - Regulation EU No. 44/2001, „Brussels I.“
 - Bilateral treaties and reciprocity (USA, Canada)



International recovery of maintenance

- Office acts as CA - requesting and requested authority
- Cooperates with CA abroad on exchange of information
- Is entitled to bring legal actions to court, to negotiate with obligors etc.



International Adoptions

- Office helps to mediate finding parents for children - to find adoptive parents from the Czech Republic for children abroad and in opposite way
- Based on: Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, Hague Conference on private international law, 29.5. 1993
- Mediates adoptions only between member states of the Convention
- Conventions contains special measure to prevent trafficking of children and to ensure that the adoption will be in the best interest of the child



International Adoptions

- The majority of cases are adoptions of children from the Czech Republic abroad - e.g. to Germany, Denmark, Italy, Sweden
- Office provides co called „matching“ - process of finding best parents for the child (children)
- Office keeps at disposal information about children and also about prospective parents (health conditions, psychological profile etc.)
- Psychologists helps to evaluate interaction between the child and the prospective parent (chosen by special commission on the proposal of Office)



International Child Abduction

- Office deals only with civil aspects of such situation
- Wrongful/unlawful removal or retention of child/children younger than 16 years out of the country of their habitual residence
- Breach of custody rights of someone (mostly parent)
- The person is entitled to request for return of abducted/removed/retained child
- Based on: Convention on Civil Aspects of International Child Abduction, Hague Conference on Private International Law, 25. 10. 1908
 - And EU Regulation No. 2201/2004, Brussels II.



International Child Abduction

- The aim of Conventions is to secure prompt return of abducted child to the state of habitual residence
- Decision under Convention concerning the return/not return of the child shall not be taken to be a determination on the merits of any custody issue
- The Office receives request for return from abroad CA(child is abducted to the CZ) and prepare request for return to be sent abroad with requesting person
- The Office make efforts to solve the situation amicably - the best solution is agreement of left-behind parent (person requesting return) and abductor
- PREVENTION - Office disseminate information about this topic and provide guidance and consultancy to parents who wants to travel with their children and other persons



Exercise of Access rights

- Convention on abduction also deals with the issue of securing the exercise of access rights to the child - to secure the right of the parent to be in contact with the child/the right of the child to be in contact with the parent
- CA should make arrangements for organising or securing the effective exercise of rights of access
- CAs cooperate to promote the peaceful enjoyment of access rights and the fulfilment of any conditions to which the exercise of those rights may be subject.
- CA shall take steps to remove, as far as possible, all obstacles to the exercise of such rights.
- CA either directly or through intermediaries, may initiate or assist in the institution of proceedings with a view to organising or protecting these rights and securing respect for the conditions to which the exercise of these rights may be subject.



Other types of protection of minors

- The Office acts as a guardian ad litem
- In cases where parents cannot represent their child because of contradictory interests
- Typically, custody cases, paternity cases (denial, establishment) etc.



Web links and sources of information

- www.umpod.cz
- www.hcch.net
- <http://untreaty.un.org>



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THANK YOU

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