



**TREATY SERIES 2010**  
**Nº 15**

**Agreement between the Government of the Republic of  
Belarus and the Government of Ireland on the conditions of  
recuperation of minor citizens from the  
Republic of Belarus in Ireland**

Done at Minsk on 23 February 2009

Notifications of the completion of the procedures required  
for the entry into force of this Agreement exchanged  
on 29 July 2009 and 25 September 2009

Entered into force on 26 September 2009

Presented to Dáil Éireann by the Minister for Foreign Affairs

**AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF  
BELARUS AND THE GOVERNMENT OF IRELAND ON THE CONDITIONS  
OF RECUPERATION OF MINOR CITIZENS FROM THE REPUBLIC OF  
BELARUS IN IRELAND**

The Government of the Republic of Belarus and the Government of Ireland, hereinafter referred to as the Parties;

*Guided* by the principles of humanitarianism and good will;

*Having regard* to the long-term negative consequences of the accident at the Chernobyl NPP for the health of the population of the Republic of Belarus, in particular for minor citizens of the Republic of Belarus who continue to live in the contaminated area in the Republic of Belarus;

*Welcoming* the intention of the Government of Ireland to facilitate recuperation visits to Ireland of minor citizens from the Republic of Belarus;

*Having regard* to the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980;

*Guided* by the provisions of the Convention on the Rights of the Child of 20 November 1989;

*In accordance* with our respective domestic laws;

*In the context* of the accident at Chernobyl NPP, seeking to create additional opportunities and to guarantee social protection for minor citizens from the Republic of Belarus;

*Showing concern* for the improvement of the health of minor citizens from the Republic of Belarus who are society's greatest treasure and asset;

*Wishing* to strengthen friendly ties and mutual understanding between the peoples of Belarus and Ireland;

**HAVE AGREED** as follows:

**Article 1**

For the purposes of the present Agreement, recuperation shall mean the carrying out by the Irish host associations of a temporary stay programme for minor citizens from the Republic of Belarus (hereinafter referred to as "children") with accompanying persons (hereinafter referred to as "accompanying persons") individually with host families or collectively in Ireland, to take place as a rule during summer or winter periods. For the purposes of the present Agreement, children hosted collectively shall be accommodated in premises intended or suitable for children.

## Article 2

The parties shall guarantee the fast processing of documents necessary for the Children's departure to Ireland for the purposes of recuperation as well as those of the Accompanying Individuals in accordance with the state laws of both Parties.

The Government of the Republic of Belarus, in the manner required by the legislation of the Republic of Belarus, shall ensure that children between the ages of 7 and 18 years may travel for temporary stay in Ireland for the purpose of recuperation and will be selected for travel through Belarusian sending organisations which are partners of Irish host associations and shall not impose an upper limit on the number of such visits by each child.

The Irish Government shall provide the opportunity of a temporary stay in Ireland to children for the purpose of recuperation and accompanying persons in accordance with Irish immigration law and policy and the terms of the present Agreement and in particular paragraph 4 below.

All expenses related to obtaining visas to Ireland, travel to and from Ireland, purchase of insurance, and also the stay of children and accompanying persons in Ireland, shall be borne by the Irish host associations and families.

## Article 3

Temporary stay programmes for children in Ireland for the purpose of recuperation are not related to international adoption procedures, which are governed by the corresponding laws of the Parties.

## Article 4

The Parties recognise that the situation of children coming to Ireland for recuperation within the context of temporary stay programmes shall be regulated by international Agreements and Treaties to which the Republic of Belarus and Ireland are party, their national laws and the terms of the present Agreement.

All orphaned children and children not in the care of their parents travelling to Ireland for the purpose of recuperation within the context of temporary stay programmes shall have a guardian appointed by the competent Belarus authorities for the purpose of exercising the rights of guardianship, and it shall not be asserted that such children are without the guardianship of legal representatives or in the state of homelessness.

The Parties shall comply with all legislative, administrative and other measures applicable in Ireland to protect the rights, freedoms, and legal interests of the children during their period of recuperation in Ireland.

The Irish Government shall guarantee to take all possible measures to have all adults in the host associations and all adults residing in the homes of host families vetted by An Garda Síochána (national police force of Ireland) before the children arrive.

The Irish Government shall take all possible measures to ensure the preservation of the life and health of the children during their period of recuperation in Ireland in accordance with Irish law and government policy.

In accordance with the terms of the present Agreement, the Irish Government shall guarantee the return of children to the Republic of Belarus after the end of the recuperation period with the exception of cases referred to in Article 7 of the present Agreement.

#### Article 5

In accordance with the laws of Ireland and the administrative framework applicable in Ireland, the Irish Government shall facilitate the Irish host associations in providing the essential conditions for the execution of the obligations placed on the accompanying persons by the legislation of the Republic of Belarus in the interest of the children, and guarantees to facilitate the competent bodies of the Republic of Belarus at their request, and also the accompanying persons in visiting, after prior notification and in the agreed manner, the Irish host families or collective accommodation of children.

#### Article 6

The Belarus Government shall:

provide assistance to the Belarusian sending organisations forming groups of children going to Ireland for recuperation in coordination with the Irish host associations;

exercise control over the selection of adults in the capacity of accompanying persons with educational or medical training, preferably with English language skills and provide assistance for their appropriate preparation;

assist the Belarusian sending organisations in preparing children for going to Ireland for recuperation, which includes the advance familiarizing of the children with the history, traditions and achievements of the Irish people, geography and climate conditions, and acquainting of the Irish host families and host associations with the culture and traditions of the Belarusian people;

assist with submission to the Belarusian organisations of information on individual characteristics of the children in order to ensure their safe stay in Ireland.

The Irish Government shall:

provide for the signing of agreements in the form of a declaration (hereinafter – declaration) by the Irish host associations and host families, which contain obligations in relation to guaranteeing the safety and welfare of children during the period of their recuperation visit to Ireland and also their timely return to the Republic of Belarus after the end of the recuperation period in accordance with the terms of the present Agreement;

impose an obligation (in the form of the aforementioned declaration) on the host Associations and host families to inform without delay the diplomatic (consular) office of the Belarusian Government of the occurrence of emergency (urgent) situations affecting the children and accompanying persons during their stay in Ireland;

provide information to the host associations and host families in relation to their obligations under Irish law in connection with the welfare and protection of children visiting under the present Agreement.

observe the rights of consular officials of the Republic of Belarus for safeguarding the interests of children staying for recuperation in Ireland and of accompanying persons in accordance with international law and in particular in accordance with the provisions of the Vienna Convention on Consular Relations of 24 April 1963.

### Article 7

Both parties agree that the host associations and host families organizing the stay of the children in Ireland shall assume the obligations provided for in the declaration:

during the recuperation staying in Ireland emergency medical assistance may be provided to the children, without the consent of the legal representatives, in the case of emergency situations requiring urgent medical intervention (accidents, injuries, poisoning and other conditions and illnesses);

the Irish host associations shall inform, as quickly as possible, the accompanying person and shall inform the legal representatives of children (through the relevant Belarusian sending organisation) and the Embassy of the Republic of Belarus in the United Kingdom of Great Britain and Northern Ireland of illnesses which have occurred and the situation of the children regarding threats to their lives or health, and also the health of people around them, and of providing them with emergency medical assistance;

in cases where emergency medical care is provided, the host association shall provide for the treatment of the child and the stay of the accompanying person in Ireland until the end of the period of treatment of the child;

the necessary stay of the child in treatment after the end of the recuperation period shall be determined by the state of health of the child in consultation with the competent body of the Government of Belarus and the legal representatives of the child;

the Irish host associations shall take the necessary measures for the return of the child together with the accompanying person to the Republic of Belarus after the end of the period of treatment.

## Article 8

Both parties agree that the host associations and host families organizing the stay of the children in Ireland shall be required to undertake, in the form of the aforementioned declaration, to observe the following obligations:

to ensure favourable living conditions (accommodation and sustenance) for the children and accompanying persons;

to ensure the timely return at the appropriate time of the children to the Republic of Belarus after the end of the recuperation period in Ireland;

to recognize that receiving the children temporarily for the purposes of recuperation does not confer on the host families any legal rights in relation to the children and does not constitute a precondition or basis for subsequent international adoption;

to recognize that they do not acquire any custodial rights in relation to the children, that the habitual residence of the children does not alter on the basis of their stay in Ireland and the recuperation programme does not form part of international adoption procedures, which are governed by the respective laws of the Parties, and is unrelated to these procedures.

to recognize that an infringement of the obligations referred to in this Article, the declarations signed by the host association or host family, or if they contribute to an infringement of these obligations or do not take measures to carry them out, shall deprive the above association and family of the right to future participation in programmes to receive children.

The Irish host associations shall undertake to take maximum care (which may include the assistance of qualified specialists including social workers or psychologists) when choosing host families and institutions, and also that they will inform them of the rights and obligations associated with hosting of children.

## Article 9

The competent bodies of the Parties responsible for implementing the present Agreement shall be:

In the Republic of Belarus;

Directorate of the President of the Republic of Belarus (Department of Humanitarian Activities),  
Ministry of Education,  
Ministry of Public Health,  
Minister of Labour and Social Protection,  
Ministry of Foreign Affairs

In Ireland:

Department of Foreign Affairs  
Department of Health & Children  
Department of Justice, Equality and Law Reform

The parties shall notify each other in writing through the diplomatic channel of any changes to title or structure of the competent bodies responsible for implementing the present Agreement.

#### Article 10

The Government of Belarus shall appoint as coordinator of activities of the competent bodies the director of the Department of Humanitarian Activities, Directorate of the President of the Republic of Belarus.

The Government of Ireland shall appoint as coordinator of activities of the competent bodies the Director General of the Office of the Minister for Children and Youth Affairs in the Department of Health & Children.

The parties shall notify each other in writing through the diplomatic channel of any changes to title of the coordinator of activities of the competent bodies.

#### Article 11

For the purpose of evaluating the operation of the present Agreement, both Parties shall implement an exchange of information between the competent institutions of the Parties.

Both Parties shall conduct an exchange of information on the laws of the Republic of Belarus and Ireland regarding matters provided for in the present Agreement.

#### Article 12

Amendments may be made to the present Agreement by means of additional protocols which will form an integral part of the present Agreement.

#### Article 13

In the event of disputes related to the implementation of the provisions of the present Agreement the parties shall resolve all dispute matters by means of negotiations and consultations.

#### Article 14

In cases on unlawful holding in Ireland of children sent for recuperation in accordance with the present Agreement, in some way incompatible with guardianship rights of a third party regarding these children, the Parties shall actively co-operate for the purpose of returning the children to the Republic of Belarus in accordance with

applicable international agreements, which the Republic of Belarus and Ireland are party to, and the laws of both Parties.

#### Article 15

The present Agreement shall apply on a temporary basis from the date of signature and shall come into force on the date of receipt, through diplomatic channels of the last written notification of implementation by the Parties of internal procedures necessary for its coming into force.

The Agreement shall be valid for a period of five years. At the expiry of this period it shall be automatically extended every five years until one Party notifies the other in writing through diplomatic channels, of its intention to cancel the operation of this Agreement, not later than six months before the expiry of the next period of its operation.

Taking into account the above, the present Agreement is signed by the representatives of the Parties

**DONE** at Minsk on 23rd of February 2009 in two copies in Belarusian, Russian and English languages, with all texts having equal authenticity.

**ON BEHALF OF THE  
GOVERNMENT OF THE  
REPUBLIC OF BELARUS**

Kolyada Alexander Vladimirovich

**ON BEHALF OF THE  
GOVERNMENT OF  
IRELAND**

Justin Harman