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**CAIRO DECLARATION RESULTING FROM ANGLO-EGYPTIAN
MEETINGS ON JUDICIAL CO-OPERATION IN INTERNATIONAL CHILD
ABDUCTION MATTERS BETWEEN EGYPT AND THE UNITED KINGDOM**

British and Egyptian judges commenced discussions in London on 19 and 20 January 2004 to effect judicial co-operation on international child abduction matters between the Arab Republic of Egypt and the United Kingdom. The British judicial delegation was led by The Rt. Hon. Dame Elizabeth Butler-Sloss, President of the Family Division of the High Court of England and Wales and included The Rt. Hon. Lord Justice Mathew Thorpe, of the Court of Appeal of England and Wales, The Hon. Mr. Justice John Gillen, of the High Court of Northern Ireland, and The Hon. Lady Anne Smith, of the Supreme Court of Scotland. The Egyptian judicial delegation was led by The Hon. Chief Justice Mamdouh Marie and included The Hon. Deputy Chief Justice Adel Omar Sherif, both of the Supreme Constitutional Court of Egypt.

On 20 January 2004, the participating judges agreed to recommend to their respective governments that they should institute proper procedures to adopt the following agreed principles [the "Agreement"]:

1. The principles of the UN *Convention on the Rights of the Child* 1989 are affirmed. Accordingly:
 - a) the child's best interests are the primary consideration;
 - b) the child's personal relations and direct contact with both parents, even if the parents live in different countries, are to be maintained;
 - c) the child is entitled to know and appreciate the culture and traditions of both his parents; and
 - d) States are obliged to take measures to combat the illicit transfer of children to, and non-return from, abroad.
2. It is important to maintain the continuity of the religious upbringing of the child.
3. The courts of the State where the child has his home should take decisions about the welfare of the child.
4. Such decisions, as well as decisions as to the place of his home, should be respected by the courts of other States.

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5. It is important to ensure the proper implementation of court orders relating to children.
6. Judges should be trained in international aspects of child and family disputes.
7. Provision should be made for regular judicial exchanges between Egypt and the UK, enhancing opportunities for joint training.
8. The practical benefits of closer judicial collaboration should be secured by the appointment of liaison judges and by facilitating other forms of direct judicial communication.
9. In all family disputes early consideration should be given to resolution by all forms of alternative dispute resolution.

Further to these efforts, the British judicial delegation visited Cairo to continue the discussions on this topic, where they met with the Egyptian judicial delegation for a second time. During this round of discussions, an expanded Egyptian judicial delegation included The Hon. Justice Elham Nawar, The Hon. Justice Mohamad A. El-Shenawy, The Hon. Justice Maher S. Youseef and The Hon. Justice Mahmoud M. Guname, all of the Supreme Constitutional Court of Egypt. These discussions took place at the premises of the Supreme Constitutional Court of Egypt from 15 - 17 January 2005.

Following an official opening ceremony attended by the His Excellency Egyptian Minister of Justice Mahmoud Abou El Leil who praised and gave his complete support to the Anglo-Egyptian judicial efforts, and following intensive discussions that took place over three days, the participating judges agreed to supplement the following principles to the ones agreed upon in London:

- 1- The Agreement shall apply only to children up to the age of sixteen.
- 2- Reciprocal rights of access to the courts shall be available to parents of any child the subject of proceedings in either jurisdiction.
- 3A- Emergency or provisional orders shall be made by the jurisdiction in which the child is currently present.

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3B- For the avoidance of doubt, in paragraph 3 of the Agreement, the reference to the "home" of the child is to the child's home immediately preceding the child's removal.

4- Each state shall ensure reciprocal enforcement of orders relating to child proceedings to the full extent of its own laws and procedures and in a manner not contrary to public order or public policy in its own jurisdiction.

5- The Family Court in Egypt and the Family Division of the High Court of England and Wales shall establish and maintain a register of children the subject of proceedings in Egypt and United Kingdom respectively. The register shall record the nationality of each parent, the age of the child, copies of any orders made in relation to the child and reports on the child's health, education and social circumstances. The data recorded in either register shall be made available to the other expeditiously upon request.

6- The parties welcome the nomination made by the Hon. Mamdouh Marie, Chief Justice of the Supreme Constitutional Court of Egypt, in agreement with His Excellency Minister of Justice Mahmoud Abou El Leil, of the Hon. Justice Adel Omar Sherif, Deputy Chief Justice of the Supreme Constitutional Court of Egypt, as Liaison Judge for Egypt and the nomination of The Rt. Hon. Lord Justice Mathew Thorpe, Head of International Family Law for England and Wales, as Liaison Judge for United Kingdom with regard to this agreement.

The heads of the two judicial delegations have signed this agreement in two Arabic and two English originals at the premises of the Supreme Constitutional Court in Egypt on Monday, January 17, 2005. Each delegation is in possession of the originals in Arabic and English and shall present them to its government and recommend their adoption or implementation as required.

Mamdouh Marie

The Hon. Chief Justice Mamdouh Marie
Chief Justice of the Supreme Constitutional
Court of Egypt

17-1-2005

Elizabeth Butler-Sloss

The Rt. Hon. Dame Elizabeth Butler-Sloss
President of the Family Division
of the High Court of England and Wales

17. 01. 2005