

Re B (Care Proceedings: Diplomatic Immunity)

[2003] 1 FLR 241

30/07/2002

Barristers

Private: Jonathan Cohen QC

Court

Family Division

Facts

An interim care order was made in respect of the 13-year-old child following the discovery that serious non-accidental injuries, consistent with repeated severe hitting, had been inflicted upon her. While her parents admitted chastising her with a belt on one occasion, the origins of some scars and bruising remained unresolved. The child and her family were foreign nationals resident in the UK. Her father was employed as a member of the administrative and technical staff of the embassy of a foreign country and was protected by the provisions of the Diplomatic Privileges Act 1964. The interim care order had been made without regard to the issue of the diplomatic status of the father and his family.

Held

Held – continuing the interim care order, and refusing permission to appeal –

(1) Members of the administrative and technical staff of an embassy, and their families, enjoyed certain privileges under the Diplomatic Privileges Act 1964, but, in accordance with Art 37 of the Vienna Convention on Diplomatic Relations 1961, such members of staff and their families were not immune from civil proceedings relating to acts performed outside the course of their duties. The father, therefore, had no immunity from family proceedings, including care proceedings, and this loss of immunity also applied to members of his family who derived their immunity from him.

(2) The fact that the order may not be enforceable due to the diplomatic immunity of the family concerned, and the inviolability of their home, was not a bar to the making of a care order.

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