

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-third session
Pre-sessional open-ended Working Group
on the Question of a Convention on the
Rights of the Child
26-30 January 1987

Proposal of Finland

Family contacts

Article 6 bis

Revised proposal to the proposal submitted
by the delegations of Finland, Poland, the
Union of Soviet Socialist Republics and the
United States of America
(E/CN.4/1987/WG.1/WP.2)

2. A child shall have the right to maintain [save in exceptional circumstances] personal relations and direct contacts with both parents also where the child and his or her parents live in different States. Toward that end, States Parties shall respect the right of the child and his or her parents to enter or leave their territory temporarily and, where appropriate, on a regular basis. States Parties shall also take all necessary steps to promote and ensure the effective exercise of this right and to secure the fulfilment of any conditions to which the exercise of this right may be subject.

3. The implementation of the obligations under this article [by States Parties] shall be subjected only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others [and are consistent with the other rights recognized in the present Convention].

The Helsinki Final Act

(a) Contacts and Regular Meetings on the Basis of Family Ties

In order to promote further development of contacts on the basis of family ties the participating States will favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families.

Application for temporary visits to meet members of their families will be dealt with without distinction as to the country of origin or destination, existing requirements for travel documents and visas will be applied in this spirit. The preparation and issue of such documents and visas will be effected within reasonable time limits; cases of urgent necessity - such as serious illness or death - will be given priority treatment. They will take such steps as may be necessary to ensure that the fees for official travel documents and visas are acceptable.

They confirm that the presentation of an application concerning contacts on the basis of family ties will not modify the rights and obligations of the applicant or of members of his family.

(b) Reunification of Families

The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character - such as requests submitted by persons who are ill or old.

They will deal with applications in this field as expeditiously as possible.

They will lower where necessary the fees charged in connection with these applications to ensure that they are at a moderate level.

Applications for the purpose of family reunification which are not granted may be renewed at the appropriate level and will be reconsidered at reasonably short intervals by the authorities of the country of residence or destination, whichever is concerned; under such circumstances fees will be charged only when applications are granted.

Persons whose applications for family reunification are granted may bring with them or ship their household and personal effects; to this end the participating States will use all possibilities provided by existing regulations.

Until members of the same family are reunited meetings and contacts between them may take place in accordance with the modalities for contacts on the basis of family ties.

The participating States will support the efforts of Red Cross and Red Crescent Societies concerned with the problems of family reunification.

They confirm that the presentation of an application concerning family reunification will not modify the rights and obligations of the applicant or of members of his family.

The receiving participating State will take appropriate care with regard to employment for persons from other participating States who take up permanent residence in that State in connection with family reunification with its citizens and see that they are afforded opportunities equal to those enjoyed by its own citizens for education, medical assistance and social security.

The Concluding Document of the Madrid Meeting 1980

Human Contacts

The participating States will favourably deal with applications relating to contacts and regular meetings on the basis of family ties, reunification of families and marriage between citizens of different States and will decide upon them in the same spirit.

They will decide upon these applications in emergency cases for family meetings as expeditiously as possible, for family reunification and for marriage between citizens of different States in normal practice within six months and for other family meetings within gradually decreasing time limits.

They confirm that the presentation or renewal of applications in these cases will not modify the rights and obligations of the applicants or of members of their families concerning inter alia employment, housing, residence status, family support, access to social, economic or educational benefits, as well as any other rights and obligations flowing from the laws and regulations of the respective participating State.

The participating States will provide the necessary information on the procedures to be followed by the applicants in these cases and on the regulations to be observed, as well as, upon the applicant's request, provide the relevant forms.

They will, where necessary, gradually reduce fees charged in connection with these applications, including those for visas and passports, in order to bring them to a moderate level in relation to the average monthly income in the respective participating State.

Applicants will be informed as expeditiously as possible of the decision that has been reached. In case of refusal applicants will also be informed of their right to renew applications after reasonably short intervals.

The Hague Convention on the Civil Aspects of
International Child Abduction

(concluded 25 October 1980)

CHAPTER IV - RIGHTS OF ACCESS

Article 21

An application to make arrangements for organizing or securing the effective exercise of rights of access may be presented to the Central Authorities of the Contracting States in the same way as an application for the return of a child.

The Central Authorities are bound by the obligations of co-operation which are set forth in Article 7 to promote the peaceful enjoyment of access rights and the fulfilment of any conditions to which the exercise of those rights may be subject. The Central Authorities shall take steps to remove, as far as possible, all obstacles to the exercise of such rights.

The Central Authorities, either directly or through intermediaries, may initiate or assist in the institution of proceedings with a view to organizing or protecting these rights and securing respect for the conditions to which the exercise of these rights may be subject.