

Juin / June 2009



**Groupe de travail sur la médiation dans le cadre du processus de Malte
Questionnaire**

établi par le Bureau Permanent

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**Working Party on Mediation in the Context of the Malta Process
Questionnaire**

drawn up by the Permanent Bureau

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Questionnaire**

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Identification

State: **Arab Republic of Egypt**

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The Permanent Bureau kindly requests responses to the Questionnaire to be sent to < secretariat@hcch.net > by 20 July 2009 at the latest.

I – EXISTING STRUCTURES	
1. Are there existing mediation services / structures in your country for international family disputes involving children?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
2. If so, are the mediation services / structures provided: a) within the judicial or administrative system?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Please specify: The International Cooperation Committee for Custody Disputes Related to Children Borne From Mixed Marriage.
b) by NGOs?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Please name them and give details of the services they provide:

<p>3. If there are mediation services / structures in your country for international family disputes, how can parties to such disputes access mediation?</p>	<p><input checked="" type="checkbox"/> The parties can apply to participate in mediation services.</p> <p><input checked="" type="checkbox"/> A referral to mediation by a judicial or administrative authority is possible.</p> <p><input type="checkbox"/> Other. Please specify:</p>
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II – SCENARIO – CURRENT APPROACH IN NON-HAGUE CONVENTION CASES

How would the following scenario currently be approached in your country?

Parents with shared custody of their minor child split up, and one parent takes the child to your country with the intention of settling there without the permission and contrary to the wishes of the other parent. The left-behind parent would like the child to be returned or to have regular contact with the child. (The Hague Child Abduction Convention is not in force between the States involved.)

1. What course of action would currently be recommended to the left-behind parent in your country (being that to which the child has been taken) in such a situation?

Please specify:

The left – behind parent may seek any / all the followings actions:-

1) Mediation through the "International Cooperation Committee for Custody Disputes Related to Children Borne From Mixed Marriage", so as to solve the dispute in amicable way.

2) Family Prosecution so as to issue a provisional decision to obtain the custody of the child until the dispute is ruled by Family court.

3) Conciliation through Family Dispute Resolution Office within the competent Family Court, which intervene between the parties to reach a conciliation between both of them.

4) Competent Family Court, so as to have a judgement concerning the dispute.

2. Would your country, being that to which the child has been taken, assist the left-behind parent in any way?

No

Yes, by facilitating contact with information-giving bodies

Yes, by referring the left-behind parent to existing mediation services for international family disputes

Yes, by giving legal advice

Yes, by giving practical assistance to the parent

Yes, by taking other measures. Please specify:

1) allocate the child.

2) Information about our legal system and laws.

	3) Providing international judicial assistance i.e. international letter of request, enforcement of relevant foreign courts judgments ... etc
3. Does a central contact point exist in your country for such cases?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Please specify: Ministry of Justice – Department of International & Cultural Cooperation
4. Are there NGOs in your country that help parents in such situations?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Please specify:

<p>5. If you were to identify the main problems that the left-behind parent might have to face in your country (being that to which the child has been taken) with her / his wish to have contact with the child / to have the child returned, what would they be?</p> <p>6.</p>	<p><input type="checkbox"/> Lack of specific structures for international family disputes</p> <p><input type="checkbox"/> Inefficiency of existing structures</p> <p><input type="checkbox"/> Lengthy processes under the existing structures</p> <p><input type="checkbox"/> Language problems</p> <p><input type="checkbox"/> Legal obstacles to agreed solutions</p> <p><input type="checkbox"/> Problems because of parallel asylum procedures regarding the other parent and child</p> <p><input type="checkbox"/> Difficulties in obtaining information on your legal system</p> <p><input type="checkbox"/> Problems locating the child within your country</p> <p><input type="checkbox"/> High costs of available mediation services</p> <p><input type="checkbox"/> Other. Please specify: </p>
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III – EXISTING RULES / LEGISLATION ON FAMILY MEDIATION

<p>Is family mediation regulated in your country?</p>	<p><input type="checkbox"/> No.</p> <p><input type="checkbox"/> Yes, there is general legislation on mediation, which also applies to family mediation. Please specify: </p> <p><input checked="" type="checkbox"/> Yes, there is specific legislation on family mediation. Please specify: Law No. 10 of the Year 2004 Establishing Family Courts.</p> <p><input type="checkbox"/> Other. Please specify: </p>
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IV - ADDITIONAL REMARKS

<p>Further remarks or questions:</p>	<p>.....</p> <p>.....</p> <p>.....</p>
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Thank you.