

The ratification of the Canada/Finland Extradition Treaty has been delayed. Last November, Canadian and Finnish representatives agreed on the need for an amendment to the Treaty prior to ratification. The necessary Governor-in-Council authority has been sought and it is anticipated that the amendment will be approved in the very near future. The exchange of instruments of ratification will occur shortly thereafter. The new Fugitive Offenders Act, which permits rendition of offenders between Commonwealth states and was not considered by previous Parliaments, will be re-introduced in the 1980 fall session. Extensive amendments to the Extradition Act will also be proposed.

The abduction of children by one parent, often in contravention of a Canadian custody order, remains an intractable problem for many Canadian citizens. At any given moment the Department has 30 or more active cases. As a Canadian custody order has no extra-territorial effect, the role of the Department remains to assist in establishing contact between the parents, to obtain the names of lawyers in the other country who could be consulted with respect to initiating a custody action before the courts where the child is located, and to attempt to obtain a report as to the well-being of the child.

Normally, the Department becomes involved when a telephone call or letter is received indicating a child has been taken by a parent, who may or may not be a Canadian citizen, contrary to a Canadian custody order. If the child's exact location is known, the appropriate Canadian post will be asked to attempt to contact the abducting parent to ascertain the child's health and well-being and to enquire under what circumstances, if any, the parent is prepared to return the child to Canada. However, the Department cannot conduct searches for children in foreign countries. In addition, the Department obtains the names of lawyers engaged in the practice of family law in the particular area and requests an informal opinion regarding the prospects of success, time required and expected cost of a custody action.

A recent interesting case involved a child who had been abducted to Poland in 1977 by his father in contravention of an Ontario Court Order awarding custody to the mother. The mother commenced a custody action in Poland which lasted almost two years. The Polish court also awarded custody to the mother. The child's grandparents, with whom he was residing in Poland, were reluctant to release the child and it was necessary for the Department to intervene with the Polish authorities to have the Court Order respected. The child was finally turned over to the mother in Warsaw and both returned to Canada.