

# Parental abductions go unpunished, Canadian dads say

**Canadian police and courts called ineffective in enforcing custody**

KATHY TOMLINSON – CBC, January 9, 2012

Two Canadian fathers whose children were allegedly abducted by their mothers and taken to European countries say authorities have done little to try to enforce court orders and bring them back.

"I'm holding my hands up going, 'Can somebody please do something about this?'" said Calum Hughes, whose five-year-old daughter Livia was allegedly abducted by her mother from B.C. and taken to Italy in 2009.

"Somebody is not doing their job behind a desk," said Gary Mezo, from Thunder Bay, Ont. His two-year-old son Gary Jr. has been in Hungary for a year. Court records confirm his mother took him there without his father's permission.

"I believe Canada has to put its foot down — finally — and do whatever is written in law what has been ordered in court."

There is a two-year-old Canada-wide warrant for the arrest of Hughes's ex-wife, Sibylla Verdi, for child abduction. He hasn't seen Livia for 2½ years.

"It's the first thing I think of when I wake up and the last thing I think of before I go to sleep at night," said Hughes, of Kelowna, B.C.

## Fathers have legal custody

Hughes is a hospital administrator and Mezo a successful businessman. Both were granted sole custody of their children by Canadian courts, but they said those orders have proven meaningless.

"A Canadian Supreme Court full custody ruling has no teeth," said Hughes. "There's not a lot of consequence that I see for a parent to just pick up and leave."

Mezo alleges his ex was planning to abduct his son for more than a year.

"Before my child left, I told the police several times, please do something," he said.

He has an affidavit and emails from a boyfriend of his child's mother, showing

she planned to leave and then claim abuse.

"He felt so bad that he couldn't live with himself. He said that he had to do something about it. He wants me to have my child back," said Mezo.

The Missing Children Society of Canada said while it has seen a steady increase in calls about international parental abductions, there is effectively nothing in place that could have prevented the abductions.

#### Child's rights 'at risk'

"The child's rights are at risk here," said private investigator Ted Davis. "A woman or man who wants to take their child [outside Canada or the U.S.] can simply jump on a plane and leave."

Davis said his office is working on 60 cases of international abductions from Canada, dating back six years.

The latest RCMP figures show there were 237 reports of parental abduction in Canada in 2009 and 41 per cent of the children were under the age of five.

More than half the cases were resolved or withdrawn within a day. RCMP spokesperson Julie Gagnon said she didn't know how many of the remaining children were taken to other countries.

She said when there is a warrant, as in the Hughes case, the RCMP can ask Interpol to put a "red notice" in the system, so the alleged abductor could be arrested at any border crossing.

She said, depending on the country and the case, extradition can also be initiated.

#### Dads desperate

However, Hughes said he heard nothing from the RCMP after a charge was laid against his ex-wife two years ago.

"They have done nothing," said Hughes. "What message are we sending to everybody out there? If you don't get a court order that you like, take your kid and leave the country? You will suffer no consequence? Is the Canadian justice system OK with that?"

RCMP spokesperson Dan Moskaluk insisted the investigation is still active.

"Resources involved in advancing this case since 2009 has involved RCMP investigators from the Kelowna detachment to assistance from our international

policing branch liaison officer in Italy," Moskaluk said.

CBC News sent messages to Sibylla Verdi, but received no response.

Mezo said he tried to get Thunder Bay police to pursue abduction charges in his case, but the investigating officer told him she couldn't get approval. He believes that is partly because his wife falsely alleged he was abusive.

"It boils down to one thing — no reasonable grounds to get a charge approved," said Thunder Bay police spokesperson Chris Adams. "These cases are very problematic. We don't have the authority to enforce custody in another country."

"It's a very expensive proposition to initiate extradition on an abduction charge," said Davis. "It's not a priority [to police]. They don't like getting involved in family cases when it's not a life-threatening situation."

Davis said under the current system, where parents can make applications for the child's return under the Hague Convention, it takes two to three years and several thousand dollars to get children back, and it can only be done with signatory countries.

#### System slow, expensive

"If there's no one stirring the pot, then no one is working the case," he said. "The system is effective, but slow and very, very expensive."

Both fathers made Hague applications. Italy refused to send Livia home, though, because the court believed his Italian ex-wife's assertion that Hughes was an unfit father, allegations that were rejected by a Canadian court.

"That's all needless details and garbage," said Hughes. "I've spent over a hundred thousand dollars and how many hours in court. I've ended up with nothing in terms of a relationship with my daughter. "

Mezo's application is stalled in the Hungarian court system, which has sympathized with the Hungarian-born mother of his son.

"The Hungarian court said that 'well there is no warrant out for her. She didn't do anything wrong in Canada. So therefore we take it all with a grain of salt whatever the judge ordered in Canada,'" said Mezo.

His son's mother, Boglarka Balog, sent an email to CBC News, again claiming abuse.

"The [Hungarian] court will value the behaviour of Gary that was violent so much in Hungary too, not only in Canada," she wrote.

"Countries protect their own," said Davis. "The stumbling block in Hague cases is when the court [overseas] is convinced there's risk to the child [if returned]."

### Call for exit controls

Hughes and Mezo said Canada should put some type of exit control in place, to try to stop parents from leaving with children they don't have custody of.

"I was devastated when I learned [Livia and her mother] were gone because I knew what that meant," said Hughes. "If they had been stopped, this would have all been prevented."

"It's happening everywhere [in the world]. But nobody is doing anything about it. Somebody has to step up and put their foot down and say enough is enough," said Mezo.

Airlines and governments advise travellers to have a consent letter from the other parent if they want to fly with a child alone, but that system is voluntary.

"It's smoke and mirrors — and those letters can be forged," said Davis, who agreed exit controls are needed. "We have a file cabinet full of international cases."

The International Air Transport Association (IATA) confirmed airlines can do nothing to stop a parent from leaving with a child, even when they don't have a letter.

"Since there's no governmental requirement, the airlines have no legal mandate to be checking these," said spokesperson Perry Flint, who added airlines could open themselves up to lawsuits if they refuse to let a paying passenger board.

A U.S. government agency recently proposed establishing a "no fly" list — for parents the courts have ruled are likely to abduct their children.

CBC News asked several federal departments if something like that is being considered for Canada. Transport Canada said it is not and Public Safety said that would not be its department.

Government officials at the Department of Foreign Affairs and International Trade said they are currently dealing with 138 international child abduction cases, from a total of more than 900 children's issues cases, which include cases involving the welfare of Canadian children abroad, custody, prevention and abduction cases.

"Despite the many challenges, DFAIT successfully closed 13 cases last year," said the statement, which was issued after the CBC story went to air on Monday

morning.

"These types of cases are exceptionally difficult and can often be met with frustrating roadblocks. We continue to work with and on behalf of those Canadians who are trying to get their children back," said spokesman John Babcock.

Both fathers said their children have been let down by a system that is ineffective and hasn't made children's rights a priority.

"I've tried everything by the book," said Hughes. "This [going public] is my last hope to ever see Livia."

"I wouldn't have imagined in my dreams that my country would let me down or let my son down," said Mezo. "It's hard to go to work and pay taxes ... when this country is not backing you up."