

child. Each country is unique, and it is up to you to decide whether to proceed with legal action.

Using the Criminal Justice System

Parental abduction is a criminal offence under sections 281, 282 and 283 of the Canadian Criminal Code. In many situations, the criminal justice system can prove to be a very useful instrument in locating and recovering a child, especially when the person suspected of perpetrating the abduction has not yet left Canadian soil.

Since the administration of criminal justice is a provincial / territorial responsibility, criminal justice may be administered in a slightly different way from one province / territory to another. Thus, in the abduction of children, some provinces / territories require authorization from the Crown Attorney before proceedings can be set in motion, while in others proceedings can be initiated by the police themselves.

Use of the Criminal Code makes it easier for the police to search for and locate a child. An arrest warrant is generally issued, often improving co-operation among police forces both nationally and internationally. If necessary, an extradition request may be made if there is an extradition treaty with the country in which the alleged abductor is located.

Extradition

Extradition may be worth considering in some cases of international abduction, but may be of no value in others. There is no guarantee that the child will be returned by foreign authorities even if they should permit the extradition of the alleged abductor. When threatened with extradition, some abducting parents have hidden the child or have gone into hiding themselves with the child.

In addition, not all countries regard child abduction by one of the parents as a criminal act. The Consular Affairs Bureau can provide information on the criminal justice system in the country in question, and on whether it is likely to co-operate in parental child abduction cases.

Other reasons why extradition is not frequently used in connection with parental child abductions include:

- Very few extradition treaties between Canada and other countries include parental child abduction or custodial interference as extraditable offences. In recent treaties, efforts have been made to include the concept of "dual