

- ❖ Very few extradition treaties between Canada and other countries include parental child abduction or custodial interference as extraditable offences.
- ❖ In more recent treaties, efforts have been made to include the concept of "dual criminality" as the basis for extradition. However, this requires that parental child abduction be considered a crime in both the countries that have signed the treaty.
- ❖ Many civil law countries (in contrast with common law countries such as Canada, Australia, the United States and the United Kingdom) will not extradite their own nationals. Nearly all the countries of Latin America and Europe are civil law countries. Experience has shown that foreign governments are generally reluctant and often unwilling to extradite anyone for parental child abduction.

In order that the police and the Crown can do the best possible job in dealing with your complaint, it is essential that you provide all the information available to you and any new information that might arise subsequently. Based on this information, the best possible decisions can be made in the interests of you and your child.

C. Communication and Compromise

As the foregoing information illustrates, legal approaches to dealing with international child abductions can be prolonged, expensive and often inconclusive. Before pursuing legal solutions, you should carefully consider and explore alternative solutions, such as negotiation with the abducting parent. In some cases, it may be possible to have relatives or friends of the abductor assist you in establishing contact with the abducting parent and help to promote a compromise. As well, community or religious leaders may be willing to intervene on your behalf.

Such actions might not produce immediate results but could reduce tensions, promote the welfare of your child and increase the chances of your being able to visit the child and participate in some way in decisions affecting his/her welfare and well-being. Sometimes, compromise and reconciliation will be the only solution.

D. Information on the Welfare of Your Child

If your child has been found and it is not possible for you to establish direct communication, Canadian consular officials in the country concerned can try on your behalf to make arrangements to visit the child. If they succeed in seeing your child, they will provide you with reports on his/her health, living conditions, schooling and other information. Sometimes, consular officials are also able to deliver letters and photographs to your child and send you the same in return. If the abducting parent will not permit such a visit, the Canadian diplomatic or consular mission can request the assistance of the local authorities, either to arrange such a visit or to have a local social worker involved.

The Department of Foreign Affairs and International Trade works closely with International Social Service Canada (ISSC) on such matters where it is appropriate. ISSC uses its worldwide network of social and family welfare contacts to mediate with abducting parents, establish communications, obtain information on abducted children and promote their well-being.

If information on possible abuse or neglect of your child becomes available to consular officials, the matter is discussed, with your permission, with local child welfare and law enforcement officers, possibly through the offices of ISSC. They, along with the Canadian diplomatic or consular mission, can ask local authorities to become involved and ensure that the child is protected.

E. Re-abductions

The trauma and difficulties associated with international child abductions have led many parents to consider self-help measures, such as the re-abduction of the child. The Department of Foreign Affairs and International Trade strongly advises against such desperate and often illegal measures. Such action could further endanger your child and others, prejudice any future legal efforts and result in your arrest and imprisonment in another country. If you are tried and convicted in that country, it does not necessarily follow that the foreign court will give any weight to your custody rights in Canada in imposing a sentence.

Canadian officials, whether in Ottawa or in other countries, cannot take possession of a child abducted by a parent or assist others in acting in violation of the laws of a foreign country. Such

