

Canada's forgotten child hostages

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Opinion, *The Toronto Star*, 16 May 2017¹

Who cares about the human rights of two Canadian toddlers held hostage by a Taliban-aligned group for their entire lives? What is Canada doing to secure their release? Canada's murky hostage protocols make it difficult to know.

The little boys' Canadian father and American mother were last seen pleading for their family in a December [Taliban video](#).² They begged the US government to negotiate an end to atrocities and threats against them. The children, born in captivity, fidget on their father Joshua Boyle's lap, keeping a close eye on their captors filming. The haunting face of Caitlan Coleman, the little boys' now-gaunt mother, flatly tells the remote video audience that her children have "seen their mother defiled."

Since October 2012 the family has been held by the Taliban-affiliated Haqqani Network which seeks to exchange them for Network members held by Afghanistan including Anas Haqqani who is now appealing a death sentence. The family is now believed to be in Pakistan. All four are threatened with death if Afghanistan executes Haqqani.³ The Boyle family in Canada has received no ransom demand.⁴

In the context of ongoing armed conflict in Afghanistan and Pakistan, the Boyle/Coleman family's captivity is a [war crime](#).⁵ The long list of human rights violations against them includes deprivation of their rights to liberty; freedom from torture, ill-treatment and gender-based violations; physical and psychological well-being, not to mention threats to their lives. In addition, the [children's special rights](#)⁶ to protection, development and survival are overridden.

What are Canada's duties in the face of these violations? Victims – including their family in Canada – have the right of [access to justice and remedies](#).⁷ The [Convention on the Rights of the](#)

¹ Catherine Morris, "Canada's Forgotten Child Hostages," Opinion, *The Toronto Star*, 16 May 2017, available at: <https://www.thestar.com/opinion/commentary/2017/05/16/canadas-forgotten-child-hostages.html>

² Michelle Shephard, "They met their grandsons in a Taliban hostage video" *Toronto Star*, 21 December 2016, available at: <https://www.thestar.com/news/world/2016/12/21/they-met-their-grandsons-in-a-taliban-hostage-video.html>,

³ Message from Caitlan Coleman and Joshua Boyle, video, LiveLeaks 30 August 2016, available at: https://www.liveleak.com/view?i=290_1472583475; also see Shane Harris, and Sami Yousafzai, "American Mom Held by Afghan Militants Pleads for U.S. Help," *Daily Beast*, 30 August 2016, available at:

<http://www.thedailybeast.com/articles/2016/08/30/american-mom-held-by-afghan-militants-pleads-for-u-s-help.html>

⁴ Shephard and Potter, 7 February 2017, see note 1.

⁵ UN Human Rights Advisory Council, Human rights and issues related to terrorist hostage-taking - Report of the Human Rights Council Advisory Committee, a/HRC/24/47. 4 July 2013, available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/24/47

⁶ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

⁷ UN General Assembly, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* :

[Child](#)⁸ gives Canada duties to “ensure to the maximum extent possible the survival and development of the child,” and requires Canada to give primary consideration to ensuring the best interests of the children.

The notion of a “right to a remedy” sounds hollow. More than four years after the capture of Boyle and Coleman and the births of their two children in [2013](#)⁹ and [2016](#),¹⁰ a dismal picture has emerged. The *Toronto Star*’s December 2016 [series on hostage taking](#)¹¹ shows how Canada’s hostage protocols relegate the fate of captive citizens and their families at home into the hands of [leaderless and poorly-resourced](#)¹² inter-departmental teams with continual staff turnover.

The result is inadequate communication with families, poor inter-departmental coordination, empty hostage “war rooms” and lost momentum for rescue. Government secrecy means victims’ families suffer alone and lack needed advocacy. Families fear prosecution under anti-terrorism laws for paying ransoms. They may lose government help if they engage private hostage experts. Thus, they face dire consequences if they take action to free loved ones held captive but are kept in the dark about government action or inaction. The tragic consequences to hostages may be prolonged captivity or death.

Canada’s government violates its obligations to provide access to justice by failing to ensure effective policies for release of hostages and access to remedies by families. Urgent change to policy and protocols is needed if Canada is to work effectively with US, Afghanistan and Pakistan governments and non-state actors to insist that they all fulfil their human rights obligations by working to achieve the Boyle/Coleman family’s release.

Canada needs a competent, well-coordinated system, properly led, staffed and funded, working in constant consultation and cooperation with families and any private experts they engage to assist them. To ensure protection and fulfillment of rights of victims of hostage-taking, Canada must structure and equip its hostage response system to ensure cabinet-level leadership of a collaborative multi-departmental team that can engage quickly and effectively in high-level diplomatic cooperation that will maximize possibilities of rapid release of hostages and accountability of perpetrators. Canada could consider the [US 2015 example](#),¹³ including

resolution / adopted by the General Assembly, 21 March 2006, A/RES/60/147, available at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>

⁸ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, available at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

⁹ Associated Press, “US family seeks pregnant daughter missing in Afghanistan,” *The Guardian*, 31 December 2012, <https://www.theguardian.com/world/2012/dec/31/us-family-pregnant-missing-afghanistan>

¹⁰ Michelle Shephard, “Delivering his own son by flashlight: Kidnapped Canadian’s correspondence gives glimpse of life in captivity,” *Toronto Star*, 16 September 2016, <https://www.thestar.com/news/world/2016/09/16/delivering-his-own-son-by-flashlight-kidnapped-canadians-correspondence-gives-glimpse-of-life-in-captivity.html>

¹¹ Michelle Shephard, and Mitch Potter, “Held Hostage” (8-part series), *Toronto Star*, 30 November to 7 December 2016: <https://www.thestar.com/news/canada/held-hostage.html>

¹² Michelle Shephard, and Mitch Potter, “Canada’s hostage ‘war room’ is more like a leaderless boardroom, Part 2, “Held Hostage” (8-part series), *Toronto Star*, 1 December 2016, available at : <https://www.thestar.com/news/canada/held-hostage/2016/12/01/canadas-hostage-war-room-is-more-like-a-leaderless-boardroom.html>

¹³ US White House archives, Fact Sheet: U.S. Government Hostage Policy, 24 June 2015, available at:

<https://obamawhitehouse.archives.gov/the-press-office/2015/06/24/fact-sheet-us-government-hostage-policy>

removing the threat of prosecution of families for paying ransoms privately. The value of prohibiting ransoms remains [controversial](#).¹⁴

Boyle and Coleman were travelling in central Asia when they were captured in Afghanistan in 2012. Their innocence, youth and citizenship in Canada and the US made them ideal hostages. They – and their children – are innocent of wrongdoing or involvement in Afghanistan's conflicts. This family is no less entitled to protection against human rights violations than diplomats, aid workers or journalists. Instead of inspiring public outrage at their captivity, they have been forgotten.

The Canadian government must act immediately at the highest levels to make the rights of the children and their parents a top priority.

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¹⁴ UN Human Rights Advisory Council, Human rights and issues related to terrorist hostage-taking - Report of the Human Rights Council Advisory Committee, a/HRC/24/47. 4 July 2013, available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/24/47