

**AGREEMENT BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF THE ARAB REPUBLIC OF EGYPT REGARDING
COOPERATION ON CONSULAR ELEMENTS OF FAMILY MATTERS**

July 23, 1997

The Government of Canada and the Government of the Arab Republic of Egypt,

Hereinafter referred to as the "Contracting Parties",

In support of their mutual relations, and desirous to promote cooperation between their two States;

Taking into consideration the dispositions of the United Nations Convention on the Rights of the Child, signed in New York in 1989, and in particular the provisions of Article 11 according to which the States Parties, including Canada and the Arab Republic of Egypt, shall take the necessary measures to combat the illicit transfer and non-return of children abroad, and to this end, promote the conclusion of bilateral or multilateral agreements in this respect;

Taking into consideration the dispositions of the Vienna Convention on Consular Relations, signed in Vienna in 1963, to which Canada and the Arab Republic of Egypt are States Parties, and in particular the provisions of Article 5 (e) and (h), according to which consular functions consist, *inter alia*, in helping and assisting nationals of the sending State and in safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of children who are nationals of the sending State;

Recognizing that questions pertaining to family matters, including questions of child custody, can often represent human tragedies and present a particular challenge to bilateral efforts for a just and humane solution;

Desiring to promote and enhance consular cooperation between their two States to deal with these issues;

Have agreed as follows:

Article 1

A Joint Consultative Commission shall be established comprising representatives of the Ministries of Foreign Affairs, Justice and the Interior for the Arab Republic of Egypt and representatives of the Department of Foreign Affairs and International Trade and the Royal Canadian Mounted Police for Canada.

Each of the two Contracting Parties may appoint additional persons on the basis of their competence in matters submitted for deliberation by the Commission, including representatives from Canadian provinces and territories.

Article 2

The Commission shall, in accordance with the law of each Contracting Party, be competent to:

- a) consider problems related to the consular elements of cases pertaining to family matters, with a view to facilitating their resolution. These cases shall include those involving persons of Canadian or Egyptian nationality, and/or persons of dual Canadian and Egyptian nationality. For the purpose of this Agreement, the above-mentioned cases shall not include matters pertaining to visas or immigration, except as provided for in Article 2 c);

- b) ensure respect for the right of a child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests;
- c) ensure respect for the rights of access of a parent who is not entitled to custody of the child. The Commission could, in this context, support applications for visas and exit permits from a parent who does not have custody of a child;
- d) follow the progress of individual cases with a view to providing timely status reports to the concerned authorities of both Contracting Parties;
- e) promote awareness and cooperation between the interested public authorities of both Contracting Parties with respect to these cases;
- f) receive and exchange information and documents related to these cases and facilitate the transmission of such information and documents to the competent authorities of either Contracting Party as required.

Article 3

Where appropriate, the Commission may make recommendations to the appropriate authorities to assist in the implementation of any private agreement between the individuals involved in a specific case.

Article 4

The creation of the Commission shall not replace or preclude any other means of communication and consideration of consular elements of cases pertaining to family matters between the Contracting Parties.

Article 5

The creation of the Commission shall not preclude the resolution of these cases through other means.

Article 6

Either Contracting Party may present, through diplomatic channels, specific cases pertaining to family matters to the Commission for consideration.

Article 7

The Commission shall meet at the request of either Contracting Party, on the date arrived at by common agreement and at least once per year.

Article 8

The conclusions of the Commission are to be put on record. The Commission shall ensure the confidentiality of information regarding the specific cases considered.

Article 9

The Commission shall report to the Ministry of Foreign Affairs for the Arab Republic of Egypt and the Department of Foreign Affairs and International Trade for Canada regarding the operation of this Agreement.

Final Dispositions

Article 10

Nothing in this Agreement is meant to limit or otherwise affect the rights and obligations of each Contracting Party arising from other conventions which apply to both Contracting Parties, and in particular the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations.

Article 11

This Agreement shall enter into force on the first day of the second month after the date on which the Contracting Parties have notified each other that their respective legal requirements for entry into force have been complied with.

Article 12

This Agreement shall apply to any case pertaining to family matters raised by either Contracting Party even if the case began before the entry into force of this Agreement.

Article 13

This Agreement shall be of indefinite duration. Either Contracting Party may terminate this Agreement at any time by giving written notice to the other Contracting Party to that effect. Termination shall take effect six months after receipt of the notice.

In Witness thereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done at
on the day of One Thousand nine hundred and ninety ...
in two copies, in English, French and Arabic, all texts being equally authentic.

For the Government
of Canada

For the Government of the
Arab Republic of Egypt