

At present Canada has extradition treaties with some 41 countries. Most of these treaties predate 1925 and the majority were concluded by Britain on behalf of Canada in the latter part of the 19th century. For some time now consideration has been given to up-dating these treaties to bring them more into line with current requirements and also to concluding extradition treaties with other countries. In February 1975 meetings were held with the West German authorities and a draft extradition treaty was initialled. Negotiations by correspondence have been continuing and it is anticipated that a final agreed text will soon be completed. In 1976 Extradition Treaties with the United States and Sweden were ratified and are now in full force and effect. In October 1975 Extradition Treaty talks were held with Italy and negotiations are continuing. In May 1976 Extradition Treaty negotiations were held with Denmark and Finland. Texts of draft treaties were agreed on and it is anticipated that Treaties between Canada and these states will be signed shortly. Extradition Treaty talks are planned with France in the fall of 1976 and with other countries.

The Section has become extensively involved in the international aspects of "civil kidnapping" or "child napping". The Extra-Provincial Custody Orders Enforcement Act recommended in 1974 by the Uniform Law Conference of Canada has been acted by Manitoba, Prince Edward Island, Nova Scotia and Newfoundland. The Attorney General of Canada at the Federal-Provincial Conference of Attorneys General held at Halifax in October 1975 urged all provinces to adopt similar legislation. As an example of the work of the Section an interesting case arose recently when a Canadian born child was taken to Germany by his German citizen mother without the knowledge and/or consent of his Canadian father. Since that time the father has been granted custody of the child by order of the Ontario courts. Because the Order is ineffective in Germany, the father was forced to commence litigation in Germany to enforce his rights. Three levels of courts in Germany considered the question of whether they had jurisdiction to hear the case and finally concluded that they did. Only at this point did the German courts consider the substantive issue of who should have custody. The Canadian Consulate in Berlin has facilitated the hearings in every way possible, and arranged for visitation rights whenever the father has been able to go to Berlin. The present situation is that the Canadian father has been successful on the substantive issue of custody at the first two levels of court, and only one possible final appeal may lie.

This case points out the need for a greater cooperation internationally in the mutual respect and enforcement of not only custody orders but also maintenance orders. It is for this reason that the Section is taking a considerable interest in the possible accession of Canada to the several international conventions in these fields, in consultation with the appropriate federal and provincial authorities.