



Fathers Are Capable Too: Parenting Association (F.A.C.T.)

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NEWS RELEASE

July 21, 2002

On June 13, 2002 a father attempted to perform a citizen's arrest against a judge of the Superior Court of Ontario in Milton for "Crimes Against Humanity." Such an arrest can be made by any citizen pursuant to Section 494 of the Criminal Code of Canada. To the best of our knowledge, the father was arrested and charged by police, and the judge is still at large.

F.A.C.T. has given this matter considerable thought. In the federal *Crimes Against Humanity and War Crimes Act* 2000, C,24 we see the definition:

"crime against humanity" means murder, extermination, enslavement, deportation, imprisonment, torture, sexual violence, persecution or any other inhumane act or omission that is committed against any civilian population or any identifiable group and that, at the time and in the place of its commission, constitutes a crime against humanity according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission.

We know from the Criminal Code that a Crime Against Humanity is indeed a criminal offense, and an indictable offense.

We know from *Thibaudeau v. Canada* that identifiable groups include:

separated or divorced spouses, where one parent is paying alimony to the other under a judgment or agreement

and according to Justice McLachlin in that decision:

the status of separated or divorced custodial parents is linked to the enumerated ground of sex given that the great majority of the members of this group are women.

and according to Justice Hugessen for the Majority:

In view of the evidence in the record indicating that the vast majority of custodial parents are women, it cannot be said that the non-custodial parent, usually the father...

Based on the current state of the law, and the knowledge of Canadians in general as identified in surveys such as Compas Poll: Canadian Public Opinion on Families and Public Policy of Monday, November 23, 1998, the bulk of Canadian know and have identified that non-custodial parents face discrimination and persecution in the family courts.

The application of Family Law in Canada can have disastrous results for children and non-custodial parents from this discrimination. Mme. Justice L'Heureux Dubé wrote "*the non-custodial spouse with access privileges is a passive bystander who is excluded from the decision-making process in matters relating to the child's welfare, growth and development.*" (Young v. Young, ([1993] 4 S.C.R. 3))

F.A.C.T. has no doubt that certain governmental agencies and policies since that time have added to the nature of the persecution of non-custodial parents -- mostly, but not exclusively, men.

It is F.A.C.T.'s opinion that there are grounds for an investigation and prosecution of the charge of the Crimes Against Humanity. FACT believes that the current application of Family Law in Canada and the Child Support Guidelines discriminates against non-custodial parents, mostly fathers, and may constitute a Crime Against Humanity as persecution and enslavement under Canada's Crimes Against Humanity and War Crimes Act.

F.A.C.T. believes that such an investigation into the charge take place by parties who are totally independent of involvement with such charges and that such an investigation should be made public to all the citizens of Canada.

FACT believes that all participants in child custody decisions are best supported by equal, shared parenting in the vast majority of circumstances.

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