

## Oceans apart: Overseas parental abductions complicate messy issue

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Even as his son enjoyed the rides and sights of Walt Disney World in Orlando, Fla., Chal Hale couldn't help but look over his shoulder and wonder if there was anyone behind him.

It was October 2005. Just days before, the Calgary man had found a daring opportunity to reclaim his son Eduardo -- who had been snatched from Canada by his mother a year earlier during a custody battle. She had taken their son to Mexico, her home country and the place where she and Hale had met. Her actions followed a long period of acrimony as the common-law couple split after living for several years in Calgary.

After Eduardo was taken to Mexico, Hale had some contact with the boy and his mother, but he faced great bureaucracy, spent thousands on legal bills and made little progress in securing his son's return. Although discouraged many times, he didn't give up.

"I thought his life was going to be a disaster in Mexico with a mom that really thought that he didn't need a dad," Hale said. "I was determined beyond determined."

In September 2005 -- after a year of many sleepless nights -- a Calgary Court of Queen's Bench justice called Eduardo's mother's actions an abduction. Hale secured an order for the return of his son and was granted interim sole custody.

Hale is hesitant to discuss the details of how he spirited Eduardo away. But he arrived near Mexico City shortly after midnight on Oct. 9, 2005, and he and his son were on a flight bound for Houston eight hours later.

They enjoyed a few lighthearted days in Florida before heading back to Canada.

"I had no mercenaries. It was just me going to carry him," said Hale, 56, sitting closely with 10-year-old Eduardo in a Calgary restaurant last week. "I just wanted to get home."

Today, with full custody of his son, Hale feels lucky in his own situation, but can sympathize with Melissa Hawach, the Calgary mother who is accused of hiring help to seize her two daughters in Lebanon after her ex-husband illegally took

the children there.

Hawach and Hale's cases are dramatic examples of what hundreds of Canadian parents go through every year -- having their child abducted by the other parent. And when children are taken to another country against one parent's will, it often becomes a legal, financial and emotional nightmare that lasts for months or years.

On their own, divorce, separation and child custody are tricky subjects. But when international abduction becomes part of the mix, the issue becomes more murky and harrowing -- even when parents know where their child is and agreements between countries are supposed to make the course of action clear.

For most parents caught in the situation, "life is just a roller-coaster" says Barbara Snider, international case director for the Missing Children Society of Canada. "When the abducting parent is foreign-born, over 90 per cent of the time they have left (Canada) and headed back."

According to the RCMP's National Missing Children Services, there were 349 cases of children being snatched by a parent in 2005 -- the last year for which Canadian figures are available.

While it is unknown how many of those children end up being taken to foreign destinations, it is a significant percentage. Not all parental abductions are reported to police, so the actual figure is likely higher.

The international treaty designed to help parents whose children have been taken illegally to another country is The Hague Convention on the Civil Aspects of International Child Abduction -- the main tenets of which came from a Canadian proposal made in the late 1970s.

The Hague treaty has been in force in Alberta for 20 years. According to a guide for parents provided by Foreign Affairs and International Trade, about 75 countries are signatories to the treaty and more than 400 Canadian children have been returned over the years, thanks to the agreement.

But some signatories do not comply with the treaty with the same fervour seen in countries such as Canada, the United States and the United Kingdom. Lebanon, Jamaica and Japan -- major sources of immigrants to Canada -- are not signatories at all. Some countries do not recognize parental abduction as a crime. Lebanon favours the rights of the father.

As the Foreign Affairs guide states: "A custody order issued by a Canadian court has no automatic binding legal force beyond the borders of Canada."

What Ottawa does make clear is it is officially against a "re-abduction" of the type allegedly carried out by Hawach. "Foreign Affairs and International Trade Canada strongly advises against such desperate and often illegal measures."

But there is great desperation involved. Snider said the parents of children who have been snatched go through a process that includes shock and anger.

"They have no idea what the child is being told about them. That's one of the hardest things."

At first, parents stung by an abduction are likely to receive a good deal of support from family and friends. "But sometimes as it goes on, they'll sort of say, 'Maybe you should pick up the pieces and carry on.' Well, that's hard to do."

And the burden is much greater than just the feelings that come with parents being forcibly separated from their kids, she said.

"In some cases they were still living together as husband and wife. So whoever is left behind has now got horrendous bills that have maybe been building up by that other parent who had this planned," Snider said.

"And they now have added debts of lawyers," she added. "In the meantime, they still have to go to work because somebody has to pay for the roof over their heads."

Counselling for both parents and children, Snider said, is a must. If and "when the child does come back, life is not going to be the same. The child is not going to be the same child who left. Even in six months, that is not the same child who is coming back."

In her 23 years working to return missing children, Snider has seen many changes. For instance, in years past many international child abductors involved the United Kingdom or the United States. "Now because of interracial relationships, our kids are going to countries where I have to say, 'Whoa, I need a map. Where is that?'"

Also when Snider started her work, men did most of the child snatching. Now, with mothers not automatically being granted custody of their children, Snider said more than 50 per cent of the cases she sees involve women abductors.

Many Calgarians who have found themselves in the unenviable situation of having their children caught in a distant land have turned to lawyer Max Blitt, who specializes in international child abductions.

In fact, Hale credits Blitt with the safe return of his son.

Of the Hawach case, Blitt said: "I think the majority of parents could empathize with what she did, but anyone in law enforcement or legal officers could not condone it because it violates the oaths we've taken. We can't counsel anybody to do that. We have to say to them, 'This is as far as we can go,' and then they have to figure it out for themselves."

Blitt said from his experience in the field, parental abductions are sometimes about money, getting revenge on a former partner or a genuine concern that the child is being abused.

Under The Hague treaty, "if the child was wrongfully removed, we just send the child back. That's automatic. We don't get into who's the better parent."

At the same time, "if we're worried that by sending the child back, the child could be at risk, we made sure that there are safeguards put in place in that country to protect the child."

But more often, the motivation for snatching a child is simpler, he said.

"Most often somebody just decides that they are not going to share custody with the other parent. They don't want to live in the jurisdiction with the other parent," he said. "They don't view the damage to the child by not being able to have the love of both parents."

Blitt has witnessed many fearsome abductions in his decades of work, including a 1986 case in which a father was forced to hurriedly pay a ransom to the mother of his children to get them back from Ukraine.

"It was within days of when that nuclear reactor in Chernobyl blew," Blitt said. "The Russians had a blackout on news, so people didn't know, and mom didn't believe it."

"We negotiated the return of kids after he paid a sum of money."

Blitt said when it comes to dealing with difficult cases in countries that have not signed The Hague treaty, "that's where you've got to be really good at mediating. And you've got to be prepared to drop criminal charges and convince the authorities to drop those charges, because why would the other parent come back and face jail?"

There will always be nasty custodial battles, but people in the field believe there are some things that can be done to help parents.

Blitt said he would like to see the Canadian government fund organizations such as the Missing Children Society of Canada, which actively helps parents

when their children have been abducted but relies on private and corporate donations.

"They work so closely with those (police) agencies," he said.

Echoing the words of a Liberal MP last week, Snider said she would like to see Canada sign more bilateral agreements to deal with international child abduction of the type that Canada has with Egypt, a non-Hague country. "I know that there are many countries who will never become part of The Hague."

Marlene Dalley, a research officer at National Missing Children Services, said the organization is working to establish a database that keeps track of whether children are removed from Canada when they're abducted by a parent.

"We have to know whether the children are leaving the country or not, as there may be financial strain on the parents," she said. "We need to have a picture of the situation, so we can provide more services to them."

Dalley said parents need to make sure they keep up-to-date pictures of their children and watch for strange behaviour from their kids -- a possible sign that the other parent is planning an unannounced move.

Dalley said parents should also keep information on their former mates such as social insurance numbers and licence plate numbers.

"The prime reason for abductions is the failure of adult relationships," Dalley said. "The children, of course, are the victims."

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