

The Hague Abduction Convention and the Egyptian Position: Strategizing for a Law Reform

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Abstract : For more than a century, the Hague Conference has tackled issues in the most challenging areas of private international law, including family law. Its actions in the realm of international child abduction have been remarkable in two ways during the last two decades. First, on October 25, 1980, the Hague Convention on the Civil Aspects of International Child Abduction (the Convention) was promulgated as an unusually inventive and powerful tool. Second, the Convention is rapidly becoming more prominent in the development of international child law. By that time, overseas travel had grown more convenient, and more couples were marrying or travelling across national lines. At the same time, parental separation and divorce have increased, leading to an increase in international child custody battles. The convention they drafted avoids legal quagmires and addresses extra-legal issues well. It literally restores the kid to its place of usual residence by establishing that the youngster was unlawfully abducted from that position or, alternatively, was wrongfully kept abroad after an allowed visit. Legal custody of a child of a contested parent is usually followed by the child's abduction or unlawful relocation to another country by the non-custodial parent or other persons. If a child's custodial parent lives outside of Egypt, the youngster may be kidnapped and brought to Egypt. It's natural to ask what laws should apply and what legal norms should be followed while hearing individual instances. This study comprehensively evaluates and estimates the relevant Hague Child Abduction Convention and the current situation in Egypt and which law is applicable for child custody. In addition, this research emphasis, detail, and focus on the position of Cross-border parental child abductions in Egypt. Moreover, examine the Islamic law compared to the Hague Convention on Child Custody in detail, as well as mentioning the treatment of Islamic countries in this matter in general and Egypt's treatment of this matter in particular, as well as the criticism directed at Egypt regarding the application and implementation of child custody issues. The present research backs up this method by using non-doctrinal techniques, including surveys, interviews, and dialogues. An important objective of this research is to examine the factors that contribute to parental child abduction. In this case, family court attorneys and other interested parties serve as the target audience from whom data is collected. A survey questionnaire was developed and sent to the target population in order to collect data for future empirical testing to validate the identified critical factors on Parental Child Abduction. The main finding in this study is breaking the reservations of many Muslim countries to join the Hague Convention with regard to child custody., Likewise, clarify the problems of implementation in practice in cases of kidnapping a child from one of the parents and traveling with him outside the borders of the country. Finally, this study is to provide suggestions for reforming the current Egyptian Family Law to make it an effective and efficient for all dispute's resolution mechanism and the possibility of joining The Hague Convention.

Keywords : egyptian family law, Hague child abduction convention, child custody, cross-border parental child abductions in egypt

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