



Towards a child-friendly justice in Egypt: Implementing SDGs for children

*Policy dialogue on international child custody
disputes (roundtable)*

 26 July 2023
Cairo, Egypt

Summary



Project overview

The project "Towards Child Friendly Justice in Egypt" aims at enhancing the judicial capacity, institutional coordination and effectiveness of the Egyptian child justice system. Aligned with Egypt's Vision 2030, the National Child Strategy and the UN SDGs, the project is implemented by the OECD with the financial support of the Swiss Agency for Development and Cooperation. The project also builds on the work of the MENA-OECD Governance Programme and rule of law support to Egypt. It facilitates high-level engagement in support of effective implementation of the objectives of the Strategic Framework and National Plan for Childhood and Motherhood in Egypt 2018-2030.

Objectives of the Policy Dialogue

The policy dialogue discussed the role of each institution within the committee and the coordination mechanisms between the stakeholders. The discussions focused on the alignment of the Committee's mandate and functioning in line with OECD and international standards to provide better support to the disputes' parties based on a comprehensive and child-centred approach.

The policy dialogue brought together members of the Goodwill Committee on Child-Custody Dispute Resolution, the Ministry of Justice, the Ministry of Foreign Affairs, the Public Prosecution Office and the Ministry of Endowments.

It was attended by Justice Hossam Sadek, Assistant Minister of Justice for International Cooperation; Judge Magued Antably, Member of the Goodwill Committee, Ministry of Justice, Ambassador Ismaiel Khairat, Assistant Minister of Foreign Affairs for Counsellor Affairs; Dr. Valérie Liechti, Head of Office for International Cooperation at the Embassy of Switzerland in Egypt; Dr. Tatyana Teplova, Head of Division, Senior Justice Counsellor at the OECD, Claire Farid and Nicole Drew, OECD

peers from Canada and Australia and the OECD Secretariat.

Participants highlighted the project's significance in advancing child-friendly justice in Egypt and the importance of protecting children in the middle of child-custody disputes arising from mixed marriages.



Summary of the discussion

Session 1: Egypt's Current System in International Custody Cases

This session delved into the role of the Goodwill Committee on Child-Custody Dispute Resolution and its coordination with key Egyptian actors within the child justice system. It explored the alignment of the current system with children's needs and international standards. Participants shared insights into Egypt's progress with establishing the Goodwill Committee and future opportunities for reform, including:

- reconsidering the structure/ composition of the Goodwill Committee.
- options to diversify and increase gender balance
- the development of training and data on Goodwill Committee operation.
- The Ministry of Justice established the Goodwill Committee on Child-Custody Dispute Resolution to simplify the procedures of family cases when a foreign element is present in the

facts of the dispute, such as parents from different nationalities or foreigners living in Egypt.

- Good practices from OECD countries were presented, namely an overview of how Canada manages child abduction cases between Hague Convention and non-Hague Convention countries, providing multiple case law examples to bring practical insights and real-world application to the discussion.
- Coordination between the justice stakeholders in the Egyptian context could lead to the effective location of children in Egypt, namely through the usage of technology (e.g. video conferencing) to expedite mediation procedures and mechanisms available to enforce orders.
- Participants also highlighted the importance of recognition and enforcement of foreign judgements related to child custody, whether with the existence of a convention between both countries or without, and its impact on the child.
- The Goodwill Committee on Child-Custody Dispute Resolution and embassies in Egypt play an important role in supporting and helping parties, mothers in most cases, in reinforcing court judgments and returning her child.
- Listening to children and their point of views is crucial to be able to gain insights of the experiences children face and their respective legal needs,
- Awareness raising for couples before and after marriage was also discussed as an important procedure that could help reduce child-custody disputes.

Session 2: International Standards and Good Practices on Child-Custody Dispute Resolution

- OECD good practices from Australia and Canada on mechanisms that promote proper coordination between institutions and prioritise the child's best interests were presented.
- Australia's governance framework for child abduction cases under the Hague Convention was presented.
- In Canada, the general policy underlying various laws is that following a wrongful removal or retention, the child's best interests are aligned with their prompt return to the jurisdiction of their habitual residence, unless there are exceptional circumstances
- Return orders under the Hague Convention do not constitute custody determinations; rather, they determine a child's habitual residence.

Identified needs

- Include the Child Protection Bureau of the Public Prosecution Office as a member of the Committee, as well as advisory experts.
- Develop a coordination and referral mechanism between the committee and the Child Helpline.
- Increase the visibility of the Goodwill Committee
- Prepare an OECD Strategic Review with good practices of child custody disputes and targeted capacity-building activities and policy dialogues.

Next Steps

The outcomes of the policy dialogue will feed into the strategic review of the mandate, composition and efficiency of the Goodwill Committee on Child-Custody Dispute Resolution and will help formulate key recommendations to be adopted by the Goodwill Committee and ministries.