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Agenda item 13

QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD

Protection of the rights of children and parents in
cases of removal or retention of children

Report by the Secretary-General

Addendum

SUMMARIES OF REPLIES RECEIVED FROM GOVERNMENTS UNDER
ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1982/39 1/

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1/ The full texts of the communications are available for consultation in the files of the United Nations Secretariat.

[Original: English]
[19 January 1983]

BARBADOS

The Government of Barbados states that the retention of children, removal or abduction of children from a country by a parent in defiance of a custody order is becoming an increasing problem in Barbados.

This issue has been discussed at several Commonwealth Law Ministers Meetings since 1977 and an attempt is being made by members of the Commonwealth to draft a Convention along similar lines as the Hague Convention.

The broad aim of this Convention would be to recognize and enforce custody orders made within Commonwealth countries and to ensure that an application to vary or modify a custody order would only be done in the child's country of residence. There is however, general consensus that in order to alleviate this problem, there must be (a) an intergovernmental agreement and (b) subsequent legislative changes.

The Government has already implemented some initial legislative changes. In the Family Law Bill of 1981 foreign custody orders can be registered and are recognized. A limit is placed on the right of the court in Barbados to exercise jurisdiction on the matter unless (a) each person having rights in the original order consents to the proceedings or (b) the welfare of the child will be adversely affected by non-action. There is also provision for the transmission of Barbadian custody orders to overseas countries.

The inclusion of the rights of the child in cases of unauthorized removal in the draft convention on the rights of the child would ensure that countries become more aware of the size and scope of the problem and safeguard the right of a child to a stable and secure environment.

[Original: English]
[3 March 1983]

SUDAN

The Government states that it fully supports Economic and Social Council resolution 1982/39. Although cases of retention and international removal of children rarely occur because of the existence of strong social and family ties, Sudan welcomes international co-operation and the exchange of experience in the field of the rights of the child.

The Constitution and other legislative acts clearly indicate the importance of moral, spiritual, mental, physical and social values for the development of the child.