

The littlest pawns

Too many children are victims of parental abduction because too many countries are unwilling to cede control of family law

Daphne Bramham Vancouver Sun July 16, 2005

It's time that world leaders paid as much attention to child protection laws as they do to those regulating the flow of goods and services between nations.

There are international treaties governing the protection of children. Key among them is The Hague Convention on the Civil Aspects of International Child Abduction.

Why is it so important? Because when countries trade with each other or when businesses invest in other countries, people go back and forth. They socialize and frequently fall in love and often later fall out of love.

The children of those unions are then often vulnerable to abduction by one parent who takes them "home" — sometimes to a country those children have never even visited.

What The Hague convention of 1980 does is require that signatory countries — Canada was one of the first to sign — respect the decisions made in other signatory countries.

Here's how it works. If a mother has been granted sole custody of her children by the B.C. Supreme Court and the father abducts them and takes them to the United States, Germany, France, Britain or another signatory country, the courts there will honour the decision made in Canada and send the children back.

It doesn't work perfectly, according to Barbara Snider of the Missing Children Society of Canada. Even signatory countries sometimes balk at enforcing a foreign country's custody orders. But it's better than nothing.

Nearly 400 Canadian-born children are abducted by a foreignborn parent each year. You can see the faces of some of those children on the society's website. Among those in the photo gallery are Manami and Takara Manawa-Wood.

The eight-year-old girl and her 11-year-old brother were abducted from Vancouver eight months ago even though their father, Murray Wood, was granted full custody of his Canadian-born children more than a year ago. In his reasons for judgment, Justice Sherman Hood wrote that while Wood, who teaches in Richmond, is an exemplary parent, Ayako Manawa-Wood's "injurious misconduct in relation to the children must come to an end."

Last November, the couple was back in B.C. Supreme Court to set conditions under which Manawa-Wood could take the children to Japan to visit her parents. Among those conditions were that the children would be returned to their father's care by Dec. 9, 2004, and that their mother not seek custody, guardianship or access to the children in any other jurisdiction but British Columbia.

But not only had she already carefully planned their abduction — sending 17 boxes of possessions, including the children's toys to Japan before she left — Manawa-Wood went to the Japanese court soon after arriving there to seek full custody.

Yet despite the B.C. Supreme Court orders, a Canadian warrant issued for her arrest on charges of abduction and the evidence Wood presented about the planned abduction, the Japanese family court this week granted her custody of both Canadian-born children.

Wood is appealing the decision. But it's an expensive and possibly even fruitless venture — albeit one that is being followed closely in Japan by the Canadian embassy as well as diplomats from the U.S., Australia, Britain and other European countries because there are so many similar cases.

The Japanese courts can ignore all of that because Japan is not a signatory to The Hague convention. Its politicians, judges and lawyers seem to believe that they know better than the courts in any other country.

Yet Japan has brought its trade laws in line with other G-8 developed countries. It meets the requirements of the World Trade Organization. So, what makes family law different from other laws?

Japan wants a permanent spot on the United Nations Security Council. But why should it hold such a position when it won't sign on to all of the United Nations conventions, including the one on abducted children?

Japan wants full acceptance in the world, but it doesn't want to give up sovereignty over family law. But by doing so, it has made children unwitting, unwilling and vulnerable pawns to a concept that is more important to politicians, academics and lawyers than it is to most of the rest of us.

Japan isn't alone. In fact, there are more countries that haven't signed The Hague convention than there are countries that have signed. And among those non-signatory countries are seven of the top 10 source countries for immigrants to Canada — China, India, South Korea, Philippines, Taiwan, Iran and Pakistan.

Fighting for the return of his children has drained Murray Wood financially and emotionally.

But his father, Ian Wood, has become an activist after having supported his son when he went to court in Japan a few months ago.

Ian Wood has become an activist and has set up the International Rights of Children Society (www.stopinternationalchildabduction.org) to raise funds to support activities and procedures aimed at protecting the civil rights of internationally abducted children and to lobby for the universal ratification of The Hague convention and others.

Politicians and business leaders are so fond of saying trade is about relationships. It most certainly is, and those relationships often end up being not just about business, but family.

However, as long as Japan and other countries are complicit in making vulnerable children pawns rather than protecting their best interests, maybe Canadians shouldn't do business with them or support their aspirations for greater acceptance in the world community. Because surely there can be no commodity more precious than children.

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