SHINE A LITE

HELPING CANADIANS IN DIFFICULTY ABROAD

BEYOND THE JUDGEMENT

A ground-level perspective on the realities of International Parental Child Abduction

Presented by **Layan Bishtawi,**

Founder and Chair

SHINE A LITE NETWORK

=> Nonprofit organization - Founded in 2024

=> Helps and supports parents affected by International parental Child Abduction

=> Advocates for families to channel their voices to raise awareness

=> Identify systemic gaps, challenges and obstacles

=> Push for stronger institutional response and cooperation for more effective enforcement

BEYOND THE JUDGEMENT

- Address the **human side of the issue**
- **Offer a Ground-level perspective** from the lens of real lived-experience
- **Overview of the complete lifecycle** of Parental Child Abduction from Prevention to Reunification
- **Present the journey** highlighting the challenges, the systemic gaps families face and identify areas for systemic improvement

When Family Disputes Reach the Court

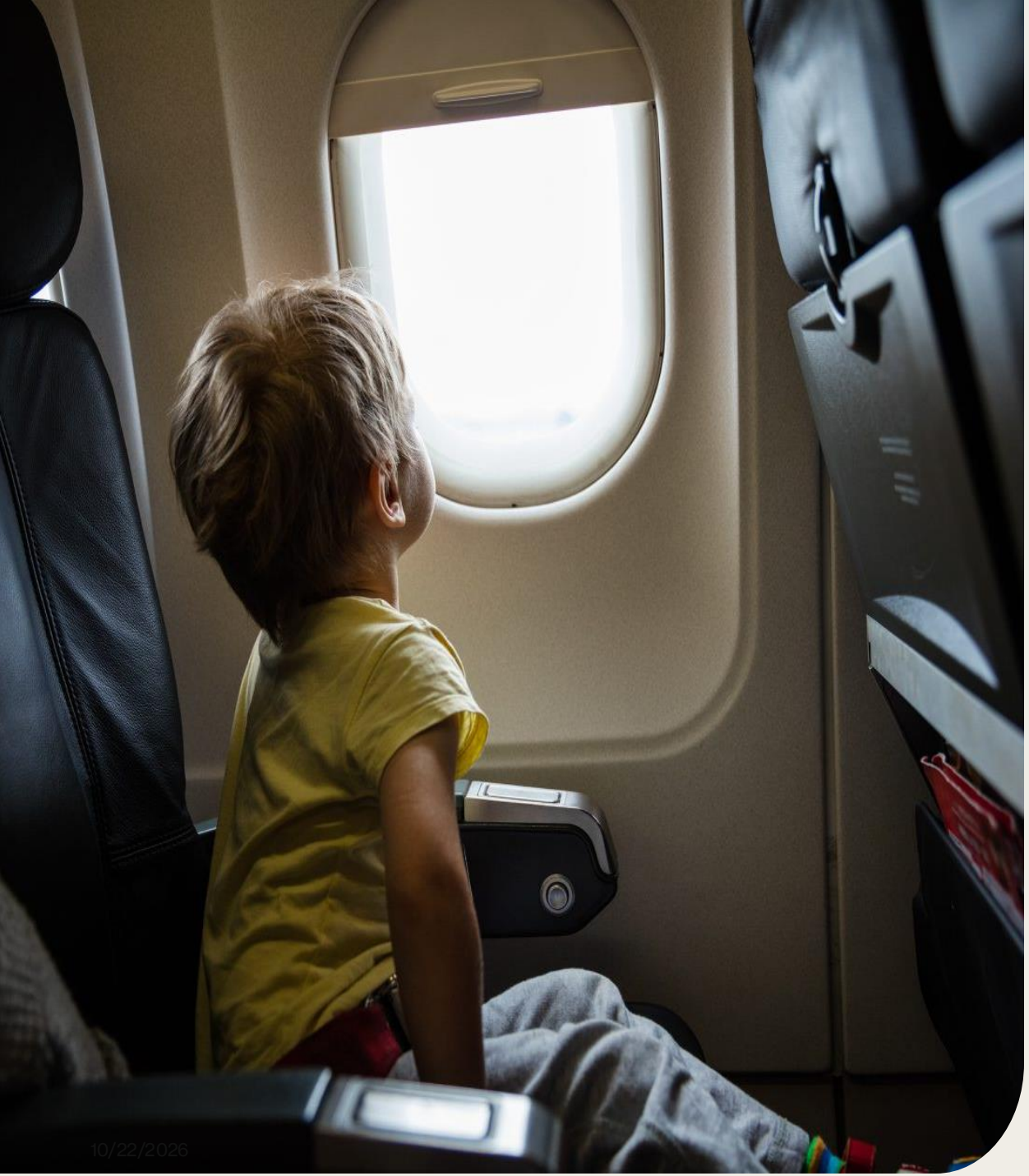


Relationship Breakdown =>

Families turn to the Court

Seeking

protection.
stability.
security for their children



MY STORY

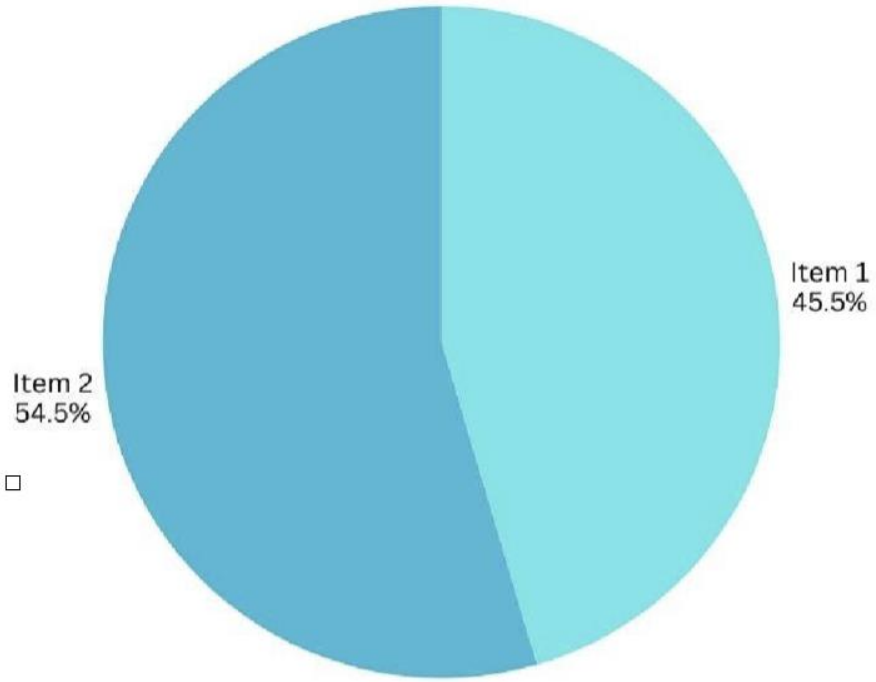
August 2019

- 3 children, 5,7,10 yrs old
- Mutual Agreement - judgement
- Authorized trip to Saudi Arabia
- Unlawfully withheld

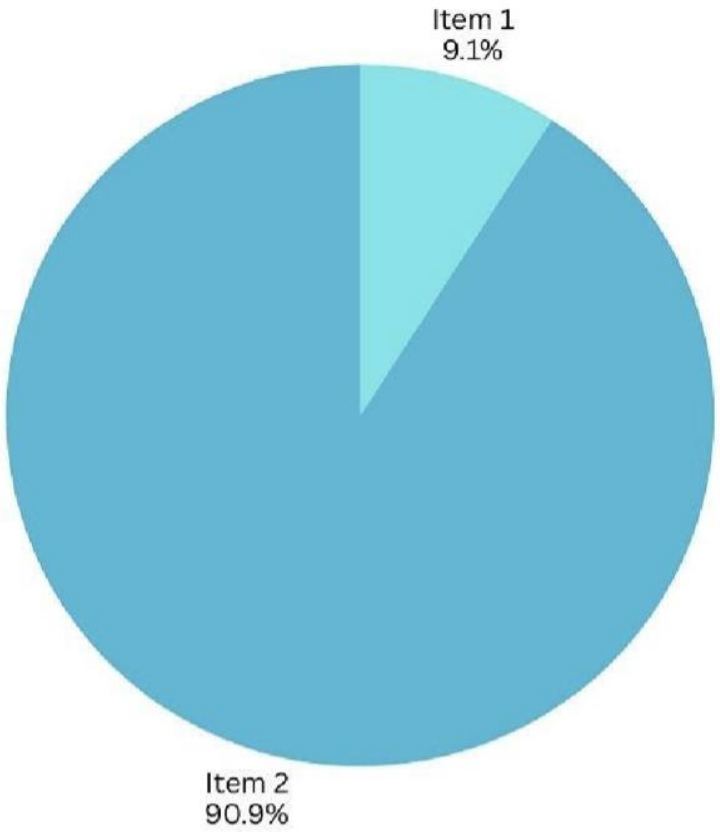
EVERY STORY IS DIFFERENT

Yet so many are alike

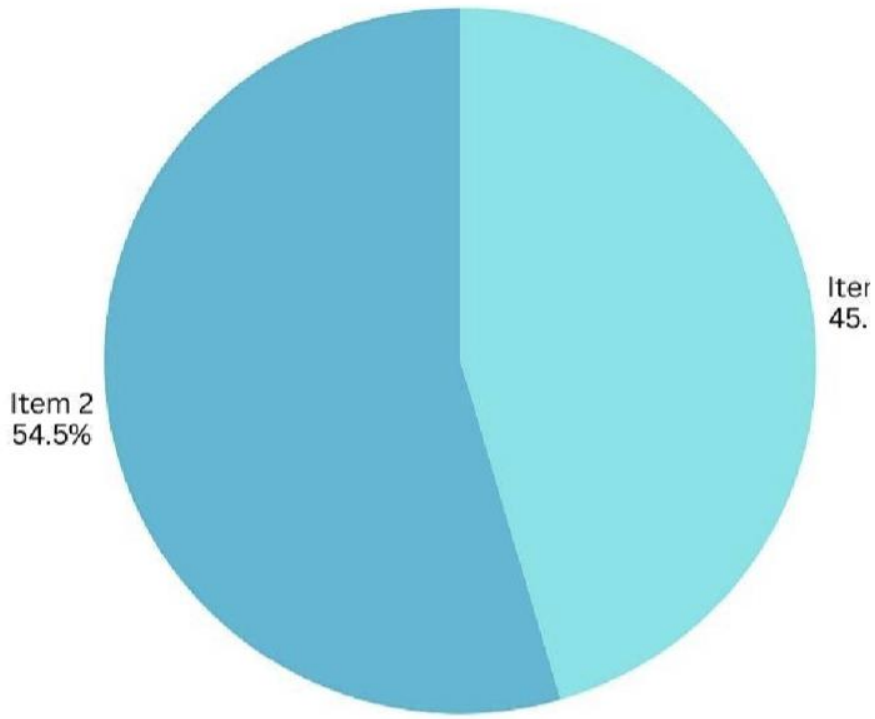
Internal Case Data: Abduction Context and Outcomes



- Abduction **after** judgement
- Abduction **before** judgement



- Abduction to Hague Country
- Abduction to non-Hague country



- Left-Behind parent has contact with child
- Left-Behind parent has **NO** contact with child nor knows his whereabouts

International Parental Child Abduction

At shine a Lite,
We identified the following situations. Child Abductions happen:

- **During family life or a family trip** –
  when a parent intends to remain abroad with the children.
- **During court proceedings** –
  when a parent is unhappy with the direction or outcome of the case.
- **After judgment, before enforcement -**
- **After judgment and enforcement** –
  even after passports have been withheld.
- **During visitation or access -**

THE DATA SUGGEST THAT:

1-ABDUCTION CAN HAPPEN AT ANY PHASE OF A RELATIONSHIP

2-NEITHER THE ABSENCE NOR PRESENCE OF A JUDGEMENT PREVENTS IT



THE SYSTEMIC GAP

Lack effective prevention at the border

Gaps in prevention safeguards

Limited or no travel restrictions, travel ban, weak passport safeguards
Parents raise concerns, the warnings are not taken seriously by Court of Police.

Gaps in border detection

No exit control, no systemic verification of custody restriction at the border, no passport flagging. -
EXCEPTION : Verification may depend on some airline companies or U.S. border controls

Gaps in cross-border enforcement

A domestic judgement is not automatically recognized foreign jurisdictions–
Lack of compliance in Hague signatory countries.

“If only someone at the airport had called me... just asked me if I had given permission for my child to leave. Maybe my child would still be here.” a father

“How could my child have left the country when there was already a court order? What was the point of that judgment if it could not protect my child?” a mother

– a left-behind parent

And then, in a heartbeat... everything is gone.

The voices. The laughter. The little footsteps that filled your home.

Your child – your joy, your purpose, the centre of your world, is suddenly thousands of miles away, across oceans and borders.

You trusted. You gave permission in good faith and were betrayed.

And those meant to protect you... The court. The authorities. The system left you alone

Police/Interpol

Consular Services

Foreign Jurisdiction



Central Authority

Court

CBP

Passport Canada

WHEN IASKED FOR HELP



1. **Consular Services.**

"There is nothing to be done in Saudi Arabia. You're not the only one."

2. **Local police.**

"There is nothing that we can do. There is No Extradition Treaty with KSA."

3. **Family Lawyer.**

"You already have a custody judgment. There's nothing we can do."

But my children were still gone.

LOCATING THE CHILD'S WHEREABOUTS

- **If whereabouts are unknown:**
  - **RCMP only provides the flight destination country – No confirmation - Layover?**
  - **No inquiries made to foreign authorities**
  - **No disclosure of abducting parent's passport number, under the Privacy Act**

- **If the whereabouts are known**
  - **Financial burden**
  - **Language and cultural barriers**
  - **Understanding local laws**
  - **Translating and legalizing court documents**
  - **Finding trustworthy legal counsel**

Non-Hague Country
SAUDI ARABIA

Two possible legal paths

RCMP/Interpol

Pursue Local Custody Proceedings

- Faster Proceedings
- De facto custody of minor child
- is to the mother

- Country of residence becomes Saudi Arabia
- authorization to travel can be very difficult or impossible

Enforce a Foreign Custody Judgement

- Canada country of residence
- Preserves the legal basis to travel back.

- Long Proceedings
- Very difficult to win.



ENFORCEMENT OF FOREIGN JUDGMENTS

LEGAL CRITERIA

Article 11 of the Saudi Enforcement Law:

1. **The foreign court had proper jurisdiction,**
2. **The parties were properly notified and allowed to present their defence**
3. **The judgment is final and enforceable**
4. **The judgment does not conflict with an existing Saudi judgment on the same matter.**
5. **The judgment does not violate Saudi public policy or Sharia law**

A Saudi enforcement judge may *not enforce any foreign judgment or order except on the principle of reciprocity*

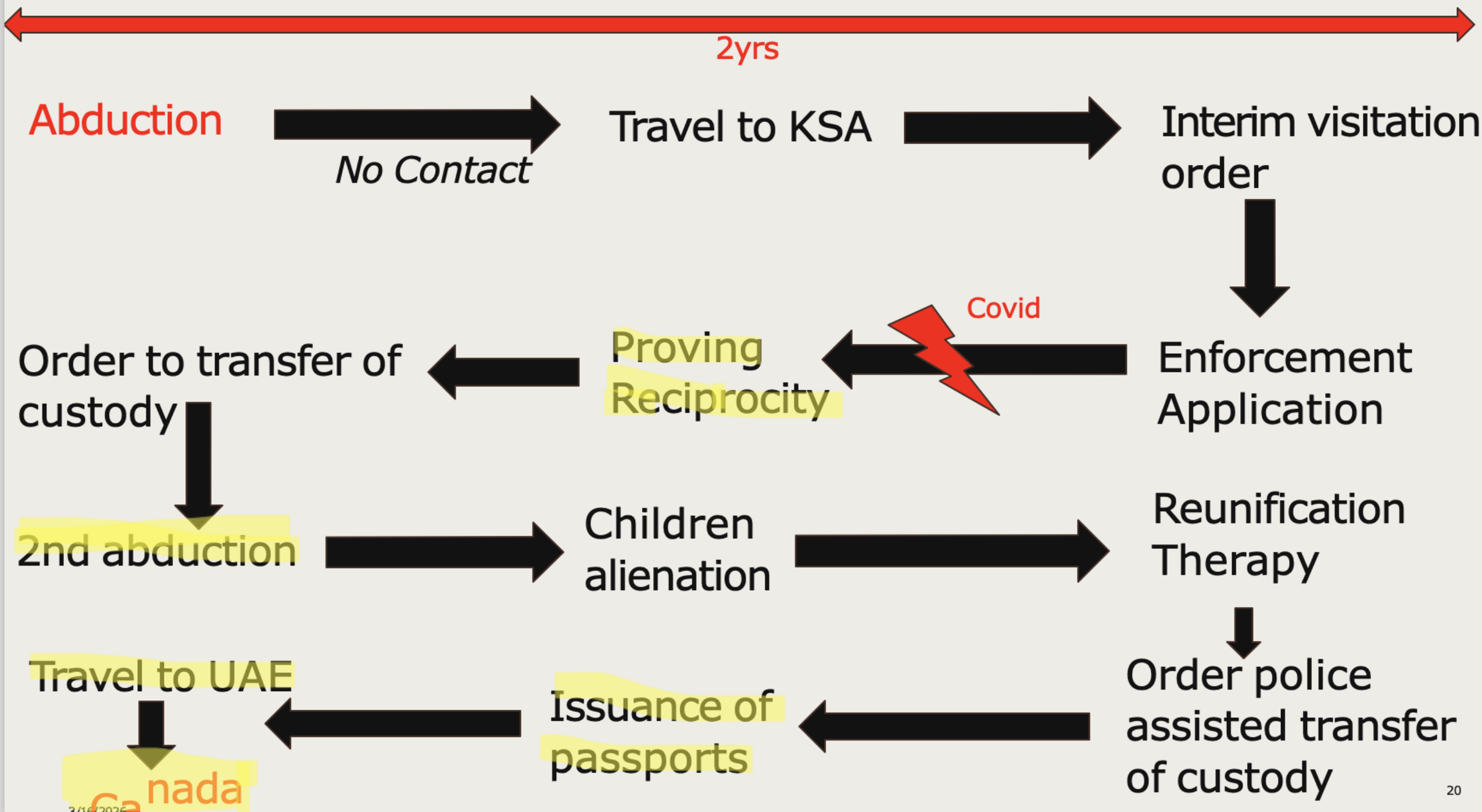
My case continued - Proving Judicial Reciprocity

Burden of proof is on the Enforcement Applicant

According to case law: the burden of evidentiary is unrestricted.

1. **Diplomatic exchange:** Treaty or Agreement
2. **Statutory Exchange** – Statutory text – QCC Art 3155
3. **Precedents** – a country permits to arrange the effects of foreign judgements in absence of a treaty or statute.

Moomena c. Hariri, 2016 NBCA 44 (CanLII)


2yrs
Abduction
No Contact
Travel to KSA
Interim visitation order
Enforcement Application
Covid
Proving Reciprocity
Order to transfer of custody
2nd abduction
Children alienation
Reunification Therapy
Order police assisted transfer of custody
Issuance of passports
Travel to UAE
Canada

COVID PANDEMIC FEBRUARY 2020



- Court closures and delays
- Visitation suspended
- No walk-ins. Limited access to help.
- Communication barriers
- curfews
- Isolation, loneliness and uncertainty
- Remote hearings allowed

=> suspension of court-imposed sanctions for non-compliance.

SAUDI ARABIA: ENFORCEMENT MEASURES FOR CHILD-RELATED JUDGMENTS

- **Travel ban**
- **Suspension of government services/accounts**
- **Bank account freeze**
- **Imprisonment until compliance**

CONTRAST SANCTIONS vs voluntary compliance of the abducting parent => child concealment/second abduction



Enforcement Challenges & Consequences



- **No coordination** between courts and law enforcement
- **Slow processes** and communication
- Police require **precise** enforcement orders; courts provide **general** directions
- **No direct channel** between institutions
- Parents caught in the middle — confused, excluded, and left navigating the system alone

The Consequences

Delays → Concealment → No Resolution → Parent–Child Separation → Alienation

Example: Adham

SOLUTION

SPECIFIC COURT ORDERS. COURT ACTIVE FOLLOW-UP

- CLEAR COURT DIRECTIONS SPECIFYING POLICE ACTIONS AND TIMELINES
- REGULAR FOLLOW-UPS AND PROGRESS REPORTS TO THE COURT
- ACTIVE INVESTIGATION TO LOCATE THE CHILD
- UNDERTAKE APPROPRIATE INVESTIGATIVE MEASURES
- SEARCHES OR RAIDS
- PHONE OR LOCATION-DATA TRACING INTERVIEWS WITH RELEVANT FAMILY MEMBERS
  - INVESTIGATING LEADS THROUGH RELATIVES AND ASSOCIATES

ENFORCEMENT OF RETURN ORDERS UNDER THE HAGUE CONVENTION



Poland: The Enforcement Gap

- Hague return orders lack an effective enforcement pathway
- Police enforcement requires a domestic custody order
- Parents must pursue a separate domestic order to enforce the return
- A second legal process that undermines the purpose of the Hague Convention



Zambia: The Recognition Barrier

- Zambia acceded to the Hague Convention
- The Convention is not in force between Canada and Zambia
- Zambia's Foreign Judgments (Reciprocal Enforcement) Act excludes guardianship proceedings
- A Canadian custody judgment cannot be registered through the Act's ordinary reciprocal-enforcement process
- A parent may need to pursue relief through Zambian courts

Police-enforcement Stage – Child's Resistance



At the Police Level

- Slow response and lack of timely action
- Separation continues while enforcement stalls
- Child resistance becomes more entrenched
- Police become reluctant to force a transfer

The Critical Gap

- Genuine wishes?
- Fear or coercion?
- Parental alienation?

The Result

The order remains. Enforcement stalls.

CONTINUED – ENFORCEMENT CHALLENGES: CHILD ALIENATION AND REUNIFICATION THERAPY



The Court's Response

Reunification therapy ordered. Assessment of the reasons behind the child's resistance

When the Narrative Reversal

The Child Raises Allegations

- Fear, abuse or violence are alleged
- The left-behind parent is put on the defensive
- The burden shifts to proving they are not a threat

THE CHALLENGES IN REUNIFICATION THERAPY



- **Child resistance** – refusal to engage
- **Missed sessions** – therapy does not take place
- **Ongoing coercion** – father accompanies children and waits outside the centre
- **Daily return to the abducting parent** – the same influence continues after each session
- **Relapse** – progress is lost between sessions
- **No meaningful progress** – reunification remains out of reach
- **Therapist intimidation** – fear of retaliation
- **Inaccurate reporting** – reports fail to reflect the reality of the process

Therapy cannot succeed in isolation from the environment surrounding the child.

SOLUTION

Role of the Court

- Clear orders preventing the abducting parent from interfering with therapy
- Ensure complete, uninterrupted sessions
- Order frequent, longer sessions where clinically appropriate
- Set clear expectations for children's participation
- Require detailed, regular progress reports – weekly
- Actively monitor progress and intervene when therapy stalls

Role of the Left-Behind Parent

- Demonstrate consistent efforts to reconnect
- Remain emotionally stable and patient
- Provide children with safety, understanding and reassurance
- Show empathy for the children's feelings
- Avoid accusations, blame or using children as weapons
- Keep the focus on the children's best interests

COURT-ORDERED POLICE-ASSISTED CUSTODY TRANSFER



When Therapy Reaches Its Limits

After Four Months of Reunification Therapy

- Maximum progress achieved
- Children showed openness to rebuilding their relationship with their mother
- No substantiated basis for the expressed fears was identified
- Progress repeatedly reversed after each session
- Continued lack of cooperation from the abducting parent

The Court's Decision

The judge ordered a **police-assisted transfer of custody at the courthouse.**

POST-TRANSFER CHALLENGES:
PASSPORTS, INTERNATIONAL TRAVEL, AND EVACUATION



Obtaining passports – Passport Canada/Global Affairs Canada

Authorization to travel

Exit controls

Urgency and barriers

HEALING AND RECOVERY AFTER AN ABDUCTION



- Active listening
- Establishing trust
- Quality time
- Transparency and honesty
- Clarity and stability
- Restoring normality
- Familiar environment
- Reliability and consistency

Role of Institutions in the Healing Process



Continuity of support

Role of the Court

Social services

Therapists and psychologists

The parents who make it through these cases are often the ones wh o find a way to keep going, navigate the gaps, and fight their way thr ough systems that were never designed to work together. But not ev ery parent can do that alone, and not every child can wait. A judgmen t should not mark the end of the system's responsibility. It should ma rk the beginning of making that judgment real in a child's life

Thank you.