

**ANGLO-EGYPTIAN CONGRESS  
LONDON, ENGLAND  
19-20 JANUARY 2004**

On 19 and 20 January 2004, the Chief Justice and the Deputy Chief Justice of the Egyptian Constitutional Court deliberated with four judges, led by the President of the Family Division representing the Family Justice Systems of the UK, in an endeavour to harmonise approaches in the determination of cross-border disputes involving children. The judges were assisted by the participation of officials from the Consular Department of the Foreign and Commonwealth Office and from the Department of Constitutional Affairs. Participating experts included His Honour Judge David Pearl, Professor Abdel Haleem, Ian Edge, Dr Jones-Pauly and Mrs Abir Tuqan. Anne-Marie Hutchinson represented Reunite. Professor William Duncan was present throughout the Congress to advise the judges, particularly on the wider context within which any Anglo-Egyptian accord must be set.

The resulting agreement appears below. Its significance is considerably enhanced by the judicial conference in March 2004, organised by the Permanent Bureau of the Hague Conference and hosted by the Government of Malta. There, the 17 participating jurisdictions will be divided equally between those within the Islamic world and those that have adopted the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Whatever the outcome of the Malta Conference, it was agreed that this London initiative must be steadily pursued. The Chief Justice has invited the judges of the UK to resume talks in Cairo in September 2004. It is to be noted that, in contrast to the protocol agreed between the judges of the UK and Pakistan, the present judicial accord does not go beyond a recommendation to the governments of Egypt and the UK. Constitutionally, the courts of trial in Egypt can only be directed by legislative decree.

**Agreed Principles**

On 19 and 20 January 2004, the President of the Family Division and other judges of England and Wales, Scotland, and Northern Ireland met in London with the Chief Justice and Deputy Chief Justice of the Supreme Constitutional Court of Egypt, to discuss ways of harmonising each of their respective jurisdictions for the benefit of children and their families.

The participating judges have agreed to recommend to their respective governments that they should institute proper procedures to adopt the following agreed principles:

(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.
- (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.

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