

Canadian citizens who are prisoners, probationers and parolees in foreign countries by enabling them to serve their sentences in Canada. In each case the transfer requires the consent of the offender and the approval of the two governments concerned. Canadian officials have had contacts on possible prisoner exchange treaties with officials of Denmark, The Netherlands and the United Kingdom.

The incidence of "civil kidnapping" or "childnapping" continues to increase and the Section has approximately thirty active cases in which it has attempted, through the cooperation of our missions, to assist a Canadian citizen in Canada whose child or children have been taken abroad by the other spouse, frequently in contravention of a Canadian court order awarding custody to the parent in Canada. A custody order by a Canadian court has no extra-territorial effect. Accordingly, the role of the Department is usually limited to helping the parent in Canada in instituting a custody action in the state wherein the child is located. The Department can also assist in obtaining information as to the child's welfare and well-being and in attempting to arrange a dialogue between the parents. A typical case in which the Section has been involved concerns a father who had been awarded custody of his child by a Quebec court. The mother abducted the child to Spain, the country of her origin. The Department and the Canadian Embassy in Madrid were able to assist the father in commencing a custody action in Spain. The action has been heard and the decision of the Court is expected shortly. In another case, the child was taken to Poland. At present, the Canadian mother is in Warsaw where a custody suit is being heard.

On the international scene, Canadian authorities are preparing to take part in the 1980 session of the Hague Conference on Private International Law where a draft convention on reciprocal enforcement of custody orders will be studied by member states. Canadian authorities are also following a draft Convention on the Recognition and Enforcement of Custody Decisions and Restoration of Custody being studied by a Committee of Experts of the Council of Europe and a report on the Reciprocal Enforcement of Custody Orders being prepared in Britain by the English and Scottish Law Reform Commissions.