

ing" cases involving disputes between a mother and a father over custody of a child. The Department has attempted to obtain reports on the well-being of the children involved and, where possible, has helped arrange for their return to Canada in cases where Canadian courts have already ruled on custody. In part because of the acute personal distress caused by such disputes, there has been considerable public interest in the role of the federal and provincial governments.

Internationally, Canada played a role in the completion, in 1980, of the Convention on the Civil Aspects of International Child Abduction at the fourteenth session of the Hague Conference on Private International Law. Canada signed this Convention on October 25, 1980, and discussed it with provincial authorities prior to ratifying it. The Convention was also ratified by France, Portugal and Switzerland and came into effect on December 1, 1983. Its main purpose is to ensure judicial co-operation in achieving the prompt return of a child wrongfully removed from the custodial parent to the country from which he or she was abducted. So far, New Brunswick, Ontario, Manitoba, Nova Scotia and British Columbia have passed the necessary implementing legislation. Other provinces are expected to take similar action.

During the course of the year, the Claims Section of the Legal Bureau responded to numerous inquiries from Canadian citizens as to possible rights to claim against foreign governments for taking of property. Such claims have involved many countries, ranging from the United States to Iran, Nicaragua and Mexico. Negotiations over claims were in progress between Canada and Yugoslavia and the German Democratic Republic at the end of the year under review.

The Claims Section also assisted the Foreign Claims Commission by obtaining background material on claims passage of domestic regulations to govern the activities of the Commission after signature of claims settlement agreements between Canada and foreign countries.

### **Unlawful seizure of individuals**

The Department has been concerned for many years with the issues raised by the unlawful abduction of individuals in Canada by persons purporting to be acting under US federal or state authority and their forcible return to that country for prosecution. The situation has occasionally had its counterpart in similar forcible abductions on the US side of the border and return of individuals to Canada. The alleged kidnapping of Sidney Jaffe, a Canadian citizen, from his residence in Toronto by two US bounty hunters, on September 23, 1981, illustrated the gravity of the problem and its resultant and disproportionate strain on Canada-US relations. The Jaffe case attracted widespread public attention in both countries.

In a series of protests Canada made its position clear to the US government over the failure to meet its request for Mr. Jaffe's release and return to Canada. This position was based on the breach of Canadian sovereignty, of international law, and of the Extradition Treaty of 1976 between the two countries, whose antecedents may be traced back to 1842, as well as on Mr. Jaffe's human rights. In October 1983 Mr. Jaffe's convictions on unlawful land sales practices were overturned by a Florida appeals court and he was paroled on the only remaining offence, viz. of failing to appear at his trial in May 1981. Mr. Jaffe returned to Toronto in October 1983. However, Florida brought more serious charges against him,

which were expected to be heard during 1984. Canada therefore maintained its *habeas corpus* filed in June 1983, in the US Federal District Court in Jacksonville for the purpose of ending once and for all the wrongful jurisdiction obtained over him by his original abduction.

The extradition of the two US bounty hunters was granted and they waived further appeals. They were released on bail in Toronto and their preliminary hearing in a provincial court was underway. If the court concludes that there is sufficient evidence to support the charges they will be sent for trial.

### **Access to information and privacy**

A newly-created office of Co-ordinator for Access to Information and Privacy was given responsibility for processing all formal requests for access to government records controlled by the Department of External Affairs, in accordance with the Access to Information and Privacy legislation, which came into force on July 1, 1983. In the first nine months, 39 requests were received by the Department under the Access Act and 34 under the Privacy Act.

The Co-ordinator also is responsible for preparation of the Department's contribution to the Access Register and the Personal Information Index, which provide information to the public including a description of the organization of the Department, details of its programs and functions, a description of all classes of records under its control and a list of all manuals used in carrying out its responsibilities.