

**MINISTRY OF JUSTICE
OF THE REPUBLIC OF BELARUS**

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November 12, 2019 ref. No. 07-30/Ч- N. Cheropoulos
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Your ref. No. _____ of _____

Re: Consideration of appeal

The Ministry of Justice of the Republic of Belarus in connection with your electronic appeal received on October 28, 2019, reports the following.

Based on the provisions of the Convention on the Civil Aspects of International Child Abduction of October 25, 1980 (hereinafter referred to as the Convention), the issue of returning a child to his or her state of permanent residence or refusal to return is taken by the competent administrative or judicial authority of the state to which the child is removed.

The competent authorities of the Republic of Belarus for the examination of applications for the return of children under the Convention are the courts. Moreover, the Ministry of Justice of the Republic of Belarus is not authorized to initiate legal proceedings in cases under the Convention, as well as to represent the interests of the parties in court.

According to Article 11 of the Civil Procedure Code of the Republic of Belarus, when administering justice in civil cases, judges are independent and are subject only to the law. Intervention in their activities in the administration of justice is not allowed and entails liability under the law. Guarantees of independence of judges are established by the Constitution of the Republic of Belarus and other legislative acts.

The issues of legality and validity of court decisions raised in your appeal are subject to consideration in accordance with the procedure established by civil procedural legislation. In case of disagreement with the court decisions, you have the right to appeal them in the manner prescribed by Section VIII of the Civil Procedure Code of the Republic of Belarus.

For legal assistance on issues raised in your appeal, you have the right to contact a lawyer of your choice. In accordance with the Law of the Republic of Belarus dated December 30, 2011 “On Advocacy and Legal Practice in the Republic of Belarus”, one of the main tasks of lawyers is to provide legal assistance on a professional basis to clients in order to exercise and protect their rights, freedoms and interests. Lists of lawyers, law firms, legal advice offices are posted on the website of the Ministry of Justice of the Republic of Belarus www.miniust.gov.by

(“Activity” (Деятельность) – “Advocacy and Licensing of Legal Activities” (Адвокатура и лицензирование юридической деятельности) – “Legal Practice” (Адвокатская деятельность)).

It must be noted that by paragraph 2 of the Law of the Republic of Belarus of November 13, 1997 “On Accession to the Convention on Civil Aspects of International Child Abduction”, the Ministry of Justice of the Republic of Belarus is established as the Central Authority of the Republic of Belarus for the purposes of the Convention. In performing the functions of the Central Authority of the Republic of Belarus for the purposes of the Convention, which are generally set out in Article 7 of the Convention, the Ministry of Justice of the Republic of Belarus constantly analyzes the practice of applying the Convention in the Republic of Belarus and takes steps to remove obstacles to the correct and uniform application of its provisions.

First Deputy Minister

/signed/

S.V. Zadiran