

Protection Not Punishment: Use of Electronic Monitoring to Reduce the Risk of Cross-Border Parental Child Abduction

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Abstract : Globally, the number of cases of international parental child abduction has remained consistent in the past decade despite the legal provision designed to prevent and deter abduction, and so it appears the current legal approach to prevent abduction is lacking. Reflecting on the findings of an empirical study conducted by the author between 2017-19 on parental abduction from the UK, the article considers a solution to the predicament of protecting children at risk of abduction through electronic monitoring. The electronic monitoring of children has negative connotations, particularly in its use in the criminal justice system, yet in the context of family law proceedings, the article considers whether electronic monitoring could serve a protective rather than a punitive purpose. The article reflects on the use of electronic monitoring in parental abduction cases by the Family Courts and examines the ethical considerations of the proposal, drawing on the rights found in the European Convention on Human Rights and the UN Convention on the Rights of the Child.

Keywords : law, parental child abduction, electronic monitoring, legal solutions

Conference Title : ICBPTL 2024 : International Conference on Business, Politics, Technologies and Law

Conference Location : New York, United States

Conference Dates : June 03-04, 2024