

N° 3395

BELGIQUE ET ITALIE

Arrangement en vue du rapatriement
de mineurs qui se sont soustraits
à l'autorité paternelle ou tutélaire.
Signé à Rome, le 7 février 1934.

BELGIUM AND ITALY

Agreement regarding the Repatria-
tion of Minors who have evaded
the Authority of their Parents
or Guardians. Signed at Rome,
February 7th, 1934.

¹ TRADUCTION. — TRANSLATION.No. 3395. — AGREEMENT² CONCLUDED BETWEEN BELGIUM AND ITALY REGARDING THE REPATRIATION OF MINORS WHO HAVE EVADED THE AUTHORITY OF THEIR PARENTS OR GUARDIANS. SIGNED AT ROME, FEBRUARY 7TH, 1934.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Agreement took place April 7th, 1934.

THE BELGIAN GOVERNMENT and THE ITALIAN GOVERNMENT agree, subject to the conditions named hereunder, to take the necessary measures for the repatriation to their respective countries of Italian minors who may be found in Belgium and of Belgian minors who may be found in Italy contrary to the wishes of the persons upon whom the national legislation confers the right of guardianship over them :

(1) That the right of guardianship has simply been disregarded, but is not disputed. This condition shall be deemed to be fulfilled if the right of guardianship was conferred by a legal decision, or if the *Parquet* supports the application of the persons entitled by law to exercise parental or tutelary authority.

(2) That the application of the persons who are entitled to exercise parental authority or the right of guardianship be addressed to the *Parquet* of their place of domicile or residence, with a view to the return of the child to the domicile from which he has run away.

(3) That repatriation be deemed, in fact, to be in the interests of the minor, in accordance with the following procedure :

A. In the case of an Italian minor :

The President of the competent Italian court, after examining the request and if necessary authorising the return of the minor, shall forward the papers in the case through the Italian *Parquet* to the Belgian *Parquet* possessing competence in the place where the minor is temporarily residing.

The preliminary investigation of the case shall be carried out by means of correspondence between the two *Parquets*.

The Belgian *Parquet* shall cause the child to appear before it, shall question him and the persons with whom he has taken refuge, and shall decide whether it is in the minor's interests to repatriate him ;

B. In the case of a Belgian minor :

The Belgian *Parquet*, after examining the request and if necessary authorising the return of the minor, shall forward the papers in the case direct to the Italian *Parquet* possessing competence in the place where the minor is temporarily residing.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Came into force April 7th, 1934.

The preliminary investigation of the case shall be carried out by means of direct correspondence between the two *Parquets*.

The Italian *Parquet* shall lay the case before the President of the competent Court, which shall cause the child to appear before it, shall question him and the persons with whom he has taken refuge, and shall decide whether it is in the minor's interests to repatriate him.

The President shall issue an order setting forth the decision with regard to the application for the return of the minor.

If the repatriation of the Belgian or Italian minor is authorised, the competent *Parquets* shall settle the date, hour and place of repatriation direct, and shall designate the person or authority to whom he shall be handed over.

The cost of maintenance and repatriation of the minor as far as the frontier of the State of origin shall be borne by the State in which the minor is staying.

It is explicitly agreed that the present Agreement shall not in any way affect the rights of persons on whom the national laws of the minor confer the right of guardianship over him to apply direct to the competent courts with a view to taking over his person.

The present Agreement shall enter into force two months after signature.

In faith whereof the undersigned, being duly authorised thereto, have signed the present Agreement in two original copies

Done at Rome, February 7th, 1934.

(Signed) Prince Albert DE LIGNE.

(Signed) MUSSOLINI.