

Border battles

Custody disputes have been in the spotlight lately, but they are not unusual

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Above: Myriam Bédard leaves a Quebec City courthouse with her partner, Nima Mazhari, yesterday. Bédard is accused of abducting her 12-year-old daughter to the United States. Bédard's arrest has highlighted international child abduction cases in Canada. Below: Takara and Manami Maniwa-Wood were abducted from Vancouver to Japan by their non-custodial mother, Ayako Wood.



One day when they are old enough, Takara Maniwa-Wood and his little sister Manami could log onto the Internet and discover how desperately their Canadian father loves them.

If they Google their names, the children will stumble on a Web site brimming with heartfelt messages, one that explains how in November, 2004, their Japanese mother kidnapped them from their birthplace in British Columbia and barred them from seeing their father, Murray Wood, or his family again.

“[The Internet] is the only place we think they could get that information,” says Ian Wood, 66, the children’s paternal grandfather. “When we phone we never get through. They just hang up on us.” Mr. Wood’s wife, Marilyn, interjects: “We’ve written hundreds of postcards, letters. We sent gifts. But we don’t know if they get them.”

The fact that Murray Wood, a 40-year-old Richmond, B.C., teacher, and his parents have had to resort to Internet messages to try to

reach Takara, 12, and Manami, who turns 10 today, is a testament to how difficult international parental kidnapping cases can be to resolve. In recent weeks, the cases of Miriam Bédard, Allison Quets and Melissa Hawach have put parental abductions in the spotlight.

But their stories are hardly typical. In all three instances, the children at the centre of the cases were reunited with the parent or parents from whom they were snatched, even if it meant, as in the case of Ms. Hawach, allegedly hiring mercenaries to make it happen. Ms. Bédard's daughter, who had been taken by her mother to the United States, was returned to Canada last month. Ms. Quets' biological twins were returned to their North Carolina adoptive parents after Ms. Quets was discovered in Ottawa on Dec. 29.

Meanwhile, hundreds of Canadian parents like Murray Wood, many without the means to take the kind of drastic action Ms. Hawach did, are fighting a losing battle to win back children spirited across international borders.

“Sometimes with parental abduction cases people will say, ‘It doesn't matter, the child is with the parent,’ but that's not the issue behind this,” says Constable Julie Gagnon, an operation analyst with the RCMP National Missing Children Service (NMCS.) “The child is living the life of a fugitive, missing school, wondering why the left-behind parent is not there. There's so many things that will have huge impact on the kid's life.”

It is difficult to say exactly how many Canadian children have been kidnapped by a parent and taken across the border or overseas, but the figure is certainly in the hundreds. NMCS recorded 349 parental abductions in 2005, the last year for which figures are available. That is up from 332 in 2004, but down from 358 in 2003 and 429 in 2002. The figures are gleaned from the Canadian Police Information Centre (CPIC), a database contributed to by police forces across the country, and in many cases, local police simply do not know where the children have been taken, says Marlene Dalley, a research officer at NMCS.

However, when children are spirited out of Canada, Ottawa is frequently asked to intervene.

In the past 10 years, the Department of Foreign Affairs has handled 657 out-of-country abductions. All but 200 of those cases have been “closed,” but Foreign Affairs spokesman Rodney Moore cautioned that a closed file does not necessarily mean the missing child has been returned to Canada.

“In some cases the parent has dropped the charges. Some are closed after being dormant for several years, sometimes the child turns 18,” he explains.

Despite cases like these being closed, Barbara Snider knows well that parents on the losing end of an international kidnapping rarely give up the fight to bring their children home.

Ms. Snider is the case director for Missing Children Society of Canada’s international division.

a She has worked for the society for 24 years. “In their hearts, these parents, never, ever give up,” she says. When parents first contact her, Ms. Snider begins by listening carefully to their story.

“At the beginning they’re very angry,” she explains. “At first they’re just sort of in disbelief, like, ‘How could they do that?’ ”

Ms. Snider then provides the parent advice on how to handle their cases. Begin by reporting the kidnapping to local police. Call Foreign Affairs. Make sure bulletins have been sent to Interpol and the Canada Border Services Agency. Then, if the country to which the children have been taken is a signatory to the Hague Convention, begin filling out the paperwork necessary to have the convention’s provision kick in.

Canada is one of 76 signatories to the Hague Convention on the Civil Aspects of International Child Abduction. Its purpose is to help return abducted children to their custodial parents, or, if custody has not yet been determined, ensure the children are returned to their country of “habitual residence” to allow custody to be sorted out there. “The Hague is not the end-all,” says Ms. Snider. “It’s another tool that can be used. However, it’s a very good tool.”

Geneviève Saumier, an international law professor at McGill University in Montreal, agreed that the 1980 convention has been

successful in what it originally set out to do when it was drafted. But she said it has not proved nimble enough to adjust to new trends in international abductions.

“When [the convention] was drafted in the late ’70s it was meant to protect mothers whose ex-husbands had abducted children,” she explained. “And now the tendency in the statistics is that, in fact, it’s the mothers who are retaining their children. So the convention was adopted at a time when the patterns were quite different from what they have turned out to be now.”

When Canadian children are abducted to non-Hague countries, bringing the children home is far more difficult. Murray Wood’s story is a case in point.

The British Columbia Supreme Court awarded Mr. Wood sole custody of his children in February 2004, after a trial to which his former wife, Ayako Wood, did not show up. In November of that year, Ms. Wood obtained permission from the court to take the children to Japan from Nov. 27 to Dec. 9 to visit their grandfather.

Shortly after the trio flew out, Mr. Wood began to suspect something was amiss. The court had ordered Ms. Wood to catch up on her support payments before leaving the country and she gave her ex-husband the cheques when they met at the airport. The cheques bounced. The bank told Mr. Wood his ex-wife had already reported the cheques missing.

Mr. Wood later learned Ms. Wood had cleaned out her residence and shipped her belongings and those of the children to Japan six to eight weeks before departing. Since then, the Wood family has spent more than \$100,000 exhausting its legal options in Japan. The senior Mr. Wood said his family briefly contemplated taking the same route as Melissa Hawach, the 32-year-old Calgary mother who allegedly hired private investigators and mercenaries to retrieve her children from Lebanon last month.

“We’ve talked to the officials of the Canadian embassy in Tokyo and got some legal advice [on taking back the children] and it basically came down to this: We’d never get out of the country,” the children’s grandfather said. “Even if we had someone steal the children back, we’d never get them out of Japan.”